



MIAMI-DADE COUNTY, FLORIDA  
METRO-DADE FLAGLER BUILDING

**BUILDING CODE COMPLIANCE OFFICE**  
METRO-DADE FLAGLER BUILDING  
140 WEST FLAGLER STREET, SUITE 1603  
MIAMI, FLORIDA 33130-1563  
(305) 375-2901 FAX (305)375-2908

**CONTRACTOR LICENSING SECTION**  
(305) 375-2527 FAX (305) 375-2558

**CONTRACTOR ENFORCEMENT SECTION**  
(305) 375-2966 FAX (305) 375-2908

**PRODUCT CONTROL DIVISION**  
(305) 375-2902 FAX (305) 372-6339

## MEMO

**TO: All Building Officials in Miami-Dade County**

**FROM: Herminio F. González, P.E., Director**  
**Building Code Compliance Office**

**DATE: October 17, 2007**

**SUBJECT: Ordinance Amending Chapter 8 Regarding the Powers and Duties of the Board of Rules and Appeals and Clarifying the Authority to Administratively Reinstate Suspended Permits**

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Please find attached a copy of Ordinance No. 07-147 which amends Chapter 8 of the Code of Miami-Dade County regarding the powers and duties of the Board of Rules and Appeals and their authority to administratively reinstate suspended permits.

The ordinance incorporates comprehensive uniform procedures into Chapter 8 that allows for the Board of Rules and Appeals assessment of suspended permits or revoked permits and an administratively revalidation and closure of permits. The ordinance is effective on October 12, 2007.

If you have any questions, please contact Mr. Michael Goolsby, Code Compliance Division Chief at (305) 375-4496.

Attachment:

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(K)  
10-02-07

ORDINANCE NO. 07-147

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING ARTICLE I REGARDING THE POWERS AND DUTIES OF THE BOARD OF RULES AND APPEALS CLARIFYING THE AUTHORITY TO RE-INSTATE OR ADMINISTRATIVELY CLOSE SUSPENDED BUILDING PERMITS; PROVIDE UNIFORM PROCEDURES FOR RESOLVING PERMITS OBTAINED FRAUDULENTLY OR ISSUED ERRONEOUSLY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE OF MIAMI-DADE COUNTY, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

**Section 1.** Chapter 8 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**Sec. 8-4. BOARD OF RULES AND APPEALS.**

\* \* \*

**(d) POWERS AND DUTIES OF THE BOARD:**

(3) The Board of Rules and Appeals, upon direction of the Board of County Commissioners, or upon its own initiative, shall conduct investigation into the enforcement of the Building Code, and shall have the power to suspend or revoke any permits issued thereunder~~[[;]]~~ >>and reinstate and/or administratively close suspended permits<<after a hearing at which interested persons may appear and be heard and evidence indicates that the best interests of the public are served by such action~~[[except in regard to the qualification of the applicant for permit]]~~.

\* \* \*

<sup>1</sup>Words ~~stricken through~~ and/or ~~[[double bracketed]]~~ shall be deleted. Underscored words and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and shall remain unchanged.

**Sec. 8-13. REVOCATION>>, SUSPENSION AND REINSTATEMENT<< OF PERMIT>>§<<.**

(1) The Building Official may revoke a permit or approval issued under the provisions of this Code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

>>(i) Once work has commenced on a permit obtained on the basis of a fraudulently obtained or erroneously issued certificate and the permit is revoked, becomes null and void or expires because of lack of progress, a new permit covering the proposed construction shall be obtained before proceeding with the work.

(ii) Permits granted in reliance on certificates which were fraudulently obtained or erroneously issued shall be administratively suspended by the Building Official or the Board of Rules and Appeals. Following any such suspension, the certificates may be reinstated and the work completed by a change of contractor, or, where authorized by law, by the assumption of the permit by an authorized owner, lessee or tenant, in accordance with the procedures provided in the law.

(iii) In addition, the Board of Rules and Appeals may reinstate other suspended permits provided that the Board of Rules and Appeals determines that the property owner has been the victim of fraud or a misrepresentation of fact by the permit applicant in the application or on the plans on which the permit or approval was based. To make that determination, the following procedure shall be followed:

(a) the owner shall bear the burden of proof to the Board of Appeals that the property owner has been the victim of fraud or misrepresentation;

(b) the Board of Rules and Appeals shall conduct a public hearing, after notice, at which interested persons may appear to consider evidence indicating whether the public interest is served by closing the permit, or to do so under certain conditions. The evidence to be considered may include the type of permit involved, the work performed, the degree of private or public safety involved in the work and the inspections or reinspections performed.

(c) Following such hearing, the Board of Rules and Appeals may determine that the affected permits may be revoked, assigned to an authorized owner, lessee or tenant, or closed out. The Board of Rules and Appeals may also determine that the final disposition of such permits shall be subject to certain conditions designed to protect the safety of the structure's inhabitants or the surrounding community, and may retain jurisdiction over those permits to ensure compliance with those conditions.<<

\* \* \*

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance including any Sunset provision, shall become and be made part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

**Section 4.** This ordinance shall become effective upon enactment, unless vetoed by the Mayor within ten (10) days after its adoption, and if vetoed shall become effective only upon an override by this Board.

**PASSED AND ADOPTED:** October 2, 2007

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Erica Zaron

STATE OF FLORIDA            )  
  )  
COUNTY OF MIAMI-DADE    )

SS:

I, **HARVEY RUVIN**, Clerk of the Circuit and County Courts, in and for Miami-Dade County Florida and Ex-Officio Clerk of the Board of County Commissioners of said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Ordinance No. R-07-147, adopted by said Board of County Commissioners at its meeting held on October, 2, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 15<sup>th</sup> day of October, A.D. 2007.



**HARVEY RUVIN**, Clerk  
Board of County Commissioners  
Miami-Dade County Florida

By: *Sharon Fieal*  
Deputy Clerk