



Carlos Alvarez, Mayor

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MEMO

TO: All Building Officials in Miami-Dade County

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

DATE: January 13th, 2010

SUBJECT: Code Compliance Fee Chapter 8 Section 8-12

As a part of the adoption of the 2009-2010 County Budget, the Miami-Dade Board of County Commission adjusted the construction value of the work criteria used in calculating the code compliance surcharge for activity to be done under a permit as follows:

- For new construction of and additions to Building Code occupancies, the value of the work shall now be \$81.25 per square foot of construction.
- For Building Code occupancy Groups S1 and F (Storage and Industrial), the value of the work shall be \$56.25 per square foot of construction.

As you are aware, Chapter 8 of the Code of Miami-Dade County Section 8-12 describes the assessment of the code compliance fee and delineated those values to be used in the calculation and application of the fee. In order to allow for a transition of your collection system and process, the new values should be applied no later than February 1st, 2010. The code compliance fee should still be assessed in the amount of sixty cents (\$0.60) per one thousand dollars (\$1,000.00) or fraction value of the work to be done under the permit using the new values per square foot. The assessment provisions for large and unusual remains the same.

Attached for your reference is the approved Board of County Commission Budget Ordinance 09-87, which references the change in values for the code compliance fee. If you have any questions or concerns, please contact my Office at (305) 375-2904 for assistance.

Attachment:

Budget Ordinance No. 09-87 and Attachment L

HFG:KC:jms

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA
Approved _____ Mayor
Veto _____
Override _____

Agenda Item F
As Amended 9-17-09

ORDINANCE NO. 09-87

ORDINANCE APPROVING, ADOPTING AND RATIFYING PROPRIETARY BUDGETS, SPECIAL ASSESSMENT DISTRICT RATES AND BUDGETS, AND OTHER BUDGETS OF MIAMI-DADE COUNTY, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING A SHORT TITLE; INCORPORATING THE FY 2009-10 PROPOSED BUDGET AS AMENDED; APPROPRIATING ALL BUDGETED EXPENDITURES; AUTHORIZING THE INVESTMENT OF COUNTY FUNDS IN TIME WARRANTS OF MIAMI-DADE COUNTY; AUTHORIZING THE TRANSFER OF FUNDS AS CASH ADVANCES PENDING RECEIPT OF TAXES; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER ACTIONS OF THE BOARD WHICH SET CHARGES, AUTHORIZING FEES CONSISTENT WITH APPROPRIATIONS AND PROVIDING FOR THEIR AMENDMENT; APPROVING REVISED FEES, CHARGES, AND IMPLEMENTING ORDERS FOR VARIOUS DEPARTMENTS AND AGENCIES; CONTINUING ON A PROVISIONAL BASIS THE FY 2008-09 PAY PLAN; AUTHORIZING ALLOCATIONS AND REALLOCATIONS OF BOND PROCEEDS AND INTEREST EARNINGS; AUTHORIZING THE COUNTY MAYOR TO PROVIDE BOND ISSUE RESERVES; ESTABLISHING SUCH FUNDS AS MAY BE APPROVED DURING THE YEAR AND PROVIDING FOR THEIR EXPENDITURE; AUTHORIZING PAYMENT OF LOCAL BUSINESS TAX SURCHARGE TO BEACON COUNCIL; APPROPRIATING GRANT, DONATION, AND CONTRIBUTION FUNDS; AUTHORIZING THE COUNTY MAYOR TO EXECUTE CERTAIN FUNDING AGREEMENTS; CONTINUING THE MUNICIPAL SERVICES TRUST FUND; REPEALING RESOLUTION NO. R-829-06 AND R-1225-86; SUPERSEDING PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

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

Section 1. This ordinance shall be known and may be cited as the "2009-10 Miami-Dade County Self-Supporting Budget Ordinance."

Section 2. Pursuant to Section 5.03(B) of the Home Rule Charter, the County Mayor has recommended a proposed budget for Miami-Dade County, Florida, for the fiscal year commencing October 1, 2009. Said proposed budget document as submitted to the Board of

County Commissioners ("Board") is incorporated herein by reference and is amended as follows: (i) to reflect the transfer of \$4.886 million in additional General Fund Revenue from the transfer of Countywide Emergency Contingency Reserve to reinstate the 3.5 percent Maintenance of Effort contribution to the Miami-Dade Transit Agency; (ii) to include all of the applicable changes contained in the September 17, 2009 memorandum entitled "Information for Second Budget Hearing – FY 2009-10 Proposed Budget" and the supplemental memorandum dated the same date entitled "Supplemental Information for Second Budget Hearing – FY 2009-10 Proposed Budget" (collectively, the "Supplemental Memorandum"); (iii) to remove \$371,000 of the proposed appropriation to the Commission on Human Rights division of the Office of Human Rights and Fair Employment Practices or its successor office, together with the revenues supporting such appropriation and the 4 budgeted positions, and said amount, revenues and budgeted positions shall be appropriated with the proposed transfer to the Office of Community Advocacy; (iv) to remove the total proposed appropriation to the Teen Court Division of the Juvenile Services Department, together with the revenues supporting such appropriation and the 14 budgeted positions, and said amount, revenues and budgeted positions shall be appropriated with the proposed transfer to the Miami-Dade Economic Advocacy Trust (formerly known as Metro-Miami Action Plan); and (v) to remove the total proposed appropriation to the Department of Housing and Community Development, together with the revenues supporting such appropriation and the 3 budgeted positions associated with the proposed transfer of the Affordable Housing Program from the Miami-Dade Economic Advocacy Trust (formerly known as Metro-Miami Action Plan), and said amount, revenues and budgeted positions shall be appropriated to the Miami-Dade Economic Advocacy Trust (formerly known as Metro-Miami Action Plan). *The numerical changes in appropriations and expenditures resulting from the foregoing are incorporated in the attachments hereto.*

Section 3. The budget proposed, including the five-year financial plan contained therein, is hereby approved and adopted, including the budgets for Special Assessment

Districts, and the budgeted revenues and expenditures therein are hereby appropriated. Department expenditure allocations established by the County Mayor as revised and summarized in the attached budget are adopted as limitations of all expenditures, except as hereinafter provided; and appropriations hereby have been provided for outstanding indebtedness for the payment of vouchers that have been incurred in the current or prior year, but are not expected to be paid until the commencement of the new fiscal year. Receipts from sources not anticipated in the attached budget may be appropriated and expended by ordinance duly enacted by the Board in accordance with Section 129.06(2)(d), Florida Statutes, and Section 1.02(A) of the Miami-Dade County Home Rule Charter. Adjustments within the same fund to departmental appropriations made in the attached budget may be approved from time to time by motion duly adopted by the Board in accordance with Section 129.06(2)(a), Florida Statutes, and Ordinance No. 07-45, as amended. The Director of the Office of Strategic Business Management is authorized to approve adjustments to expenditure code allocations within the limit of the departmental or other appropriations made in the attached budget. All adjustments made in accordance with this ordinance are approved and ratified.

Section 4. Pursuant to the authority of Chapter 8015, Special Acts of Florida, 1919, which authorizes the Board of County Commissioners of Miami-Dade County, Florida, to borrow money and to issue time warrants, and pursuant to the authority of Section 129.02(5), Florida Statutes, which permits funds of the County to be invested in securities of the federal government and of the local governments in Florida, or both, the Finance Director is hereby authorized to invest these monies in the time warrants of Miami-Dade County, Florida.

Section 5. As provided in Section 5.03(C) of the Home Rule Charter, the Board hereby authorizes the transfer of any portion of the earnings or balance of the several funds, other than sinking funds, for obligations not yet retired, to the general funds of the County provided that such transfer be deemed a cash advance to meet operating and other expenses approved by the Board, and that all such advances shall be reimbursed before the end of the

fiscal year upon receipt of adequate tax or other appropriate revenues. Provided, however, that this section in no way limits or restricts the power of the Board to transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another as provided by law pursuant to Section 5.03(C) of the Home Rule Charter.

Section 6. The Board repeals Resolution No. 829-06 directing the County Manager to allocate and fund fifty thousand (\$50,000) from the County Budget for the Roxcy Bolton Rape Treatment Center and Resolution No. 1225-86, as amended by Resolution No. R-1364-91, establishing the Minority Business Development Conference Trust Fund and authorizes the County Manager to transfer the trust fund balance toward the operations budget of the Small Business Development Department for FY 2009-10.

Section 7. All Implementing Orders and other actions of the Board setting fees and charges, as well as all fees consistent with appropriations adopted herein, are hereby ratified, confirmed and approved; and may be subsequently amended by Board action during the fiscal year.

Section 8. The revised Implementing Order setting the Miami-Dade Seaport Department rates, fees and charges as reflected in attachment A is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 9. The revised Implementing Order setting the Department of Environmental Resources Management fees as reflected in attachment B are made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 10. The revised Implementing Order setting Animal Services Department fees as reflected in attachment C is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 11. The revised Implementing Order setting Department of Solid Waste Management service levels and fees as reflected in attachment D is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 12. The revised Implementing Order setting Library Department fees as reflected in attachment E is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 13. The revised Implementing Order setting the Building and Neighborhood Compliance Department fees as reflected in attachment F is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.


Section 14. The revised Implementing Order setting the Consumer Services Department fees as reflected in attachment G is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 15. The revised Implementing Order setting Water and Sewer Department rates, fees, and charges as detailed in the Supplemental Memorandum as alternative 3 is approved and is attached as attachment H, which attachment H is made part hereof and the Implementing Order may be amended by motion of the Board at a later date

Section 16. The revised Implementing Order setting Planning and Zoning Department fees as reflected in attachment I is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 17. The revised Implementing Order setting the Corrections and Rehabilitation Department fees as reflected in attachment J is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 18. The revised Implementing Order setting the Parks and Recreation Department fees as reflected in attachment K is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

 Section 19. The revised summary of Building Code Compliance fees and charges as reflected in attachment L is made part hereof and the Implementing Order may be amended by motion of the Board at a later date.

Section 20. The revised summary of Aviation rates, fees and charges as reflected in attachment M are made part hereof and these rates, fees and charges may be amended by motion of the Board at a later date.

Section 21. The revised annual Special Taxing District rates as reflected in attachment N are approved and made a part hereof. These rates for the referenced Special Taxing Districts are hereby levied.

Section 22. The pay rates set forth in the FY 2008-09 Pay Plan shall remain in effect until such time as the Board decides to place in effect the rates listed on the 2009-10 Pay Plan.

Section 23. All allocations and reallocations of bond proceeds and interest earnings included in the 2009-10 Proposed Capital Budget and Multi-Year Capital Plan are hereby authorized.

Section 24. The County Mayor, or whomever he shall so designate, is hereby authorized to use interest earned on deposit of Public Improvement Bond funds to establish and maintain an Interest and Sinking Fund Reserve Account in an amount not to exceed one year's maximum principal and interest. Interest earned in excess of the reserve shall be distributed to Public Improvement Bonds Construction Funds in accordance with standard accounting practices.

Section 25. The Finance Director is hereby authorized to establish and to receive and expend funds up to amounts received without specific appropriation pursuant to Section 5.03(C) of the Home Rule Charter for existing trust funds, working capital funds, bond construction funds, pension funds, revolving funds and any other such funds as may be approved by motion of the Board of County Commissioners during the 2009-10 fiscal year.

Section 26. The Finance Director is hereby authorized to make payment of local business tax surcharge revenues for FY 2009-10 to the Miami-Dade County Beacon Council, Inc., in accordance with state law and Resolution No. 1066-88 which authorizes the agreement between Miami-Dade County and the Beacon Council.

Section 27. All grant, donation, and contribution funds received by the County are hereby appropriated at the levels and for the purposes intended by the grants, donations and contributions.

Section 28. The County Mayor or his or her designee is hereby authorized to execute agreements for funding allocations for Community-based Organizations approved in this ordinance as a result of a Request for Proposal or other formal selection process or individual allocations approved by the Board in the form approved by the County Attorney.

Section 29. Notwithstanding any other provision of the County Code, resolution or Implementing Order to the contrary, non-profit entities awarded grants of County monies from the District Discretionary Reserve, Commission Office Funds, or County Services Reserve shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.

Section 30. Payment by a municipality to the Municipal Services Trust Fund shall be used for services which provide benefits to the municipality or the residents thereof.


Section 31. Unless otherwise prohibited by law, this ordinance shall supersede all provisions of prior ordinances and resolutions in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Section 2-1796.

Section 32. 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 33. All provisions of this ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board. In the event all or any particular component of this ordinance are vetoed, the remaining components, if any, shall become effective ten (10) days after the date of enactment and the components vetoed shall become effective only upon override by this Board.

Section 34. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: September 18, 2009


Approved by County Attorney as
to form and legal sufficiency. 

ORD/ITEM F second reading

Summary of Building Code Compliance Fees and Charges

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
10-2X	Failure to provide journeyman	625
10-3(a)	No certificate of competency as a master, contractor, subcontractor, or qualifying agent	625
10-3(a)	No certificate of competency as a journeyman, maintenance person, installer or other similar tradesman	250
10-4(a)	Advertising as a contractor without certificate of competency	625
10-4(b)	Failure to properly identify trucks	125
10-4(c)	Failure to include certificate of competency number in advertisements	125
10-4.1	Publishing contractor advertisement without including contractor certification number	625
10-6(E)	Failure of qualifying agent to supervise, direct and control work	625
10-13	Failure to maintain proof of continuous employment	250
10-13-1	Failure to maintain proof of continuing education	250
10-19	Failure to maintain required insurance	250
10-22(a)	Contracting for work outside the scope of the certificate of competency	625
10-22(b)	Abandonment of job	625
10-22(c)	Diversion of funds or property	625
10-22(d)	Departure from or disregard of plans or specifications	625
10-22(e)	Violating laws pertaining to contractor's business	250
10-22(f)	Misrepresenting a material fact in an application to obtain a certificate	625
10-22(g)	Failing to fulfill contractual obligations	625
10-22(h)(1)	Aiding and abetting a person not holding a certificate	625
10-22(h)(2)	Allowing a certificate to be used by an unauthorized person	625
10-22(h)(3)	Failure of permit holder to supervise, direct and control a job	625
10-22(h)(4)	Subcontracting work to person not holding a certificate	625
10-22(j)	Failure to supervise, direct and control all work	625

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
10-22(k)	Failure to maintain insurance or workers compensation coverage	625
10-22(l)	Failure to maintain business or financial records	625
10-22.1(d)(2)	Allowing a certificate to be used by an unauthorized person	625
10-22.1(e)	Committing a fraudulent act	625
10-33	Failure to provide construction lien disclosure	625
All other Chapter 10 violations		250



<i>Chapter</i>	<i>Description of Fee</i>	<i>Fee</i>
8-12	New construction of and additions to Building Code occupancies	81.25
8-12	Building Code occupancy Groups S1 and F (Storage and Industrial)	56.25