

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Eric Carpenter, City Manager

DATE: January 29, 2025

TITLE: DISCUSS POSSIBLE SUGGESTED BUILDING DEPARTMENT PROCESSES IN CONNECTION ISSUING BUILDING VIOLATIONS FOR SMALL, OLDER AND/OR HISTORIC BUILDINGS WITH THE GOAL OF REDUCING THE COST AND BURDEN ASSOCIATED WITH CURING BUILDING VIOLATIONS.

RECOMMENDATION

The Administration does not recommend changing current policies regarding building department violation standard operating procedures ("SOP"s) for small, older or historic buildings, or Citywide due to the reasons described in the analysis section of this Committee Memorandum. Refer to Exhibit A SOP's.

What would be feasible, and what the Administration would recommend as an alternative, is to allow a 30 day "grace" period so property owners can apply for a permit prior to the department issuing a violation.

BACKGROUND/HISTORY

At the September 11, 2024 Commission Meeting, Commissioner Laura Dominguez referred a discussion (Item C4 B) to review and possibly suggest building department SOP amendments in connection with issuing Building Violations for small older and historic buildings with the goal of reducing the cost and burden associated with curing Building Violations. Commissioner Kristen Rosen Gonzalez co-sponsored the item. A representative of multiple small older properties in the Flamingo Park neighborhood, Ms. Tabitha Pennington, has suggested changes to City practices regarding the Building Violation process for these buildings.

The item was discussed at the November 13, 2024 Public Safety and Neighborhoods Quality of Life Committee and the Committee recommended having a separate Sunshine meeting to discuss the details of what can be done to assist with violations in these older buildings. Due to prior scheduling challenges the meeting has yet to be scheduled, however, the Chair has requested to place the item back on the Committee agenda for further discussion.

ANALYSIS

The Miami Beach Building Department may issue code violations in accordance with the City Code, Chapter 14, Division 3, Building Code Violations. This includes enforcement of the Florida Building Code and Miami-Dade County codes.

The Violations Section focuses enforcement on the following areas of concern:

- Work done without a permit, including work done without a permit by previous property owners;
- Noncompliance with existing Building Re-certification requirements at 25 years and 10 years thereafter; and
- Buildings or structures that are, or may become, unsafe.

The Building Department violation section is staffed by Code inspectors who are authorized agents of the municipality. Their duty is to ensure code compliance. This includes two field Code Compliance officers certified by the Florida Association of Code Enforcement (F.A.C.E.), a Senior Code Compliance Officer who is a licensed building inspector, and a section Chief who is licensed and certified in various building code licenses. All are trained and certified to identify and issue code violations.

The process for curing violations depends on the type of violation. In the case of work done without a permit, a permit must be obtained and completed to close the violation. Non-compliance with mandated building re-certification requires completing the re-certification process, obtaining required engineer reports, and if necessary, obtaining permits and completing any needed repairs. In cases of evidence of an unsafe or deteriorating structure, a privately hired engineer must investigate the issue to determine if the building is safe to occupy.

City building officials cannot perform engineering services due to Florida Statute 553.80, which mandates that building department resources can only be used to enforce the Florida Building Code, not for private property improvements or investigations. Private property owners are responsible for maintaining their property. Additionally, the building department cannot oversee both building regulations and engineering services, as this may create a conflict of interest and result in insufficient oversight potentially harming public safety and trust.

The Miami-Dade County escalation proceedings for non-compliance with a notice of violation can be referenced on the County website a link is provided here: [Click Here](#). Sections 8-1 to 8-21.1 show the applicable fines charged by Miami-Dade County. The fees for violations charged by the City of Miami Beach, as shown on [Exhibit B](#), are consistent with Miami-Dade County fees.

While code violations may incur costs for property owners, the priority is protecting the safety and health of the community. Regular building maintenance, inspections, and adherence to building codes all contribute to safer environment.

FISCAL IMPACT STATEMENT

TBD

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The City is dedicated to providing guidance to properties needing assistance in curing violations and obtaining permits, however for the reasons stated above in the Analysis section, the Administration does not recommend changing current policies regarding building department violation standard operating procedures for small, older or historic buildings, or Citywide.

What would be feasible is to allow a 30 day “grace” period so property owners can apply for a permit prior to the department issuing a violation.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes

If so, specify the name of lobbyist(s) and principal(s): Tabitha Pennington

Department

Building

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Commissioner Kristen Rosen Gonzalez

Condensed Title

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