

C7 AK A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AS A 2025 STATE LEGISLATIVE PRIORITY THE AUTHORIZATION OF LOCAL GOVERNMENTS TO ESTABLISH "SELF-CERTIFICATION" PROGRAMS FOR PLANS REVIEW AND BUILDING INSPECTION SERVICES, AND URGING THE FLORIDA LEGISLATURE TO ENACT AMENDMENTS TO FLORIDA STATUTES TO EXPRESSLY ALLOW COUNTIES AND MUNICIPALITIES TO REGULATE AND OVERSEE THE USE OF SELF-CERTIFICATION PROCEDURES.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: April 23, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AS A 2025 STATE LEGISLATIVE PRIORITY THE AUTHORIZATION OF LOCAL GOVERNMENTS TO ESTABLISH "SELF-CERTIFICATION" PROGRAMS FOR PLANS REVIEW AND BUILDING INSPECTION SERVICES, AND URGING THE FLORIDA LEGISLATURE TO ENACT AMENDMENTS TO FLORIDA STATUTES TO EXPRESSLY ALLOW COUNTIES AND MUNICIPALITIES TO REGULATE AND OVERSEE THE USE OF SELF-CERTIFICATION PROCEDURES.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Commissioner Alex Fernandez.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

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

FINANCIAL INFORMATION

CONCLUSION

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?** No

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

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Adopt Self-Certification as a State Legislative Priority in 2025. (Fernandez) CA

Previous Action (For City Clerk Use Only)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AS A 2025 STATE LEGISLATIVE PRIORITY THE AUTHORIZATION OF LOCAL GOVERNMENTS TO ESTABLISH "SELF-CERTIFICATION" PROGRAMS FOR PLANS REVIEW AND BUILDING INSPECTION SERVICES, AND URGING THE FLORIDA LEGISLATURE TO ENACT AMENDMENTS TO FLORIDA STATUTES TO EXPRESSLY ALLOW COUNTIES AND MUNICIPALITIES TO REGULATE AND OVERSEE THE USE OF SELF-CERTIFICATION PROCEDURES.

WHEREAS, the City of Miami Beach, like many local governments across the State of Florida, faces increasing demand for efficient and timely building permitting and inspection services, which are essential to responsible development, public safety, and economic growth; and

WHEREAS, to promote greater flexibility, efficiency, and professional accountability in the construction and development process, the City supports the implementation of a "self-certification" program that would allow qualified architects and engineers to certify compliance with applicable building codes in connection with plans review and inspection services, subject to local oversight; and

WHEREAS, existing provisions of Florida law impose restrictions on the ability of private design professionals, when employed by a local government, to perform plans review or inspections on projects they have designed, but do not clearly authorize local governments to establish and manage their own self-certification programs for such services; and

WHEREAS, the City of Miami Beach urges the Florida Legislature to amend relevant statutory provisions, including sections 553.791, 471.045, and 481.222, Florida Statutes, to expressly recognize the authority of counties and municipalities to adopt ordinances establishing procedures, standards, and oversight mechanisms for the use of self-certification in plans review and building inspections for specified projects, in the manner set forth in the proposed legislative amendments attached as Exhibit "A" to this Resolution; and

WHEREAS, these proposed statutory amendments would clarify that local governments may regulate self-certification programs, including through safeguards such as registration, audits, documentation requirements, penalties for noncompliance, and indemnification provisions to protect the public interest and ensure accountability; and

WHEREAS, the adoption of such legislative amendments would enhance the City's ability to deliver effective, streamlined, and accountable building regulatory services in a manner tailored to local needs and capacities.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopts as a 2025 State legislative priority the authorization of local governments to establish "self-certification" programs for plans review and building inspection services, and urges the Florida legislature to enact amendments to Florida Statutes to expressly allow counties and municipalities to regulate and oversee the use of self-certification procedures.

PASSED and ADOPTED THIS ____ day of _____ 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



Date

Exhibit A Proposed Legislative Amendments

1. Amendment to F.S. 553.791 – Private Providers

Current Language (Subsection 3):

“...A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider’s firm.”

Proposed Amendment:

“...A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider’s firm while acting as an employee or agent of a local government. Nothing in this section shall prohibit a private provider from conducting building code inspections or plans reviews on buildings designed or constructed by the private provider or the provider’s firm when acting in a private capacity and not on behalf of a local government.”

Add New Subsection(23):

“(23) Counties and municipalities may adopt and maintain in effect ordinances establishing procedures, standards, and oversight mechanisms to regulate and oversee the use of self-certification for plans review and building inspection services, consistent with the provisions of this chapter. Such ordinances may include, but are not limited to, requirements for registration, documentation, audit procedures, penalties for noncompliance, indemnification of the local government by the property owners, architects and engineers utilizing the procedures, and any additional safeguards deemed necessary to ensure the integrity and accountability of the self-certification process.”

2. Amendment to F.S. 471.045 – Engineers

Current Language:

“A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer’s company designed.”

Proposed Amendment:

“A professional engineer may not perform plans review in their capacity as an employee or agent of a local government upon any job that the professional engineer or the professional engineer’s company designed. This restriction shall not apply to professional engineers performing plans review in a private capacity independent of their employment with a local government. Local governments may regulate the use of self-certification consistent with the provisions of s. 553.791(23).”

3. Amendment to F.S. 481.222 – Architects

Current Language:

"An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed."

Proposed Amendment:

"An architect may not perform plans review in their capacity as an employee or agent of a local government upon any job that the architect or the architect's company designed. This restriction shall not apply to architects performing plans review or building inspection services in a private capacity independent of their employment with a local government. Local governments may regulate the use of self-certification consistent with the provisions of s. 553.791(23)."