

## Implementing Order



**Implementing Order No.:** 04-120

**Title:** BUILDING PERMIT PROCESS ALTERNATIVES

**Ordered:** 7/10/2019

**Effective:** 7/20/2019

### **AUTHORITY:**

Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter, Sections 8-6 and 8-8.1 of the Code of Miami-Dade County and Section 553.791 of the Florida Statutes.

### **SUPERSEDES:**

This Implementing Order supersedes Administrative Order 4-120 ordered June 7, 2005, and effective June 17, 2005.

### **POLICY:**

It shall be the policy of Miami-Dade County (the County) to offer alternatives to the building permit process described in Administrative Order No. 4-115 to facilitate the timely issuance of building permits as provided for in the Florida Building Code, Florida Statutes, and the Code of Miami-Dade County. These alternatives shall include the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes, an optional expedited plan review program and an expedited plan review program for Green Buildings to promote environmentally sensitive design and construction,, an expedited plan review program for developments including workforce housing units and affordable housing projects and an expedited plan review for improvements under the Property Assessment Clean Energy (PACE) program. This Implementing Order provides for those aspects of the County's alternative plans review and inspection process not specifically prescribed under Section 553.791 of the Florida Statutes, establishes the optional expedited plan review program, establishes the expedited plan review program for Green Buildings, establishes the expedited plan review program for developments including workforce housing units and affordable housing projects and an expedited plan review for improvements under the Property Assessment Clean Energy (PACE) Program.

### **DEFINITIONS:**

Unless otherwise specified in the Florida Statutes, the definition of words and terms used in this Implementing Order shall be as defined in Section 553.791 of the Florida Statutes and the Florida Building Code.

### **PERMITTING PROCESS:**

Under the provisions of Section 553.791 of the Florida Statutes, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building. This expedited permitting process shall be an alternative to the permit process involving plans review and inspection by the Building Official, and is not intended to affect the permit review, approval and inspection process which may be performed by operation of this Code by other regulatory entities , including, but not limited to the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources (RER), Zoning and Planning Review, Miami-Dade Fire-Rescue Department,

Miami-Dade Water and Sewer Department or the Department of Transportation and Public Works. Nothing in this Implementing Order shall be construed to impair any review mandated by Federal or State law. Participation in this alternative plan review and inspection process shall not relieve the owner, design professional, private provider, or contractor from any of their respective responsibilities for compliance with the Florida Building Code. No approval or certification by a private provider of non-code compliant construction shall be deemed a waiver of any of the requirements of the Florida Building Code.

Upon receipt of a complete application, the plans and application shall be reviewed by other County departments having jurisdiction. Following all required approvals, the Building Official shall stamp the plans "Permit Issued by Affidavit" and return the job copy to the applicant together with the permit for construction within the timeframes established under State law following submission of a complete permit application. Applicants shall be notified of a rejected submission. A permit application may be resubmitted to the Building Official by the applicant after any rejection when all required information has been compiled.

The Building Official shall accept a properly completed application and authorize the construction without further examination or inspection subject to the quality control provisions of this Implementing Order. Applicants who file under this alternative plan review and inspection process cannot subsequently request plan examination, approval, or inspection under the same permit application, but may request cancellation of the permit. Upon such cancellation, the permit applicant may file a new permit application which shall be treated as an application for a new permit, subject to all applicable requirements for fees, plans review, examination, and inspection. Applicants may also request in writing forms to be developed for this purpose, the interpretation or reconsideration of an issue related to the Building Code or any technical codes in advance of filing the application. Such interpretation may be rendered by the responsible official, in writing, and a copy of the same will become part of the application. The Building Official shall be authorized to establish a fee to defray the cost of these services.

Any and all amendments to the permit application and related constructed documents must be submitted to the Building Official, and certified. For good cause shown, the Building Official may permit the substitution of any private provider or any person performing examination or inspection services, provided that the substitute person also satisfies the requirements of State law and this Implementing Order and an amendment to the permit application is properly filed.

The private provider performing required inspections shall provide notice to the Building Official of the date and approximate time of such inspection no later than 2 p.m. local time the prior business day. Inspections performed by inspectors qualified pursuant to this Section shall be recorded in a form acceptable to the Building Official. Such inspection records shall reflect all inspections performed, including the mandatory inspections required by the Building Code. The inspection records shall be maintained at the job site, and in the files of the private provider, available for review and inspection by the Building Official. The private provider shall immediately report to the Building Official: (1) any condition which poses an immediate threat to the safety of persons or property; or (2) the presence of any known violation of the Building Code which the contractor has failed or refused to correct.

For threshold buildings, the private provider shall be responsible for compliance with the requirements of Section 553.79 of the Florida Statutes, including the performance of inspections by or through a person qualified as a special inspector, and submission of the required written reports to the Building Official.

**REGISTRATION PROCESS:**

The Board and Code Administration Division of the RER Department shall register all architects, engineers and individuals certified under part XII of Chapter 468 of the Florida Statutes who apply to participate in the alternative plans review and inspection process under their specific discipline. The Board and Code Administration Division shall implement an on-line automated information system to provide building departments with instant notification regarding the status of any registered person in order to facilitate the issuance of permits under the alternative plans review and inspection process.

As a condition of registration, participating individuals shall provide to the Board and Code Administration Division, on forms to be developed for this purpose, proof of an active license as an architect under Part 1 of Chapter 481 of the Florida Statutes, an engineer under Chapter 471 of the Florida Statutes or inspector holding a standard certificate under part XII of Chapter 468 of the Florida Statutes. In addition, as a condition of registration, proof of insurance for professional and comprehensive general liability as required by State law must also be submitted.

The Building Official may suspend or exclude an owner, permit applicant, contractor, private provider or duly authorized representative from participating in the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes for due cause. The decisions of the Building Official shall be final, subject only to appeal to the Board of Rules and Appeals of Miami-Dade County, within thirty days of rendition of the decision. Written notice of a decision to suspend or exclude such person shall be given to the affected person by the Building Official and a copy of such notice shall be provided to the Board and Code Administration Division of RER. In addition, the Building Official shall notify the Board and Code Administration Division of the referral of any complaint to the State Board by the Building Official against any private provider.

**QUALITY CONTROL:**

The County, through its officials entrusted with the responsibility of performing plans review, shall perform audit reviews of at least 20% of all plans submitted through the alternative plans review and inspection process within thirty (30) days of permit issuance. The review will represent a random sample of construction types, prioritized based on public safety impact and anticipated completion date of construction. The review will place primary emphasis on the following issues: structural integrity, fire and occupant safety, egress requirements, sanitary facilities and access to persons with disabilities.

The County, through its officials entrusted with the responsibility of performing building inspections, shall perform quality assurance inspections representing up to 50% of all inspections identified in the Building Code as mandatory. The quality assurance inspections will be performed to determine job progress, compliance with approved permit documents, and violations, if any, of the Building Code. The inspections will represent a random sample of construction types, placing primary emphasis on foundation, framing and accessibility inspections. The inspections performed by the RER Department shall be for quality assurance purposes only and shall not relieve the private providers of any obligation to perform the inspections and issue the certifications provided by law.

**FEES:**

The fees to be charged for the services provided under the alternative plans review and inspection process shall be in accordance with the fee schedule for the Department of Regulatory and Economic Resources authorized by the Board of County Commissioners.

**OPTIONAL EXPEDITED PLAN REVIEW PROGRAM:**

An optional, expedited plan review program has been established in the Department of Regulatory and Economic Resources as an additional permitting process alternative. This expedited plan review program is not available to permit applicants who opt to participate in the alternative plans review and inspection process established under State law. Under the program, the permit applicant has the option to request an expedited plan review in any one or more of the construction disciplines for applications of qualified projects, as determined by the Building Official, at an additional cost as established in the Department's fee schedule. The permit applicant will pay expedited plan review costs up front at the time the request for the service is made. The fees paid for the expedited plan review services will be in addition to regular permit fees and are non-refundable.

Plan reviews under the program will be performed by the RER Department staff. The Department will contract with plan review staff to perform plan review services after normal business hours and on weekends. Under the program, a separate review will be conducted in each of the following disciplines:

- Building (inclusive of Accessibility)
- Structural
- Mechanical (inclusive of Energy)
- Electrical
- Plumbing
- Roofing
- Environmental Plan Review

**EXPEDITED PLAN REVIEW PROGRAM FOR GREEN BUILDINGS:**

An expedited plan review program for Green Buildings has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for Green Buildings, provided the request to expedite meets all of the following conditions:

1. The expediting will be limited to the new construction of residential, commercial, and industrial projects. Additions, alterations, repairs, and the new construction of accessory structures are not eligible for expedited treatment.
2. The applicant submits at the time of the filing of the permit application an original or certified copy of a letter from the Florida Green Building Coalition or the United States Green Building Council indicating that the design has been registered or certified as a Green Building by the organization.
3. The project has a dollar value of \$50,000.00 or more.

## **EXPEDITED PLAN REVIEW PROGRAM FOR WORKFORCE AND AFFORDABLE HOUSING:**

An expedited plan review program for developments including workforce housing units and affordable housing projects has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction plans. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for developments including workforce housing units and affordable housing projects, provided the request to expedite meets all of the following conditions:

### **WORKFORCE HOUSING**

1. Expedited plan review treatment will be limited to the new construction of developments or projects providing workforce housing units.
2. The term workforce housing unit shall be construed to mean a living unit intended for sale or rent to individuals or households whose income is within the workforce housing target income range as defined in Chapter 33 of the Code of Miami-Dade County.
3. The applicant submits at the time of the filing of the permit application a written request for expedited plan review and a copy of the Housing Agreement and Declaration of Restriction.

### **AFFORDABLE HOUSING**

1. Expedited plan review treatment will be limited to the new construction of affordable housing.
2. The term affordable housing shall be defined as housing which is intended for sale or rental to persons or families whose total household income is at or below 40 percent of the area median income (AMI).
3. The applicant submits at the time of the filing of the permit application a written request for expedited plan review and an original or certified copy of a Miami-Dade County funding award letter or letter documenting final award of State of Florida tax credits.

## **EXPEDITED PLAN REVIEW PROGRAM FOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROGRAM**

An expedited plan review program for improvements to real properties associated with the PACE Program has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction plans. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted provided the permit applicant submits a copy of Notice to Proceed from the PACE Provider approving the work to be completed under the PACE Program.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Carlos A. Gimenez  
Mayor

Approved by County Attorney as  
To form and legal sufficiency.