

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERAGENCY AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF HOTELS AND RESTAURANTS, DELEGATING TO THE CITY THE AUTHORITY UNDER CHAPTER 399, FLORIDA STATUTES, TO (1) ISSUE ELEVATOR CONSTRUCTION PERMITS, TEMPORARY OPERATION PERMITS, AND CERTIFICATES OF OPERATION; (2) PROVIDE INSPECTION OF ELEVATORS; AND (3) ENFORCE THE ELEVATOR SAFETY CODE WITHIN THE CITY OF MIAMI BEACH FOR ALL ELEVATORS, EXCEPT FOR ELEVATORS OWNED BY MIAMI-DADE COUNTY; SAID AGREEMENT HAVING AN INITIAL TERM OF TEN (10) YEARS, COMMENCING ON JULY 1, 2020, WITH ONE (1) TEN-YEAR RENEWAL TERM, TO BE EXERCISED BY MUTUAL AGREEMENT OF THE PARTIES.

WHEREAS, Since 1990, the City of Miami Beach has been enforcing elevator inspection laws locally, instead of Miami-Dade County, pursuant to a DBPR Interagency Agreement with the Department of Business and Professional Regulation, Division of Hotels and Restaurants (the "Department"); and

WHEREAS, the City issues elevator construction permits, temporary operation permits and certificates of operation, in addition to providing elevator inspections and enforcing the Elevator Safety Code for all elevators, except for elevators owned by Miami-Dade County, within the City's boundaries; and

WHEREAS, the City and the Department executed the first DBPR Interagency Agreement, effective on October 1, 1990, for an initial term of ten (10) years, which agreement was extended for one (1) additional renewal term of ten (10) years; and

WHEREAS, on January 19, 2011, the Mayor and City Commission adopted Resolution No. 2011-27570, approving the current DBPR Interagency Agreement, which took effect on November 1, 2010 and expires on June 30, 2020; and

WHEREAS, the Department has agreed to enter into a new DBPR Interagency Agreement ("Agreement"), incorporating the same provisions contained in the current agreement, granting the City the right to enforce the provisions of Chapter 399, Florida Statutes, within the City of Miami Beach, except with respect to elevators owned by Miami-Dade County, for an initial term of ten (10) years, with one (1) ten-year renewal term, to be exercised by mutual agreement of the parties, and terminable by either party, upon providing the other party with 180 days prior written notice; and

WHEREAS, the City Manager recommends executing the Agreement between the Department and the City, incorporated herein by reference and attached hereto as Exhibit "1", as it would be in the best interest of the City to continue enforcing elevator inspection laws on a local level by the City of Miami Beach Building Department, instead of by Miami-Dade County.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute an Interagency Agreement with the State of Florida, Department of Business and Professional Regulation, Division of Hotels and Restaurants, delegating to the City the authority under Chapter 399, Florida Statutes, to (1) issue elevator construction permits, temporary operation permits, and certificates of operation; (2) provide inspection of elevators; and (3) enforce the elevator safety code within the City of Miami Beach for all elevators, except for elevators owned by Miami-Dade County; said Agreement having an initial term of ten (10) years, commencing on July 1, 2020, with one (1) ten-year renewal term, to be exercised by mutual agreement of the parties.

PASSED and ADOPTED this _____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. E. Gail 4-24-20
City Attorney ANT Date