RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A POLICY RELATING TO CITY PERMITTING (INCLUDING BUILDING DEPARTMENT PERMITS AND PUBLIC WORKS PERMITS), AND PROVIDING THAT IF CITY BUILDING DEPARTMENT OR PUBLIC WORKS DEPARTMENT PERSONNEL, EITHER AS PART OF A PERMIT REVIEW OR AN INSPECTION, IDENTIFY ADDITIONAL WORK THAT A PERMITTEE MUST PERFORM AS PART OF THEIR PERMIT, THE PERMIT NOTES IN THE SYSTEM SHALL SPECIFY WHETHER AN ADDITIONAL OR SEPARATE PERMIT IS REQUIRED FOR THE WORK THE CITY PERSONNEL HAS ADVISED MUST BE PERFORMED; AND FURTHER PROVIDING THAT AFTER-THE-FACT PERMIT FEES SHALL NOT BE IMPOSED FOR PERFORMING WORK WITHOUT A PERMIT IF CITY PERSONNEL SPECIFICALLY MANDATE THAT ADDITIONAL WORK BE PERFORMED BEFORE A PERMIT CAN BE CLOSED, AND THE CITY PERSONNEL DOES NOT THEREAFTER ANNOTATE THE FILE TO PROVIDE NOTICE THAT AN ADDITIONAL PERMIT IS REQUIRED; AND DIRECTING THE ADMINISTRATION TO UPDATE ITS PERMIT POLICIES AND PROCEDURES TO REFLECT THE FOREGOING.

WHEREAS, the City of Miami Beach (the "City") has received many complaints that inspectors or permit reviewers mandate additional work to be done as part of a permit, but do not notify the permittee that a separate permit must be pulled for such work; and

WHEREAS, requiring permit reviewers or inspectors to annotate the permit file to reflect that a permit is required for additional work would avoid permit delays and provide permittees with clarity with regard to an already cumbersome process; and

WHEREAS, in some instances, permittees have been penalized and charged after-the-fact permit fees (typically consisting of double permit fees) for performing work without a permit, even though the permittees were simply attempting in good faith to comply with the instructions of the City personnel, with no information made available to them as to the requirement to obtain a separate or additional permit; and

WHEREAS, notwithstanding each individual permittee's obligation to determine for himself or herself whether a permit is required for any work, if a permit reviewer or an inspector specifically mandates that additional work be performed before a permit can be closed, and the City personnel does *not* annotate the file to provide notice that an additional permit is required, the City shall not thereafter charge after-the-fact permit fees or similar double permit fees for any such work performed after the fact without a permit; and

WHEREAS, in view of the Administrative challenges with updating departmental policies, procedures and software to implement this Resolution, it is the intent of this Resolution that the foregoing condition precedent to imposing the after-the-fact permit fees should apply to any existing qualifying open permit, where the permittee requests the relief granted herein); and

WHEREAS, for clarity, this policy does not alter the obligation of every permittee to perform all work that may be required under the Building Code and/or to obtain all permits that are require under the Building Code, and instead reflects the City Commission's policy judgment that additional notification of permit requirements should be provided to permittees, in an effort to

avoid delays or the imposition of double permit fees in circumstances where the permittees were relying on, and attempting to comply with, the instructions of City personnel.

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 a policy relating to City permitting (including Building Department permits and Public Works permits), and providing that if the City Building department or Public Works department personnel, either as part of a permit review or an inspection, identify additional work that a permittee must perform as part of their permit, the permit notes in the system shall specify whether an additional or separate permit is required for the work the City personnel has advised must be performed; and further providing that after-the-fact permit fees shall not be imposed for performing work without a permit if City personnel specifically mandate that additional work be performed before a permit can be closed, and the City personnel does not thereafter annotate the file to provide notice that an additional permit is required; and directing the administration to update its permit policies and procedures to reflect the foregoing.

PASSED and **ADOPTED** this _____ day of _____, 2022.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

Sponsored by Commissioner Alex J. Fernandez

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

RAT 9/6/22
City Attorney for BAP Date