



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, City Manager *[Signature]* for KGB

DATE: July 25, 2012

**SUBJECT: Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without a Permit.**

### **BACKGROUND**

This item was referred to the Land Use and Development Committee by the City Commission on December 14, 2011 at the request of Commissioner Jonah Wolfson.

### **ANALYSIS**

The Building Department, as required by the Florida Building Code, charges double fees for work performed without a permit, which in most cases is discovered during routine inspections or in response to complaints from citizens.

Section 109.4 of the Florida Building Code states in relevant part (emphasis added): "Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits **shall** be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees."

In the rare instance that someone comes forward to report their own unpermitted work, the Department tries to be as flexible as possible in addressing those situations. Because the double fees are mandated by state law, the City Attorney's Office has advised that an official amnesty provision would not be feasible.

### **CONCLUSION**

The Administration recommends that the Building Department be encouraged to continue to exercise flexibility when an owner initiates attempts to correct work done without permits.

SS/JGG/JMG

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