

C4 I REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE TO DISCUSS THE PROPOSED AMENDMENT TO THE CITY CODE, INCREASING THE FEES CHARGED FOR THE TEMPORARY USE PERMIT RENEWALS FOR ELEVATORS.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: June 25, 2025

TITLE: REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE TO DISCUSS THE PROPOSED AMENDMENT TO THE CITY CODE, INCREASING THE FEES CHARGED FOR THE TEMPORARY USE PERMIT RENEWALS FOR ELEVATORS.

RECOMMENDATION

The Administration desires to amend the City Code to incorporate an increase in the fee for temporary use renewals for elevators, from its current \$162 to \$2,090 (equal to the temporary use permit fee) and limit the number of renewals to three (3), after the initial temporary use permit is issued.

BACKGROUND/HISTORY

Under Florida Statutes ("FS"), Elevator Safety Act, Chapter 399, Rule 399.13, the Elevator Safety Division of the City of Miami Beach's Public Works Department has been delegated the jurisdictional authority over elevators, escalators, moving walks, wheelchair lifts and related equipment Citywide.

Under its current Code, the fee to apply for a temporary use permit is \$2,090. This permit allows for an indefinite number of 30-day temporary use renewals for elevators. This is a concern, because it allows elevator companies to avoid and/or extend the elevator's required final permit inspection indefinitely.

In order to incentivize property owners and elevator companies to work together to ensure safe and functional elevators, consistent with the Florida Building Code, Public Works is proposing an Ordinance amendment (Attachment A).

This amendment will modify and increase the fee for temporary use renewals for elevators from its current fee of \$162 (fee which is increased by approximately 6% every year) to \$2,090 (equal to the temporary use permit fee) and limit the number of renewals to three (3), after the initial temporary use permit is issued. After the third renewal, the unit will be removed from service until a final permit inspection is performed and the unit passes; or if extenuating circumstances/conditions at the site justify additional renewals being granted to resolve the issue(s), which is all contingent upon the City's approval.

FISCAL IMPACT STATEMENT

No fiscal impact

CONCLUSION

The Administration desires to amend the City Code to incorporate an increase in the fee for temporary use renewals for elevators, from its current \$162 to \$2,090 (equal to the temporary use permit fee) and limit the number of renewals to three (3), after the initial temporary use permit is issued.

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

Department

Public Works

Sponsor(s)

Commissioner Laura Dominguez

Condensed Title

Ref: FERC - Increase Fees Charged for Temporary Use Permit Renewal for Elevators.
(Dominguez) PW

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING DIVISION 2, ENTITLED "PERMIT FEES," BY AMENDING SECTION 14-65 THEREOF, ENTITLED "MECHANICAL PERMITS," TO ASSIST THE ELEVATOR SAFETY DIVISION IN ENFORCING "THE ELEVATOR SAFETY ACT" IN CHAPTER 399 OF THE FLORIDA STATUTES, TO LIMIT THE NUMBER OF TEMPORARY USE PERMIT RENEWALS ALLOWED FOR ELEVATORS; AND FURTHER AMENDING APPENDIX "A" TO THE CITY CODE, ENTITLED "FEE SCHEDULE," TO REVISE AND INCREASE FEES CHARGED FOR THE TEMPORARY USE PERMIT RENEWALS FOR ELEVATORS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, under Florida Statutes, Elevator Safety Act, Chapter 399, Rule 399.13, the Elevator Safety Division of the City's Public Works Department has been delegated the Jurisdictional Authority over elevators, escalators, moving walks, wheelchair lifts and related equipment in the City of Miami Beach; and

WHEREAS, this Ordinance aids the Elevator Safety Division with enforcing Chapter 399, Florida Statutes (FS), Florida Elevator Safety Code, Chapter 61C-5 Florida Administrative Code, Chapter 30 of the Florida Building Code, the American Society of Mechanical Engineers (ASME) Safety Code for Elevators and Escalators, the State Fire Marshal's Uniform Fire Safety Standards (NFPA 72), portions of the National Electrical Code (NEC 70) and the Americans with Disabilities Act; and

WHEREAS, furthermore, the City currently allows for an indefinite number of temporary use renewals for elevators, every 30 days; and

WHEREAS, the issuance of temporary use renewals allows elevator companies to avoid a final permit inspection for elevators; and

WHEREAS, the Ordinance seeks to limit the number of temporary use renewals to three (3) extensions after the issuance of the first temporary use permit; and

WHEREAS, Section 14-65 of the City Code states that mechanical permit fees, including elevators, are as specified in appendix A; and

WHEREAS, this Ordinance modifies and increases the fee for temporary use renewals for elevators, to incentivize property owners and elevator companies to work together in ensuring safe and functional elevators, consistent with the Florida Building Code; and

WHEREAS, Chapter 14 of Appendix A provides for an initial temporary use permit fee of \$2,090; and

WHEREAS, Chapter 14 of Appendix A should be amended to make the temporary use renewal fee equal to the initial temporary use permit fee.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 14 of the City Code is hereby amended as follows:

**CHAPTER 14
BUILDING REGULATIONS**

* * *

ARTICLE I. IN GENERAL

* * *

DIVISION 2. PERMIT FEES

Sec. 14-65. Mechanical permits.

- (a) Mechanical permit fees are as specified in appendix A.
- (b) Pursuant to Chapter 399 of the Florida Statutes, the "Elevator Safety Act," including Section 399.13, the Elevator Safety Division of the Public Works Department has been delegated the jurisdictional authority over elevators, escalators, moving walks, wheelchair lifts and related equipment in the City of Miami Beach. Pursuant to this contracted authority, The Elevator Safety Division is responsible for permitting the installation of new and the alteration of any existing vertical conveyances, including all inspections and tests, to certify that the work meets the requirements of ASME A17.1 and any other related codes in effect at the time the permit application is submitted.
 - (1) An elevator owner or representative may seek an inspection, from the Elevator Safety Division, for a temporary elevator application permit, for a period no longer than 30 days. After the issuance of the initial permit, the elevator owner or representative may only obtain up to three (3) temporary use renewals, provided that each renewal may be no longer than 30 days. Upon expiration of the third temporary use renewal, the elevator unit shall be removed from service until or unless
 - (i) the unit attains final status pursuant to final certification requirements; or
 - (ii) there exist compelling site-specific variables that justify a variance and continued temporary use pursuant to section 14-65(b)(2).
 - (2) Variances. The chief elevator inspector, acting on behalf of the Elevator Safety Division, may grant a variance to permit additional temporary use renewals beyond the three renewals provided in section 14-65(b)(1), if—and only if—there is a documented finding

of undue hardship or the presence of specific variables at the site that warrant continued operation. Any variance shall be subject to written City approval and may impose conditions to ensure safety and compliance until final status is achieved.

SECTION 2. Appendix A, entitled "Fee Schedule," is hereby amended as set forth in Exhibit "A" to this Ordinance.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on _____.

PASSED and ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

EXHIBIT "A"

APPENDIX A - FEE SCHEDULE

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

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	Chapter 14. Building Regulations Part I		
* * *			
	<i>Article II. Construction Standards</i>		
* * *			
	<i>Division 2. Permit Fees</i>		
* * *			
14-65	Mechanical Permit Fees		
	* * *		
	Temporary use permit (must be renewed every 30 days)	2,090.00	[A]
	Temporary use renewal	162 <u>2,090.00</u>	[A]
* * *			