

## Miami Building Permits: Use of Phased Permits on the Rise

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As cranes tower over Miami in the post-recession development upswing, developers are once again using phased permits to expedite construction while awaiting approval for building permits. Section 105.13 of the Florida Building Code authorizes the issuance and use of phased permits throughout the state at the discretion of building officials. Developers in Miami and Miami Beach are actively using this option. In the cities of Miami and Miami Beach, approval from the Department of Environmental Resources Management as well as an agreement/verification from Water and Sewer is now needed to receive a phased permit. This is a new element that was not originally required. Applicants should be prepared to provide this documentation as part of their phased permit application.

Given the fact that the phased permit is a permit that is issued pending (not in lieu of) an official building permit, the holder of the phased permit proceeds at his or her own risk when beginning construction upon receipt of the phased permit. Thus, applicants are required to execute a Hold Harmless letter/form reflecting that they understand the risk and relieve the municipality of all liability resulting from or in connection with the phased permit. Applications proceed with the understanding that it is possible that in order to receive the official building permit, portions or all of the construction that has been completed under the phased permit would need to be modified or removed. Applicants must cautiously weigh the risks when deciding to begin major construction using a phased permit.

As development rebounds in South Florida, the use of phased permitting is allowing projects to stay on course and meet proposed construction deadlines. By allowing construction to proceed via phased permits, developers do not have to be handicapped by the delays that may arise from complicated and bureaucratic permitting processes and can sooner capitalize on the market demand for their projects.

Read more about the [procedures for phased permits in the City of Miami](#) and the [phased permits in the City of Miami Beach](#).

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