

Memorandum



Date: May 12, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

GO
Agenda Item NO.
4 (A)

Subject: Proposed Ordinance Amending Chapter 10 of the Code of Miami-Dade County

RECOMMENDATION

It is recommended by the Miami-Dade Construction Trades Qualifying Board that the Miami-Dade County Board of County Commissioners adopt the attached proposed ordinance amending Chapter 10 of the Code of Miami-Dade County in order to establish Waterproofing Contractors license category.

BACKGROUND

A series of industry workgroups culminated in the development of a comprehensive definition and the creation of detailed waterproofing installation guidelines. These guidelines were subsequently adopted by the *Board of Rules and Appeals (BORA)* and re-adopted again by *BORA* after the implementation of the *Florida Building Code* in 2002. During this period, both the construction regulatory board and the licensing board worked cooperatively to address each of the Board's separate waterproofing concerns.

With the acceptance of the *Waterproofing Guidelines*, the *Construction Trades Qualifying Board (CTQB)* issued a license scope interpretation and bifurcated the *Painting and Waterproofing Contractor* license category by separating and removing waterproofing from the scope of work for this license, leaving the more limited *Painting Contractor* license. In doing so, the CTQB acted on its understanding that the building science technology and the level of competence associated with waterproofing exceeded the limits of the non-examination *Painting and Waterproofing Contractor* license.

Ultimately, the *Waterproofing Guidelines* endorsed by *BORA* were included in the 2004 edition of the *Florida Building Code*. At this time, it is only the issue of licensure that remains unresolved. In the absence of a stand alone Waterproofing Contractor's license the CTQB has allowed the higher license categories of General, Building, Residential and Roofing Contractors to perform waterproofing installations, until the Waterproofing Contractor license may be established.

Additionally, the environmental impact of energy and water consumption, pollution and heat island effects of buildings and structures is becoming increasingly apparent with the emphasis on green construction. New green/sustainable products are constantly being developed and new building technology is providing healthier and more resource efficient construction. This is especially true in regard to waterproofing. A secondary, but increasingly important, goal of creating waterproofing code language and a dedicated contractor license is to lay the ground work for expanded acceptance of *Greenroofs*.

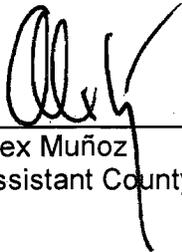
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Waterproofing is an elemental component of a *Greenroof* system, which uses growing medium and grass, plants or shrubs on the roof of a building, and specialized, proficient and knowledgeable contractors are critical.

The ability of waterproofing to play a role in resolving several environmental concerns such as, reduced stormwater run-off, improved building energy performance, reduced use of electricity, improved air quality and enhanced urban ecology are some of the reasons that the creation of a local pool of qualified competent Waterproofing Contractors will facilitate meeting the demands of this emerging field of construction.

FISCAL IMPACT

There is no fiscal impact to Miami-Dade County or the municipalities.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 7, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No 7(D)
4-7-09

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE; ADDING THE WATERPROOFING CONTRACTOR CATEGORY, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 10 of the Code of Miami-Dade County, adopted by Ordinance No.

78-23, as amended, is hereby amended to read as follows:¹

Chapter 10 CONTRACTORS

ARTICLE I. IN GENERAL

* * *

Sec. 10-2. Certificate of competency and license required, classification and scope of work.

* * *

III. BUILDING CONTRACTOR

The scope of work of a building contractor shall be as defined in the various building contractor classifications listed herein:

* * *

H) Specialty building contractor is a building contractor who specializes in one (1) or more of the following building crafts and whose scope of work is so limited under the certificate of competency held, and whose principal contracting business is the execution of contracts, usually subcontracts, in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable, and has satisfactorily passed an examination for the specialty concerned, and who has the financial means and has a qualifying agent with the experience, knowledge and skill as evidenced by three (3) years' experience as a mechanic, or supervisory or managerial experience or education equivalent thereto, or any combination thereof, in the particular building specialty concerned, except as such three (3) year period may be modified in the particular categories listed hereinafter. Such contractor shall subcontract with a qualified contractor any work which is incidental to the work of the specialty but which is specified herein as being the

work of other than that of the building specialty for which certified. The following are the various crafts of specialty building contractors.

(1) A reinforcing steel placing contractor is a contractor qualified and certified to fabricate, place, tie and weld steel reinforcing bars (rods) that are or may be used to reinforce concrete buildings or structures.

* * *

>>(8) A Waterproofing Contractor is a contractor qualified, by three (3) years experience, has passed a written examination, is qualified and certified to clean, sandblast, caulk, and prepare the surface to install, repair and replace waterproofing systems including the incidental use of sheet metal and other components in connection therewith to create an impervious barrier preventing the passage water by applied protective material, membrane, surfacing, or sealant, both above and below grade, excluding on grade asphalt surfaces. In no way is this to be interpreted as limiting, denying or excluding general, building, residential and roofing contractors in the performance of this craft.<<

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance including any Sunset provision, shall become and be made part of the Miami-Dade County Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

KAC
EWG

Prepared by:

Eduardo W. Gonzalez

