


# Memorandum



**Date:** March 6, 2012

**To:** Honorable Joe A. Martinez, Chairman  
and Members, Board of County Commissioners


**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Sunset Review of County Boards for 2012 – Construction Trades Qualifying Board –  
Division B

Agenda Item No. 1F1

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2012 Sunset Review of County Boards Report for the Construction Trades Qualifying Board – Division B. The Board approved the attached report at its meeting of December 6, 2011 and has recommended the continuation of its board.

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Mayor mentioned in the caption below.

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Deputy Mayor

mayor04612

**Date:** December 6<sup>th</sup>, 2011

**To:** Carlos A. Gimenez  
Mayor

**From:** Nestor Bustamante *NB*  
Chairperson, Construction Trades Qualifying Board – Division B

**Subject:** Sunset Review of County Boards for 2012 – Construction Trades Qualifying Board –  
Division B

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2012 Sunset Review of County Boards Report for the Construction Trades Qualifying Board – Division B for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of December 6<sup>th</sup> 2011.

It is recommended that the BCC approve the continuation of the Construction Trades Qualifying Board – Division B.

#### **BACKGROUND**

The Construction Trades Qualifying Board – Division B was established in 1957 through Ordinance 57-25. The Board assures that competency standards are met in the trades and specialty construction categories and works to resolve citizen complaints. Since its creation, the Board has issued thousands of trade certificates and contractor licenses as well as taken appropriate disciplinary action. The Construction Trades Qualifying Board - Division B should continue to function to serve the community by reviewing and approving the contractor and tradesmen applications and conducting disciplinary hearings to resolve contractor complaints.

  
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Nestor Bustamante  
Board Chairperson

**BI-ANNUAL SUNSET REVIEW  
MIAMI-DADE COUNTY BOARDS  
JANUARY 2012**

**I. GENERAL INFORMATION:**

**1. Name of Board Reporting:**

CONSTRUCTION TRADES QUALIFYING BOARD - DIVISION "B".

**2. Indicate number of board members, terms of office, and number of vacancies:**

The Construction Trades Qualifying Board - Division "B" is comprised of 13 members, who serve three-year terms.

For terms of office and number of vacancies, Refer to Appendix "A".

**3. Identify number of meetings and member's attendance (Activity from Jan. 1, 2010 through December 31, 2011):**

Twenty-three (23) meetings were held during 2010 through 2011.  
Quorum was obtained for all the meetings held in 2010 through 2011.

Refer to Appendix "B" for the Committee attendance report.

**4. What is the source of your funding?**

The Construction Trades Qualifying Board - Division "B" is funded through the contractor licensing and renewal fees collected by the Department of Permitting, Environment and Regulatory Affairs.

**5. Date of Board Creation:**

The Construction Trades Qualifying Board Division "B" was created in 1957 through Ordinance 57-25.

**6. Attach a copy of the ordinance creating the board.**

Refer to Appendix "C" for Ordinance 57-25 and the most recent amendments to Chapter 10 made through Ordinance 07-44.

7. **Include the Board's Mission Statement or state its purpose.**

*Ensure competency standards are met in the trades and specialty categories through the review and approval of contractor and tradesmen applications for certification and conduct disciplinary hearings to resolve contractor/residents complaints.*

8. **Attach the Board's standard operating procedures, if any.**

The Construction Trades Qualifying Board Division "B" conducts their meetings under "Roberts Rules of Order" in all instances and cases to which they are applicable.

Refer to Appendix "D" for the Board's adopted standard operating procedures.

9. **Attach a copy of the Board's by-laws, if any.**

The Construction Trades Qualifying Board Division "B" is governed by the authority of Miami-Dade County, Chapter 10.

10. **Attach a copy of the Board minutes approving the Sunset Review, including a vote of the membership.**

Refer to Appendix "E" for minutes approving the Sunset Review.

II. **EVALUATION CRITERIA:**

1. **Is the board serving the purpose for which it was created?**

Yes, the Construction Trades and Qualifying Board - Division "B" has continued to review and approve contractor and tradesmen applications for certification and conducted disciplinary hearings to resolve contractor complaints. Subcommittees have been created to work on specific subjects and make recommendations to the Board and to the Miami-Dade County Board of Commissioners, upon its request.

2. **Is the board serving current community needs?**

Yes, the Board assures that competency standards are met in the trades and specialty categories and works to resolve citizen complaints concerning licensed and unlicensed construction work in Miami-Dade County.

3. **What are the boards' major accomplishments?**

The board was established in 1957 and since then has issued thousands of trade certificates and contractor licenses as well as taken appropriate disciplinary action.

In 2010-2011, the Board conducted 8 formal and informal evidentiary hearings and addressed over 107 appearances by Miami Dade County residents, trade groups and contractors. Over 735 licenses and applications were reviewed during this period.

4. **Is there any other board, either public or private, which would better serve the function of this board?**

There is no other public or private board acting with the functions of the Construction Trades and Qualifying Board, Division "B" at a local level.

5. **Should the ordinance creating the board be amended to better enable the board to serve the purpose for which it was created?**

At present, there is sufficient flexibility in the Board to organize the required subcommittees that are necessary to increase the efficiency of the Board.

6. **Should the board's membership requirements be modified?**

The board's membership composition is properly balanced for its present duties.

7. **What is the operating cost of the board, both direct and indirect?**

Direct and indirect cost for Construction Trade Qualifying Board Division "B" was \$95,645 and \$135,385 for FY 2010 and \$82,853 and \$98,495 for FY 2011

8. **Describe the board's performance measures developed to determine its own effectiveness in achieving its stated goals?**

The number of tradesman and contractor certificates issued as well as how many disciplinary hearings held are measurements used to evaluate effectiveness.

Refer to Appendix "F" for a recap of Board's activity in these areas.

**APPOINTMENTS**  
**MIAMI-DADE COUNTY**  
**CONSTRUCTION TRADES QUALIFYING BOARD**  
**DIVISION "B"**

<b><u>Members</u></b>	<b><u>Category</u></b>	<b><u>Commissioner</u></b>	<b><u>Term Expiration*</u></b>
Affonte, Michael	Mechanical Contractor	Barreiro	10-31-2004
Bustamante, Nestor	General Public	Bovo	10/31/2004
Fernandez, Arthur	Electrical Contractor	Diaz	11/30/2010
Goins, Charles	Plumbing Contractor	Martinez	11/30/2012
Horowitz, Bennie	Swimming Pool Piping & Maintenance (Commercial) Contractor	Edmondson	10/31/2004
Jordan, Barry	Liquefied Petroleum Installation Contractor	Suarez	11/30/2012
Rivero, Lucio	Plumbing Contractor	Sosa	11/30/2010
Samuels, Calvin	Electrical Contractor	Jordan	11/30/2008
Scott, Kenneth E.	General Public	Souto	11/30/2010
Stiff, Todd M.	Plumbing Contractor	Heyman	11/30/2010
Yocum, David Barry	Electrical Contractor	Monestime	11/30/2010

**Board Vacancies**

<b><u>Status</u></b>	<b><u>Category</u></b>	<b><u>Appointed Com.</u></b>	<b><u>Previous Member</u></b>
Vacant	Mechanical Contractor	Moss	William W. Thomas
Vacant	General Contractor	Bell	Michael Miles

\* Members continue to serve past term expiration until reappointment or new member appointment.

**Construction Trades Qualifying Board – Division “B”  
2010 Attendance Record**

MEMBERS	JAN 2010	FEB 2010	MAR 2010	APR 2010	MAY 2010	JUN 2010	JUL 2010	SEP 2010	OCT 2010	NOV 2010	DEC 2010	Total Attendance
Michael Affronte	P	P	P	P	P	P	P	P	A	P	E	9 of 11
Nestor Bustamante	P	P	P	P	P	P	P	P	P	P	P	11 of 11
Art Fernandez	P	P	P	P	E	P	P	P	P	P	P	10 of 11
Charles Goins	P	A	P	P	P	E	P	P	E	E	E	6 of 11
Bennie Horowitz	P	E	P	P	P	P	P	P	E	P	E	8 of 11
Barry Jordan	P	P	E	P	P	P	P	P	E	P	P	9 of 11
Lucio Rivero	P	E	P	E	E	E	P	E	P	P	P	6 of 11
Calvin Samuels	P	P	P	P	P	P	E	P	P	P	P	10 of 11
Kenneth Scott	P	P	P	P	P	P	P	E	P	E	P	9 of 11
Todd Stiff	P	P	P	P	P	P	P	P	P	P	P	11 of 11
David Yocum	P	P	P	P	P	P	P	P	P	P	P	11 of 11
<b>August = Recess</b>												
<b>Quorum</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
<b>CODES:</b>												
P= Present												
A= Absent												
E= Excused												
Y= Yes N= No												

# CONSTRUCTION TRADES QUALIFYING BOARD – DIVISION “B” 2011 ATTENDANCE RECORD

MEMBERS	JAN 2011	FEB 2011	MAR 2011	APR 2011	MAY 2011	JUN 2011	JUL 2011	AUG 2011	SEP 2011	OCT 2011	NOV 2011	DEC 2011	Total Attendance
Michael Affronte	P	P	P	P	P	E	P	A	P	P	A	E	8 of 12
Nestor Bustamante	P	P	P	P	P	P	P	P	P	P	P	P	12 of 12
Art Fernandez	P	P	P	E	P	P	E	E	P	P	P	P	9 of 12
Charles Goins	E	P	P	P	P	E	P	E	P	E	A	P	7 of 12
Bennie Horowitz	P	E	P	P	P	P	P	P	P	E	E	E	8 of 12
Barry Jordan	P	P	P	P	E	P	P	P	E	P	P	P	10 of 12
Lucio Rivero	P	P	E	P	P	P	E	P	P	P	P	E	9 of 12
Calvin Samuels	P	P	P	P	P	E	P	P	P	P	P	P	11 of 12
Kenneth Scott	P	E	E	P	P	P	P	E	E	P	P	P	8 of 12
Todd Stiff	P	P	P	P	P	P	P	P	P	P	P	P	12 of 12
David Yocum	P	P	P	P	E	P	P	P	P	E	P	P	10 of 12
<b>Quorum</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
<b>CODES:</b>													
P= Present													
A= Absent													
E= Excused													
Y= Yes N= No													



57-25  
OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

ORDINANCE NO. 27 - 25

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON OR FIRM TO ENGAGE IN THE BUSINESS OR ACT IN THE CAPACITY OF A CONTRACTOR, SUBCONTRACTOR, MASTER JOURNEYPERMAN, OR MAINTENANCE PERSONNEL AS DEFINED IN THIS ORDINANCE AT ANY TIME WITHIN THE INCORPORATED OR UNINCORPORATED AREAS OF DADE COUNTY WITHOUT A CURRENT VALID CERTIFICATE OF COMPETENCY ISSUED BY THE DADE COUNTY EXAMINING BOARD HAVING JURISDICTION OVER THE SECTOR, TRADE CONCERNED; ESTABLISHING PROVISIONS FOR EXAMINATION AND QUALIFICATION OF CONTRACTORS, SUBCONTRACTORS, MASTERS, JOURNEYPERMAN AND MAINTENANCE PERSONNEL THROUGHOUT DADE COUNTY; REQUIRING CERTIFICATES OF COMPETENCY; DEFINING TERMS; EXEMPTING CERTAIN EMPLOYEES, AND CERTAIN OTHERS FROM THIS ORDINANCE; ESTABLISHING PROVISIONS AND REQUIREMENTS FOR ISSUANCE OF CERTIFICATES OF COMPETENCY; EXEMPTING CERTAIN MUNICIPAL AND COUNTY CERTIFICATES HOLDERS FROM EXAMINATION; ESTABLISHING EXEMPTION AND SPECIAL GENERAL PERMITS; REQUIRING CERTAIN CERTIFICATES FOR ISSUANCE OF OCCUPATIONAL LICENSES; ESTABLISHING SEPARATE EXAMINING BOARDS FOR BUILDING, ENGINEERING, PLUMBING, ELECTRICAL, MECHANICAL AND LIGHTING CONTRACTORS; ESTABLISHING AN EXAMINERS' MEDIATION BOARD; ADOPTING AND AMENDING RULES; PROVIDING FOR DISCIPLINARY PROCEEDINGS AND SUSPENSION AND REVOCATION OF CERTIFICATES; DEFINING AND PROHIBITING CERTAIN CONDUCT BY CONTRACTORS; ESTABLISHING INSURANCE REQUIREMENTS FOR CONTRACTORS; PROVIDING PENALTIES FOR VIOLATIONS; AND REPEALING ALL COUNTY AND MUNICIPAL ORDINANCES AND RESOLUTIONS, MUNICIPAL CHARTERS, SPECIAL LAWS AND GENERAL LAWS WHICH AUTHORIZED BY THE CONSTITUTION IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD:

Examination and Qualification of Contractors,  
Subcontractors, Masters, Journeymen and Maintenance  
Personnel

Section 17.01 It shall be unlawful for any person or firm to engage in the business or act in the capacity of a contractor, subcontractor, master, journeyman, or maintenance personnel, as hereinafter defined, anywhere within the incorporated or unincorporated areas of this County without a current valid certificate of competency issued by the County Board of Supervisors having jurisdiction over the several trades concerned.

Section 17.02 Definitions:

(A) "Firm" shall include a sole proprietorship, partnership, corporation, association or any other type of business organization.

(B) "Contractor" is any person, firm or corporation who engages in any business under an express or implied contract in any of the trades hereinafter listed.

(C) "Subcontractor" is one who contracts with a contractor or to perform part or all of the latter's work.

(D) "Engage in Business" shall mean doing a trade for any owner or any tenant of land or of a building or of any part thereof, or for any person, firm or corporation in possession or in charge of the same or any part thereof, or entering into a contract with any such owner, tenant, person, firm or corporation for the doing of a trade.

(E) "Trade" shall include but shall not be limited to plumbing; electrical work; plastering; construction, repair or removal of buildings, and any other similar occupation connected with the construction industry.

(F) "Building Contractor" is any person or firm who undertakes, or offers to undertake, or purports to have the capacity to undertake or submits a bid or does himself or by or through others, to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, or other structure, to excavate, to commence any project, development or improvement or do any part thereof including the erection of scaffolding, or any other structures.

or work in connection therewith or the incorporation of labor or material therein.

(D) "General Contractor" is a contractor whose construction work involves two or more building trades or crafts, who has financial means to undertake the work and the knowledge gained by not less than ten years experience either as a superintendent for a general contractor or as a licensed building contractor for such period (or has had an educational equivalent thereto) or in any combination thereof, and has satisfactorily passed a general contractor's examination, and has shown that his scope of operation should be unlimited as to the height and complexity of design of the construction he undertakes.

(E) "Sub-general Contractor" is a contractor whose construction work involves two or more building trades or crafts, who has financial means to undertake the work and the knowledge gained by not less than five years experience as a superintendent for a general contractor or a building contractor or has been a licensed sub-building contractor for such period or has had the educational equivalent thereto, or in any combination thereof, and has satisfactorily passed a Sub-General Contractors' examination and, thus, has shown that his scope of operation should be permitted for the construction or alteration of buildings of not more than two stories in height; but this proviso shall not prohibit him from engaging in the construction of a structure of a greater height than he acts as a sub-contractor under the supervision or responsibility of a general contractor.

(F) "Sub-Building Contractor" is a contractor whose construction work involved the use of two or more building trades or crafts, who has financial means to undertake the work and has the knowledge gained by three years experience as a superintendent for a general contractor or a building contractor (or has had experience in construction work or an educational equivalent thereto), or in any combination thereof and has satisfactorily passed a Sub-building Contractor's examination, and thus, has shown that he is qualified to engage in the business of a beginning contractor in the construction of a simple one story design with load bearing walls which does not require more advanced technical knowledge, and in the case of commercial or

Industrial structures or buildings which shall not exceed 1500 square feet.

(J) "Specialty Contractor" is a contractor whose operations consist of the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building trades and crafts, usually a minor part of the complete structure. Specialty contractors shall be classified as, but not limited to, one of the following crafts:

Awning Erection  
Cabinet and Millwork  
Cement and Concrete  
Demolition  
Elevators  
Fence Erectors  
Flooring  
Glazing  
Grout and Sandblasting  
House Moving  
Insulating  
Masonry

Painting  
Plastering  
Roofing  
Roof Waterproofing  
Sign Erection  
Sheet Metal  
Steel Reinforcing and Iron  
Structures; Steel Erection  
Swimming Pools (Construction  
Only)  
Termite Treating  
Tile, Marble and Terrazzo

(K) "Engineering Contractor" is a contractor who does work such as, but not limited to: harbors; docks; excavating; filling and grading; drainage; pile-driving; levees; pumping stations; and similar type of work in conjunction with water power, water control, water works and water supply; paving and sidewalks; curbs and gutters; streets and roads, bridges and overpasses and underpasses in streets, roads, and public thoroughfares; underground sewage collection and disposal systems, bulkheading and underground utility line construction; both sanitary and storm sewer systems, and similar work, or that portion of such installation and systems not generally defined or considered under the provisions of this chapter, or in general trade practices, as a building structure, plumbing, electrical, gas or mechanical installation (as defined under "mechanical contractor".)

(L) "Plumbing Contractor" is a contractor doing work on any premises or in any building or structure requiring the installation, maintenance, repair, alteration or extension of a plumbing, septic tank, wells, swimming pool and solar heating systems and all appurtenances, apparatus or equipment used in connection therewith, including any incidental excavation work, and who is or who employs a supervising Master Plumber at all times.

(M) "Septic Tank Contractor" is a contractor who does any work involving the installation, cleaning, repair, alteration or extension of a septic tank or laundry waste treatment system and all appurtenances, apparatus or equipment used in connection therewith.

(N) "Well Drilling Contractor" is a contractor who operates a well drilling machine, apparatus or appliance in the drilling of water or drainage wells or who is engaged in the installation, maintenance and repair of pumping and piping incidental to a private swimming pool, not under the regulation of the State Board of Health, and having a closed system not connected to a water supply used for human consumption.

(O) "Gas-fitting Contractor" is a contractor doing work on any premises or in any building or structure, requiring installation, maintenance, repair, alteration or extension of fuel gas piping or appliances, including liquefied petroleum gas piping and appliances if such contractor qualifies under State law.

(O-1) "Liquefied Petroleum Gas Installation Contractor" is a contractor doing work on any premises or in any building or structure requiring the installation, maintenance, repair, alteration or extension of liquefied petroleum gas piping or appliances or who furnishes the liquefied petroleum gas to the consumer and maintains the gas valves, lines, intervals, tanks, regulators, meters and other paraphanalia in connection therewith.

(P) "Electrical Contractor" is a contractor doing work on any premises or in any building or structure requiring the installation, repair, alteration, addition or changes to any system of electrical wiring, apparatus or equipment for light, heat or power, and who is, or who employs, a supervising master electrician at all times.

(Q) "Electrical Sign Contractor" is a contractor doing work on any premises or in any building or structure requiring the installation, repair, alteration, addition or change to any system of electrical wiring, apparatus or equipment for electrical signs, and who is, or who employs a supervising master sign electrician at all times.

(4) "Mechanical Contractor" is a contractor who; work on any premises or in any building or structure requiring the installation, repair, alteration, addition or change to any system or refrigeration, air conditioning, heating, ventilating, boiler and unfired pressure vessel systems, and apparatus or equipment used in connection therewith.

(5) "Master" shall mean any person who possesses the necessary qualifications, training and technical knowledge to do, plan, layout and supervise the work connected in his particular trade. He must be a qualified contractor or work for a qualified contractor, or hold a current certificate of competency indicating his qualification, in order to work in his trade.

(6) "Journeyman" shall mean any person who possesses the necessary qualifications, training and technical knowledge to do and supervise the work connected in his particular trade. He must work for a qualified contractor and hold a current certificate of competency indicating his qualification, in order to work in his trade.

(7) "Maintenance Personnel" includes all maintenance personnel who are regularly employed to maintain or make minor repairs to systems, apparatus and equipment, such as plumbing, electrical, refrigeration, air conditioning, boiler, heating and ventilating, which is installed, contained in and used upon premises or in buildings owned, occupied or controlled by the person or firm by whom such personnel is employed. Such maintenance personnel must hold a current certificate of competency for maintenance work or as master or journeyman in the trade or trades in which they are to engage. A master or a journeyman will automatically qualify, without further examination as maintenance personnel in their particular trade. The word "maintenance" as used in this paragraph is not intended to include operators of appliances or equipment.

Section 17.03 Any person or firm not possessing a current certificate of competency and holding themselves out as plaintiff or defendant in any court of this State or otherwise; or otherwise to be a contractor shall be subject to the provisions and penalties of this chapter and a certified copy of such order shall be a part of the newspaper or other of which shall be

Assertion shall be prima facie evidence in Court or in any other proceeding authorized by this Chapter that the person or firm purported to have the capacity to act as a contractor.

Section 17.08 The provisions of this Chapter do not apply to the following:

(A) An owner of residential property altering, or repairing his own home or duplex if occupied by the owner and not intended for sale. An owner of residential property may construct one single family residence for his own use and occupancy without qualifying for a certificate of competency, but the application for a building permit for construction of more than one single family residence in a year's time shall be construed as engaging in the construction business and such an owner must secure a certificate of competency before the permit will be issued. Nothing herein shall release an owner-builder from the requirement for obtaining a permit.

Section 17.09 A Contractor's certificate of competency shall be obtained in the following manner:

(A) Any person or firm required or desiring to be qualified as a contractor shall make application on a form prescribed by the appropriate Contractors' Examining Board at the office of the Secretary of such Board in the Building Division of the Zoning and Building Department, except that in the case of Engineering Contractors the application shall be filed with the appropriate Board in the Department of Public Works. The application shall be retained by the Board together with all supporting papers.

(B) Should applicant be a firm, the application shall be executed by the president or one lawfully qualified to act for the firm shall show his authority to so act on the application, and shall name an authorized agent on behalf of the firm showing his authority:

(1) To act for the firm in all matters in any manner connected with the contracting business; (2) to supervise the construction under the occupational license issued to the firm; and (3) to take the qualifying examination for the firm, unless holding a current certificate of competency of the class and type necessary. The firm shall be quali-

ried only through the qualifications of such agent taking the examination, or through an agent currently qualified, and if the agent (qualifier) shall sever his affiliation with such firm, the certificate of competency held by such firm shall be automatically cancelled. An agent (qualifier) shall be restricted to the work of the firm he is currently qualifying.

(C) No application shall be considered unless the applicant gives all information required on the form, which shall include:

(1) A statement of applicant's proposed contracting business;

(2) The type of certificate being applied for;

(3) Name, residence, business address of applicant;

(4) If applicant is a firm, the name and business address of the firm and the name, residence of all directors and officers of the firm and their interest therein, and the name, residence of the applicant's qualified representative and information contained above. If applicant is corporation, a certificate of incorporation.

(5) A sworn financial statement of the applicant, a credit report, and an agreement authorizing the secretary of the appropriate Contractors Examining Board to obtain from any source dealing with the applicant; even though confidential, such additional information concerning the applicant's financial condition as the secretary deems necessary.

(6) A sworn list of all businesses owned, operated, or managed by applicant or in which the applicant has had an interest of any kind during the past 5 years, and the addresses of these businesses.

(7) Receipt from the appropriate Board showing the fee of \$25 for the examination and qualification of the applicant has been paid.

(8) Three letters of recommendation from reputable business or professional men, not related by blood or marriage to the applicant, of this county, or the county of applicant's last business venture, vouching for the applicant's reputation as to honesty.



integrity and good character.

(9) A sworn statement, stating under oath that the applicant has not been convicted of a misdemeanor or felony during the past five years, and that he is not presently charged with committing a felony or misdemeanor. If this is not the case, applicant shall specify the details of the conviction or charges.

(10) The Secretary of the appropriate Board shall notify the applicant of the next regular examination and shall notify the Board of the application prior to its next regular meeting and make such additional investigation as may be directed by the Board.

(11) The Contractors Examining Board shall prescribe the type of examination of the applicant to show his degree of experience; his knowledge of building, safety, health and lien laws of the County, State and Federal governments as may be applicable; and his knowledge of rudimentary administrative principles of the contracting business for which application is being made.

(12) The Contractors Examining Board shall not issue a certificate of competency unless, by a majority vote of the Board members present, the Board finds:

(1) That the applicant, or if applicant is a firm then the qualified representative, has made a passing grade on the written or verbal examination and has the necessary experience for the type of certificate applied for.

(2) That the credit report and financial statement of the applicant show that the applicant is financially able to engage in the contracting business for which the license is requested so that the public will be protected.

(3) That the applicant and each member of the firm possesses a reputation for honesty, integrity, and has a good character, has not been convicted of a misdemeanor or a felony in the past five years, and at the time of the application is not charged with committing a misdemeanor or a felony. This shall be determined by the Board from the information contained in the letters of recommendation submitted by the applicant and any other statements submitted to

or obtained by the Contractors Examining Board or its investigators. The lack of honesty, integrity or good character may be established by competent evidence that:

(A) Applicant has committed an act within the past three years which, if committed or done by a licensed contractor, would be grounds for suspension or revocation of a contractor's license.

(B) Applicant has committed an act within the past three years involving dishonesty, fraud, deceit or lack of integrity whereby the applicant has been benefited or whereby some injury has been sustained by another.

(C) Applicant has, in the past five years, refused to pay valid bills of at least five different persons or firms or has been adjudged bankrupt.

(D) Applicant is presently charged with commission of a misdemeanor or felony.

(E) Applicant has been convicted of a misdemeanor or felony during the past five years.

Section 17.06 (A) Every person, who, under the terms of this chapter, is required to hold a certificate of competency, and who, upon the effective date of this chapter, holds a current certificate of competency issued by Dade County, shall be entitled to a certificate of competency without examination, but such certificate shall be subject to any restrictions and limitations carried by the current County certificate and shall entitle the holder of such certificate to do business only in the unincorporated area unless the Examining Board, upon presentation by the applicant, of evidence satisfactory to such Board, shall determine that such certificate may be extended to include the incorporated areas of Dade County. Evidence to be considered to warrant such extension shall include, but shall not necessarily be limited to:

(1) Proof that a written examination given by Dade County was successfully passed by the applicant, and that such examination was substantially equal in scope and coverage to examination for the same trade and category given previously and regularly by any qual-

city within Dade County having codes and enforcement of such codes similar to Dade County, or

(2) Proof, submitted by the applicant that he has actively, continuously and properly engaged in the trade concerned, in the unincorporated area of Dade County in the category indicated on the current County Certificate, for a period of five years immediately prior to the effective date of this chapter as evidenced by County certificates of competency and State and County occupational licenses covering such five year period.

(b) Every person, who, under the terms of this Chapter, is required to hold a County Certificate of Competency, who at the time this chapter becomes effective, holds a current license or certificate of competency issued by a municipality within Dade County shall be entitled to a certificate of competency without further examination, but such certificate shall be subject to any restrictions and limitations carried by the current municipal license or certificate, and, in addition shall entitle the holder of such certificate to do business only in those jurisdictions from which he holds current licenses or certificates, unless the Examining Board concerned, upon presentation by the applicant of evidence satisfactory to the Board, shall determine that the applicant is entitled to an extension of his certificate to include all municipal and unincorporated areas in Dade County. Evidence to be considered to warrant such extension shall include, but shall not necessarily be limited to

(1) Proof that a written examination given by a municipality within Dade County was successfully passed by the applicant, and that such examination was substantially equal in scope and coverage to examinations for the same trade and category given previously and regularly by any municipality in Dade County or in Dade County, and that such examining municipality had codes and enforcement of such codes similar to Dade County, or

(2) Proof by the applicant that he has actively, continuously and properly engaged in the trade concerned in a municipality or municipalities within Dade County, in the category indicated on the current municipal certificate or license for a period of five

years immediately prior to the effective date of this chapter as evidenced by certificates of competency or licenses from such municipality covering such five year period. In addition, it must be shown that the municipality issuing such certificate or license has given examinations similar in scope and coverage to those given by Lado County, and has enforced codes similar to the codes of Lado County during the 5 year period.

(C) Anything in this Section to the contrary, notwithstanding no examination, shall be required of any person who under the terms of this Chapter is required to hold a county certificate of competency if he is the owner of or has been continuously employed as an executive officer, general manager or manager of any firm heretofore engaged in a trade, business or occupation in Lado County for which a certificate of competency is by the provisions of this Chapter now required but which heretofore has not been required, for a period of not less than five years immediately prior to the effective date of this Chapter and if this corporation has during such period of time been continuously licensed to engage in such trade, business or occupation by the state or county. A certificate of competency covering such trade, business or occupation shall be issued to an applicant qualifying under the terms of this paragraph (C) and other applicable requirements of this Section upon the payment of a fee of \$25 to Lado County.

(D) In order to qualify for a county certificate of competency under any of the foregoing provisions of this section, applicants for such county certificate must complete application for a county certificate of competency, furnish all evidence and proof as may be required by this Chapter and pay a fee in an amount equal to the renewal fee for such certificate charged by the county (unless another fee charge is indicated in this section) within six months from the effective date of this Chapter; otherwise, such person shall be required to pass a written examination and meet all other requirements specified in this Chapter in order to qualify for a county certificate of competency.

Section 17.07 A Certificate of Competency for Masters, Journeymen and for Maintenance Personnel shall be obtained in the following manner:

(A) Any person required or desiring to be qualified as a Master, Journeyman or maintenance personnel shall make an application on a form prescribed by the appropriate Contractors Examining Board at the office of the Building Division of the Zoning and Building Department. The application shall be retained by the Board together with all supporting papers.

(B) A fee of \$10 shall be paid for the examination, for journeymen and maintenance personnel and \$25 for a masters.

(C) The Secretary of the appropriate Board shall notify the applicant of the next examination.

(D) The appropriate Contractors Examining Board shall prescribe the type of examination of the applicant to show the degree of experience and his knowledge of the particular trade for which the application is being made.

(E) Temporary certificates: Any person who has in his possession a current license or certificate as a master or journeyman issued by any state, county, or municipality in the United States certifying that the holder has been examined and found competent to perform the work of a master or journeyman, shall, after making application for the next examination, be issued a temporary certificate by the Secretary of the appropriate Board, authorizing such master or journeyman to work in the capacity of a journeyman. Such certificate shall be issued only upon written request of the employing contractor. Failure to take or pass the examination shall automatically terminate such certificate and the employing contractor shall return the certificate to the Secretary of the Board. No further certificate shall be issued to the applicant unless he shall take and pass an examination.

Section 17.08 Annual License Fees:

Contractors and Sub-Contractors and Specialties Contractors	\$5.00
Masters	\$2.00
Journeymen	\$2.00
Maintenance Personnel	\$2.00

Where a certificate has been revoked or has expired or lapsed for any reason, the Board may require complete re-examination before a certificate of competency is renewed or re-installed.

Section 17.09 Whenever a municipal or county occupational license is required of any Contractor, Sub-contractor, Master, Journeyman and Maintenance Personnel, no such occupational license shall be issued unless the applicant shall first procure from the appropriate County Examining Board a current certificate of competency and shall present a copy to the license division.

Section 17.10

(A) The following six examining boards are hereby created:

- (1) Building Contractors Examining Board
- (2) Engineering Contractors Examining Board
- (3) Plumbing Contractors Examining Board
- (4) Electrical Contractors Examining Board
- (5) Mechanical Contractors Examining Board
- (6) Liquefied Petroleum Gas Installation Contractor's Board

(B) Each Board shall consist of nine voting members appointed by the Board of County Commissioners. The Director of the Zoning and Building Department shall serve as secretary to all Examining Boards and shall have no vote, except that the Director of Public Works shall serve as secretary to the Engineering Contractors Examining Board and shall have no vote. Each Director shall be permitted to designate a staff member to serve in his stead. The members of each Board shall be proportionately representative, as nearly as possible, of the trades or trades related to the subject matter concerned in the examination and qualifications, and professions within and connected with the particular trades concerned shall be represented. No member of any Examining Board shall receive any compensation for duties involved, except that each voting member shall be paid \$15 for each meeting he attends to cover necessary expense incurred in his official duties.

(C) Terms of Office - Renewal - Vacancies.

(1) Terms of office for each of the examining boards.

shall be one year for three members, two years for three members and three years for three members, with appointments thereafter to be for a three year term. Each member shall hold office until his successor has been duly appointed and qualified.

(2) Any member of the examining boards may be removed from office by a majority vote of the ex-officio Board of County Commissioners.

(3) Any vacancy occurring during the unexpired term of office of any member of the examining boards shall be filled by the Board of County Commissioners for the unexpired term within 30 days after such vacancy occurs.

(D) Organization of Boards

(1) The Director of the Zoning and Building Department shall serve as Secretary of the Examining Boards, except that the Director of Public Works shall serve as Secretary of the Engineering Contractors Board. Such Director shall be permitted to designate a staff member to serve in his stead.

(2) The Boards shall elect a Chairman and such other officers as may be necessary from among their members. Terms of all officers shall be for one year beginning on November 1st with elections to be held at the first meeting in October of each year.

(E) Meetings

(1) The Board shall hold not less than four regular meetings each fiscal year, one in July, one in October, one in January, and one in April.

(2) Meetings shall be called by the Chairman of the Board, and in his absence by the Vice Chairman of the Board.

(3) All examinations and minutes of Board Meetings shall be public records, except those portions of which are of a confidential nature, such as credit reports, financial statements, and communications received by the Board in respect to the applicants' qualifications. All minutes and records shall be kept in the office of the Zoning and Building Department except the records of the Engineering Contractors Board which shall be kept in Department of Public Works.

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(6) Five members of the Board shall constitute a quorum at any meeting, and a majority vote of those present shall be required to make any decision.

(7) For the purpose of administering this Chapter any examining Board may call on the Building Division of the Zoning and Building Department to furnish such employees as may be necessary to carry on or assist the Board in performing its duties except that the Engineering Contractors Examining Board shall call on the Department of Public Works for such employees.

(8) Each Board may make such rules and regulations as are consistent with the general policies of this Chapter as it may deem necessary to carry out the provisions of this Chapter, including the power to administer oaths and subpoena witnesses in the same manner provided for subpoenaing witnesses in the Metropolitan Court.

(H) Powers and Duties of Contractors Examining Boards

The Contractors Examining Board shall have the power to determine the qualifications of applicants for various types of contractors' licenses and certificates of competency; to hold hearings to determine if a license or certificate of competency of any contractor should be suspended for any violation of this Chapter and to fix the length of time for such suspension or to revoke the license or certificate under the provisions of this Chapter, or to appoint an employee from the Building Division or Department of Public Works to investigate any complaints made against the licensed contractor and determine whether it shall take administrative action against the contractor or direct the investigator to file a complaint for prosecution for the violation against the contractor; to call upon members of the industry to advise and assist them; Any Board may prescribe different types of examinations for different types of contractors within each trade and issue limited certificates accordingly, and determine the type of certificate for which an applicant is qualified.

(I) Building Contractors Examining Boards shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of



General Contractors, Sub-General Contractors, Sub-Subcontractors, Specialty Contractors and Subcontractors in the "Building Contractor" trade.

(2) Engineering Contractors Examining Board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of the Engineering Contractors and subcontractors in the Engineering Contractors trade.

(3) Plumbing Contractors Examining Board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of Plumbing Contractors, Gas Fitting Contractors, Septic Tank Contractors, Well Drilling Contractors, and subcontractors in these trades, and Masters, Journeymen and Maintenance Personnel in these trades.

(4) Electrical Contractors Examining Board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of Electrical Contractors, Electrical Sign Contractors, and subcontractors in these trades, and Masters, Journeymen and Maintenance Personnel in these trades.

(5) Mechanical Contractors Examining Board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of Boiler, Refrigeration, Air Conditioning, Heating and Ventilating Contractors, and subcontractors in these trades, and Masters, Journeymen and Maintenance Personnel in these trades.

(6) Liquefied Petroleum Gas Installation Contractors Examining Board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action, and certificate of competency of the Liquefied Petroleum Gas Installation Contractors, and subcontractors in this trade, and masters, journeymen and maintenance personnel in the trade if in the opinion of the Board the establishment of such personnel categories is necessary.

(7) The contractor's Registration Board is hereby created, the membership of which shall be made up of the Chairman of the

various examining boards created by this Chapter with the Building Examining Board member as the Chairman. The Director of the Zoning and Building Department shall serve as Secretary and shall have no vote.

(A) The Examiners' Mediation Board shall meet at the call of the Chairman and shall make such rules and regulations, and keep such records as are consistent with the requirements and policies of this Chapter. These members shall constitute a quorum, and decisions shall be by majority vote. Members shall not receive any compensation, but each voting member shall be paid \$15 for each meeting he attends to cover necessary expenses incurred in his official duties.

(B) The Examiners' Mediation Board shall be empowered to decide questions arising which pertain or are applicable to more than one of the examining boards created by this Chapter, including, but not limited to questions of jurisdiction as between the examining boards in carrying out their duties and questions of establishing uniformly and consistency in the rules, procedures and actions of those various examining boards. The rulings of the Examiners' Mediation Board shall be final and shall be complied with by the Examining Boards concerned.

(C) Matters to be considered by the Examiners' Mediation Board may be referred to it by any of the Examining Boards, or by the Secretary of such Boards, or the matter may be initiated by the Examiners' Mediation Board.

(1) Disciplinary Proceedings

(a) The Secretary of any Contractors Examining Board may, upon his own motion, or shall upon a sworn complaint in writing of any person investigate or cause to be investigated by a special investigator appointed by the Board the charges against any contractor qualified hereunder and submit a written report to the appropriate Contractors Examining Board. Upon the filing of Petition of Bankruptcy by or against a qualified contractor under this Chapter, or if a qualified contractor fails to keep in force the insurance policy

required in Section 27.13 (c) of this Chapter, the Secretary of the Board shall immediately suspend the Certificate of Competency and report the matter to the appropriate Contractor's Examining Board for revocation action.

(2) The Contractor's Examining Board, upon receipt of such report, shall decide if the report makes a prima facie showing of a violation of this Chapter and if so, shall take one or both of the following actions:

(a) Instruct the Secretary to send, by Registered Mail, a letter to the qualified contractor to his last known address, as shown by the Board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the section of this Chapter alleged to be violated, and notifying the qualified contractor to appear before the Board at a time and place fixed, not sooner than 20 days from the mailing of the Registered Letter, to show cause why his Certificate of Competency should not be suspended or revoked.

(b) Instruct the Investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor if he has violated any of the provisions of this Chapter.

(3) The administrative hearing provided for above shall be open to the public.

(A) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(B) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the Board finds it competent and reliable, regardless of the existence of any common law or statutory rule which might seek improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant

rant and unduly repetitious evidence shall be excluded.

(C) Each party shall have these rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

(D) A decision shall be made by the Contractors Examining Board by a majority of the entire board within five days after the close of the hearing. The decision shall be one of the following:

- (1) Not guilty
- (2) Suspension of Certificate of Competency, stating time.
- (3) Revocation of Certificate of Competency, stating effective date.

(E) An appeal from the decision of the Board may be made by the contractor involved to the Metropolitan Court within 20 days, but not thereafter.

Section 17.11 The Certificate of Competency issued by the County to a contractor may be suspended for a fixed term or revoked by the appropriate Contractors Examining Board's determination only by a majority vote of the entire Board after hearing if the contractor as an individual or the firm by its officers, directors, or qualified representatives has violated any of the provisions of this Chapter. The suspension or revocation of a Certificate of Competency shall automatically suspend or revoke as the case may be any occupational license issued by the County or municipality.

Section 17.12 It shall be unlawful for any contractor, as defined by this Chapter operating anywhere within the County, licensed individually or as a firm contractor, officers, directors or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions:

(A) To contract or do any work outside of the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified.

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(B) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.

(C) Divert funds or property received for the execution or completion of a specific construction project or operation, or for a specified purpose to any other use whatsoever.

(D) To depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.

(E) Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or Workmen's Compensation Laws of the State of Florida or ordinances of this County.

(F) Misrepresent any material fact in his application and supporting papers in obtaining a license under this Chapter.

(G) Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed hereunder.

(H) Aid or abet an unlicensed person to evade the provisions of this Chapter or allow his license to be used by an unlicensed person or to act as an agent, partner, or associate of an unlicensed person with the intent to evade the provisions of this Chapter.

(I) Do any fraudulent act as a contractor by which another is substantially injured.

Section 17.13 The appropriate Contractor's Examining Board shall suspend or revoke a contractor's Certificate of Competency if, after hearing it is found that the contractor:

(4) Has been adjudicated bankrupt.

(5) Fails to maintain at all times with an insurance company, authorized to do business in the State of Florida, the limits of insurance required by any other applicable law or authority having jurisdiction but not less than bodily injury liability insurance with the minimum limits of \$50,000 for one person and \$100,000 for more

then one person in any one accident, and property damage insurance with a minimum limit of not less than \$5,000 for any one accident, including any damage to public rights-of-way or structures and to file certificates, signed by the qualified agent of the insurer, with the Secretary of the appropriate Contractor's Examining Board showing the type of policy issued, the policy number, the name of the insurer, the effective date of the policy, the amount, and providing by endorsement of the policy, an agreement by the insurer to give a 30 days written notice by registered mail to the secretary of the appropriate Contractor's Examining Board, of the intent to cancel the policy for any reason. The examining board may reinstate such revoked certificate of competency at such time as the contractor again supplies full insurance coverage as required by this Chapter.

(C) Violated any of the provisions of Section 17.12.

Section 17.12 Any person, member of a firm, or firm violating any of the provisions of this Chapter shall, upon conviction in the Metropolitan Court, be punished by a fine not exceeding \$500, or by imprisonment for a period not exceeding 30 days or by both such fine and imprisonment, in the discretion of the Court, for each offense.

Section 17.15 If any section, sub-section, sentence, clause or phrase of this Chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The County Commission hereby declares that it would have passed this Chapter and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 17.16 ~~Section~~ - All county and municipal ordinances, county and municipal resolutions, municipal charters, special laws applying to this county and general laws applying only to this county or any general law which this commission is specifically authorized by the Constitution to supersede, nullify or amend, or any part of any such ordinance, resolution, charter or law in conflict with any

provisions contained herein are hereby repealed.

Section 17.37 - Effective Date. This ordinance shall become effective December 1, 1957.

PASSED AND ADOPTED NOV 12, 1957

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Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(D)  
03-06-07

ORDINANCE NO. 07-44

ORDINANCE AMENDING SECTION 10-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING COMPOSITION OF CONSTRUCTION TRADES QUALIFYING BOARD; 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:<sup>1</sup>

Chapter 10

CONTRACTORS

ARTICLE I. IN GENERAL

\* \* \*

Sec. 10-20. Construction Trades Qualifying Board.

(A) *Membership, appointment, qualifications, Secretary, compensation.* There is hereby established a Construction Trades Qualifying Board consisting of twenty-~~[[six]]~~ >>seven<< (~~[[26]]~~ >>27<<) members appointed by the Board of County Commissioners.

The membership shall be comprised of two (2) registered architects, two (2) registered engineers, and the qualifying agents of each of the following types of contractors holding a certificate of competency pursuant to this chapter issued

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.



by Division A or Division B of the Miami-Dade County Construction Trades Qualifying Board: Four (4) general contractors, two (2) engineering contractors, three (3) electrical contractors, ~~two (2)~~ >> three (3) << plumbing contractors, two (2) mechanical contractors, two (2) roofing contractors, one (1) contractor certified in both swimming pool piping and swimming pool maintenance (~~unlimited~~) >> commercial << categories, ~~two (2)~~ >> one (1) << liquefied petroleum installation contractor~~[[#]]~~>>, one (1) swimming pool contractor << and four (4) members from the general public with each member to have one (1) vote. Those individuals appointed as alternate members of the Board and currently serving in that capacity on the effective date of Ordinance No. 75-75 shall automatically be appointed as regular members for the duration of the terms for which they were appointed as alternates. If a contractor having a Miami-Dade County certificate of competency at the time of his appointment fails to renew or maintain that certification, he will be disqualified from membership on the Board and a replacement appointed by the Board of County Commissioners.

\* \* \*

(C) *Organization of Board.*

- (1) The Board shall elect a Chairman and Vice-Chairman and such other officers as may be necessary from among its members. Terms of all offices shall be for one (1) year.
- (2) The Board shall be divided into Division A and Division B, as follows, for the purposes hereinafter provided:
  - (a) Division A to consist of the three (3) general contractors, two (2) engineering contractors, two (2) architects, and two (2) roofing contractors, two (2) registered engineers>>, one (1) swimming pool contractor<< and two (2) members from the general public.
  - (b) Division B to consist of the three (3) electrical contractors, ~~two (2)~~ >> three (3) << plumbing contractors, two (2)

mechanical contractors, ~~[[two-(2)]]~~ >>one (1)<< liquefied petroleum installation contractor[[s]], one (1) swimming pool piping and maintenance ([[unlimited]] >>commercial<<) contractor, one (1) general contractor and two (2) members from the general public.

- (c) Each division shall elect a Chairman and Vice-Chairman and such other officers as may be necessary from among its members. Terms of all officers shall be for one (1) year. The Director of the Building Code Compliance Office shall serve as Secretary for each division but shall have no vote. The Director shall be permitted to designate a staff member to serve in his stead.

~~[[d) In addition to the membership otherwise provided for, the Board of County Commissioners shall appoint four (4) special members of Miami-Dade County homeowner associations, two (2) for Division A, and two (2) for Division B. These special members shall be evenly and geographically representative of the County. The sole function of these members shall be to participate in and vote in disciplinary proceedings.]]~~

\* \* \*

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 a part of the Code of Miami-Dade County, Florida. 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 enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: March 6, 2007

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Evan Grob

Sponsored by Commissioner Sally A. Heyman

APPENDIX 2

**MIAMI-DADE COUNTY**  
**CONSTRUCTION TRADES QUALIFYING BOARD**

**RULES AND REGULATIONS FOR CONDUCT OF AFFAIRS**

**BASIC RULES OF ORDER** - Except as may be provided hereinafter, and as provided for in Chapter 10 of the Code of Miami-Dade County, Florida, the conduct of the business of the Miami-Dade County Construction Trades Qualifying Board shall be governed by "**Roberts Rules of Order Revised**" in all instances and cases to which they are applicable.

**MEETINGS** - The meetings of the Board and the Divisions thereof shall be held at 11805 SW 26<sup>th</sup> Street, Miami, Florida, or in such other place as may be designated by the Secretary of the Board and Divisions. The time of such meetings shall be as established by the Board and its Divisions, or meetings may be called by the Chairman, the Vice-Chairman in his absence, or by the Secretary.

**ELECTION OF OFFICERS** - The Chairman of the Board and the Divisions thereof shall be elected annually at their first meetings in January. The Board and the Divisions thereof shall also elect annually, at the same meetings, a Vice-Chairman.

**AGENDA** - The agenda for all meetings of the Board and the Divisions thereof shall be prepared by the Secretary and shall be distributed to the members concerned prior to or at the opening of the meeting. The agenda shall consist of, among other things, call to order, roll call, approval of previous minutes, old business (all deferred or unacted upon items to be carried continuously until officially disposed of) and new business.

**CALL TO ORDER** - Chairman of the Board or the Divisions thereof, shall take the chair at the hour appointed for the meeting and shall immediately call the Board or the Divisions to order. In the absence of the Chairman, the Vice-Chairman shall assume all the duties of the Chairman. In the absence of the Chairman and Vice Chairman, the Secretary shall determine that a quorum is present, and in that event shall call for the election of a temporary Chairman. Upon the arrival of the Chairman or Vice Chairman, the temporary Chairman shall relinquish the chair upon the conclusion of the business immediately before the Board or the Divisions.

**ROLL CALL** - Before proceeding with the business of the Board or its Division, the Chairman or the Secretary of each shall call the roll of the members and the names of those present and absent shall be entered in the minutes.

**QUORUM** - Fourteen (14) members of the Construction Trades Qualifying Board shall constitute a quorum, with a majority of those present and voting being required to make any decisions. Seven (7) members of a Division or 50% + 1 of appointed members shall constitute a quorum and an affirmative majority vote shall be required to render a decision of guilty in any revocation or suspension action, but only a majority vote of a Division shall be required to make a decision in any other authorized action. Should no quorum attend within 30 minutes after the time scheduled for the meeting of the Board or the Divisions thereof, the Chairman or Vice Chairman, or in their absence, the Secretary,

may adjourn the meeting to a date as determined by the Secretary. The names of the members present and their action at such meeting shall be recorded by the Secretary.

**RULES OF DEBATE** - When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to postpone, or to amend; until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. No matter shall be laid on the table and all matters deferred or postponed shall be to a date certain.

Every member desiring to speak for any purpose shall address the Chairman and, upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

A member, once recognized, shall not be interrupted when speaking unless it is to call him to order. If called to order, he shall cease speaking until the question or order is determined by the Chairman and, if in order, he shall be permitted to proceed.

Any member may appeal to the Board from the decision of the Chairman upon a question of order when, without debate, the Chairman shall submit to the Board the questions, "Shall the decision of the chair be sustained?" and the Board shall decide by a majority vote.

When a vote is taken by roll call, there shall be no discussion by any member voting, and he shall vote yes or no. Any member, upon voting, may file a brief statement to explain his vote. A member of the Board may abstain from voting on any matter. Any member, who has a financial interest, direct or indirect, in any matter pending before the Board, shall make that interest known and shall abstain from participating therein in any manner. Any member who abstains from voting on any subject shall make his reason known such reason to be recorded in the official minutes of the Board.

**VOTING** - The vote upon every motion or resolution shall be either "viva voce" (by the voice) or by a show of hands, at the discretion of the Chairman of the Board; in the event the Chairman is in doubt or if any member of the board so requests, the vote shall be by roll call in progressive alphabetical order, except the Chairman shall be the last member called.

**MINUTES**- A record of all disciplinary hearings relative to certificates of competency or certificates of eligibility shall be taken by a qualified court reporter (and certified by the court reporter), except that the discussions, motions, votes and decisions, after such hearings are conducted, will be taken by a staff recording secretary. The record of all other meetings of the Board and Divisions will be taken by a staff recording secretary, unless the Board or Divisions, prior to a particular meeting, direct that a qualified court reporter be engaged for the particular hearing or meeting. Such minutes, upon signing by the Chairman or Vice Chairman and Secretary, shall constitute the official minutes of the meeting. The minutes of the Board and of the Divisions shall be kept in the office of the Secretary of the Board or in such other locations as the Secretary may designate. The minutes shall include a transcript of the meeting, the decisions made by the Board or

Divisions thereof, and the vote of each member on each motion. If a member is absent, or abstains from voting, the minutes shall so indicate. A copy of the minutes shall be furnished to all Board members of the Divisions thereof prior to the next regular meeting.

**CONDUCT OF DISCIPLINARY HEARINGS** - The divisions of the Board shall conform to the following format in conducting hearings involving possible revocation or suspension of certificates of competency or eligibility.

Formal Hearing Procedure

- (a) Preliminary discussion by Board members
- (b) Parties called in
- (c) Chairman requests parties to identify themselves for the record, including their part in the proceedings
- (d) Chairman or court reporter, to swear in all persons who are going to testify:

"Do you swear to tell the truth, the whole truth  
and nothing but the truth, so help you God."

- (e) Chairman or Secretary to read copy of the notice (Charges, etc.) for the record.  
(give copy to court reporter)
- (f) Chairman or Secretary to read from Chapter 10, Section 10-15(5) and (6) - the rules of conduct which will govern the hearing.
- (g) Chairman requests Petitioner, Secretary of the Board, to present his/her case to substantiate the charges. Witnesses for the Petitioner should be permitted to complete their testimony, but each may be cross-examined after completion of their individual testimony by the Respondent or his attorney.

Board members may ask questions at any point in the testimony.

If documentary evidence is submitted into evidence, the Respondent or his attorney should be permitted to examine, and each document should be identified as "Petitioner's Exhibit No. \_\_\_\_" and numbered in consecutive order as filed.

- (h) Upon completion of Petitioner's presentation, the Board members may further question anyone who testified.
- (i) Chairman requests Respondent or his attorney to present his case. Witnesses for the Respondent, including the Respondent, should be permitted to complete their testimony, but each may be cross-examined by the Petitioner or his attorney after completion of their individual testimony.

Board Members may ask questions at any point in the testimony.

If documentary evidence is submitted into evidence, the Petitioner or his attorney should be permitted to examine, and each document should be identified as "Respondent's Exhibit No. \_\_\_\_" and numbered in consecutive order as filed.

- (j) Upon completion of Respondent's presentation, the Board may further question anyone who testified.

- (k) Chairman requests Petitioner or his attorney for a closing statement, if they desire.
- (l) Chairman asks Respondent or his attorney for a concluding statement, if they desire.
- (m) Chairman closes the hearing, if Board members have no further questions, and notifies the parties that they will be notified of the Board's decision by letter as soon as possible, and in no event later than twenty (20) days after hearing date.

**General Instructions** - Chairman shall attempt to prevent repetitive and irrelevant testimony. He/she shall rule on objections as to evidence at time of objection, or he/she may excuse the participants and discuss with or call for vote of the Board or members on whether objected-to-evidence should be admissible into the record.

APPENDIX 1

**MIAMI-DADE COUNTY** **MINUTES OF DECEMBER 6, 2011**  
**DEPARTMENT OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS**  
**CONSTRUCTION TRADES QUALIFYING BOARD**  
**DIVISION "B"**

The regular meeting of the **CONSTRUCTION TRADES QUALIFYING BOARD – DIVISION "B"** was called to order at 10:29 A.M. on Tuesday, December 6, 2011, on the 2nd Floor Conference Room of the Herbert S. Saffir Permitting and Inspection Center, 11805 SW 26<sup>th</sup> Street (Coral Way), Miami, Florida 33175.

**MEMBERS PRESENT**

Nestor Bustamante, **Chairman**  
Arthur Fernandez  
Charles Goins  
Barry Jordan  
Calvin Samuels  
Kenneth Scott, **Vice Chairman**  
Todd Stiff  
David Yocum

**MEMBERS EXCUSED**

Michael Affronte  
Benny Horowitz  
Lucio Rivero

**STAFF PRESENT**

Benjamin Simon, Assistant County Attorney  
Michael Goolsby, Clerk of the Board  
Shirley Brown, Contractor Licensing Section  
Nelly Nieves, Recording Secretary

**COURT REPORTER**

None in attendance this meeting.

**SUNSET REVIEW REPORT**

The Chairman, Mr. Nestor Bustamante, asked for a motion for the approval of the 2012 Sunset Review Report for the Construction Trades Qualifying Board – Division B. A motion was made by Mr. Art Fernandez to accept the report as written. The motion was seconded by Mr. Calvin Samuels. The motion carried unanimously. **After further review, a motion was made by Mr. Art Fernandez and seconded by Mr. Calvin Samuels to accept the report with two (2) corrections: Page 1 as to the number of meetings the number 23 in words and in the document "Rules and Regulations" location of meetings. The motion carried unanimously.**



**CONSTRUCTION TRADES QUALIFYING BOARD  
DIVISION "B"  
2010 RECAP OF ACTIONS TAKEN**

	Jan '10	Feb '10	Mar '10	Apr '10	May '10	Jun '10	Jul '10	Aug '10	Sep '10	Oct '10	Nov '10	Dec '10	TOTAL
<b>FORMAL HEARINGS</b>					2		1	R	1				4
<b>INFORMAL HEARINGS/PCC</b>				3				E	2	1		1	7
<b>APPEARANCES</b>	5	3	4	8	10	5	8	C	6	8	10	3	70
<b>APPLICATIONS REVIEWED</b>	32	17	36	35	39	39	38	E	60	20	21	26	363
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**CONSTRUCTION TRADES QUALIFYING BOARD  
DIVISION "B"**

**2011 RECAP OF ACTIONS TAKEN**

	Jan '11	Feb '11	Mar '11	Apr '11	May '11	Jun '11	Jul '11	Aug '11	Sep '11	Oct '11	Nov '11	TOTAL
<b>FORMAL HEARINGS</b>			1								1	2
<b>INFORMAL HEARINGS/PCC</b>							1		1			2
<b>APPEARANCES</b>	3	3	8	2	6	5	3	5	2	4	6	47
<b>APPLICATIONS REVIEWED</b>	32	30	32	34	30	33	45		51	22	32	372