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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(F)

(Second Reading 9-17-13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 16, 2013

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

SUBJECT: Ordinance amending Chapter 10 of the Code, amending Section 10-13 establishing mandatory laws and rules training for certificate holders, and creating reinstatement procedures for null and void licenses, amending Section 10-20 regarding the Construction Trades Qualifying Board "A" Division Organization and amending quorum requirements for Board meetings
Ordinance No. 13-86

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Rebeca Sosa and Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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Memorandum

MIAMI-DADE COUNTY

Date: September 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Chapter 10 of the Code, Amending Section 10-13 Establishing Mandatory Laws and Rules Training for Certificate Holders, and Creating Reinstatement Procedures for Null and Void Licenses, Amending Section 10-20 Regarding the Construction Trades Qualifying Board "A" Division Organization and Amending Quorum Requirements for Board Meetings

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The proposed ordinance amends Chapter 10 of the Code; amends Section 10-13 establishing mandatory laws and rules training for certificate holders; creates reinstatement procedures for null and void licenses; amends Section 10-20 regarding the Construction Trades Qualifying Board "A" Division Organization; and amends quorum requirements for board meetings. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis8313

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(F)
9-17-13

ORDINANCE NO. 13-86

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE, AMENDING SECTION 10-13 ESTABLISHING MANDATORY LAWS AND RULES TRAINING FOR CERTIFICATE HOLDERS, AND CREATING REINSTATEMENT PROCEDURES FOR NULL AND VOID LICENSES, AMENDING SECTION 10-20 REGARDING THE CONSTRUCTION TRADES QUALIFYING BOARD "A" DIVISION ORGANIZATION AND AMENDING QUORUM REQUIREMENTS FOR BOARD MEETINGS, 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, Florida, is amended to read as follows:[1]

Chapter 10 CONTRACTORS
ARTICLE 1. IN GENERAL

* * *

Sec. 10-13. Certificates nontransferable; term; renewal; reactivation and status of certificates; conditions of renewal.

* * *

(b) *Renewal, reactivation, reinstatement, and status of certificates.*

[1] 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.

(1) Certificates in active or voluntary inactive status must be renewed prior to their expiration date(s). The Building Code Compliance Office (the Department) shall renew a certificate in active or voluntary inactive status after January 1, 1996 upon receipt of a completed renewal application and payment of fees established by separate administrative order, provided the certificate holder has earned sixteen (16) hours of continuing education credit during the term then expiring. >>Of the required sixteen (16) hours of continuing education credit a minimum of one (1) hour in each of the following areas of study shall be included: Chapter 10 of the Code of Miami-Dade County and Florida Statute 713. The remaining fourteen (14) hours of continuing education may be satisfied through attendance at any Board approved courses.<< The list of approved classes for continuing education credit shall be posted in the Department. The department may establish penalty fees by administrative order for renewal applications submitted after the certificate expiration date(s).

(2) A certificate holder may request that his or her certificate be placed in voluntary inactive status by making application to the department, paying the required fee as established by administrative order, and obtaining prior approval by the Board or a division thereof.

a. A certificate holder may not elect voluntary inactive status if fines and fees imposed by the Board or a division thereof, a hearing officer under Chapter 8CC of this Code, or a civil or criminal court judge relating to his or her work in the trade, remain unpaid or are the subject of an investigation initiated by the Board, a division thereof, or the department.

b. During the period of time in which the certificate is in voluntary inactive status, the certificate holder shall not engage in contracting. Tradesmen shall not act in the

capacity of either a master, journeyman or maintenanceman, as defined under this chapter, while a certificate is in voluntary inactive status.

c. The holder of a certificate in voluntary inactive status shall be required to pay the regular renewal fee for certification to revert to active status.

(3) Failure to renew an active or voluntary inactive certificate at the time of renewal will result in the certificate being classified as involuntary inactive.

a. A certificate which has become involuntary inactive under this subsection, except as provided for late renewals in Subsection (c)(1) above, and which has not become null and void as described in Subsection (3)b. below, may be reactivated by application to the department; payment of an application fee established by administrative order for reactivation; and, by satisfactory proof to the Board or a division thereof that the certificate holder has submitted payment of the current renewal fee; payment of renewal fees as established by administrative order for each renewal period in which the certificate was involuntary inactive; payment of any penalty fees as established by administrative order; and completion of up to eight (8) classroom hours of continuing education for each year the certificate was inactive, as specified by the Board or a division thereof.

b. Failure to reactivate an involuntary inactive certificate after two (2) consecutive renewal periods have lapsed will result in the certificate becoming null and void without further action of the Board.

(4) The holder of a certificate which has become null and void may reapply to the Board or a division

thereof for certification in accordance with this chapter>> or request reinstatement<<.

>>a. The Board shall not reinstate a null and void license except where illness or undue hardship and a good faith effort to comply with the renewal requirements is demonstrated. The Board shall strictly construe and determine applicability for renewal based on documentation provided by the licensee.

b. Where consent to reinstate is granted, completion of eight (8) classroom hours of continuing education for each year the certificate was involuntarily inactive, as specified by the Board or a division thereof and payment of renewal fees as established by administrative order for each renewal period in which the certificate was involuntary inactive shall be imposed. <<

* * *

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-seven (27) members appointed by the Board of County Commissioners.

The membership shall be comprised of [[~~two~~]] >>one<< ([[~~2~~]]>>1<<) architect[[s]], [[~~two~~]] >>one<< ([[~~2~~]]>>1<<) registered engineer[[s]], and the qualifying agents of each of the following types of contractors holding a certificate of competency pursuant to this chapter issued 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, 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 (commercial) categories, one (1) liquefied petroleum installation contractor, one (1) swimming pool contractor, >>two (2) Building Specialty Contractors<< 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. Any member of the Board on the effective date of Ordinance No. 83-105 who does not have a Miami-Dade County certificate of competency shall be permitted to remain on the Board until the expiration of his or her current term.

All members shall reside in and have principal places of business in Miami-Dade County. All members shall have been active in their respective professions or trades in the County for a minimum of ten (10) years but not necessarily a qualifying agent during all of said ten-year period.

The Director of the Department of Regulatory and Economic Resources shall serve as Secretary to the Board but shall have no vote. The Director shall be permitted to designate a staff member to serve in his stead and there shall be a Clerk to the Board appointed by the Secretary, but the Clerk shall have no vote.

Members of the Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties upon approval of the County Commission.

* * *

(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~~]] >>one<< ([[~~2~~]]>>1<<) architect[[~~s~~]], and two (2) roofing contractors, [[~~two~~]] >>one<< ([[~~2~~]]>>1<<) registered engineer[[~~s~~]], one (1) swimming pool contractor >>, two (2) Building Specialty Contractors<< and two (2) members from the general public.

* * *

(D) *Meetings.*

(1) The Board shall hold not less than one (1) regular meeting each year and the divisions shall hold not less than four (4) regular meetings each fiscal year, one (1) in July, one (1) in October, one (1) in January, and one (1) in April. Probable cause panels shall meet as necessary. Disciplinary action panels shall meet as required by the Board upon a majority vote of the members present.

* * *

(4) [[~~Fourteen (14) voter members~~]]>>A majority of the appointed members<< of the Board shall constitute a quorum at any meeting. A majority vote of those present and voting shall be required to make any decision.

* * *

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: September 17, 2013

Approved by County Attorney as to form and legal sufficiency: RAC

Prepared by: MJM for BS

Benjamin Simon

Co-Prime Sponsors: Chairwoman Rebeca Sosa
Vice Chair Lynda Bell