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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Second Reading 03-04-08)

Date: January 22, 2008

Agenda Item No. 7(E)

Ordinance 08-26

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess
County Manager

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

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RECOMMENDATION

It is recommended 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 create equivalency regarding scopes of work for certain Miami-Dade County contractor categories and eliminate the inconsistencies in license scopes that are preventing local license registration with the State of Florida.

BACKGROUND

To comply with State Statute 489, Miami-Dade County licensed contractors are required to register their licenses with the State of Florida Department of Business and Professional Regulation Construction Industry Licensing Board (CILB) in order to obtain building permits. The State recognizes a license as equivalent if it corresponds to one of the categories of licensure contained in Florida Statute 489. While Miami-Dade County has issued General Building, Sub-General Building and Sub-Building contractor licenses since 1957, the scopes of work of these licenses differ substantially from the State's corresponding scopes. Consequently, the State is often unable to register these specific locally issued licenses.

Modification of Chapter 10 of the Code of Miami-Dade County is necessary in order to establish scopes of work for the local licensed contractors that will be substantially consistent with those of State contractors; thereby, making it possible for local licensed contractors to register with the State. The licenses affected are the Miami-Dade County General Building, Sub-General Building and Sub-Building contractor licenses and to a lesser extent, the General Engineering contractor category. The General Engineering contractor category must be modified in order to maintain its equivalency with the General contractor classification.

The modification will first serve to sunset the non-corresponding local licenses and create replacement contractor classifications, which will substantially match the equivalent State license categories. Accordingly, the Chapter 10 amendment will address those individuals qualified and certified in one of the three license categories on or before the effective date of the ordinance. These license holders will be issued the applicable General, Building or Residential Contractor license and other additional certificates authorized by the scope of their local contractor's license. General Engineering contractors will be issued additional certificates authorized by their scope of work, necessary to remain consistent with the General contractor classification.

FISCAL IMPACT

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

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

SUBJECT: Agenda Item No. 7(E)

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 Manager'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(E)
03-04-08

ORDINANCE NO. 08-26

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE; ELIMINATING THE GENERAL BUILDING, SUB-GENERAL BUILDING AND SUB-BUILDING CONTRACTOR CATEGORIES, ADDING GENERAL CONTRACTOR, BUILDING CONTRACTOR AND RESIDENTIAL CONTRACTOR CATEGORIES TO COMPLY WITH STATE STATUTES REGARDING REGISTRATION; AND AMENDING THE GENERAL ENGINEERING CONTRACTOR CLASSIFICATION TO MAINTAIN CONSISTENCY WITH THE GENERAL 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.

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III. BUILDING CONTRACTOR

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

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

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(A) *General building contractor* is a building contractor>> qualified and certified on or before the effective date of this ordinance. Such license holders will be issued a general contractor's license and additional certificates authorized by the scope of the general building contractor license. No further certificates shall be issued for the general building contractor category after the effective date of this ordinance.<< [[~~whose contracting business consists of the execution of contracts involving two (2) or more trades and who has the financial means, and has a qualifying agent with the experience, knowledge and skill gained by not less than ten (10) years' experience either as a superintendent for a general contractor or as a licensed building contractor for such period (or has had an education equivalent thereto), or any combination thereof, to construct and properly supervise, direct and coordinate the construction of buildings and other structures in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable and who has satisfactorily passed a general building contractors' examination. The scope of work of the general contractor shall be unlimited as to height, area and complexity of the construction such contractor undertakes. Such contractor shall sub-contract to a qualified contractor in the field concerned, all other work specified herein as being the exclusive work of a plumbing, electrical, mechanical, or liquefied petroleum gas contractor, including the specialties and categories thereunder. A general building contractor may do, contract for, and take out permits for the work of a general engineering contractor, room air conditioning contractor, installation only, and any specialty building contractor as defined herein. except that of a welding inspector.~~]]

(B) *Sub-general building contractor* is a building contractor>> qualified and certified on or before the effective date of this ordinance. Such license holders will be issued a building contractor's license and additional certificates authorized by the scope of the sub-general building contractor license. No further certificates shall be issued for the sub-general building contractor category after the effective date of this ordinance.<< [[~~whose contracting business consists of the execution of contracts involving two (2) or more trades, and who has the financial means, and has a qualifying agent with the experience, knowledge and skill gained by not less than five (5) years' experience either as a superintendent for a general contractor or a sub-contractor or has been licensed as a sub-building contractor for such period (or has had an education equivalent thereto), or any combination thereof, to construct and properly supervise, direct and coordinate the constructions of not more than three (3) stories in height. This provision shall not prohibit him from engaging in interior alterations and repairs to buildings of greater height, or from acting as a subcontractor under the supervision or responsibility of a general contractor in the construction of a structure of a greater height. Such sub-general building contractor shall sub-contract to a qualified contractor in the field concerned all other work specified herein as being exclusive work of a plumbing, electrical, mechanical, or liquefied petroleum gas contractor, including the specialties and categories thereunder. A sub-general contractor may construct, contract for, and take out permits for sidewalks, curbs and gutters on rights of way or proposed rights of way when such work is incidental and pertinent to the work of a sub-general contractor, and may perform the work of a room air conditioning contractor, installation only, and of any specialty building contractor within the limits of work of a sub-general contractor as defined herein. except that of house moving and welding inspector. Demolition work of such a sub-general building contractor~~

~~shall be limited to the size and scope of buildings or structures which a sub-general building contractor is permitted to erect.~~]]

(C) *Sub- building contractor* is a building contractor>> qualified and certified on or before the effective date of this ordinance. Such license holders will be issued a residential contractor's license and additional certificates authorized by the scope of the sub-building contractor license. No further certificates shall be issued for the sub-building contractor category after the effective date of this ordinance.<< [[~~whose contracting business consists of the execution of contracts involving two (2) or more trades and who has the financial means and has a qualifying agent with the experience, knowledge and skill gained by not less than three (3) years' experience as a superintendent for a general, and/or a sub-general building and/or a sub-building contractor (or has had an education equivalent thereto), or any combination thereof, to construct and properly supervise, direct and coordinate the construction of buildings and other structures in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable and has satisfactorily passed a sub-building contractors examination. The scope of work of the sub-building contractor shall be limited to construction, addition, alteration or repair of non-residential buildings not exceeding fifteen hundred (1500) square feet in area and one (1) story in height, except that such contractor may construct, add to, or repair single family, or two family buildings of any area where such building is of simple design with load bearing walls, and does not exceed two (2) stories in height. Such sub-building contractor shall subcontract to a qualified contractor in the field concerned all other work specified herein as being the exclusive work of a plumbing, electrical, mechanical, or liquefied petroleum gas contractor, including the specialties and categories thereunder. A sub-building contractor may construct, contract for and take out permits for sidewalks, curbs and gutters on rights of way or proposed rights of way when such work is incidental and pertinent to the work of a sub-building contractor, and may perform the work of a room air conditioning contractor, (installation only), and of any specialty building contractor regardless of the height of building, except those specialties which involve structural work, in which case such contractor shall be limited to the same building as is permitted within the scope of work of a sub-building contractor as defined herein. excepting that of house moving and welding inspector. Demolition work of such a contractor shall be limited to the size and scope of buildings or structures which a sub-general building contractor is permitted to erect.~~]]

>> *(D)* *General contractor* is a contractor whose services are unlimited as to the type of work, height, area or complexity of construction, and has a qualifying agent with the experience, knowledge and skill gained by not less than four (4) years' experience for a State of Florida certified or registered general contractor with at least one (1) year as either a superintendent or foreman or four (4) years' experience as a State of Florida certified or registered building contractor or sub-general contractor or has an accredited college-level education in a construction related field equivalent thereto, or any combination thereof, with at least one year of proven experience as a superintendent or foreman and who has satisfactorily passed a general contractors' examination. A general contractor may do, contract for, and take out

permits for the work of any specialty building contractor subject to the limitations contained herein.

(E) *Building contractor* is a contractor whose services are limited to construction of commercial buildings and single dwelling or multiple dwelling residential buildings, which commercial or residential buildings do not exceed three (3) stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building and has a qualifying agent with the experience, knowledge and skill gained by not less than four (4) years' experience for a State of Florida certified or registered general, general building, building or sub-general contractor with at least one (1) year as either a superintendent or foreman or has an accredited college-level education in a construction related field equivalent thereto, or any combination thereof, with at least one year of proven experience as a superintendent or foreman and who has satisfactorily passed a building contractors' examination. A building contractor may construct, contract for, and take out permits for the work of any specialty building contractor subject to the limitations contained herein.

(F) *Residential contractor* is a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith and has a qualifying agent with the experience, knowledge and skill gained by not less than four (4) years' experience for a State of Florida certified or registered general, general building, building, sub-general, residential or sub-building contractor with at least one (1) year as either a superintendent or foreman or has an accredited college-level education in a construction related field equivalent thereto, or any combination thereof, with least one year of proven experience as a superintendent or foreman and who has satisfactorily passed a residential contractors' examination. A residential building contractor may do, contract for, and take out permits for the work of a any specialty contractor subject to the limitations contained herein.

(G) A general, building, or residential contractor shall subcontract all electrical, mechanical, plumbing, liquefied petroleum gas, roofing, sheet metal, swimming pool, and air-conditioning work, including specialties and categories thereunder, unless such contractor holds a state certificate or registration in the respective trade category; however:

(1) A general, building, or residential contractor, except as otherwise provided in this chapter, shall be responsible for any construction or alteration of a structural component of a building or structure, and any general contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project. Any building contractor or residential contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in this state, limited to the lot on which any specific building is located.

(2) A general contractor shall not be required to subcontract structural swimming pool work. All other swimming pool work shall be subcontracted to an appropriately licensed swimming pool contractor.

(3) A general, building, or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his or her own construction.

(4) A general contractor, on new site development work, site redevelopment work, mobile home parks, and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm collection system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings.

(5) A general contractor shall not be required to subcontract the continuation of utility lines from the mains in mobile home parks, and such continuations are to be considered a part of the main sewer collection and main water distribution systems. <<

([[~~D~~]]>>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.

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IV. ENGINEERING CONTRACTOR

The scope of work of an engineering contractor shall be as defined in the various engineering contractor classifications listed herein.

(A) *General engineering contractor* is an engineering contractor whose contracting business consists of the execution of contracts involving two (2) or more trades and who has the financial

means, and who has a qualifying agent with the art, ability, experience, knowledge, science and skill gained by not less than ten (10) years experience either as a superintendent for a general engineering contractor or as a licensed building or engineering contractor for such period (or has had an education equivalent thereto) or any combination thereof, to construct and properly supervise, direct and coordinate work in the engineering trade in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable, and who has satisfactorily passed a general engineering contractor's examination. The scope of work of the general engineering contractor shall be unlimited in the engineering trade field, except that his work in connection with utilities shall be considered to stop at a point five (5) feet from a building not specifically constructed for the purpose of pumping or processing pipeline products. Such contractor shall subcontract to a qualified contractor in the field concerned, all other work specified herein as being the exclusive work of a plumbing, electrical, mechanical or liquefied petroleum gas contractor, including the specialties and categories thereunder[[~~, except that of welding inspector~~]]. A general engineering contractor >>, qualified and certified before the effective date of this ordinance<< may do, contract for, and take out permits for the work of a general building contractor>>. Such license holders will be issued additional certificates authorized by the scope of the general engineering contractor license. After the effective date of this ordinance a general engineering contractor may do, contract for, and take out permits for the work authorized by the scope of the general contactor license.<<

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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: **March 4, 2008**

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Eduardo W. Gonzalez