

MEMORANDUM

Agenda Item No. 7(A)

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

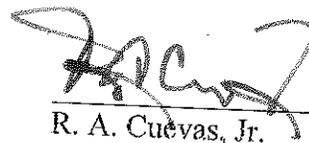
DATE: February 5, 2013

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

SUBJECT: Ordinance amending
Chapter 10 of the Code
waiving contractor license
application fees for Military
Veterans
Ordinance No. 13-08

This item differs from the original item in that the proposed ordinance originally struck portions of the definition for "Journeyman" in Section 10-2(X) of the Code regarding journeyman/worker ratio and removed the definition of "Trainee" in Section 10-2(XI). This substitute reinserts the current Code operative language in Section 10-2(X) defining "Journeyman" and 10-2(XI) defining "Trainee." After discussions with industry stakeholders, the sponsor wishes to leave the current operative language in Sections 10(X) and 10(XI) because such language serves a useful purpose and is consistent with potential upcoming state legislation. Additionally, this substitute corrects a scrivener's error inserting the word "Public" in identifying the Department of Public Works and Waste Management where the word "Public" was inadvertently omitted in the proposed ordinance at first reading.

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell and Co-Sponsors Chairwoman Rebeca Sosa and Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



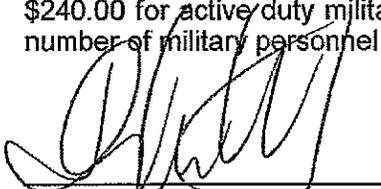
Date: February 5, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Chapter 10 of the Code Waiving Contractor License Application Fees for Military Veterans

The proposed ordinance waives contractor license application fees for military veterans, waives renewal fees and continuing education requirements for active duty members of the U.S. armed forces, deletes obsolete certificate of competency license categories and creates authorized employee certificate of competency. The license application and renewal fee waivers for military personnel will have a fiscal impact to Miami-Dade County. The affected fees for license applications include: personal application fee of \$315.00, a business application fee of \$315.00 and a renewal fee of \$120.00 to \$240.00. The maximum impact per individual is \$630.00 for honorably discharged veterans and \$240.00 for active duty military personnel. The total fiscal impact cannot be determined given that the number of military personnel seeking licensure is not available.



Jack Osterhoit
Deputy Mayor

Fis2913



MEMORANDUM
(Revised)

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

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 7(A)

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

Agenda Item No. 7(A)

Veto _____

2-5-13

Override _____

ORDINANCE NO. 13-08

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE WAIVING CONTRACTOR LICENSE APPLICATION FEES FOR MILITARY VETERANS, WAIVING RENEWAL FEES AND CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES, DELETING OBSOLETE CERTIFICATE OF COMPETENCY LICENSE CATEGORIES, CREATING AUTHORIZED EMPLOYEE CERTIFICATE OF COMPETENCY, CLARIFICATION OF THE CONSTRUCTION TRADES QUALIFYING BOARD'S INTERPRETIVE AND RULE MAKING AUTHORITY, AMENDING REFERENCES TO COUNTY DEPARTMENTS, AMENDING OBSOLETE REFERENCES AND CORRECTING SCRIVENERS ERRORS, 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. That Chapter 10 of the Code of Miami-Dade County, Florida, is amended as follows:¹

Chapter 10 CONTRACTORS

ARTICLE 1. IN GENERAL

* * *

Sec. 10-1. Definitions.

In construing the provisions hereof and each and every word, term, phrase or part hereof where the context will permit, the

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

definitions provided in Section 1.01, Florida Statutes, as presently written and as may hereafter be amended, and the following additional definitions shall apply:

(A) *Administrative agency.* "Administrative agency" shall be the ~~[[d]]>>D<<epartment~~ of ~~[[p]]>>P<<ublic~~ ~~[[w]]>>W<<orks >>and Waste Management<<~~ with responsibility for issuing permits for work in, on, under or over public streets, thoroughfares, waterways and utility easements, and shall be the ~~[[Building Code Compliance Office]] >>~~Department of Regulatory and Economic Resources<< for work on private property or on public property, waterways and utility easements, except where the duty and authority to issue permits is otherwise specifically assigned to another administrative agency by ordinance, resolution or by administrative directive of the County Manager, or in the case of municipalities, by whatever municipal agency may be designated by such municipality.

* * *

(D) *Contractor.* "Contractor" is any person, firm, joint venture or corporation that engages in the business under express or implied contract, in any of the trades, or who undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid to, or does himself, or by or through others, engage in the business of doing a trade>>, or a Miami-Dade County or Municipal Department qualified by the holder of an Authorized Employee Certificate of Competency or other qualifying agent<<. An owner-builder or a person who only furnishes material, supplies or equipment without fabricating them into or consuming them in performance of the work of a contractor, or any person who engages in the activities herein regulated as an employee with wages as his sole compensation shall not be considered as contractor.

* * *

(I) *Firm.* "Firm" shall include a sole proprietorship, partnership, joint venture, association>>, a Miami-Dade County or Municipal Department<< or any other type of business organization or corporation.

(J) Joint venture. "Joint venture" shall mean an association of persons, firms and/or corporations who jointly undertake one (1) or more business transactions for their mutual profit.

>>(K) Principal Stockholder. "Principal Stockholder" shall mean a person who owns 25% or more of a company's outstanding voting shares.<<

~~[(K)]~~>>(L)<<Probable cause panel. "Probable cause panel" shall mean a panel of at least two (2) board members from the same division who are appointed to serve by the chairman of that division.

~~[(L)]~~>>(M)>>Qualifying agent. "Qualifying agent" means any person who has made application, been examined, and approved to qualify a contractor >>, or holders of an Authorized Employee Certificate of Competency who are approved to qualify a Miami-Dade County or Municipal Department<<. He may qualify himself, another individual, a firm, joint venture, or a corporation as a contractor, and in addition to other responsibilities, shall perform all supervision for the contractor.

~~[(M)]~~>>(N)<<Sub-contractor. "Sub-contractor" is any person, firm, joint venture or corporation that contracts with a contractor verbally or in writing, to perform part of or all of the latter's work.

~~[(N)]~~>>(O)<< Trade. "Trade" shall include, but shall not be limited to construction, repair, removal of buildings, plumbing work, electrical work, mechanical work, engineering construction work, and equipment rental including the supply of equipment operators or supervision of equipment operators in the performance of their work.

>>(P) Transporting Assemblies. "Transporting Assemblies" shall mean any permanent or semi-permanent device, manually or power-operated, other than elevators, dumbwaiters or escalators used for transporting material or persons in any horizontal, inclined or vertical direction and such assemblies shall include but shall not be confined to the following:

(1) Amusement devices used to convey persons as a form of amusement.

- (2) Inclined devices, with or without seats, but not considered as escalators.
- (3) Man hoists, stage and orchestra lifts, tiering and piling machines, skip hoists and wharf ramps.
- (4) Belt, bucket, scoop, roller or similarly inclined or vertical freight conveyors.
- (5) Hoists which are used for handling material during construction of buildings and structures. <<

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

* * *

III. BUILDING CONTRACTOR

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

* * *

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

* * *

- (9) A roofing contractor is a contractor qualified and certified to install, repair and replace roof systems, as defined in the ~~[[South]]~~ Florida Building Code, and the waterproofing thereof. Work may include, but shall not be limited to, roof deck insulation, roof coating, painting and covering, including use of sheet metal and installation of other sheet metal products incidental to roofing work, including gutters and downspouts, and other material in connection therewith or any combination thereof and including installation of nonstructural decking and siding. During the repair or replacement process of a roof system, a roofing contractor shall be allowed to repair and/or replace damaged decking and/or damaged wood structural or nonstructural members of the roof framing, provided that such replacement and/or repair conforms to the requirements of the ~~[[South]]~~ Florida Building Code and the repair or replacement of damaged decking and wood structural or nonstructural members of the roof framing constitutes less than fifty (50) percent of the value of the total work performed.

* * *

- (12) A *drywall contractor* is a contractor qualified and certified to install gypsum drywall products to studs, joists and suspended ceiling channels and to fabricate and install ~~[[metal]]~~ accessories and all necessary trim in connection therewith including metal >>and wood<< studs, runners, hangers, channels, drywall metal suspension accessories and prefabricated ceiling materials, provided that any plaster work or trowelled material, application of block or wood partitions shall not be a part of the scope of such work. The experience requirement for the qualifying agent for a drywall contractor shall be one (1) year and six (6) months.

* * *

- ~~[(17) A welding inspector is a person qualified by three (3) years' experience, has passed written~~

~~examination and is certified to inspect welds as provided under the [[South]] Florida Building Code and more specifically under the American Welding Society "Standard Code for Arc and Gas Welding in Building Construction 1950," as amended. Application shall be made to the Construction Trades Qualifying Board, Division "A," for examination for welding inspector on forms as required, the fee for which shall be the same as for examination for contractor's certificate of competency. Misrepresentation of any material fact in application for examination or inspection reports shall be grounds for suspension or revocation of a welding inspector's certificate of competency. The procedure for disciplinary action shall be as hereinafter outlined for contractors, wherever such procedure is applicable.]]~~

[[~~(18)~~]] >>(17)<<*A concrete slab sawing and core drilling contractor* is a contractor qualified and certified to cut and/or core concrete, asphalt or any masonry combination thereof. Where cutting or coring is done on any structural member of any building or structure, it shall be under the direct supervision of the general or prime contractor and professional engineer who is responsible for that building or structure. All cutting or coring is to be approved by and coordinated between the general or prime contractor and the specialty or subcontractor as to the layout of the work to be performed. Such contractor shall have a qualifying agent with experience and skill gained by at least one (1) year's practical work in this field and who has passed a designated examination.

[[~~(19)~~]]>>(18)<<*A fence contractor* is a contractor qualified and certified to fabricate, assemble, erect and install fences of masonry, wire, concrete, wood and other fence materials, in such manner that an acceptable fence can be erected complying with applicable regulations including zoning regulations. Such contractor shall have a qualifying agent with experience and skill gained by at least one (1) year's practical working this field and who has passed a designated examination.

[(20)]>>(19)<<*A metal awning and storm shutter contractor is qualified and certified to fabricate, erect and install awnings or canopies of metal including other materials, incidental thereto, in or on buildings or other structures, and which may be, in whole or part, supported from a building wall erected and provided by others, or may be self-supporting, and including footings or slabs on grade in connection therewith. Such contractor shall have a qualifying agent with experience and skill gained by at least one (1) year's practical work in this field and who has passed a designated examination.*

[(21)]>>(20)<<*A screen enclosure contractor is qualified and certified to fabricate, erect and install on grade only, screen enclosures with metal-supporting members, in whole or in part self-supporting, having walls and roof of screen except that the roof may be of metal or plastic where the area of solid wind resistant material does not exceed forty (40) percent of the area of screen roof. The scope of work shall include footings or slab on grade in connection therewith. Such contractor shall have a qualifying agent with experience and skill gained by at least one (1) year's practical work in this field and who has passed a designated examination.*

[(22)]>>(21)<<*A window frame contractor is qualified and certified to construct forms and formwork for window frames into which concrete is to be placed. Such contractor shall have a qualifying agent with experience and skill gained by at least one (1) year's practical work in this field and who has passed a designated examination.*

[(23)]>>(22)<<*A utility building contractor is a contractor qualified and certified to erect and install prefabricated buildings made of metal, wood or other approved material on an approved foundation or base. The forming, mixing, constructing and/or placing of the concrete slab, base, anchor or foundation is a part of the scope of work of such contractor. Such contractor shall have a qualifying agent with experience and skill gained by at least three (3) years of practical work in this field and who has passed a designated examination.*

- (I) *Building maintenanceman* is a person qualified and certified by examination to maintain buildings and structures owned or occupied by the person, firm or corporation by which the building maintenanceman is regularly employed. The work of a building maintenanceman shall be confined to the erection, repair or relocation of nonbearing interior partitions, painting, the patching of stucco and plaster, the repair of floors of all types, the repair of cabinets and counters of wood, metal or plastic, the repair of awnings and canopies, the repair of wall and floor tile. A building maintenanceman may make only repairs to bearing walls, both interior and exterior, and roofing work shall be limited to stoppage of leaks. A building maintenanceman shall not make addition to or change the outline of any building or structure, and the work of a building maintenanceman shall not include plumbing, electrical, mechanical or liquefied petroleum gas work of any kind. A certified sub-building, sub-general or general qualifying agent shall automatically qualify as a building maintenanceman.

* * *

IV. ENGINEERING CONTRACTOR

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

* * *

V. PLUMBING CONTRACTOR

The scope of work of a plumbing contractor is as defined in the various contractor classifications listed herein.

- (A) A plumbing contractor is a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge and skill to install, maintain, repair, alter or extend plumbing, septic tanks, drainage and supply wells, swimming pool and piping or solar heating systems and all appurtenances, apparatus or equipment used in connection therewith, including boilers and pressure and process piping and including the installation of water, gas, storm and sanitary sewer lines,

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and for the mechanical installation of gas, water and sewage plants and substations. The scope of work of the plumbing contractors shall also include the installation, maintenance, repair, alteration or extension of airpiping, vacuum line piping, oxygen line piping, nitrous oxide piping, fire line standpipes and fire sprinklers, ink and chemical lines, gasoline piping and tank and pump installation (excepting bulk storage plants) and pneumatic control piping systems, all in such a manner as to comply with all plants, specifications, codes, laws and regulations applicable. Such contractor shall have as qualifying agent a master plumber. The scope of work of the plumbing contractor shall apply to private and public property, shall include any excavation work incidental thereto and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work, but which is specified herein as being the work of a trade other than that of a plumbing contractor. The scope of work of such a contractor does not include the installation of chilled water lines or related work incidental thereto.

- (B) A specialty plumbing contractor is a contractor who specializes in one (1) or more of the following crafts and whose scope of work is so limited under the certificate of competency held. The specialty plumbing contractor's principal contracting business is the execution of contracts requiring the experience, financial means, knowledge and skill to engage in the business of the particular plumbing specialty concerned in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable and the qualifying for the specialty concerned. Such contractor shall sub-contract with a qualified contractor in the field concerned all other work incidental to the work, but which is specified herein as being the work of a grade other than that of the plumbing specialty for which such specialty plumbing contractor is certified. The following are the various crafts of specialty plumbing contractors.

* * *

VI. ELECTRICAL CONTRACTOR

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

* * *

VII. MECHANICAL CONTRACTOR

The scope of work of a mechanical contractor is as defined in the various contractor classification listed hereinafter.

* * *

~~[(5) A room air conditioning contractor Installation only is a specialty mechanical contractor qualified and certified to install any air conditioning unit consisting of and limited to a package unit, completely self-contained, air cooled, usually called a room unit and not to exceed three (3) tons and attached to electric power only by the methods of a plug-in receptacle, to be factory wired, and unit to be supported only by window or wall supports, and not have any duct work attached or any other method made of air distribution other than the unit's factory installed grill; provided that installation of any condensate drain or drains to the outside of the unit is not included within this scope of work, and further provided that a room air conditioning contractor installation only shall not service, repair or maintain any room air conditioning unit. The work in this classification may also be done by the general, sub-general, sub-building or electrical contractor and this exception shall be considered to be included in the scope of work as set forth in these respective classifications, but nothing herein shall be construed to waive the requirement for securing a permit before such work is started and the doing of the work in accordance with the South Florida Building Code.]~~

~~[(6)]~~>>(5)<<A refrigeration contractor (limited) is a mechanical contractor, qualified and certified to install, maintain, repair or alter any system of refrigeration not exceeding five (5) horsepower, self-contained or with remote compressor, where such refrigeration system is for the purpose of food preservation and/or processing, other than human-comfort refrigeration systems. The scope of work of a refrigeration contractor (limited) shall be limited to

refrigeration systems using Group I refrigerants only.

[(7)]>>(6)<<A *refrigeration contractor (unlimited)* is a mechanical contractor qualified and certified to install, maintain, repair or alter any system of refrigeration unlimited to tons or horsepower, provided, however, that such refrigeration is intended to be used for the purpose of food and product preservation and/or processing and is not to be used for comfort systems; and further provided that this scope of work does not include ammonia refrigeration systems.

[(8)]>>(7)<<A *heating contractor* is a specialty mechanical contractor, qualified and certified to install, maintain, repair, alter, add to or change systems of heating, whether by water, steam or hot air furnaces and all appurtenances and duct work used in conjunction therewith.

[(9)]>>(8)<<A *warm air heating contractor* is a specialty mechanical contractor qualified and certified to install, maintain, repair or alter a system of warm air furnace heating and all appliances and appurtenances in connection therewith, including duct work, vents and flue connections.

[(10)]>>(9)<<A *steam generating boiler and boiler piping contractor* is a specialty mechanical contractor qualified to install, maintain, repair and service steam boilers and boiler piping, including the boiler auxiliary equipment, controls and steam actuated machinery such as, but not limited to, engines, pumps, prime movers, pressing machinery, and dryer rolls, but excluding comfort heating systems.

[(11)]>>(10)<<An *ammonia refrigeration contractor* is a specialty mechanical contractor, qualified and certified to install, maintain, repair, alter or extend any system of refrigeration using ammonia as a refrigerant including all appliances and appurtenances thereto.

[(12)]>>(11)<<A *sheet metal contractor* is a specialty mechanical contractor qualified and certified to manufacture,

assemble, cast, cut, shape, stamp, forge, fabricate, weld, repair, recondition, adjust and install sheet and rolled metal of any kind or combination and all other materials used in lieu thereof, and including all air-veyor systems and air handling systems regardless of materials used including all equipment and all reinforcements in connection therewith.

[(13)]>>(12)<<*A pressure and process piping contractor* is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend any systems of piping, tubing, vessels, containers, pumps, apparatus, and appurtenances, in connection with such pressure piping used for circulation, transporting, holding or processing of any gas, vapor, fluid, liquid, semi-liquid or any combination thereof; provided, however, that boilers, boiler piping, as defined by the >>International<< Boiler and Pressure Vessel Code[(1965)]of the >>current edition of the<<American Society of Mechanical Engineers, piping used to convey potable water, sanitary sewage, liquefied petroleum, manufactured or natural gas or refrigeration, air conditioning, and comfort heating piping shall not be a part of the scope of such work.

[(14)]>>(13)<<*A pneumatic control piping contractor* is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend any system used for the purpose of controlling various instruments, valves, damper motors, controllers, and similar paraphernalia through pneumatic lines of size and strength required for the duty performed.

[(15)]>>(14)<<*A gasoline tank and pump contractor* is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend any system used for storing and dispensing of gasoline, kerosene, diesel oils and similar liquid hydrocarbon fuels or mixtures to be used solely in connection with gasoline filling stations dispensing fuel to mobile vehicles or marine equipment; provided, however, bulk plants shall not be a part of the scope of such work.

[[~~(16)~~]]>>(15)<<*A gas control installation contractor is a specialty mechanical contractor qualified and certified to install, maintain, repair or extend gas metering, odorizing and gas pressure reduction stations.*

[[~~(17)~~]] ~~*A fire sprinkler contractor is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend all aboveground and underground piping for fire sprinkler systems, and standpipes installed in conjunction with fire sprinkler systems, including the connection to the water service outlet provided solely for fire sprinkler systems. The permit for and inspections of the connection only shall be under the jurisdiction of the plumbing division of the building department. Installation of a fire sprinkler in laundry and waste chutes, or garbage rooms, shall not constitute a system which would permit the installation of standpipes in conjunction therewith.*~~]]

[[~~(18)~~]]>>(16)<<*An insulation contractor is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend any insulation primarily installed to prevent loss or gain of heat from internal or external sources in pipes, vessels, ducts or in built-up refrigerated boxes or rooms, and such installations to include any protective coating thereof involved with insulation.*

[[~~(19)~~]]>>(17)<<*A mechanical service and maintenance contractor is a specialty mechanical contractor qualified and certified on or before May 14, 1976, to repair and maintain, without alteration or addition, any system of air conditioning, heating, ventilating, boiler and unfired pressure vessels and apparatus and equipment in connection therewith. Such a contractor shall have as a qualifying agent one (1) who is qualified as a mechanical service and maintenance master in the field or fields of work enumerated herein and can only hold a certificate of competency as such a contractor in such field or fields for which such qualifying agent is approved. Only those contractors holding current, valid certificates of competency as mechanical service and maintenance contractors on or before May 14,*

1976, shall be entitled to such certificates. No further mechanical service and maintenance contractor's certificates shall be issued, and mechanical service and maintenance work shall be done, other than as indicated above, by contractors certified and qualified as general mechanical contractors or by specialty mechanical contractors in the field or fields concerned.

~~[(20)]~~>>(18)<<*An elevator installation contractor* is a specialty mechanical contractor qualified and certified to install, maintain, repair, alter or extend any elevator, dumbwaiter or escalator; provided, however, transporting assemblies, as defined >> herein<< ~~[[by the South Florida Building Code]]~~, shall not be a part of the scope of such work.

~~[(21)]~~>>(19)<<*An elevator maintenance and service contractor* is a specialty mechanical contractor qualified and certified to maintain and service any elevator, dumbwaiter or escalator; provided, however, transporting assemblies, as defined >> herein<< ~~[[by the South Florida Building Code]]~~, shall not be a part of the scope of such work.

~~[(22)]~~>>(20)<<*A transporting assembly installation contractor* is a specialty mechanical contractor qualified and certified to install, maintain, alter and extend any >> Transporting Assemblies<< ~~[[transporting assembly]]~~, as defined >> herein<< ~~[[by the South Florida Building Code]]~~.

~~[(23)]~~>>(21)<<*A transporting assembly maintenance and service contractor* is a specialty mechanical contractor qualified to maintain and service >> Transporting Assemblies<< ~~[[transporting assemblies]]~~ as defined >> herein<< ~~[[by the South Florida Building Code]]~~.

* * *

IX. MASTER

* * *

X. JOURNEYMAN

The term *journeyman* shall mean any person who possesses the required skill, knowledge and experience, as evidenced by three (3) years' proven experience in the trade or craft, or education equivalent thereto, or a combination thereof, but not more than one-half (1/2) of such experience may be education equivalent, and who has passed an examination in his or her particular trade or craft and possesses a valid certificate of competency as a journeyman in such trade or craft. There shall be at least one (1) journeyman for every three (3) trainees on each construction or installation job site for which a permit is required, and which involves a trade in which journeymen are required and certified. It shall be the responsibility of the employing contractor, and the qualifying agent, to provide journeymen on each job site in accordance with this section, and failure to do so shall be a violation of this chapter, subject to the penalties provided herein, and provided under Section 1-5 of this Code. In addition, any work in the trade concerned on any such job site wherein journeymen are not provided in accordance with this section shall be stopped by the enforcing agency or administrative agency concerned until journeymen are so provided. Further, any person working at a trade which requires journeymen on the job site where no journeyman or master in the trade concerned is present shall be in violation of this chapter and subject to the penalties provided herein, and provided under Section 1-5 of this Code. A journeyman may only work in the employ of a contractor holding a certificate of competency in the field in which the journeyman is certified. Journeymen shall be required in the electrical, plumbing and mechanical trades.

Journeymen are required to earn continuing education credit during each term the personal certificate of competency is valid as established in this chapter and as required by the board through written rules or regulations commencing October 1, 1995.

XI. TRAINEE

The term *trainee* shall mean any person working on the job in the capacity of a learner, apprentice, helper, or improver who does not possess the skill, knowledge, experience or ability of a journeyman and does not possess a certificate of competency, but he can work at the grade on a job for which a permit is required

only when a journeyman or a master is present at the particular job site concerned.²

~~[[XII]]~~ >>XI<<. MAINTENANCE PERSONNEL

* * *

(b) On certification that an individual has been regularly employed for a period of five (5) years prior to July 1, 1970, and submission of evidence of that five (5) years or more of experience and work as a building maintenanceman, maintenance plumber, maintenance electrician or mechanical maintenanceman by the employer or employers of the individual so employed and upon certification that he is employed by the holder of a premise permit, he shall, upon payment of the fee for the particular certificate or certificates of competency concerned, be issued the necessary maintenanceman certificate in the applicable trade or grades; provided application and certification shall be submitted prior to sixty (60) days from the effective date of this subsection; thereafter, maintenanceman certificates shall be issued only upon >>providing evidence of one (1) year of proven experience and<< passing ~~[[ef]]~~ >>a<< written examination.

* * *

>>XII. AUTHORIZED EMPLOYEE CERTIFICATE OF COMPETENCY

Means the certificate issued by the Construction Trades Qualifying Board to any person who holds a current certificate of competency issued by the Construction Trades Qualifying Board or a State of Florida Certified Contractor and who does not hold himself or herself out for hire and who is an employee of a Miami-Dade County Department or Municipal Department while acting in accordance with the terms of their employment and as qualifying agent.

² This language is the current operative language in Chapter 10 of the Miami-Dade County. As originally proposed in this ordinance, portions of the definition of "Journeyman" in Section 10-2(X) and the entire definition of "Trainee" in Section 10-2(XI) were to be stricken from Chapter 10. This substitute reinserts the current operative language in Section 10-2(X) and 10-2(XI) as it currently appears in Chapter 10 of the Code.

The scope of work for the Authorized Employee Certificate of Competency shall be determined by the Construction Trades Qualifying Board or State of Florida Contractor license category(s) held. All valid categories shall be reflected on the Authorized Employee Certificate of Competency. No additional examination shall be required.

Exception: Journeymen and Maintenance men are ineligible.<<

Sec. 10-3. Certificate of competency required to do business.

* * *

- (c) The only construction-related activities that persons holding certificates of competency or eligibility as contractors as a result of action by an agency other than the Board or the State of Florida as specified above may perform as contractors is disaster repair work in Miami-Dade County. Those persons are required to register with the Board in order to contract to perform disaster repair work in Miami-Dade County. Disaster repair work is non-structural work required to repair structures and systems destroyed by natural causes, provided the area is declared a National Disaster Area and the repair costs do not exceed more than fifty (50) percent of the value of the structure or system which was damaged. Applicants for such registration shall pass an examination of the ~~[[South]]~~ Florida Building Code. Other than payment of the processing fee provided herein and meeting the competency standards administratively imposed by the Director of the ~~[[Building Code Compliance Office]]~~ >>Department of Regulatory and Economic Resources<<, including the designation of a resident agent for service of process and proof of Florida Workers Compensation insurance there shall be no additional prerequisites for an applicant taking such examination. An applicant shall only be entitled to sit for one (1) examination. Failure to pass such examination shall result in denial of the registration. The registration shall be valid for six (6) months from the date the area is declared a National Disaster Area. The ~~[[Building Code Compliance Office]]~~ >>Department of Regulatory and Economic Resources<< shall collect a fee as established by separate administrative order to cover the cost of processing the application for registration as well as

documentation from the agency from which the person received certification.

- (d) Notwithstanding the provisions of Section 10-3(c) above, a voluntary relief builder shall be entitled to perform construction, repair and reconstruction work, including structural and all other trades identified in this chapter, subject to the terms and conditions of this section. For purposes of this section, a voluntary relief builder is any person that represents or is a member, employee or agent of a non-profit corporation, fund or foundation that is organized and existing exclusively for religious, charitable or educational purposes; and who will render services free of any remuneration or consideration, other than reimbursement for actual expenses for materials incurred by the builder in conjunction with the work to be accomplished under the terms of this section; and who otherwise complies with the proficiency, registration and documentation requirements set forth in this section.

Voluntary relief builders shall be required to register with the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources<<, and/or a designated non-profit corporation that is determined by the Board as qualified to make and certify compliance herewith. The voluntary relief builder shall demonstrate to the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources <<, or its above-noted designee, that he/she is registered, licensed or certified to conduct construction, reconstruction or repairs, including such trades as are regulated under the provisions of this chapter, under the provisions of any other state, county, or municipal construction trades licensing program or legislative system. The ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources<<, or through its designee, may require such reasonable documentation as may be required to determine the current licensing status of the voluntary relief builder, either prior to or during the course of any permit application sought by the voluntary relief builder and permitted under the terms of this ordinance. A voluntary relief builder who has worked in a jurisdiction which does not require a license to engage in the construction trades may register with the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << upon presenting such reasonable documentation as required

by the Director to demonstrate at least one (1) year of experience in the building trades or pass the oral examination that is given to owner-builder permit applicants.

* * *

Sec. 10-5. Qualifications for obtaining permits.

(a) Applications for permits will be accepted only from contractors holding a current certificate of competency and license in their respective fields and against whom no revocation or suspension is pending; or 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 work as a contractor remain unpaid, except as follows:

(1) The owner or lessee or tenant of a property may make application for permit and supervise and do the work in connection with the erection of a new one-story building, other than a single-family or duplex residence, not exceeding five hundred (500) square feet in area, or a first-story addition not exceeding five hundred (500) square feet in area, or make maintenance repairs and nonstructural alterations to any building owned, leased or occupied by the applicant, provided the cost of repairs does not exceed five thousand dollars (\$5,000.00). He shall obtain all required permits for such work, and as a prerequisite to obtaining permits, he shall satisfy the Building Official that he has the ability and knowledge of the ~~[[South]]~~ Florida Building Code to do such work in the trades involved.

(2) A sole owner may make application for permit, supervise and do the work in connection with the construction, maintenance, repair, alteration and addition to a single-family or duplex residence for his own use and occupancy and not intended for sale. He shall obtain all required permits for such work, and as a prerequisite to obtaining permits, he shall satisfy the Building Official that he has the ability and knowledge of the ~~[[South]]~~ Florida

Building Code to do such work in the trades involved.

A sole owner, may in addition, personally install, repair, alter, or add to the plumbing, electrical, mechanical and gas systems in his own single-family or duplex residence for his own use and occupancy and not intended for sale. He shall obtain all required permits for such work, and as a prerequisite to the obtaining of permits, he shall satisfy the Building Official that he has the ability and knowledge of the ~~[[South]]~~ Florida Building Code to do such work in that trade. Such installation shall be made by the owner for himself and on his own premises, without compensation from others, and he shall not employ anyone to assist with such installations.

* * *

- (4) The Building Officials, as defined in the ~~[[South]]~~ Florida Building Code, may require proof that the applicant is the owner of the property upon or in which construction or installation is to take place, and nothing herein is to be construed to invalidate the requirement for applying for and obtaining permits, paying fees, calling for required inspections, and complying with all plans, specifications, codes, laws and regulations applicable.

* * *

- (7) A sole owner may make application for permit in connection with the maintenance or repair to a single family or duplex residence for his own use and occupancy and not intended for sale at the time of application for said permit without satisfying the Building Official that he has the ability and knowledge of the ~~[[South]]~~ Florida Building Code to do such work in the trades involved provided:

* * *

- (b) The work to be performed is supervised by a contractor having a current valid certificate of competency from either

the State of Florida or the Miami-Dade >>County<< Construction Trades Qualifying Board in the trade concerned and against whom no disciplinary action is pending. As a condition of obtaining a building permit, an affidavit, reasonably satisfactory to the Building Official, shall be submitted to the Building Official with the permit application, and executed by the non-profit corporation, fund or foundation, the supervising contractor and the owner of the structure to be repaired which identifies the structure and location of the property and which states that the services are being performed without remuneration or consideration.

The Building Official may limit the number of permits issued to property owners under paragraph 7 to insure that the work being performed through any non-profit corporation, fund or foundation is completed on a timely basis. In addition, a Building Official may deny a permit to any owner due to a sponsoring non-profit corporation, fund or foundation having failed in the past to provide continuous supervision by a contractor, correct violations of the [[South]] Florida Building Code or obtain mandatory inspections.

Sec. 10-6. Contractor's certificate, manner of obtaining.

A contractor's certificate of competency shall be obtained in the following manner:

- (A) *Application.* All applicants shall make application on a form or forms prescribed by the Board. The application shall be retained by the County together with all supporting papers. The application shall be executed by the qualifying agent who shall be an officer of the corporation or if a firm, shall be legally qualified to act for the firm. >>If the firm is a Miami-Dade County or Municipal Department the qualifying agent is not required to be an officer of the firm. << By exception, the qualifying agent for a publicly traded company or a firm employing over 1,000 persons in the United States may be a person with final approval authority for all construction work performed by the entity including authority over contracts, specifications, checks, drafts, or payments regardless of the form of payment made by the entity. As part of the application, such qualifying agent shall complete an affidavit approved by the board attesting to the extent of his or her authority

>>(1) The Board shall waive the initial application fee for a military veteran who applies for a license in the format prescribed by the Board, within 24 months after discharge from any branch of the United States Armed Forces. To qualify for this waiver, the veteran must have been honorably discharged and provide appropriate service documentation.<<

(B) *Information on and with application; fee.* 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, and business address of applicant.
- (4) Information concerning work the applicant has performed in Miami-Dade County in the trade or classification for which he is seeking certification. Work performed by the applicant as an employee of Miami-Dade County [~~which is performed for a private contractor~~] would qualify as the experience required under the applicable provision of Section 10-2 above, shall be the experience required by Section 10-2.
- (5) If applicant is a firm, or corporation, in addition to the application to be completed by the qualifying agent, the name and business address of the firm and the name and residence of all directors and officers of the corporation and their interests therein, and the name and residence of the applicant's qualifying agent. If the applicant is a corporation, a certified copy of the certificate of incorporation shall be furnished. >>If the applicant seeks to act as qualifying agent for a Miami-Dade County or Municipal Department, the name, address and telephone number of the Department Director shall be provided.<<

* * *

(E) *Affirmative conditions necessary for issuance of certificate.*
A certificate competency shall not be issued unless it is determined:

* * *

(5) That the qualifying agent has a significant interest or financial interest in the contracting entity he is qualifying as evidenced by his position as an officer or partner or principal stockholder in the company.
>>Authorized Employee Certificate of Competency holders shall not be required to maintain or possess significant interest or financial interest when acting as qualifying agent for a Miami-Dade County Department or Municipal Department.<<

* * *

Sec. 10-7. Masters, ~~[[installers, welding inspectors,]]~~ journeymen and maintenance personnel certificates.

A certificate of competency for >>masters<< ~~[[meters, installers, welding inspectors]]~~, journeymen and maintenance personnel shall be obtained in the following manner:

* * *

(b) Fee. A fee established by separate administrative order shall be paid for the examination for journeymen and maintenance personnel, and for masters ~~[[, installers and welding inspectors]]~~.

* * *

Sec. 10-8. Examination—Conduct of and general standards.

Examinations shall be prepared, conducted and graded by the Director of the ~~[[Building Code Compliance Office]]~~ >>Department of Regulatory and Economic Resources<< or ~~[[his]]~~ designee in the building, plumbing, electrical, mechanical and liquefied petroleum gas categories, and by the Director of Public Works >>and Waste Management<< in the engineering category. There shall be at least two (2) examinations given each year in all categories requiring the same. Each director may designate staff

members to assist in these examination duties as he may deem necessary. In addition, the directors may employ consultants to advise and assist in the preparation and grading of examinations, and, upon approval of the County Commission, may contract for the preparation and grading of examinations with recognized and approved agencies qualified in the preparation and grading of such examinations, all within budgetary limitations. Upon completion of the grading, the directors shall certify to the Board the names of the applicants passing the examination. The directors shall submit quarterly reports to the Board of County Commissioners, such reports to list the number of applicants passing and failing the examinations given during the quarter concerned.

* * *

The general standards of examination for certificates of competency shall be as follows:

* * *

- (c) The examination shall be made with reference to knowledge of such portions of the ~~[[South]]~~ Florida Building Code or other rules, laws or principles as may be relevant to the trade or specialty involved.

* * *

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

* * *

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

- (1) Certificates in active or voluntary inactive status must be renewed prior to their expiration date(s). The ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources<< (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. 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).

* * *

(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 (e)(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.

* * *

>>(c) Voluntary Inactive Status of Armed Forces Members

Any member of the Armed Forces of the United States on active duty who requests voluntary inactive status and

provides documentation to the Board and, at the time of becoming such a member, was entitled to practice or engage in his or her trade in Miami-Dade County and whose license was in good standing with the Board and is no longer acting as a contractor for profit, shall be kept in good standing by the Board without renewing or paying the regular renewal fee and shall not be required to complete continuing education requirements as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of six (6) months after discharge from active duty. <<

* * *

Sec. 10-15. Procedure for imposition of discipline; review of adverse decision; payment of fines; recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

* * *

(b) The probable cause panel shall decide whether the report or complaint establishes that probable cause exists to support a finding that a violation of this chapter or the rules promulgated thereunder has been committed and if so, shall take one (1) or more of the following actions:

- (1) Instruct the Secretary of the Board or his designee to send a letter of guidance by registered or certified mail to the contractor or employee, partner, director, officer and/or qualifying agent at their last known address.
- (2) Instruct the Secretary or his designee to send a letter to the certificate of competency holder or holders and the qualifying agent or agents or to the certificate of eligibility holder or holders, setting out the name of the complainant; the alleged offense and the approximate time of the commission; the Section(s) of this chapter alleged to be violated; notifying them to appear before either division of the Board or disciplinary action panel of the Board at a time and place fixed, not sooner than twenty (20) days from the date of service of the letter; to show cause why their certificate should not be suspended or revoked, a letter of reprimand issued,

or why a fine and costs should not be imposed; advising that they may be represented by an attorney, that they should bring all original documents and other data that may be pertinent to the case and that they will be given an opportunity to present such witnesses and evidence they deem appropriate. Service ~~[[in Miami-Dade County]]~~ shall be made ~~[[by delivering the letter to the certificate of competency holder or holders and the qualifying agent or agents or their representatives at their last known address as shown by the Board's records, or by leaving the letter at the certificate of competency holder's and the qualifying agent's usual place of abode with any person residing therein who is fifteen (15) years of age or older and informing that person of its contents. If such service cannot be made or the certificate of competency holder, qualifying agent or their representatives reside or are located outside of Miami-Dade County, the letter may be sent]]~~ by certified mail, return receipt requested, ~~>>and regular mail<<~~ to the last known business address as shown by the Board's records or by posting of the letter on these same premises.

* * *

(g) A decision shall be made at the close of the hearing. The division or disciplinary action panel shall make a finding of guilty or not guilty as to each charge. The division or disciplinary action panel shall impose one (1) or more of the following penalties on each charge for which a finding of guilty is made:

* * *

(4) Imposition of an administrative fine up to, but not to exceed five thousand dollars (\$5,000.00) on each of the charges upon which a certificate holder has been found guilty by the division ~~>>or<<~~ disciplinary action panel. Th~~[[is]]>>e<<~~ penalty of suspension, revocation and reprimand authorized in Sections 10-15(g) (1), (2) and (3) above.

a. Fines assessed by a division or disciplinary action panel pursuant to this chapter and any

administrative costs are due and payable to the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << on the last day of the period allowed for the filing of an appeal from the division's or disciplinary action panel's decision, unless a specific time for payment is stated in the order, or, if proper appeal has been made, when the appeal has been finally decided adversely to the named violator.

* * *

c. The Miami-Dade County ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << or Public Works >> and Waste Management << Department may institute proceedings in a court of competent jurisdiction to compel payment of fines or administrative costs imposed by the division or disciplinary action panel.

* * *

(5) Restitution to complaining parties. In cases where restitution is ordered, the restitution shall be paid on or before the last day of the period allowed for the filing of an appeal from the division's or disciplinary action panel's decision unless a specific time for payment is stated in the order, or if proper appeal has been made, when the appeal has been finally decided adversely to the named violator.

(6) Notwithstanding any other provision of this chapter, a violation of Section ~~[[304]]~~ >> 105 << of the ~~[[South]]~~ Florida Building Code shall result in an administrative fine of five hundred dollars (\$500.00).

* * *

Sec. 10-15.1. Settlement agreements.

At any time prior to the close of the hearing provided for in Section 10-15, the Director of the Miami-Dade County ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << and the Director of Miami-Dade County

Public Works >>and Waste Management<< Department or their designees may negotiate a settlement agreement with any person charged with a violation under this chapter. Such settlement shall be presented to the division, and if approved by a majority of the division members shall be in lieu of any other discipline on the pending charges.

Sec. 10-15.2. Administrative suspension.

(a) The Director of the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << shall suspend the certificate of competency or the certificate of eligibility of any person or firm who has accumulated points as provided in the following schedule:

* * *

(b) Points shall be assessed as follows:

* * *

~~[[(6) Conviction of violation of Section 105.2, South Florida Building Code Four (4) points.]]~~

~~[[(7) Conviction of violation of Section 105.3, South Florida Building Code Six (6) points.]]~~

[[(8)]] >>(6)<<Conviction of violation of Section ~~[[305.5]]~~>>8-14<<, ~~[[South Florida Building]]~~ Code >>of Miami-Dade County<< —Six (6) points.

[[(9)]] >>(7)<<Conviction of violation of Section ~~[[3324]]~~ >>8-16<<, ~~[[South Florida Building]]~~ Code >>of Miami-Dade County<< —Six (6) points.

[[(10)]] >>(8)<<Conviction of Section ~~[[305.2]]~~ >>109.6<<, ~~[[South]]~~ Florida Building Code—Six (6) points.

[[(11)]] >>(9)<<Suspension or revocation of certificate by Florida Construction Industry Licensing Board or Florida Electrical Contractors' Licensing Board—Ten (10) points.

* * *

- (d) The Director of the Miami-Dade County [~~Building Code Compliance Office~~] >> Department of Regulatory and Economic Resources << shall notify the holder of each certificate administratively suspended pursuant to this Section 10-15.2.

* * *

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 (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 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, 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 ~~[[Building Code Compliance Office]]~~ >>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.

* * *

(C) *Organization of Board.*

* * *

(2) The Board shall be divided into Division A and Division B, as follows, for the purposes hereinafter provided:

* * *

(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]]~~ >>Department of Regulatory and Economic Resources<< 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) *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.

* * *

- (3) All minutes of Board meetings shall be public records, except those portions which are of a confidential nature, such as, but not limited to, credit reports, financial statements, and communications received by the Board in respect to the applicant's qualifications. Examination questions and answers shall not constitute public records and are declared to be of a confidential nature, but any applicant may upon written request be permitted to examine his examination answers in the presence of the Board's Secretary, but shall not be entitled to remove or copy the same, except upon written consent of the Secretary. All minutes and records shall be kept in the office of the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources <<, or in such other location as the Director of that Department may designate.

* * *

- (E) *Additional employees in enforcement.* For the purpose of administering this chapter, the Board may call upon the ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources << and Public Works >> and Waste Management << Department to furnish such employees as may be necessary to assist the Board in performing its duties. It shall be the duty of such employees to enforce the provisions of this chapter.

- (F) *Promulgating rules; examining witnesses.* The Board may make such rules and regulations consistent with the general policies of this chapter as it may deem necessary to carry out the provisions of this chapter, such rules and regulations >> altering provisions contained in this chapter shall << ~~[[to]]~~ be subject to the approval of the Board of County Commissioners, and may administer oaths and subpoena witnesses in the manner provided for in the County Court. Any person, firm or corporation that fails to appear in answer to a subpoena issued by the Construction

Trades Qualifying Board, one (1) of the divisions thereof or a disciplinary action panel and issued over the signature of the Secretary of the Board and the Clerk of the Board, or their designee(s), shall be guilty of a violation of this section, punishable by a fine of up to five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or both.

(G) *Authority concerning applicants, etc.* The Construction Trades Qualifying Board, in addition to the other authority granted to it by this chapter, shall determine if an applicant for any type of certificate meets the qualifications provided by this chapter for the particular type of certificate applied for, save and except it shall not have authority to prepare, give or grade examinations. In addition, the Board shall be empowered to decide questions of definition and interpretation of the scope of work of the various contractors, masters and journeymen, and other tradesmen covered by this chapter, and the Board shall, from time to time, make recommendations to the Board of County Commissioners for amendment or modification of this chapter as may be deemed necessary. The Board shall, at the request of the Director of ~~[[Building Code Compliance Office]]~~ >> Department of Regulatory and Economic Resources <<, or the Director of the Public Works >> and Waste Management << Department, act in an advisory capacity in the formulation and updating of examinations.

(H) *Powers, duties, quorum and vote of the divisions and disciplinary action panels.* >> The Board may interpret the provisions of this chapter to cover a special case if it appears that the provisions do not definitely cover the point raised, or that the intent of the provision is not clear, or that ambiguity exists in the wording; but it shall have no authority to grant variances where this chapter is clear and specific. <<The Board shall act through its divisions except as otherwise provided in exercising all of the powers, duties and authority herein granted to it in regard to the review and denial or approval of applicants for examination, certificates of competency and eligibility, and in regard to disciplinary action, and in the exercise of such powers, duties and authority, the divisions, shall be subject to all of the provisions, prerequisites, standards and procedures applicable thereto as established herein. In exercising such powers, duties and authority, Division A shall have jurisdiction over all building and engineering categories

except in conducting disciplinary hearings and Division B shall have jurisdiction over all plumbing, electrical, mechanical and liquefied petroleum gas categories except in conducting disciplinary hearings. A simple majority of the membership of each Division in office shall be necessary to constitute a quorum. All actions shall require the affirmative vote of a majority of the members present and voting.

* * *

Sec. 10-21. Enforcement.

- (a) The Director [~~Deputy Director and investigators~~] of the Miami-Dade County [~~Building Code Compliance Office~~] >> Department of Regulatory and Economic Resources << and Public Works >> and Waste Management << Department >> and his or her designees << are hereby charged with the enforcement responsibilities of this chapter. [~~Investigators may be specially deputized by the Miami-Dade Police Department.~~]

- (b) The Director [~~Deputy Director and investigators~~] of the Miami-Dade County [~~Building Code Compliance Office~~] >> Department of Regulatory and Economic Resources << and Public Works >> and Waste Management << Department >> and his or her designees << [~~who are specially deputized~~] are hereby authorized to issue citations [~~or complaint/arrest affidavits~~] when, based upon personal investigation, there exists reasonable grounds to believe that a violation of this chapter has occurred.

- (c) [~~Investigators~~] >> The Director of the Miami-Dade County Department of Regulatory and Economic Resources and Public Works and Waste Management Department or designees << shall not have the power of physical arrest.

* * *

Sec. 10-22. Prohibited acts and omissions.

It shall be unlawful for any contractor, as defined by this chapter, operating anywhere within the County, or any partner, corporate

officer, corporate director, controlling stockholder, employee or qualifying agent of such contractor, to commit any one (1) or more of the following acts or omissions:

- (a) To contract for or do work outside of the scope of work which the contractor is authorized to perform.
 - (1) A contractor is considered to be contracting for work beyond the scope of work which the contractor is authorized to perform when more than fifty (50) percent of the work under the contract is not within the scope of work of the contractor category in which the contractor holds a certificate of competency, or is otherwise authorized by law to perform without regard as to whether the contractor is performing the work with his or her employees or intends to subcontract the work to another entity.
 - (2) If more than fifty (50) percent of the work to be performed under a contract does not fall within any scope of work defined under this chapter, then any entity may contract for or perform the work, without having to first obtain a certificate of competency, provided, any work to be performed under the contract which falls within the scope of work of a contractor category must be subcontracted to and performed by a certified contractor.
- (b) Abandon without legal excuse a construction project or operation in which the contractor is engaged or under contract as a contractor. A construction project for the repair, alteration, addition or remodeling ~~[[of a residential structure of Group I occupancy]]~~ is abandoned if the contractor terminates the project without just cause, or fails to perform work without just cause for thirty (30) consecutive days. A finding of abandonment shall have no effect on the status or validity of any permits obtained for the work involved.
- (c) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specific purpose to any other use whatsoever.
- (d) ~~[[To-d]]~~ >>D<<epart 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, and the building official, as defined by the ~~[[South]]~~ Florida Building Code.

- (e) Disregard or violate any provision of Chapters 8, 8A, 9, 11B, 11C, 13, 15, 17, 18A, 19A, 24, 28, 32 or 33 of this Code or any provision of the ~~[[South]]~~ Florida Building Code, as presently written and as may be hereinafter amended from time to time.
- (f) Misrepresent any fact in an application or supporting papers to obtain or to renew a certificate required by this chapter.
- (g) Fail to fulfill contractual obligations in connection with any contract or construction project arising out of the business for which he has been issued by this board, including, but not limited to, payment for material furnished or work or services performed.
- (h) Evade or violate any of the provisions of this chapter, which may be evidenced by, but not limited to, one (1) or more of the following acts:
 - (1) Aid~~[[ing]]~~ or abet~~[[ting]]~~ any person not holding a certificate of competency to evade or violate any of the provisions of this chapter;
 - (2) Allow~~[[ing]]~~ a certificate to be used by an unauthorized person;
 - (3) Obtain~~[[ing]]~~ a permit for any work in which the certificate holder does not actually supervise, direct, and control the construction or installation covered by such permit; or
 - (4) Subcontract~~[[ing]]~~ any work to any person, corporation or firm not holding a certificate of competency for work involved in the subcontract.
- (i) ~~[[Do]]~~ >>Commit<< any fraudulent act as a certificate holder by which another is injured.

* * *

- (n) ~~[[To-s]]~~ >>S<<ign a statement with respect to a construction project or contract indicating that the work is bonded, when the contractor knows or has reason to believe the work is not bonded.
- (o) ~~[[To-m]]~~ >>M<<ake representation that worker's compensation or public liability insurance are provided, when the contractor knows or has reason to believe either is not so provided.
- (p) ~~[[To-m]]~~ >>M<<ake representation that payment has been made for subcontracted work, labor, or materials when the contractor knows or has reason to believe it has not been made.
- (q) ~~[[To-f]]~~ >>F<<ail to comply with a lawful stop work order issued by the Building Official or his or her duly authorized representative.
- (r) ~~[[To-f]]~~ >>F<<ail to perform all necessary work to correct violations specified in a warning notice, Notice of Violation, civil violation notice issued pursuant to Chapter 8CC of this Code, or other written instrument prepared by the Building Official or his or her duly authorized representative, when the contractor has had access to the property.

* * *

Sec. 10-22.1. Same—Journeyman, master maintenance man, etc.

It shall be unlawful for any certified journeyman, master maintenance man, ~~[[installer or technician,]]~~ as defined by this chapter, operating anywhere within the County, to commit any one (1) or more of the following acts or omissions:

- (a) ~~[[To-do]]~~ >>Perform<< work outside the scope of work the certificate holder is authorized to perform or to act as a contractor.
- (b) ~~[[To-d]]~~ >>D<<epart from or disregard in any material respect the plans or specifications of a construction job without the consent of the qualifying agent.

- (c) Misrepresent any material fact in an application or supporting papers to obtain a certificate required by this chapter.
- (d) Intentionally evade or violate any of the provisions of this chapter, which may be evidenced by but not limited to one (1) or more of the following acts:
 - (1) Aid~~[[ing]]~~ or abet~~[[ing]]~~ any person not holding a certificate of competency to evade or violate any of the provisions of this chapter, or
 - (2) Allow~~[[ing]]~~ a certificate to be used by an unauthorized person.
- (e) ~~[[Do]]~~ >>Commit<< any fraudulent act as a certificate holder by which another is substantially injured.

* * *

Sec. 10-33. Disclosure required.

- (A) In all contracts for repair, improvement, reconstruction, or remodeling of any structure of Group ~~[[I]]~~ >>R<< occupancy within Miami-Dade County, the contractor shall include in the contract a notice in substantially the following form:

WARNING TO OWNER: UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT THE FOLLOWING PERSONS ARE PAID MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING TWICE. TO AVOID A LIEN AND PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM THE PERSONS LISTED BELOW EVERY TIME YOU PAY YOUR CONTRACTOR:

* * *

Sec. 10-33.1. Required provisions and disclosures in contracts for residential repair, alteration, addition or remodeling of a residential structure.

- (a) In all contracts for the repair, alteration, addition or remodeling of a residential structure of Group ~~[[I]]~~ >>R<<

occupancy within Miami-Dade County, which contracts exceed the sum of \$5,000.00 and which involve work for which permits must be obtained, the contractor shall include in the contract in bold capitalized letters of at least 12-point type the following provisions and disclosures in substantially the form described below:

* * *

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: February 5, 2013

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eduardo W. Gonzalez

Prime Sponsor: Vice Chair Lynda Bell
Co-Sponsor: Chairwoman Rebeca Sosa
Commissioner Jose "Pepe" Diaz