## Chapter 10 CONTRACTORS

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx)

[ARTICLE II. - BIDDING ON PUBLIC PROJECTS](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx)

### ARTICLE I. IN GENERAL [[1]](#BK_06F583630F023E30F873816A7CDF2229)

[Sec. 10-1. Definitions.](#BK_AB0B0A903910ACE8C7134833007EFA66)

[Sec. 10-2. Certificate of competency and license required, classification and scope of work.](#BK_6393001684630731AF747B8116CBF555)

[Sec. 10-3. Certificate of competency required to do business.](#BK_9EDF2A588C30E1FD11243D799547FFFD)

[Sec. 10-4. Persons without certificates representing selves as contractors; identification of vehicles.](#BK_02DFECB81B89755D438E782C504ED194)

[Sec. 10-4.1. Prohibition on publication of advertising without certification number.](#BK_0E65608583DDFE7DD8427F00B93302FB)

[Sec. 10-5. Qualifications for obtaining permits.](#BK_FD44EA375FC2339CEC72AC7934129726)

[Sec. 10-6. Contractor's certificate, manner of obtaining.](#BK_3201DF853AE892C54FC337B53B771242)

[Sec. 10-6.1. Building and engineering qualifying agents certificates.](#BK_114F7CF3795A4AD4A7C4CAF172137F57)

[Sec. 10-7. Masters, journeymen and maintenance personnel certificates.](#BK_7FC37252BE2C1DDC565D54E5271F8A3D)

[Sec. 10-8. Examination—Conduct of and general standards.](#BK_38F01DB8662FCB98EEC78A513B5FAD57)

[Sec. 10-9. Same—Special standards.](#BK_C5087F4315A504C0E2104F33C5B24AC6)

[Sec. 10-10. Same—Reexamination.](#BK_A8AC82311B86B76BC490BC4D790ABFDC)

[Sec. 10-11. Same—Provision for language difficulty.](#BK_46A7F767E5EC7DB0D8EEFC83123482E0)

[Sec. 10-12. Same—Notice.](#BK_16516F0939AB22C99DED30C332539D49)

[Sec. 10-13. Certificates nontransferable; term; renewal; reactivation and status of certificates; conditions of renewal.](#BK_0D87E3667C7CAB870D4BF93AAB0DA631)

[Sec. 10-13.1. Continuing education.](#BK_E7168AD527F37943F8ABD7D42B329BA9)

[Sec. 10-14. Grounds for discipline; penalties and enforcement.](#BK_5D59FBFB18A5D0D11BA7518AD12CAD2C)

[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.](#BK_C1FAC3EE22DA736E3FBB2BA7988D8218)

[Sec. 10-15.1. Settlement agreements.](#BK_66843B24733AAED42D5A4645C0E4E2DD)

[Sec. 10-15.2. Administrative suspension.](#BK_C747710E87447DDF369E6D1995A257C1)

[Sec. 10-16. Certificate holders maintaining qualification; revocation upon failure to maintain.](#BK_80209E8561EE83EF312F539D439DD714)

[Sec. 10-17. Procedure for correction of errors in issuance of certificates.](#BK_61892ECF59437BA087396CC669E0EF30)

[Sec. 10-18. Certificates prerequisite to issuance of occupational licenses.](#BK_07FF40A3639A0644C53C66EA85EFA9F0)

[Sec. 10-19. Insurance requirements.](#BK_6B7942335AFA71167AF9A99E1364EA72)

[Sec. 10-19.1. Business records requirements.](#BK_47CB66926D0D01EB4E821DF146C2D64B)

[Sec. 10-20. Construction Trades Qualifying Board.](#BK_C33049485A79E4C947A288C8963D0637)

[Sec. 10-21. Enforcement.](#BK_7A5938F217B04765D3290791CB6533B4)

[Sec. 10-22. Prohibited acts and omissions.](#BK_AA1E8C7818F25B9E56FAD7A4BCEEBBF4)

[Sec. 10-22.1. Same—Journeyman, master maintenance man, etc.](#BK_BA98BD14310AC910C5AC23754E892E05)

[Sec. 10-23. Refund of examination fees.](#BK_5C9E0DCF7A3C6D69E8B8E05F76914C6E)

[Sec. 10-24. Occupational license, valid throughout the County for participating municipalities.](#BK_CE9DAD67F0DF0C8A5F24E2023E3ADF4F)

[Sec. 10-25. Notice from municipalities of desire to participate.](#BK_9072D01778752B61BE345BAAC1CA6C72)

[Sec. 10-26. Withdrawal from participation.](#BK_A2F4B8392CEE4FF92FA28CF355812F52)

[Sec. 10-27. Fee schedule for County-wide license.](#BK_FB91D33239A767B1CC36CE954B91281E)

[Sec. 10-28. Share of fees to participating municipalities.](#BK_8A1B260AB6926C60384BA02FFA82EFD4)

[Sec. 10-29. Effect of restricted certificate of competency.](#BK_402854958F2577DD697DF014C9407865)

[Sec. 10-29.1. Issuance of unrestricted certificates of competency and eligibility in exchange for restricted certificates.](#BK_5007BF385E7FE0840FAC3094837E6C85)

[Sec. 10-30. Annual revision of pro rata formula.](#BK_DFCD33D66E934ACB5EA27BC65C07FE41)

[Sec. 10-31. Forms to be furnished by County.](#BK_75A2CC035AFB76E094661551D95DF24D)

[Sec. 10-32. Exemptions for motion picture, television producers.](#BK_A9F99B7B5F15807660E84F2BBFA28DB0)

[Sec. 10-33. Disclosure required.](#BK_F0D3482D3E7F37C578B3B8D87C2AA873)

[Sec. 10-33.1. Required provisions and disclosures in contracts for residential repair, alteration, addition or remodeling of a residential structure.](#BK_671AF62D5AC90E76C9E56DDEE9020051)

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 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 Department of Public Works 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 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.

(B) *Board.* "Board" refers to the Construction Trades Qualifying Board.

(C) *Building.* "Building" relates to the erection, moving or demolition of structures used for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and related structures. It includes the work required to construct, alter, repair, add to, subtract from, improve, move or demolish any building or other structure or part thereof; to excavate in connection therewith or incorporate labor or material therein. The scope of work of one (1) engaged in the trade of building shall be limited to the classification of the various building contractors contained in this chapter.

(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.

(E) *Disciplinary action panel.* "Disciplinary action panel" shall mean a panel of at least three (3) board members from one (1) or both divisions who are appointed to serve by the Chairman of the Board for the sole purpose of conducting disciplinary hearings.

(F) *Division.* "Division" refers to the two (2) working divisions, Division A and Division B, into which the Construction Trades Qualifying Board is divided for purposes of conducting disciplinary hearings except as otherwise provided for herein and reviewing all contractor and tradesmen applications.

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

(H) *Engineering.* "Engineering" relates to the work of doing, constructing or installing harbors, docks, bulkheads, retaining and property line walls, levees, bridges, tunnels, streets, roads, curbs, gutters, overpasses, underpasses, paving sidewalks, drainage facilities, including the collection and disposal of rainwater through use of pipes, soakage pits, dry wells, catch basins and water control curbs, pumping and lift stations and similar work in connection with water power, water supply, and water control; pile driving; filling; excavating; grading; sewage collection and disposal systems; underground utility systems and railroads. The scope of work shall be limited by the classification of the various engineering contractors contained herein.

(I) *Firm.* "Firm" shall include a sole proprietorship, partnership, joint venture, associations, 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.

(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.

(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.

(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.

(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.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 1, 11-24-64; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 87-71, § 1, 10-20-87; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 13-08, § 1, 2-5-13)

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

I. IN GENERAL

Before any person, firm, or corporation may work at a trade, engage in business, or contract for work as a contractor or tradesman in one (1) or more of the classifications as set forth herein, or into such other classifications as may be from time to time established as provided in [Section 10-9](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-9SAPEST), be shall first be classified and certified as provided herein, a certificate of competency be approved and issued and a license, where required, be applied for and issued.

II. SCOPE OF WORK

The scope of work for each person, partnership, firm or corporation holding a certificate of competency shall be limited to work as described in the classification for which a certificate of competency is held, and the standards established, including examination, for the obtaining of any particular certificate of competency shall cover the entire scope of the work involved in the particular classification concerned. The possessing of a current valid certificate of competency and a current occupational license pursuant thereto as a contractor or sub-contractor in any classification shall include the right to contract and to obtain permits for all work included in the scope of the work described in the classification and such contractor or sub-contractor shall be issued permits for such work by the administrative agency concerned. Nothing herein shall be construed to prohibit the work included under one (1) classification from also being included under another classification, if so set forth hereinafter in the scope of the work of the classification concerned and whether on private or public property, shall have no bearing unless specified otherwise.

III. BUILDING CONTRACTOR

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

(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.

(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.

(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.

(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 at 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 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.

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

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

(2) *A concrete forming and placing contractor* is a contractor qualified and certified to proportion, batch and mix aggregates, cement and water to agreed specifications; to construct forms and framework for the casting and shaping of concrete, including, but not limited to, columns, beams, decks and window frames; to place and erect reinforcing steel and miscellaneous embedded steel; and to pour, place and finish concrete, including terrazzo.

(3) *A structural steel erection contractor* is a contractor qualified and certified to erect structural steel shapes and plates including such minor field fabrication as may be necessary, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including steel joists, steel decking and siding, and communication towers, and including riveting, welding and rigging only in connection therewith. The experience requirement for the qualifying agent for the structural steel erection contractor shall be five (5) years.

(4) *A metal decking and siding contractor* is a contractor qualified and certified to erect metal decking and siding or other material incidental thereto that may be used for enclosing buildings or other structures including welding, bolting or other attachments in connection therewith and including such minor field fabrication as may be necessary and also the installation of industrial doors and windows in connection therewith.

(5) *A communications tower contractor* is a contractor qualified and certified to fabricate and erect steel communications towers and do the welding, bolting and riveting in connection therewith.

(6) *A unit masonry, marble and exterior veneer contractor* is a contractor qualified and certified to select, cut and lay brick and concrete block or any other unit masonry products, or clay products, rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block, decor block and veneer, laid at random or in course, with or without mortar, or to do any part, or any combination thereof and shall include the application of tile to floors and exterior wall surfaces; provided, however, that the scope of work shall not include the pouring, placing or finishing of cast-in-place concrete except for masonry or precast concrete fences.

(7) *A prestressed precast concrete erection contractor* is a contractor qualified and certified to erect structural precast concrete units such as decks, beams, girders, walls, columns and stairs that are or may be used as structural members for buildings and structures, including welding and rigging in connection therewith and to erect precast concrete units for guard rails and decorative panels above the ground floor, including such minor field fabrication as may be necessary.

(7.1) *A miscellaneous metals contractor* is a contractor qualified and certified to fabricate, apply, erect and install miscellaneous appurtenances, appendages, parts or equipment of metal, including other materials incidental thereto, in or on buildings or other structures and shall also include all work involving: metal awnings and storm shutters, canvas awnings, metal cabinets and store fixtures, screen enclosures and all work incidental thereto, metal partitions, flagpoles, ornamental metals including structural railings, and metal sunshades. The work of a miscellaneous metals contractor shall not include the work of a metal decking and siding contractor, reinforcing steel placing contractor, or structural steel contractor. (Ord. No. 73-75, § 1, 9-18-73)

**Editor's note—**Ord. No. 73-75, § 1, amended [§ 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO) by adding provisions designated as III(D)(7). The editors redesignated such provisions as III(D)(7.1) inasmuch as § 10 already contained an item (7).

(8) *A roof deck contractor* is a contractor qualified and certified to erect, construct, fabricate and install roof decks of Portland cement or gypsum concrete, using lightweight aggregate, on joists or other supporting members erected by others, and shall include the placing of forms and welding of supporting members for forms and miscellaneous reinforcing of the deck and the proportioning, mixing and placing of cement, aggregate and water, provided, however, that roof decks of wood, metal, heavy aggregate concrete, glass or plastic and the application of roofing felts or other water resistant membranes shall not be a part of the scope of such work. The experience requirement for the qualifying agent for a roof deck contractor shall be one (1) year.

(9) *A roofing contractor* is a contractor qualified and certified to install, repair and replace roof systems, as defined in the 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 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.

(10) *A glass and glazing contractor* is a contractor qualified and certified to fabricate, install and attach windows of any type, fixed or movable, and swinging or sliding glass doors to building walls or columns erected by others including installation of glass-holding or supporting mullions or horizontal bars which in turn are attached to building walls or columns erected by others, including the cutting and installation of glass, and shall also include metal accessories and prefabricated glass, metal or plastic curtain walls or panels. The scope of work shall include the caulking incidental to all such work and shall include the fabrication and installation of garage and industrial doors and shower and tub enclosure doors and metal facias, store front awnings or canopies.

(11) *A lathing and plastering contractor* is a contractor qualified and certified to apply and affix wood, gypsum or metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of plaster coatings, to provide hangers, channels and other mechanical suspension work for the support of lath or acoustical tile or other prefabricated ceiling materials, including the channel iron work for the support of metal or other fire resistive lath on walls, ceilings or soffits, or for solid plaster partitions; and to coat surfaces with a mixture of sand or other aggregate, gypsum, plaster, Portland cement or quick lime and water or any combination of such materials as to create a permanent surface coating and which coatings are usually applied with a plasterer's trowel or by pneumatic pressure on any surface which offers a mechanical key for the support of such coatings or to which the coating will adhere by suction. The scope of work shall not include the erection of wood stud or masonry walls. Such contractor may perform the work of a drywall contractor.

(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 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.

(13) *A pneumatic concreting and pressure grouting contractor* is a contractor qualified and certified to proportion and apply concrete to surfaces by pneumatic methods, chip loose concrete, sandblast and clean reinforcing, batch and proportion cement, sand and water, to erect forms and framework to which concrete is to be applied pneumatically and place miscellaneous reinforcing for repair of concrete and to proportion and place cement and intergrout by pneumatic pumping methods that under an agreed specifications subsurface load bearing capacities can be stabilized or previously settled structures raised or restored to plumb, grade or alignment.

(14) *A nonelectric sign contractor* is a contractor qualified and certified to paint or otherwise apply or erect any outside display of characters, letters, illustrations or ornamentations which do not include the incorporation of any electrical work in their manufacture, fabrication or erection. The work of a nonelectric sign contractor shall include the installation of panels, facing, frame, structure, movable or fixed, free standing or attached to a building or other structure which is to be used for sign purposes and which do not include any electrical work in their manufacture, fabrication or erection.

(15) *A swimming pool contractor* is a contractor whose scope of work involves two (2) or more building trades or crafts and is qualified and certified to excavate, construct, fabricate, install and equip swimming pools and such contractor shall subcontract to a qualified contractor, in the field concerned, all other work set forth in this chapter as being the exclusive work of a plumbing, electrical, mechanical or liquefied petroleum gas contractor.

(16) *A demolition contractor* is a contractor qualified and certified to demolish, wreck or disassemble buildings or other structures or parts thereof and remove the debris therefrom in such a manner that adjoining structures and properties and parts thereof and workmen and other persons may be kept safe.

(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.

(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.

(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.

(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.

(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.

(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. (Ord. No. 69-64, § 2, 9-17-69; Ord. No. 75-62, § 1, 7-16-75)

(Ord. No. 08-26, § 1, 3-4-08; Ord. No. 13-08, § 1, 2-5-13)

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. 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 contractor license. (Ord. No. 69-11, § 5, 2-4-69; Ord. No. 08-26, § 1, 3-4-08)

(B) *Specialty engineering contractor* is an engineering contractor who specializes in one (1) or more of the following engineering crafts and whose scope of work is so limited under the certificate of competency held. Such contractor's principal contracting business is the execution of contracts, in some instances subcontracts, and possibly involving two (2) or more trades and who has the financial means, and has a qualifying agent with the experience, knowledge and skill as herein set forth, to engage in the business of the particular engineering specialty concerned, in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable, and who has satisfactorily passed an examination in the engineering specialty concerned. Such contractor shall subcontract with a qualified contractor any work which is incidental to the specialty but which is specified herein as being the work of other than that of the engineering specialty for which certified. The following are the various crafts of specialty engineering contractors.

(1) *A plant construction engineer contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained but not less than three (3) years as a general superintendent for a general building or general engineering contractor or education equivalent thereto, or a combination thereof, and certified to construct and properly supervise, direct and coordinate the construction of buildings, plants and other structures which are incidental to water treatment plants, sewage treatment plants, pumping and lift stations, power generating plants and sub-station, including the equipment and piping installation (except the exclusive work of an electrical contractor) and placing therein in connection with the purpose for which the structure is being erected. A plant construction engineering contractor may perform the work of a pile driving and foundation engineering contractor.

(2) *A pipeline engineering contractor* is an engineering contractor who has a qualifying agent who is qualified by the experience and skill gained by not less than three (3) years as a general superintendent for a general engineering contractor or pipeline engineering contractor or education equivalent thereto, or a combination thereof and certified to excavate, construct, install, repair or alter pipelines, such as water and gas transmission and distribution lines, storm and sanitary sewerage lines, force mains, outfalls, and pumping facilities incidental to the collection or installation of pipeline products including the equipment and piping installation and placing within a structure which is constructed for the purpose of pumping or processing such pipeline products. A pipeline engineering contractor may construct or install junction boxes, manholes, inlets, valves and similar components, in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable. The work of the pipeline engineering contractor 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. The scope of work of such a contractor does not include the installation of chilled water lines or related work incidental thereto. (Ord. No. 71-69, § 1, 8-31-71)

(3) *A structural engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than three (3) years as a general superintendent for a general building or a general engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to construct and properly supervise and direct the construction of bridges, tunnels, overpasses, harbor facilities, docks, shipyards, bulkheads, retaining walls, seawalls, dams, locks and similar structures. A structural engineering contractor may perform the work of a seawall and small dock engineering contractor, a pile driving and foundation engineering contractor, and a concrete work engineering contractor.

(4) *A seawall and small dock engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than two (2) years as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to construct seawalls and small docks. A seawall and small dock engineering contractor may drive piling for one (1) story building construction.

(5) *A pile driving and foundation engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than two (2) years as a general superintendent for a general building or general engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to drive piling including sheet piling and construct foundations including the excavating, forming and placing of reinforcing steel and concrete and perform other work incidental thereto.

(6) *A paving engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than three (3) years as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to construct roads, airport runways, and aprons, parking lots, sidewalks, curbs and gutters, property line walls, storm drainage facilities and to perform the excavating, clearing and grading incidental thereto. A paving engineering contractor may not excavate for canals and lakes.

(7) *A concrete-work engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than one (1) year as a general superintendent for a building or engineering contractor, or education equivalent thereto, or a combination thereof, and qualified and certified to construct concrete driveways, sidewalks, curbs and gutters and related nonstructural concrete components.

(8) *An excavating and grading engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than two (2) years as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and certified to make excavations, to obtain or remove materials such as rock, gravel or sand, to construct or excavate canals, lakes, levees, roadways, including land clearing, filling and grading. An excavating and grading engineering contractor may do the work of a land clearing and grubbing engineering contractor.

(9) *A land clearing and grubbing engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than one (1) year as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to clear land of surface debris and vegetation growth, including the grubbing of roots, the removal of the debris therefrom and the general leveling of the surface thereinafter and work incidental thereto.

(10) *A soil compaction and tamping engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than six (6) months as a general superintendent for a building or engineering contractor, or education equivalent thereto, or a combination thereof, and qualified and certified to compact fill in or surrounding buildings, bridges and trenches.

(11) *A railroad construction engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than two (2) years in railroad construction, or education equivalent thereto, or a combination thereof, and qualified to construct railroads, including spur lines and sidings and all incidental work such as grading, placing ballast, track laying and installation of switch equipment.

(12) *An underground electrical and communications conduits engineering contractor* is an engineering contractor who has a qualifying agent with the experience and skill gained by not less than three (3) years in this field, or education equivalent thereto, or combination thereof, and qualified and certified to trench, backfill and restore paving and concrete block and cement work incidental to or a part of the work in the construction of manholes and splice pits, laying of rigid conduit for electrical communication lines. The scope of work of this classification shall be limited to that work directly involved in performing contract work for the construction of underground electrical and communication facilities.

(13) *A fuel transmission and distribution line engineering contractor* is an engineering contractor, who has a qualifying agent with the experience and skill gained by not less than three (3) years' experience in this field or education equivalent thereto, or a combination thereof, qualified and certified to excavate for and construct, alter, repair and maintain transmission and distribution lines for liquid or gaseous fuels under pressure in welded pipes, including pumping and booster stations, valves, meters and similar components incidental thereto and restoration of pavement. The scope of work of a fuel transmission and distribution line engineering contractor shall be considered to stop at the metering device.

(14) *A direct burial cable television (CATV) contractor* is an engineering contractor certified by this Board to trench, backfill and restore paving and concrete block and cement work either incidental to or as a part of the work of installing, repairing, altering or adding to any system of underground cable in the public rights-of-way for the commercial transmission of television signals. Such contractor shall have a qualifying agent with experience and skill gained by at least two (2) years' practical work in this field and who has passed an examination approved by this Board. The scope of work of this classification shall be limited to that work directly involved in performing contract work underground for direct burial of cable for receiving and transmitting community antenna television signals. (Ord. No. 81-43, § 1, 4-21-81)

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, 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. (Ord. No. 71-69, § 2, 8-31-71)

(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.

(1) *A septic tank contractor* is a contractor having the financial means, and who has a qualifying agent with experience and skill gained by not less than one (1) year as a general superintendent for a plumbing or septic tank contractor or education equivalent thereto, or combination thereof, and qualified and certified to install, clean, repair, alter, extend and excavate for septic tanks, drainfields, interceptor tanks, dry wells, gas and oil interceptors, soakage pits and catch basins and shall not include any other plumbing work or connecting pipes or pumps except the nonferrous pipes between the catch basin and soakage pit. The septic tank contractor shall maintain in proper and sanitary condition for use, subject to inspection at any time, the following minimum equipment:

(a) A vehicle equipped with a sewage-tight tank of not less than one thousand (1,000) gallons capacity, equipped with suitable pump and at least eighty (80) feet of three-inch minimum diameter suction hose.

(b) A ten thousand (10,000) gallon-per-hour centrifugal pump equipped with two-inch hose.

(2) *A well drilling contractor* is a contractor having the financial means, and who has a qualifying agent with experience and skill gained by not less than one (1) year as a general superintendent for a plumbing or well drilling contractor, or education equivalent thereto, or combination thereof, and qualified to drill water supply or drainage wells. A well drilling contractor may install lawn sprinkler systems, and make connection of such lawn sprinkler systems to potable water supply piping but he shall not make a connection to sanitary or storm sewers. A well drilling contractor shall, when engaged in the well drilling business, provide and maintain the necessary equipment in proper and sanitary condition. Well drilling contractors who obtained their certificates prior to August 1, 1991, are qualified to install, maintain and repair pumps, filters, chlorinators and piping incidental to a private swimming pool; provided, that the work is not subject to the regulation of the State Board of Health.

(3) *A swimming pool piping contractor* is a contractor having the required financial means and having a qualifying agent as provided herein. Such qualifying agent shall have experience and skill gained by not less than one (1) year of experience, or its educational equivalent, or a combination of such experience and education, in installing swimming pool piping under the supervision of a plumbing contractor or a contractor making swimming pool piping installations. Such qualifying agent shall be qualified, examined, and certified to perform the functions within the scope of work of a swimming pool piping contractor as hereinafter provided. The scope of work of a swimming pool piping contractor shall permit such a contractor to install, maintain, repair, alter, or extend swimming pool piping systems including the pumps, filters, pool heaters and chlorinators incidental to swimming pools and involving the means of disposing of pool water. The scope of work in this classification shall not include the making of connections to any water supply to be used for human consumption or to sanitary or storm sewers nor shall the scope of work include the installation of any lawn sprinkler system. The swimming pool piping contractor shall have a qualifying agent at all times. A contractor holding a current, valid certificate of competency as a swimming pool piping contractor on the effective date of this section shall continue to be entitled to such certificate and to do, contract for, and take out any permits which might be required for the work of a swimming pool piping contractor.

(4) *A gas fitting contractor* is a contractor qualified and certified to install, maintain, repair, alter or extend fuel gas piping or appliances, including wall and central heating units, in any building or structure or on any premises, public or private, including liquefied petroleum gas piping and appliances, if such contractor qualified, in addition, under State law. Such contractor shall have as a qualifying agent a master gas-fitter.

(5) (a) *Swimming pool maintenance contractor (limited)* is a contractor qualified and certified to do any or all of the following, including, but not limited to, maintaining and treating the water in existing swimming pools, both public and private, making minor repairs to existing pool masonry such as patching cracks in pool bottoms and walls, repainting or resurfacing the walls and bottoms of pools, performing preventive maintenance and replacing existing equipment and appurtenances thereof of swimming pools, such as pumps, valves, filters and chlorinators; provided, such a contractor may only replace existing equipment and appurtenances in private pools of single-family residences.

As an additional prerequisite to qualifying as a swimming pool maintenance contractor, the qualifying agent of the contractor must possess a current swimming pool operators certificate issued by the Miami-Dade County Department of Public Health, and must furnish proof satisfactory that he has been actively engaged as a trainee for a licensed swimming pool maintenance contractor in swimming pool maintenance work for a period of two (2) years. All persons or firms holding a current certificate of competency as a swimming pool maintenance contractor as of November 1, 1965, shall be automatically classified as a swimming pool maintenance contractor (limited) for renewal purposes.

(b) *Swimming pool maintenance contractor (unlimited)* is a contractor qualified and certified to do the work of a swimming pool maintenance contractor (limited) and is covered by the same definition except that the swimming pool maintenance contractor (unlimited) shall be able to carry on all such work in connection with both private and public pools.

(c) A pool maintenance contractor is not permitted to do any other plumbing, electrical, or mechanical work as covered by the Florida Building Code, or to do any of the original construction on installation in a new pool.

(d) All employees of Swimming Pool Maintenance Contractors both limited and unlimited who are engaged in the cleaning and treatment of water in existing swimming pools shall possess a current swimming pool operator's certificate.

(e) Certification under this Chapter is not required for individuals who are solely engaged in the cleaning and treatment of water in existing swimming pools. All such individuals shall be required to register with the Department on a form adopted by the Department. As a precondition for registration, individuals engaged in the cleaning and treatment of water in swimming pools shall:

1. Maintain at all times with an insurance company authorized to do business in the State of Florida public liability insurance with limits of liability not less than fifty thousand dollars ($50,000.00) per accident or occurrence for bodily injury and twenty-five thousand dollars ($25,000.00) per accident for property damage. The insurance shall provide by endorsement of the policy that the Insurer shall notify the Department by certified or registered mail of the intent to cancel the policy for any reason, at least thirty (30) days prior to such cancellation.

2. Possess a current swimming pool operator's certificate.

3. Identify all trucks used in the furtherance of their business by use in the transporting of materials, equipment or employees to a job site, excepting a truck owned by an employee which truck is only used for private transportation or in carrying employees' personal tools and personal equipment necessary to fulfill their job tasks, by placing on the sides thereof, in a permanent manner, identification, by name or symbol, and their registration number, in letters and numerals not less than three (3) inches in height, excepting those trucks rented or leased by a contractor from a commercial vehicle rental agency for a period of less than one (1) month and such trucks are plainly marked with the name of the lessor in letters and numerals not less than three (3) inches in height.

All registrations shall be valid for one year and shall expire on the last day of September. Annual renewal shall include verification of continued qualification for certification exemption. A registration fee of sixty dollars ($60.00) shall be assessed at initial registration and renewal.

(6) *A lawn sprinkler contractor* is a contractor, having the financial means and who has a qualifying agent with one (1) year experience in the lawn sprinkler trade, and qualified and certified to install, maintain, repair, alter or extend a lawn sprinkling system and appliances and devices used in connection with such systems, except that such systems shall not include the drilling of wells or the connecting of such systems to potable water. Sprinkler and irrigation systems used for agricultural purposes shall not be included within the scope of this subsection.

(C) *Maintenance plumber* is a person qualified and certified by examination to maintain plumbing installations. The work of the maintenance plumber shall be confined to maintenance repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks and the replacement of defective faucets or valves contained and used upon the premises or building owned, occupied or otherwise controlled by the person, firm or corporation by whom the maintenance plumber is regularly employed. Maintenance plumbers' work shall not include the cutting into, connecting to or extension of potable water lines, or drain waste and vent systems. A certified master or journeyman plumber shall automatically qualify as a maintenance plumber.

VI. ELECTRICAL CONTRACTOR

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

(A) *An electrical contractor* is a contractor whose principal contracting business consists of the execution of contracts requiring the experience, financial means, knowledge and skill to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit or any part thereof, which generates, transmits, transforms or utilizes electrical energy in any form for light, heat, power or communications including the electrical installations and systems within plants and substations, all in such manner as to comply with all plans, specifications, codes, laws and regulations applicable and his scope of work shall include that of a room air-conditioning contractor, installation only. Such contractor shall have as a qualifying agent a master electrician. The scope of such contractor's work shall apply to private and public property and shall include any excavation and paving work incidental thereto, and shall include the work of all specialty electrical contractors. Such contractors 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 an electrical contractor.

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

(1) *An electrical sign contractor* is a contractor, qualified and certified to install, repair, alter, add to or change any electrical wires, apparatus, raceways, conduit or any part thereof, on electrical signs. Such contractor may connect to an existing sign circuit, beyond the last overcurrent device, and may contract for and take out building permits for the erection of signs.

(2) *A utility electrical contractor* is a contractor, qualified and certified to install, repair, alter, add to or change any electrical wires, apparatus, raceways, conduit, or any part thereof, on underground or overhead electric utilities transmission and distribution lines or distribution systems including such distribution work within power plants and sub-stations. The scope of work in this classification shall be limited to the work directly involved in performing contract work for the construction of electric utility distribution systems and shall include any excavation and paving work incidental thereto. All other personnel employed by a utility electrical contractor shall be exempt from the requirements of this chapter.

(3) *A burglar alarm specialty electrical contractor* is a contractor qualified to install, repair, alter, add to or change any system electrically energized, in whole or in part, for the detection, prevention or control of burglary. The scope of these systems shall include conductors and raceways, radio frequency carriers, laser beams, light beams, sonic beams, and any other means of signal transmissions, as well as all apparatus pertaining to burglar alarm systems. A burglar alarm specialty electrical contractor may connect to an existing separate circuit of approved capacity, which is terminated in an approved outlet, junction box, or fused disconnect switch within six (6) feet of the equipment to be energized. Such contractor shall have as a qualifying agent a burglar alarm master. Also burglar alarm journeymen are required in this trade.

Prior to the issuance of a certificate of competency to such a master or journeyman, the issuing authority will have obtained from the Miami-Dade Police Department the following: (1) a clearance based upon a check of the files of that department to the effect those files reflect that the applicant has never been convicted of a felony and has not within the preceding five (5) years been convicted of any criminal offense involving dishonesty or a breach of trust; and (2) confirmation that the Department has fingerprinted the applicant. Such a master or journeyman shall carry at all times during which he is engaged in the contractor's business an identification card issued by the contractor which card will contain the date of issue, a recent photograph of applicant, the applicant's name and title, physical description, signature and right thumbprint. Such identification card will also bear the name, address, and telephone number of the employing contractor together with the signature and title of the appropriate supervisor representing the contractor.

(a) A contractor holding a current, valid certificate of competency as a burglar alarm specialty electrical contractor on the effective date of this section shall continue to be entitled to do, contract for, and take out any permits which might be required, for the work of a burglar alarm specialty contractor.

(b) Any master burglar alarm technician holding a current, valid certificate of competency on the effective date of this section shall be considered a burglar alarm master without requirement for further examination and when such certificate as a master burglar alarm technician expires and requires renewal, the new certificate, upon receipt of a proper renewal application, and fee, will bear the grade designation of "burglar alarm master."

(c) Any burglar alarm installer holding a current, valid certificate of competency on the effective date of this section shall be considered a burglar alarm journeyman without requirement for any further examination and when such certificate as a burglar alarm, installer expires and requires renewal, the new certificate, upon the receipt of a proper renewal application and fee, will indicate the holder to be a "burglar alarm journeyman."

**Cross reference—** Automatic telephone dialing alarm system, § 8A-162 et seq.; burglar security, Ch. 8C.

(4) *A fire alarm contractor* is a specialty electrical contractor qualified and certified to install, repair, alter, add to or change any system, electrically energized, in whole or in part, for the detection, prevention or control of fire, noxious gases, liquids or atomic radiation. The scope of these systems shall include conductors and raceways, radio frequency carriers, laser beams, light beams, sonic beams, and any other means of signal transmissions as well as all apparatus pertaining to fire alarm systems. A fire alarm specialty electrical contractor may connect to an existing separate circuit, of approved capacity, which is terminated in an approved outlet, junction box, or fused disconnect switch within six (6) feet of the equipment to be energized. Such contractor shall have as a qualifying agent a fire alarm master. Also fire alarm journeymen are required in this trade.

(a) A contractor holding a current, valid certificate of competency as a fire alarm specialty electrical contractor on the effective date of this section shall continue to be entitled to do, contract for, and take out any permits which might be required, for the work of a fire alarm specialty contractor.

(b) A master fire alarm technician holding a current, valid certificate of competency on the effective date of this section shall be considered a fire alarm master without requirement for further examination and when such certificates as a master fire alarm technician expire and require renewal, the new certificate, upon the receipt of the proper renewal application and fee, will bear the trade designation of a "fire alarm master."

(c) Any fire alarm installer holding a current, valid certificate of competency on the effective date of this section shall be considered a fire alarm journeyman without requirement for further examination and when such certificates as a fire alarm installer expire and require renewal, the certificate, upon the receipt of a proper renewal application and fee, will indicate the holder to be a "fire alarm journeyman."

(d) Any County ordinance, rule or regulation which conflicts with this subsection (B)(4) is hereby repealed.

(5) *A low voltage specialty electrical contractor* is a contractor qualified and certified to install, fabricate, erect, repair, alter, add to or change any electrical wiring, fixtures, appliances, thermostats, apparatus, raceways and conduit, or any part thereof, not to exceed seventy-seven (77) volts, which generates, transmits, transforms or utilizes electrical energy, when those items are for the purpose of transmitting any form of light, heat or communications, including, but not limited to, telephone, radio, computer and data. A low voltage specialty electrical contractor may connect to an existing separate circuit of approved capacity, which is terminated in an approved outlet, junction box or fused disconnect within six (6) feet of the equipment to be energized. Such contractor shall have as a qualifying agent a master low voltage technician as defined below. The scope of the work of such a contractor shall not include the work of burglar alarm and fire alarm specialty electrical contractors.

(a) *Master low voltage technician* shall mean any person who possesses the required skill, knowledge and experience as evidenced by two (2) years as a mechanic, supervisor or manager, or educational equivalent thereto, in the low voltage specialty electrical contractor trade. He shall possess a valid certificate of competency as a master technician.

(b) Any sound and intercom specialty electrical contractor or master sound and intercom technician who holds a valid certificate of competency as of the date of adoption of this ordinance shall be issued a certificate of competency as a low voltage specialty electrical contractor or master low voltage technician respectively without requirement for further qualifications under this category provided an application requesting such contractor or technician certification or license renewal form is filed with the department by December 31, 1997.

(c) Any person who applies for certification as a low voltage specialty electrical contractor prior to and including December 31, 1997, shall be entitled to take the certification examination if he or she has been engaged in the business of installating communications wiring or systems during any part of the twelve-month period preceding the date of adoption of this ordinance and obtains a temporary certificate as a low voltage specialty electrical contractor by June 30, 1997. Evidence that the applicant for a temporary certificate has been engaged in the business of installing communications wiring or systems shall be demonstrated by submittal of an affidavit documenting the applicant's work history and experience, letters of reference, copies of occupational and other government issued licenses and a representative list of contracts completed in the last twelve-month period. The list shall include the description of each job, location, owner and general contractor, if applicable. After obtaining the temporary certificate, the applicant must receive his initial certification as a low voltage specialty electrical contractor by December 31, 1998.

(d) Any person or business entity that was engaged in the business of installing communications wiring or systems on or before January 1, 1984 shall be issued a certificate of competency as a master low voltage technician or low voltage specialty electrical contractor respectively without requirement for further qualifications under this category provided an application requesting such technician or contractor certification is filed with the department by December 31, 1997. Evidence that the applicant was engaged in the business of installing communications wiring or systems shall be demonstrated by submittal of an affidavit documenting the applicant's work history and experience, copies of occupational and other government issued licenses and a representative list of contracts, if available. The list shall include the description of each job, location, owner and general contractor, if applicable.

**Cross reference—** Fire prevention, Ch. 14; interfering with police or fire alarm systems, § 21-25.

(6) *A master TV antenna specialty electrical contractor* is a contractor qualified and certified to install, repair, alter, add to or change any privately owned TV antenna systems on and in multiple occupancy, residential or commercial buildings of three (3) or more tenants, rooms or apartments all connected to a central master system, as well as in theaters, schools and like public occupancies. Such systems may be electrically energized in whole or in part for the reception, amplification and distribution of TV signals. The scope of these systems shall include conductors and raceways, radio frequency carriers, laser beams and any other means of signal transmission as well as all apparatus pertaining to master TV antenna systems, including, but not limited to, amplifiers, splitters, cables and outlets for connecting individual TV sets. A master TV antenna specialty electrical contractor may connect to an existing separate circuit of approved capacity, which is terminated to an approved outlet, junction box, or fused disconnect switch within six (6) feet of the equipment to be energized. Such contractor shall have as a qualifying agent a master TV antenna master technician as defined below.

(a) *A master TV antenna technician* shall mean any person who possesses the required skill, knowledge and experience as evidenced by one (1) year's experience as a mechanic, or supervisory or managerial experience or education equivalent thereto in the master TV antenna specialty electrical field as defined for master TV antenna specialty electrical contractor and who has passed a designated examination. He shall possess a valid certificate of competency as a master technician.

(C) *Maintenance electrician* is a person qualified and certified by examination to maintain electrical installations. A maintenance electrician can perform or supervise the work of other personnel under a premise permit providing that such work shall be confined to the repair of existing branch circuits, fixtures, apparatus or equipment connected thereto, and shall include the relocation of existing branch circuits and the switching and de-energizing of existing facilities for safety purposes, contained and used upon the premises or building, owned, occupied or otherwise controlled by the person, firm or corporation by whom the maintenance electrician is regularly employed. The maintenance electrician's work shall not include the installation, alteration or replacement of service equipment or any feeder to any center or centers of service equipment. A certified master or journeyman electrician shall automatically qualify as maintenance electrician.

VII. MECHANICAL CONTRACTOR

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

(A) *A general mechanical contractor* is a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge and skill to perform the following: install, maintain, repair, alter or extend air conditioning, refrigeration, heating, ventilating, boiler and unfired pressure vessel systems, and all appurtenances, apparatus or equipment used in connection therewith; also, piping, duct work, insulation of pipes, vessels and ducts, pressure and process piping, installation of chilled water lines and related work incidental thereto, pneumatic control piping, gasoline tank and pump installations, piping for gasoline tank and pump installations, fire sprinkler systems and standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, mechanical sections of sewage disposal and water treatment plants and installing a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable. Such contractor shall have as qualifying agent a general mechanical master. The scope of work of such contractor shall also include any excavation work incidental thereto, but shall not include any work specified in this chapter as being the work of any other trade or contractor, such as but not limited to liquefied petroleum or natural gas fuel lines within buildings, potable water lines, or connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical work. The scope of the work of such a contractor shall also include the work of a specialty mechanical contractor, except for elevator and transporting assembly installations; and if there is work incidental to such contractor's authorized scope of work to be performed pursuant to contract for which such contractor does not hold a certificate of competency, such work shall be subcontracted to a qualified contractor in the trade concerned.

(B) *A specialty mechanical contractor* is a contractor who specializes in one (1) or more of the following crafts and whose scope of work is so limited under his certificate of competency. Such a contractor shall have as a qualifying agent a specialty mechanical master in the field concerned. Such contractor's business is to consist of the execution of contracts requiring the experience, financial means, knowledge and skill to engage in the business of the particular mechanical specialty concerned, in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable. The scope of work of any specialty mechanical contractor shall also include any excavation work incidental thereto but shall not include any work specified in this chapter as being work of any other trade or contractor, such as, but not limited to, electrical work, liquefied petroleum, or natural gas fuel lines within buildings, or potable water lines, or connections thereto, and sanitary sewer lines and swimming pool piping and filters. If there is work incidental to such contractor's authorized scope of work to be performed pursuant to contract for which such contractor does not hold a certificate of competency, such work shall be subcontracted to a qualified contractor in the trade concerned. The following are the various crafts of specialty mechanical contractors.

(1) *A refrigeration and air conditioning contractor* is a specialty mechanical contractor qualified and certified to install, repair, alter, add to or change any system of refrigeration, air conditioning, heating and ventilating, unlimited in horsepower or tons, including any or all duct systems necessary to make complete a refrigeration or air conditioning system and including the installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary disposal system; provided, however, ammonia refrigeration, boilers or unfired vessels shall not be a part of the scope of such work.

(2) *An air conditioning contractor (unlimited)* is a specialty mechanical contractor qualified and certified to install, repair, alter, add to or change any system of air conditioning, heating and ventilating, unlimited in horsepower or tons, including any or all duct systems necessary to make complete an air conditioning system and including the installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary disposal system; provided that boilers or unfired pressure vessels shall not be a part of the scope of work.

(3) *An air conditioning contractor (limited)* is a specialty mechanical contractor qualified and certified to install, repair, alter, or extend any system of air conditioning and warm air heating and ventilation in connection therewith, of a size not exceeding fifteen (15) tons in any type of building providing the total conditioning load in any common area does not exceed fifteen (15) tons, including any or all duct systems necessary to make complete an air conditioning system, and including the installation of a condensate drain from such an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary disposal system; provided that boiler and unfired pressure vessels shall not be part of the scope of work. (Ord. No. 69-11, § 8, 2-4-69)

(4) *A room air conditioning contractor* is a specialty mechanical contractor qualified and certified to install, service and repair 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 method of a plug-in receptacle. This unit, factory wired and supported only by window or wall supports, shall not have any duct work attached or any method 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 in this work. (Ord. No. 69-11, § 9, 2-4-69)

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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 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.

(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.

(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.

(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.

(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. (Ord. No. 69-11, § 10, 2-4-69)

(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. (Ord. No. 76-40, § 1, 5-4-76)

(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, shall not be a part of the scope of such work.

(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, shall not be a part of the scope of such work.

(20) *A transporting assembly installation contractor* is a specialty mechanical contractor qualified and certified to install, maintain, alter and extend any Transporting Assemblies, as defined herein.

(21) *A transporting assembly maintenance and service contractor* is a specialty mechanical contractor qualified to maintain and service Transporting Assemblies as defined herein.

(C) *Mechanical maintenance man* is a person qualified and certified by examination to maintain mechanical installations. The work of a mechanical maintenance man shall be confined to repairing, maintaining, servicing of existing systems involving air conditioning, refrigeration, heating, ventilation and pressure and process piping contained and used upon the premises or building owned, occupied or otherwise controlled by the person, firm or corporation by whom the mechanical maintenance man is regularly employed. A certified mechanical master or journeyman shall automatically qualify as a mechanical maintenance man. (Ord. No. 69-64, § 5, 9-17-69; Ord. No. 13-08, § 1, 2-5-13)

VIII. LIQUEFIED PETROLEUM GAS INSTALLATION CONTRACTOR

The scope of work of a liquefied petroleum gas installation contractor is as defined in the various classifications listed hereinafter.

(A) *A liquefied petroleum gas installation 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 liquefied petroleum gas piping appliances, gas mains, lines, laterals, tanks, regulators, meters and other appurtenances and paraphernalia in connection therewith, including wall and central heating units in any building or structure or on any premises, public or private; or who furnishes, delivers and sells the liquefied petroleum gas to the consumer for heat, light and power. Such contractor shall have as a qualifying agent an installer as defined in subsection (B) hereof. If there is work incidental to such contractor's scope of work to be performed pursuant to contractor for which such contractor does not hold a certificate of competency, such contractor shall sub-contract the same to a qualified contractor in the trade concerned.

(B) *Installer* shall mean any person who possesses the required skill and knowledge gained by two (2) years' experience, and who has passed an examination, to perform the scope of work set forth hereinabove for a liquefied petroleum gas installation contractor. He shall possess a valid certificate of competency as an installer. (Ord. No. 69-11, [§ 11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO), 2-4-69)

IX. MASTER

The term *master* shall mean any person to whom this Board has issued a current valid certificate of competency as a master in a trade after having passed a designated examination and having otherwise demonstrated to this Board that he or she possesses the required skill, knowledge and experience to plan, lay out, supervise and do the work in the trade. As a prerequisite to taking the examination, an applicant shall have held for not less than two (2) years this Board's certificate of competency as a journeyman and shall have at least two (2) years of prior field work experience. However, this Board may, in its discretion, accept in lieu of the journeyman certificate, satisfactory proof of (i) at least six (6) years of comprehensive, specialized training, education and field experience associated with the trade or (ii) registration as a professional engineer in the discipline concerned. "Field experience" is defined as experience gained at actual construction sites where the full spectrum of practical situations and problems arising in the trade are found; drafting, estimating, designing, other office work or maintenance or service installations do not satisfy the requirement.

In the plumbing, electrical and mechanical trades a contractor must be qualified by a master.

Masters 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. (Ord. No. 69-11, [§ 12](../level2/PTIIICOOR_CH12EL.docx#PTIIICOOR_CH12EL), 2-4-69; Ord. No. 80-77, § 1, 7-15-80; Ord. No. 95-46, § 1, 4-4-95)

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 (½) 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 journeyman 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](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) 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](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) 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. (Ord. No. 73-75, § 2, 9-18-73; Ord. No. 95-46, § 1, 4-4-95)

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.

XII. MAINTENANCE PERSONNEL

(a) The term *maintenance personnel,* other than as defined elsewhere in this section, shall mean all maintenance personnel who are regularly employed to maintain and make minor repairs to systems, apparatus, equipment or structures within the scope of work of any of the contractors defined in this section, where such systems, apparatus, equipment or structures are owned, occupied or controlled by the person, firm or corporation by whom such personnel are employed. Such maintenance personnel, when employed by the owner of a building or plant, must hold a certificate or certificates or competency for the particular maintenance work involved, or a certificate as a master or a journeyman in the grade in which they are engaged, except that such maintenance personnel regularly employed by a State, County or municipal franchised gas, electrical, water or communications utility firm shall be exempt from the requirement of being qualified and holding a certificate of competency for the doing of maintenance work in connection with the utility including the service of systems, apparatus, equipment, lines or meters in connection therewith owned or controlled by such utility company whether on public or private property. The word *maintenance* as used in the paragraph, is not intended to include operators of appliances, apparatus or equipment. The application of this paragraph shall not apply to employees of a State, County or municipal franchised public utility doing maintenance on the utility equipment or within the utility plant.

(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 a written examination.

(c) Maintenancemen 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. (Ord. No. 95-46, § 1, 4-4-95; Ord. No. 13-08, § 1, 2-5-13)

XIII. 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. 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(ies) held. All valid categories shall be reflected on the Authorized Employee Certificate of Competency. No additional examination shall be required.

Exception: Journeymen and Maintenancemen are ineligible.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 2, 11-24-64; Ord. No. 67-34, §§ 1, 2, 5-16-67; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 68-36, §§ 1, 2, 6-4-68; Ord. No. 69-11, §§ 2—12, 2-11-69; Ord. No. 69-64, §§ 2—5, 9-17-69; Ord. No. 69-86, § 1, 12-3-69; Ord. No. 70-10, § 1, 2-11-70; Ord. No. 70-62, § 1, 9-1-70; Ord. No. 71-69, §§ 1—3, 8-31-71; Ord. No. 73-75, §§ 1, 2, 9-18-73; Ord. No. 75-62, § 1, 7-16-75; Ord. No. 75-85, § 1, 10-15-75; Ord. No. 75-86, § 1, 10-15-75; Ord. No. 76-40, § 1, 5-4-76; Ord. No. 80-77, § 1, 7-15-80; Ord. No. 81-43, § 1, 4-21-81; Ord. No. 84-93, § 1, 12-4-84; Ord. No. 85-3, § 1, 1-8-85; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 95-46, § 1, 4-4-95; Ord. No. 97-209, § 1, 11-18-97; Ord. No. 98-37, § 1, 3-31-98; Ord. No. 12-21, § 1, 4-3-12; Ord. No. 13-08, § 1, 2-5-13)

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

(a) It shall be unlawful for any person, firm, joint venture, or corporation to engage in the business or act in the capacity of contractor or subcontractor, or for any person to act in the capacity of master, qualifying agent, journeyman, maintenance personnel, installer or any other similar tradesman defined and set forth above, within the incorporated or unincorporated areas of the County, without having made application for and there having been issued a current valid certificate of competency or eligibility for the type of work done by said person, firm, joint venture or corporation from either:

(1) The State's Florida Construction Industry Licensing Board;

(2) The State's Florida Electrical Contractor's Licensing Board; or

(3) The County's Construction Trades Qualifying Board. Holders of County certificates must also be registered with the State in accordance with Section 489.115 or Section 489.513, Florida Statutes.

Provided, however, that for those projects specified in Section 489.103, Florida Statutes, a contractor must be certified by the County's Construction Trades Qualifying Board and registered with the State unless exempted by [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of this Code. Nothing herein shall be construed to mean that there cannot be workers in a trade who are not qualified or certified within the definitions herein set forth if such workers are employed by and under the supervision of a contractor qualified in the trade concerned and working with a master or journeyman on the job site, if the grade concerned requires masters and journeymen. Workers not qualified and certified within the definitions herein set forth may work as day laborers for an owner-builder in any trade not requiring masters, journeymen or installers.

(b) No person or entity shall submit a bid, nor shall any contract be awarded, on any County or municipal public works project in Miami-Dade County unless such person or firm has complied with subsection (a) of [Section 10-3](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-3CECOREDOBU) above. Any bid not in compliance with this section shall be null and void. Any person or entity who fails to maintain his certification as a contractor before the completion of work on any County or municipal project in Miami-Dade County where certification is necessary under this Code shall be in default under the contract except as provided for under [Section 10-16](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-16CEHOMAQUREUPFAMA)(b).

(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 nonstructural 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 Florida Building Code. Other than payment of the processing fee provided herein and meeting the competency standards administratively imposed by the Director of the 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 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](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-3CECOREDOBU)(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 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 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 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 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.

As a condition of obtaining a building permit, a voluntary relief builder shall furnish an affidavit, reasonably satisfactory to the Building Official of the jurisdiction, and executed by the voluntary relief builder and the owner of the structure or property to be constructed, reconstructed or repaired, which identifies the structure and property; the organization represented by the voluntary relief builder; and, which states that the services are being performed without remuneration, as set forth herein.

A voluntary relief builder may only receive a permit which is sought solely for the construction, reconstruction or repair of a single-family or duplex residence where the owner of the property certifies that said residence is to be used and occupied by the owner executing the affidavit required by this section, and that said residence is not intended for sale or resale at the time of application for said permit. The Building Official of the jurisdiction will expedite interim and final inspections for any permits issued under the terms of this section.

A voluntary relief builder who files an application for a permit for the construction, reconstruction or repair of any church, medical clinic, child or adult daycare facility or adult congregate living facility, shall be subject to approval by the Building Official of the jurisdiction demonstrating his/her competency by passing a written examination to be administered for this purpose by the Building Official of the jurisdiction.

Registration under this section shall be effective for one (1) year from the date of occurrence of a natural disaster and is subject to renewal for successive one (1) year periods upon approval of the County Commission.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 78-91, § 1, 12-12-78; Ord. No. 87-71, § 1, 10-20-87; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 92-91, § 1, 9-10-92; Ord. No. 92-157, § 2, 12-15-92; Ord. No. 93-18, § 1, 3-2-93; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 13-08, § 1, 2-5-13)

**Annotation—**CAO's 77-55, 78-39.

Sec. 10-4. Persons without certificates representing selves as contractors; identification of vehicles.

(a) Any person, firm or corporation not possessing a current certificate of competency and advertising in any newspaper, airwave transmission, phone directory or other advertising media or who issues any card, advertising or device indicating to the public that he is a contractor, or is qualified to engage in the business as a contractor, or who holds himself out as a contractor as plaintiff or defendant in any court of this State, is in violation of, and shall be subject to the provisions and penalties of, this chapter; and a certified copy of such court record or a copy of such newspaper, telephone directory, or other advertising making such assertion shall be prima facie evidence in court, or in any other proceeding authorized by this chapter, that the person is purported to have the capacity to act as a contractor.

(b) Contractors conducting their contracting business within Miami-Dade County shall identify all trucks used in the furtherance of their business by use in the transporting of materials, equipment or employees to a job site, excepting a truck owned by an employee which truck is only used for private transportation or in carrying employees' personal tools and personal equipment necessary to fulfill their job tasks, by placing on the sides thereof, in a permanent manner, identification of contractor, by name or symbol, and their certificate number, in letters and numerals not less than three (3) inches in height, excepting those trucks rented or leased by a contractor from a commercial vehicle rental agency for a period of less than one (1) month and such trucks are plainly marked with the name of the lessor in letters and numerals not less than three (3) inches in height.

(c) Anyone who advertises in any newspaper, airwave transmission, telephone directory, handbill, or other advertising medium for contracting to do any work covered by the provisions of this chapter shall include in all such advertising the permanent certificate of competency number from the certificate of competency required as a prerequisite under the provisions of this chapter. Failure to include this permanent certificate of competency number in all such advertising as evidenced by a copy or transcript of the subject advertisement shall constitute a violation of the chapter subject to the penalties provided herein and under [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) of this Code.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 4, 11-24-64; Ord. No. 65-79, § 3, 12-22-65; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 73-75, § 3, 9-18-73; Ord. No. 75-74, § 1, 9-17-75; Ord. No. 76-2, § 1, 1-6-76; Ord. No. 80-78, § 1, 7-15-80; Ord. No. 87-71, § 1, 10-20-87; Ord. No. 95-186, § 2, 10-17-95)

Sec. 10-4.1. Prohibition on publication of advertising without certification number.

(a) No person, firm, corporation or other legal entity may knowingly publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, which advertisement identifies a contractor offering services regulated by Chapter 489, Florida Statutes or Chapter 10, Code of Miami-Dade County, Florida, as they may be amended from time to time, unless the advertisement includes the certification number issued by the State of Florida or by Miami-Dade County to that contractor.

(b) Any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, when the heading describes or encompasses services regulated by Chapter 489, Florida Statutes or Chapter 10, Code of Miami-Dade County, Florida.

(c) Any person who knowingly violates this section shall be guilty of a misdemeanor for each such advertisement.

(Ord. No. 85-24, § 2, 4-16-85; Ord. No. 85-69, § 1, 9-18-65)

**Cross reference—** Commercial vehicle identification, § 8A-276 et seq.

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](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) 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 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 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 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.

(3) In connection with paragraph (2) above, no more than one (1) permit shall be issued to an owner for the construction of a new single-family or duplex residence in any twenty-four-month period, and permits for alterations and additions, or plumbing, electrical, mechanical or gas installations shall be issued only in connection with one (1) single-family or duplex residence in any twenty-four-month period, although more than one (1) permit may be issued for such work on the same single-family or duplex residence during that period.

(4) The Building Officials, as defined in the 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.

(5) When the building permit is held by an owner, lessee or tenant as set forth in subsections (1) and (2) and any work thereunder is by contract and separate permits are required for the work, the contractor shall separately and in addition to such owner, lessee or tenant, permit, make application for, and obtain permits to include all work done by him under contract.

(6) The United States, federal agencies and their contractors, in the execution of federal projects authorized by Congress, are exempted from the provisions of this chapter.

(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 Florida Building Code to do such work in the trades involved provided:

(a) A non-profit corporation, fund or foundation that is organized and existing exclusively for religious, charitable or education purposes is providing construction services to the owner free of any remuneration or consideration; and,

(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 Florida Building Code or obtain mandatory inspections.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 5, 11-24-64; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 68-23, § 2, 4-16-68; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 99-07, § 1, 1-21-99; Ord. No. 13-08, § 1, 2-5-13)

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 documentations.

(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 would qualify as the experience required under the applicable provision of [Section 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO) above, shall be the experience required by [Section 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO)

(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.

(6) The board shall adopt rules defining financial responsibility based upon the business or organization's credit history, any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may determine that a business organization is not qualified to engage in contracting.

(7) Receipt from the County showing that the fee established by separate administrative order has been paid to cover the cost of processing the application.

(8) A sworn statement stating under oath that the officers and directors, and the qualifying agent, have not been convicted of a felony during the past five (5) years, and that he or they are not presently charged with committing a felony. If this is not the case, the details of the conviction or charge shall be given.

(C) *Notice of examination.* The qualifying agent shall be notified of the time and place of the next regular examination, if one is required. This notice shall be in addition to the notice provided for in [Section 10-12](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-12SAOT)

(D) *Denial of application.* Whenever a division of the Board denies or conditions approval of an application on the basis of information received pursuant to Subsections [10-6](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-6COCEMAOB)(B)(1)—(8) above, it shall notify the applicant in writing of such action and the reason(s) therefor.

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

(1) That the qualifying agent has made a passing grade on the applicable examination, if such examination is required, and if experience is a prerequisite, that he has the required experience for the type of certification applied for.

(2) That the applicant is financially able to engage in the contracting business for which the certificate is requested. The board shall establish, in its rules and regulations, uniform but separate standards for each contractor's category to guide it in determining an applicant's financial qualifications. Such standards shall first be approved by both divisions of the Construction Trades Qualifying Board.

(3) That the applicant and qualifying agent and each member of the firm, and all officers and directors, if a corporation, possess a reputation for honesty, integrity, and good character. This shall be determined by the Board from the information contained in the letters of recommendation submitted to or obtained by the Board or its investigators. The lack of honesty, integrity or good character may be established by competent evidence that:

(a) The applicant, or qualifying agent, or any member of the firm, or officer or director of the corporation, who has, as an individual, committed an act within the past three (3) years which, if committed or done by licensed contractor, would be grounds for suspension or revocation of a contractor's license; or is a member of a firm or corporation that has committed an act within the past three (3) years, which, if committed or done by a licensed contractor, would be grounds for suspension or revocation of a contractor's license.

(b) The applicant, or qualifying agent, or any member of the firm, or officer or director of the corporation has, as an individual, committed an act within the past three (3) years involving dishonesty, fraud, deceit or lack of integrity whereby some injury has been sustained by another; or is a member of a firm or corporation that has committed an act within the past three (3) years involving dishonesty, fraud, deceit or lack of integrity whereby some injury has been sustained by another.

(c) The applicant, or qualifying agent, or any member of the firm, or officer or director of the corporation has, as an individual, refused to pay valid bills or is a member of a firm or corporation that has refused to pay valid bills.

(d) The applicant, or qualifying agent, or any member of the firm, or officer or director of the corporation, is presently charged with commission of a felony or is a member of a firm or corporation charged with commission of a felony.

(e) The applicant, or qualifying agent, or any member of the firm, or officer or director of the corporation has been convicted of a felony.

(4) That the applicant or qualifying agent has not had his certificate of competency suspended or revoked by the Florida Construction Industry Licensing Board or other State licensing authority or the licensing authority of another municipality or county whether located in the State of Florida or another state.

(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.

(F) *Responsibilities of qualifying agent.* The qualifying agent shall have the following authority and responsibilities upon issuance of a certificate of competency to the contractor and failure to carry out such responsibilities shall constitute a violation of this chapter:

(1) To act for the contractor in all matters connected with the contractor's business.

(2) To supervise, direct and control all work of the contractor, including, but not limited to, the direct responsibility for controlling and overseeing the contractor's employees and field operations for whom he is qualified.

(3) The contractor shall be qualified only through the qualifying agent who executed the application and such agent shall be restricted to the work of the contractor he has qualified, but a contractor may be qualified by more than one (1) qualifying agent.

(Ord. No. 57-25, § 17.05, 11-12-57; Ord. No. 64-59, §§ 6—12, 11-24-64; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 69-11, § 1, 2-4-69; Ord. No. 71-15, § 1, 1-26-71; Ord. No. 71-84, § 4, 10-5-71; Ord. No. 73-75, § 4, 9-18-73; Ord. No. 75-63, § 1, 7-16-75; Ord. No. 76-70, § 1, 7-20-76; Ord. No. 91-114, § 1, 10-1-91; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 95-46, § 1, 4-4-95; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 02-2, § 1, 1-29-02; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-6.1. Building and engineering qualifying agents certificates.

Anyone desiring to obtain a certificate of eligibility as a qualifying agent in any of the building and engineering categories in addition to other prerequisites provided for in this chapter shall take and pass the applicable examination, if examination is required for the particular building or engineering category.

(a) In order to take the applicable examination, or to otherwise obtain a certificate of eligibility, he shall make application on a form prescribed by the Board and pay a fee established by separate administrative order and shall submit evidence showing that he possesses all other prerequisites required by this chapter to become such qualifying agent.

(b) In addition to the notice required by [Section 10-12](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-12SAOT), an applicant shall be mailed a written notice direct to the address given in this application advising the time and place of the next examination.

(Ord. No. 67-82, § 1, 10-17-67; Ord. No. 76-70, § 2, 7-20-76)

Sec. 10-7. Masters, journeymen and maintenance personnel certificates.

A certificate of competency for masters, journeymen and maintenance personnel shall be obtained in the following manner:

(a) *Application.* All applicants shall make application on a form which includes the information described in [Section 10-6](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-6COCEMAOB)(B)(1)—(8) above and as prescribed by the Board. The application shall be retained by the County together with all supporting papers.

(b) *Fee.* A fee established by separate administrative order shall be paid for the examination for journeymen and maintenance personnel, and for masters.

(c) *Notice of next examination.* The applicant shall be notified of the time and place of the next examination. This notice shall be in addition to the notice provided for in [Section 10-12](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-12SAOT)

(d) *Examination.* He shall pass the examination in the particular category and trade concerned.

(e) *Denial of application.* [Section 10-6](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-6COCEMAOB)(D) applies as though fully set forth herein.

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

(Ord. No. 57-25, § 17.07, 11-12-57; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 76-70, § 3, 7-20-76; Ord. No. 91-114, § 1, 10-1-91; Ord. No. 13-08, § 1, 2-5-13)

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

Examinations shall be prepared, conducted and graded by the Director of the 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 standards 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 directors shall be responsible for the annual review and improvement of all examinations, in order that such examinations are fair and comprehensive and indicative of current practices and codes.

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

(a) Each applicant shall be examined by an objective written test, except for cases of language difficulty, or other impediments, for which special provision is made pursuant to [Section 10-11](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-11SAROLADI) of this Code, as to his fitness to be granted the type of certificate applied for.

(b) The passing grade for journeyman examinations shall be seventy-five (75) percent. The passing grade shall be seventy (70) percent for all other examinations unless a different passing grade is established by the directors in advance of the examination, and if a passing grade other than seventy (70) percent is so established, the notice of examination posted pursuant to [Section 10-12](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-12SAOT) of this Code shall specify such passing grade.

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

(d) The written examination shall be of a multiple choice, fill-in or true-false character or may include or consist of diagrams, plans or sketches upon or in connection with which the applicant is required to demonstrate his knowledge of circuits, installations or the like by answering true-false, multiple-choice or one (1) word fill-in questions keyed to such diagrams, plans or sketches.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 13, 11-24-64; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-9. Same—Special standards.

(a) Special standards or kinds of examination for particular trades or specialties may be established by the directors, but such special standards or kinds of examination shall not be effective unless and until approved by the County Commission.

(b) Additional specialty contractors classifications requiring written examinations may be established, or existing specialty contractors classifications abolished by approval of the Miami-Dade County Board of County Commissioners after recommendation of the Board defining the classification and scope of work thereof and all applicants within a particular class, trade or specialty shall receive equal treatment.

(c) Because of the possibility of this chapter failing to cover many uncontemplated classifications of specialty contractors, the Board may, without further approval of the Board of County Commissioners, provide additional classifications of specialty contractors that do not need such technical knowledge as to require either written or oral examination in order to determine their proficiency in the craft concerned. The Board shall define such classification and scope of work thereof. Such a contractor shall have a qualifying agent that meets the reasonable standards and qualifications as prescribed by the Board at the time the board establishes such a classification and such reasonable standards and qualifications shall be based upon experience in the craft or trade. The Board may redefine and change or modify the type of work for such established unexamined classifications and abolish the same as experience with such a previously established classification may justify.

(Ord. No. 59-41, 11-3-59; Ord. No. 60-11, § 3, 3-19-60; Ord. No. 62-12, § 1, 3-6-62; Ord. No. 63-13, § 1, 4-16-63; Ord. No. 64-45, § 1, 10-8-64; Ord. No. 64-59, §§ 14, 15, 11-24-64; Ord. No. 67-82, § 1, 10-17-67)

Sec. 10-10. Same—Reexamination.

If the applicant shall fail to achieve a passing grade upon the examination, no certificate of competency shall be granted, but such failure shall not preclude the applicant from taking any subsequent examination upon proper application or amended application therefor when accompanied by the fee hereinabove provided.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67)

Sec. 10-11. Same—Provision for language difficulty.

If the applicant shall have difficulty with the written or spoken English language, or other impediment or affliction, which shall not impair his competency in the grade concerned but which seriously impairs his ability to demonstrate his competency verbally or in writing, special provisions shall be made through an interpreter or otherwise, for the administering of the written or oral parts of the examination to such person.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 16, 11-24-64; Ord. No. 67-82, § 1, 10-17-67)

Sec. 10-12. Same—Notice.

Notice of examination, with a brief description of the subject matter to be covered, shall be posted conspicuously on a bulletin board at the department concerned at least sixty (60) days before the examination. The posting of such notice and the date when posted shall be attested to by the appropriate director and kept with the records of the Board.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67)

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

(a) *Transferability of certificates.* The certificates issued pursuant to the provisions of this chapter shall be nontransferable. All certificates shall expire on the last day of September 1999. All certificates or renewals applied for or issued subsequent to September 1999 shall be issued for an initial period of twelve (12), eighteen (18), twenty-four (24) or thirty (30) months, after which time each renewal shall be valid for twenty-four (24) months.

(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 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. Of the required sixteen (16) hours of continuing education credit a minimum of one (1) hour in each of the following areas of study shall be included: [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the Code of Miami-Dade County and Florida Statute 713. The remaining fourteen (14) hours of continuing education may be satisfied through attendance at any Board approved courses. The list of approved classes for continuing education credit shall be posted in the Department. The department may establish penalty fees by administrative order for renewal applications submitted after the certificate expiration date(s).

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

a. A certificate holder may not elect voluntary inactive status if fines and fees imposed by the Board or a division thereof, a hearing officer under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code, or a civil or criminal court judge relating to his or her work in the trade, remain unpaid or are the subject of an investigation initiated by the Board, a division thereof, or the department.

b. During the period of time in which the certificate is in voluntary inactive status, the certificate holder shall not engage in contracting. Tradesmen shall not act in the capacity of either a master, journeyman or maintenanceman, as defined under this chapter, while a certificate is in voluntary inactive status.

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

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

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

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

(4) The holder of a certificate which has become null and void may reapply to the Board or a division thereof for certification in accordance with this chapter or request reinstatment.

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

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

(5) When a contractor, qualifying agent or tradesman has been disciplined by the Board and the penalty imposed was a reprimand, monetary fine or restitution, or any combination of these penalties, the contractor, qualifying agent or tradesman shall submit to the Board sixty (60) days prior to the date the certificate is to expire in each renewal cycle, credit reports on the contractor, qualifying agent or tradesman to establish that he or she is otherwise maintaining the affirmative conditions of honesty, integrity and good character necessary for the issuance of a certificate. Failure to submit the credit report as required will result in the administrative suspension of the certificate until such time it is submitted and considered by the Board or a division thereof.

(6) When a contractor, qualifying agent or tradesman has been disciplined by the Board or a division thereof and the penalty imposed is suspension of the certificate of competency for a period of time, the contractor, qualifying agent or tradesman shall submit to the Board sixty (60) days prior to the expiration of the term of suspension and each certificate renewal cycle a credit report on the contractor, qualifying agent or tradesman to establish that he or she is otherwise maintaining the affirmative conditions of honesty, integrity and good character necessary for the issuance of a certificate. Failure to submit the credit report as required will result in the administrative suspension of the certificate until such time it is submitted and considered by the Board.

(7) Upon filing a renewal application, after January 1, 1996 holders of personal certificates of competency as a maintenanceman, journeyman, or master who is not also a qualifying agent, or holders of a certificate of eligibility, whether in active or inactive status, must establish continuous employment in the trade by maintaining copies of all W-2 forms or other documents required to be filed by the Internal Revenue Service with their personal income tax return for the term about to expire. The certificate may be placed in involuntary inactive status if the required documentation as defined in Subsection [10-13](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-13CENOTERERESTCECORE) is not maintained. Certificate holders who have not maintained continuous employment in the trade with a contract or who have discontinued working in the trade for a period of twelve (12) months during the term of the certificate about to expire, shall have their certificates placed in involuntary inactive status unless they can show good cause to the board or a division thereof why they should continue in active status. This subsection shall not apply to municipal of county plan reviewers, building inspectors or building officials, who are actively employed during the term about to expire.

a. A certificate which has become involuntary inactive under this subsection and has not become null and void may be reactivated by application to the department; payment of an application fee for reactivation as established by separate administrative order; satisfactory proof to the board or a division thereof that the certificate holder has obtained employment in the trade and maintained a reputation for honesty, integrity and good character; payment of the current renewal fee, renewal fees for each renewal period in which the certificate was involuntary inactive and any penalty fees established by separate administrative order; and, completion of up to eight (8) classroom hours of continuous education for each year the certificate was inactive as specified by the board or a division thereof.

(8) A qualifying agent who has reached the age of 65 may renew his/her certificate of competency at no cost and shall be excused from the continuing education requirement provided for in [Section 10-13.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-13.1COED), provided that the qualifying agent has held the certificate of competency for at least 20 years, and has never been found guilty by the Construction Trades Qualifying Board, Board of Rules and Appeals, or a Special Master Appeal Hearing Officer, of a criminal/civil violation pertaining to this Code or Florida Statute 489. The qualifying agent shall apply in person for the subject renewal.

(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.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 76-70, § 4, 7-20-76; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 95-47, § 1, 4-4-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 05-89, § 1, 5-3-05; Ord. No. 13-08, § 1, 2-5-13; Ord. No. 13-86, § 1, 9-17-13)

Sec. 10-13.1. Continuing education.

(a) *Requirements for certificate holders.* Each person who is certified by the Board as a maintenanceman, journeyman, a master who is not also a qualifying agent, holders of a certificate of eligibility, or a qualifying agent not registered under F.S. 489, Part I or II in active status, must, as a condition of each renewal of the certificate after January 1, 1996, maintain proof of completion of continuing education hours in one (1) or more courses approved by the Board in accordance with the rules adopted by the Board. The Board shall also accept continuing education credits earned by attending courses approved by the Florida Construction Industry Licensing Board and the Florida Electrical Contractors' Licensing Board, provided the course is also Miami-Dade County approved.

(1) For the purposes of continuing education, each certificate of eligibility is to be effective for one (1) term, which begins on the date of the Board's approval of certification and ends on the certificate's date of expiration. In no event shall a certificate be valid for more than twenty-four (24) months.

(2) A certificate-holder who holds more than one (1) certificate issued by the Board is required to complete the continuing education requirements only once during each term. Proof of completion by any such person must be filed with the department prior to the submittal of each renewal application.

(3) A certificate-holder is not required to complete any continuing education requirements for the term in which a certificate is initially issued.

(4) An individual holding a personal certificate of competency or a personal certificate of eligibility in inactive status may defer the continuing education requirement of this chapter for one (1) or more renewal periods until such time as the individual applies to the Board for active status. Deferral of the continuing education requirement shall not prevent the personal certificate holder from renewing his or her certificate. Any individual with a personal certificate in inactive status who applies to the Board to place the certificate in active status must provide proof of having satisfied any deferred continuing education. The Board may not waive any deferred continuing education.

(5) Board members who are qualifying agents of contractors licensed pursuant to this chapter shall earn one (1) credit hour of continuing education for each meeting of the Board attended up to a maximum of five (5) credit hours each year. Certificate holders who are not members of the Board shall earn three (3) credit hours of continuing education for each meeting of the Board attended in which disciplinary cases are considered up to a maximum of three (3) credit hours each term. Proof of attendance must be recorded at the beginning and end of each meeting by the Clerk of the Board.

(b) *Registration of course sponsors.*

(1) Any person or legal entity who seeks to conduct a course, seminar or other program of instruction intended to be offered for the purpose of enabling participants to earn continuing education hours under this chapter shall apply to the Board for registration as a course sponsor.

(2) In order to register as a course sponsor, the person or legal entity must submit an application for approval on a form and in a manner approved by the Board with payment of the registration fee established by separate administrative order.

(3) The course sponsor registration is valid for two (2) years from the date of issue.

(c) *Approval of continuing education courses.*

(1) Any registered course sponsor may submit an application for approval of a continuing education course.

(2) The application for approval of a continuing education course shall be submitted on a form approved by the Board with payment of the fee established by separate administrative order.

(3) The continuing education course approval is valid for two (2) years from the date of approval.

(d) *Discipline of course sponsors.*

(1) If, at any time, a partner, owner, director, officer or duly-appointed representative of a course sponsor falsifies or fraudulently misrepresents any information which is provided to the Board or, in the alternative, violates any of the provisions of [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the Code of Miami-Dade County (or the Board's rules and regulations promulgated thereunder) it shall be deemed a violation of [Section 10-14](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-14GRDIPEEN) of this Code, punishable in the manners provided in that Section, with penalties to include revocation or suspension of the course sponsor registration.

(Ord. No. 97-173, § 1, 10-7-97; Ord. No. 99-10, § 1, 1-21-99)

**Editor's note—**

Ord. No. 93-109, § 1, adopted Oct. 19, 1993, repealed Ord. No. 93-70, enacted July 15, 1993, from which the provisions of former [§ 10-13.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-13.1COED), relative to construction trade identification card requirements, derived. Subsequently, Ord. No. 97-173 added a new [§ 10-13.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-13.1COED)

Sec. 10-14. Grounds for discipline; penalties and enforcement.

(a) Either division of the Board or a disciplinary action panel appointed pursuant to this chapter may discipline the holder of any certificate of competency issued to a contractor, journeyman, master, maintenanceman, installer, or technician as well as the holder of any certificate of eligibility to act as a qualifying agent by suspending, revoking or denying renewal of the certificate, by issuing a fine or a reprimand; or, by placing the contractor on probation for a period of time and subject to such conditions as either division of the Board or disciplinary action panel may specify, including, but not limited to, requiring the contractor to work under the supervision of another contractor after notice and reasonable opportunity to be heard, if it is found that:

(1) The certificate was fraudulently obtained or erroneously issued.

(2) The holder of the certificate or any member or employee of the firm, or any officer or director, if a corporation, has violated any of the provisions of this chapter or the rules adopted pursuant thereto.

(3) The holder of the certificate of competency has failed to maintain the insurance required by [Section 10-19](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-19INRE). The Board may reinstate any certificate revoked for failure to maintain insurance at such times as the holder of the certificate furnishes proof satisfactory that the insurance requirements have been complied with. Moreover, permits may be denied to those contractors without the required insurance.

(4) The holder of the certificate or any member or employee of the firm, or any officer or director, if a corporation, has been convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(b) Either division of the Board, or disciplinary action panel may discipline any person, firm or corporation not possessing a certificate issued by the Board, or by the Florida Construction Industry Licensing Board or by the Florida Electrical Contractors' Licensing Board, engaging in contracting or in a trade, to the same extent as a certified person. Moreover, any uncertified person who is found guilty by either division of the Board or a disciplinary action panel, a criminal court judge or a hearing officer under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code of contracting may be denied certification by the Board.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 71-15, § 2, 1-26-71; Ord. No. 93-70, § 2, 7-15-93; Ord. No. 93-109, § 1, 10-19-93; Ord. No. 95-46, § 1, 4-4-95; Ord. No. 99-10, § 1, 1-21-99)

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.

(a) The Secretary of the Board or his designee, for good cause, may, upon his own motion, or upon a complaint in writing of any person, investigate or cause to be investigated the complaints against any person, firm, corporation, joint venture, contractor, or employee, officer or director of a contractor, or any holder of a certificate of competency or certificate of eligibility to act as qualifying agent or tradesman within the meaning of this chapter and submit a written or oral report to a probable cause panel; however, no such investigation or report shall be required. Upon the Secretary discovering that a contractor holding a certificate of competency has been adjudicated bankrupt or such contractor has filed a voluntary petition under State or federal bankruptcy or insolvency statutes or has made assignment for the benefit of creditors, or upon the Secretary discovering that such contractor has failed to keep in force the insurance policy required in [Section 10-19](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-19INRE), the Secretary of the Board or his designee shall immediately report the matter to the Board.

(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 shall be made 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.

(3) Refer the matter to the State Attorney or County Attorney for appropriate action.

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

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

(e) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if a division or disciplinary action panel as determined by Board rule finds it competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(f) (1)  
Each party may have the following rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to im peach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

(2) In order to make a decision of guilt, a division or disciplinary action panel must find that the weight of substantial competent evidence indicates that the person charged has violated the Sections of this Code as charged. Before imposing a penalty, the division or disciplinary action panel may consider mitigating circumstances presented through testimony and evidence. A sincere offer to make full restitution to the injured property owner may be considered as a mitigating circumstance.

(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:

(1) Suspension of the certificate, stating time.

(2) Revocation of the certificate, naming the effective date. After revocation, the certificate may only be renewed or reissued after a period of at least one (1) year and upon a showing of rehabilitation of the former certificate holder.

(3) Official letter of reprimand to become a part of the certificate holder's permanent file.

(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. The penalty of suspension, revocation and reprimand authorized in Sections [10-15](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15PRIMDIREADDEPAFIREUNFIUNFICOLIFO)(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 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.

b. If a certificate holders fails to pay the fines and administrative costs as assessed by the division or disciplinary action panel, the certificate of such a person or firm shall be administratively suspended until the fine and costs have been paid, and the certificate holder and all municipalities will be so notified. Failure to pay a fine or administrative costs within the time specified in this section or the division's or the disciplinary action panel's order shall result in the assessment of an interest payment at an annual percentage rate of eighteen (18) percent. The interest payment shall begin to accrue from the date immediately succeeding the due date of the fine and administrative costs.

c. The Miami-Dade County 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.

d. A certified copy of the division's or disciplinary action panel's decision imposing a fine or administrative costs may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the individual or entity fined by the division or disciplinary action panel; and, it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose or otherwise execute on the lien.

(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 105 of the Florida Building Code shall result in an administrative fine of five hundred dollars ($500.00).

(h) Notice of guilty decisions shall be mailed to all municipalities within Miami-Dade County and to the certificate holder at his last known address.

(i) Any party aggrieved by a division's or disciplinary action panel's decision may have such decision reviewed by the filing of a direct appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, for a review of the record upon which the decision is based, in accordance with the procedure and within time provided by the Florida Rules of Appellate Procedure for the review of the rulings of any commission or Board, which rules of practice and procedure are hereby adopted. For such purposes, the secretary of the Board shall make a available for public inspection and copying the record of each such decision to be reviewed; provided, such secretary may make a reasonable charge commensurate with the cost, in the event he is able to and does furnish copies of all or a portion of such Board's record. Prior to certifying a copy of any record or portion thereof, the secretary or his designee shall make all necessary corrections in order that the copy is a true and correct copy of the record, or those portions thereof requested, and shall make a charge of not more than actual copying costs per page, instrument or exhibit; provided the charges here authorized are not intended to repeal or amend any fee or schedule of fees otherwise established.

(j) In addition to any fines imposed under [Section 10-15](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15PRIMDIREADDEPAFIREUNFIUNFICOLIFO)(g), the Department may recover any administrative costs associated with investigating and resolving complaints which give rise to any disciplinary proceeding resulting in a finding of guilty or any settlement agreement pursuant to [Section 10-15.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.1SEAG) of this Code.

(Ord. No. 59-41, 11-3-59; Ord. No. 61-25, § 1, 6-13-61; Ord. No. 64-59, §§ 18, 19, 11-24-64; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 71-15, § 3, 1-26-71; Ord. No. 71-84, § 1, 10-5-71; Ord. No. 76-38, § 1, 5-4-76; Ord. No. 82-15, § 1, 3-2-82; Ord. No. 84-6, § 1, 1-17-84; Ord. No. 87-71, § 1, 10-20-87; Ord. No. 91-115, § 1, 10-1-91; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 00-13, § 1, 2-8-00; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-15.1. Settlement agreements.

At any time prior to the close of the hearing provided for in [Section 10-15](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15PRIMDIREADDEPAFIREUNFIUNFICOLIFO), the Director of the Miami-Dade County 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.

(Ord. No. 87-71, § 1, 10-20-87; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-15.2. Administrative suspension.

(a) The Director of the 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:

(1) For ten (10) points earned within a consecutive twelve-month period, the suspension shall be for a period of three (3) months.

(2) For sixteen (16) points earned within a consecutive eighteenth-month period inclusive of points earned under paragraph [10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU)(a)(1), the suspension shall be for a period of six (6) months.

(3) For twenty (20) points earned within a consecutive twenty-four-month period, inclusive of points earned under paragraph [10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU)(a)(2), the suspension shall be for a period of nine (9) months.

(4) For twenty-six (26) points earned within a consecutive thirty-six-month period, inclusive of points earned under paragraph [10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU)(a)(3), the suspension shall be for a period of twelve (12) months.

(b) Points shall be assessed as follows:

(1) Convictions of violation of [Section 10-22](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-22PRACOM)(d) or [Section 10-22.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-22.1SAOUMAMAMAET)(b)—Six (6) points.

(2) Conviction of violation of [Section 10-2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-2CECOLIRECLSCWO)—Eight (8) points.

(3) Conviction of violation of [Section 10-4](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-4PEWICERESECOIDVE)—Two (2) points.

(4) Conviction of violation of Section 301, Florida Building Code—Ten (10) points.

(5) Conviction of violation of Section 201.1(e), Florida Building Code—Ten (10) points.

(6) Conviction of violation of [Section 8-14](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-14CLSI), Code of Miami-Dade County—Six (6) points.

(7) Conviction of violation of [Section 8-16](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-16SPHUIN), Code of Miami-Dade County—Six (6) points.

(8) Conviction of Section 109.6, Florida Building Code—Six (6) points.

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

(c) For the purposes of this [Section 10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU), conviction shall be deemed to mean (i) conviction by County Court or Circuit Judge or jury; or (ii) the entry of a guilty plea to a County Court or Circuit Court proceeding; or (iii) payment of a civil penalty for any violation of this chapter pursuant to the provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN), Code of Miami-Dade County; or (iv) a finding of violation by a hearing officer in a proceeding conducted pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN), Code of Miami-Dade County; or (v) entry of a guilty plea to such a proceeding. For the purposes of this [Section 10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU), conviction shall be deemed to have occurred when the time for filing direct appeals shall have expired and no appeal has been filed or when the last appropriate court with jurisdiction to hear direct appeals shall have issued its ruling.

(d) The Director of the Miami-Dade County Department of Regulatory and Economic Resources shall notify the holder of each certificate administratively suspended pursuant to this [Section 10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU)

(e) The holder of any certificate suspended pursuant to this [Section 10-15.2](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15.2ADSU) may request in writing that the appropriate division of the Board reinstate the certificate at its first available meeting. The Division may reinstate the certificate upon a finding that the certificate was suspended due to clerical error.

(Ord. No. 87-71, § 1, 10-20-87; Ord. No. 93-70, § 3, 7-15-93; Ord. No. 93-109, § 1, 10-19-93; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 00-13, § 2, 2-8-00; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-16. Certificate holders maintaining qualification; revocation upon failure to maintain.

(a) Whenever a certificate holder fails to maintain any of the qualifications required for the issuance of such certificate, such certificate holder shall report such lack of qualifications to the Board whereupon the Board may, after notice and hearing as provided in this chapter, suspend or revoke the certificate.

(b) If a contractor fails at any time to have a qualifying agent, such contractor's certificate is automatically revoked, provided that upon the contractor's written application, the Board, for good cause, may grant the contractor the right to continue in business for a period of time up to thirty (30) days after the next examination for the type of qualifying agent involved, provided an examination is required. If no examination is required, the Board, upon written application, may for good cause, grant the contractor the right to continue in business for a period not to exceed sixty (60) days. Such right to continue business shall only be granted by the Board, if it is found by the Board that such continuance would not be contrary to the public health, welfare and safety.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 71-84, § 2, 10-5-71; Ord. No. 73-75, § 5, 9-18-73)

Sec. 10-17. Procedure for correction of errors in issuance of certificates.

(a) Notwithstanding the provisions of the foregoing sections, when any certificate of competency shall have been issued or shall be outstanding because of error of law or of fact, or because of administrative error, the Board may revoke or correct such certificate upon notice and reasonable opportunity to be heard, but without charges, findings, or other formal requirements, and failure to return such certificate to the Board upon demand therefor shall be a violation of this chapter.

(b) Further, and notwithstanding the provisions of the foregoing sections, the Board may correct an error of law, or of fact, or an administrative error which resulted in the denial of the issuance of a proper certificate of competency whether such error was the result of the action of the current Board or of a prior Miami-Dade County Examining Board.

(Ord. No. 59-41, 11-3-59; Ord. No. 64-59, § 21, 11-24-64; Ord. No. 67-82, § 1, 10-17-67)

Sec. 10-18. Certificates prerequisite to issuance of occupational licenses.

Whenever a municipal or County occupational license is required of any contractor, no such occupational license shall be issued unless the applicant shall first procure from the Board a current certificate of competency and shall present a copy to the appropriate licensing officer.

(Ord. No. 57-25, § 17.09, 11-12-57; Ord. No. 67-82, § 1, 10-17-67)

Sec. 10-19. Insurance requirements.

All contractors holding certificates of competency issued pursuant to this chapter shall maintain at all times with an insurance company authorized to do business in the State of Florida public liability insurance with limits of liability not less than three hundred thousand dollars ($300,000.00) per accident or occurrence for bodily injury and fifty thousand dollars ($50,000.00) per accident for property damage. It shall be the responsibility of all persons holding certificates of competency issued pursuant to this chapter or the Florida Statutes and doing business within Miami-Dade County, Florida, to ensure that the originals of certificates, signed by a qualified agent of the insurer, shall be filed with the Secretary of the Board showing the name of the insurer, the type of policy issued, the policy number, the inception and expiration dates of the policy, and the limits of liability, and that the Secretary of the Board or his designee will be notified by registered or certified mail of any material change in the policy or its cancellation. The insurance shall provide by endorsement of the policy that the insurer shall notify the Secretary of the Board by certified or registered mail of the intent to cancel the policy for any reason, at least thirty (30) days prior to such cancellation. When a contractor holding a certificate of competency issued pursuant to this chapter cancels the insurance required by this section or is notified by his insurer that such insurance is being canceled, the contractor will immediately submit to the Secretary of the Board or his designee a list of outstanding permits which he has been issued but for which the work thereunder has not yet been completed. Such list will include the permit number, address of the work under permit and the name of the agency issuing the permit, together with an estimate of the percentage of the work that has been completed under the outstanding permits; provided, however, that no such list will be required if the contractor whose insurance has been canceled has already obtained the required insurance from an alternate insurer and has filed the above required certificate from the insurer. By affixing his signature to any application for a permit, the qualifying agent for a contractor will be considered to have thereby certified that the insurance required by this section has been obtained by the contractor he qualifies and that such insurance is in full force and effect. A binder signed by a qualified agent of the insurer, indicating compliance with the foregoing requirements may be accepted in lieu of a certificate for a period not to exceed thirty (30) days.

(Ord. No. 59-41, 11-3-59; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 76-41, § 1, 5-4-76; Ord. No. 82-32, § 1, 4-20-82; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 99-10, § 1, 1-21-99)

Sec. 10-19.1. Business records requirements.

All contractors holding certificates of competency issued pursuant to this chapter shall maintain complete financial and business records for the immediately preceding three (3) years. The business and financial records to be maintained shall include minutes of corporate meetings, business contracts, telephone records, insurance policies, letters of complaint, notices received from government entities, bank statements, canceled checks, records of account receivable and payable, financial statements, loan documents, tax returns and all other business and financial records the contractor maintains in the regular course of business.

(Ord. No. 91-116, § 1, 10-1-91)

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 one (1) architect, one (1) registered engineer, and the qualifying agents of each of the following types of contractors holding a certificate of competency pursuant to this chapter issued by Division A or Division B of the Miami-Dade County Construction Trades Qualifying Board: Four (4) general contractors, two (2) engineering contractors, three (3) electrical contractors, three (3) plumbing contractors, two (2) mechanical contractors, two (2) roofing contractors, one (1) contractor certified in both swimming pool piping and swimming pool maintenance (commercial) categories, one (1) liquefied petroleum installation contractor, one (1) swimming pool contractor, two (2) Building Specialty Contractors and four (4) members from the general public with each member to have one (1) vote. Those individuals appointed as alternate members of the Board and currently serving in that capacity on the effective date of Ordinance No. 75-75 shall automatically be appointed as regular members for the duration of the terms for which they were appointed as alternates. If a contractor having a Miami-Dade County certificate of competency at the time of his appointment fails to renew or maintain that certification, he will be disqualified from membership on the Board and a replacement appointed by the Board of County Commissioners. Any member of the Board on the effective date of Ordinance No. 83-105 who does not have a Miami-Dade County certificate of competency shall be permitted to remain on the Board until the expiration of his or her current term.

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

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

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

(B) *Terms of office; vacancies.*

(1) The Board members shall be appointed for a term of three (3) years, or until their successors are appointed and qualified, except that the terms of the members of the first Board appointed and their alternates shall be staggered as provided in the County Commission resolution of appointment.

(2) Any member of the Board may be removed from office by a majority vote of the entire County Commission.

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

(C) *Organization of Board.*

(1) The Board shall elect a Chairman and Vice-Chairman and such other officers as may be necessary from among its members. Terms of all offices shall be for one (1) year.

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

(a) Division A to consist of the three (3) general contractors, two (2) engineering contractors, one (1) architect, and two (2) roofing contractors, one (1) registered engineer, one (1) swimming pool contractor, two (2) Building Specialty Contractors and two (2) members from the general public.

(b) Division B to consist of the three (3) electrical contractors, three (3) plumbing contractors, two (2) mechanical contractors, one (1) liquefied petroleum installation contractor, one (1) swimming pool piping and maintenance (commercial) contractor, one (1) general contractor and two (2) members from the general public.

(c) Each division shall elect a Chairman and Vice-Chairman and such other officers as may be necessary from among its members. Terms of all officers shall be for one (1) year. The Director of the 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.

(3) Probable cause panels. The Chairman of each division shall appoint probable cause panels consisting of two (2) members of the division plus one (1) alternate, each of whom represents a different trade or profession than the others. Probable cause panels shall hold meetings open to the public to determine, as to each complaint which comes before the divisions, whether probable cause exists for the division or disciplinary action panel to hold a disciplinary hearing under [Section 10-15](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15PRIMDIREADDEPAFIREUNFIUNFICOLIFO). Probable cause shall be determined by an affirmative decision of both panel members. The terms of all panel members shall be one (1) year. Panel members may be reappointed.

(4) Disciplinary action panels. The Chairman of the Board shall appoint disciplinary action panels consisting of three (3) members of one (1) or both divisions plus one (1) alternate, each of whom represents a different trade or profession than the others. Members who served in the probable cause panel shall not be eligible for service in the disciplinary action panel for the same case. One (1) member of the panel must possess a certificate of competency in the same trade as the contractor that is the subject of the disciplinary hearing before the panel. If the contractor that is the subject of the disciplinary hearing possesses more than one (1) certificate of competency then at least one (1) panel member must possess a certificate in one (1) of the trades in which the contractor was engaged in on one (1) or more of the jobs on which contractor committed violation(s) which are the subject of the disciplinary hearing.

Disciplinary action panels are empowered to conduct disciplinary hearings under [Section 10-15](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-15PRIMDIREADDEPAFIREUNFIUNFICOLIFO) on behalf of the divisions. A majority vote of the panel members present and voting shall be required to make a decision of guilty in any disciplinary hearing. The terms of all panel members shall be one (1) year. Panel members may be reappointed.

The Board by rule shall determine when a disciplinary hearing should be presented to a Disciplinary Action Panel or a division of the Board. The determination should be made based in part on the following criteria:

a. The number and severity of the alleged complaint.

b. The number of cases pending resolution before the division of the Board.

c. The complexity of the case.

(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.

(2) Meetings shall be called by the Chairman of the Board and in his absence by the Vice-Chairman of the Board or may be called by the Secretary.

(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 Department of Regulatory and Economic Resources, or in such other location as the Director of that Department may designate.

(4) A majority of the appointed members of the Board shall constitute a quorum at any meeting. A majority vote of those present and voting shall be required to make any decision.

(E) *Additional employees in enforcement.* For the purpose of administering this chapter, the Board may call upon the 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 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 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.

(Ord. No. 57-25, § 17.11(H)(7), 11-12-57; Ord. No. 58-44, § 1, 12-9-58; Ord. No. 59-41, 11-3-59; Ord. No. 64-52, §§ 1, 2, 10-6-64; Ord. No. 64-59, §§ 22—30, 11-24-64; Ord. No. 67-34, § 3, 5-16-67; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 71-69, §§ 4, 5, 8-31-71; Ord. No. 75-75, § 1, 9-17-75; Ord. No. 83-105, § 1, 11-15-83; Ord. No. 84-20, § 1, 3-6-84; Ord. No. 87-28, § 1, 5-19-87; Ord. No. 87-71, § 1, 10-20-87; Ord. No. 94-05, § 1, 1-18-94; Ord. No. 95-188, § 1, 10-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 07-44, § 1, 3-6-07; Ord. No. 13-08, § 1, 2-5-13; Ord. No. 13-86, § 1, 9-17-13)

Sec. 10-21. Enforcement.

(a) The Director of the Miami-Dade County 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.

(b) The Director of the Miami-Dade County Department of Regulatory and Economic Resources and Public Works and Waste Management Department and his or her designees are hereby authorized to issue citations when, based upon personal investigation, there exists reasonable grounds to believe that a violation of this chapter has occurred.

(c) 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.

(d) All law enforcement officers of the State of Florida and Miami-Dade Police Department are authorized to enforce the provisions of this chapter.

(e) Municipalities may, by ordinance, resolution, or administrative order, authorize municipal employees to enforce all provisions of this section. However, the authority to discipline contractors is reserved to the Board.

(Ord. No. 95-46, § 1, 4-4-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98; Ord. No. 13-08, § 1, 2-5-13)

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 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) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative, and the building official, as defined by the Florida Building Code.

(e) Disregard or violate any provision of Chapters 8, [8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE), 9, [11B](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI), [11C](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI), 13, 15, 17, [18A](../level2/PTIIICOOR_CH18AMIDECOLAOR.docx#PTIIICOOR_CH18AMIDECOLAOR), [19A](../level2/PTIIICOOR_CH19AMOHO.docx#PTIIICOOR_CH19AMOHO), 24, 28, [32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) or [33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of this Code or any provision of the 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 or abet any person not holding a certificate of competency to evade or violate any of the provisions of this chapter;

(2) Allow a certificate to be used by an unauthorized person;

(3) Obtain 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 any work to any person, corporation or firm not holding a certificate of competency for work involved in the subcontract.

(i) Commit any fraudulent act as a certificate holder by which another is injured.

(j) Fail to supervise, direct, inspect or control all work on any construction project or operation on which the qualifying agent is engaged.

(k) Fail to maintain insurance coverage as required under [Section 10-19](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-19INRE) of this Code or worker's compensation coverage as required by State Law.

(l) Fail to maintain business or financial records as required under [Section 10-19.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-19.1BURERE) of this Code.

(m) Fail to provide the disclosure required under [Section 10-33](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-33DIRE) of this Code.

(n) Sign 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) Make 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) Make 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) Fail to comply with a lawful stop work order issued by the Building Official or his or her duly authorized representative.

(r) Fail to perform all necessary work to correct violations specified in a warning notice, Notice of Violation, civil violation notice issued pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) 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.

(s) Fail to pay a fine, administrative costs or restitution within the time specified in this chapter or in the Board's order.

(t) Fail to satisfy, within a reasonable time, the terms of a civil judgment relating to the practice of contracting.

(Ord. No. 57-25, § 17.12, 11-12-57; Ord. No. 64-59, §§ 31, 32, 11-24-64; Ord. No. 65-79, § 1, 12-22-65; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 74-89, § 1, 10-15-74; Ord. No. 80-79, § 1, 7-15-80; Ord. No. 91-116, § 1, 10-1-91; Ord. No. 93-70, § 4, 7-15-93; Ord. No. 93-76, § 1, 7-27-93; Ord. No. 93-109, § 1, 10-19-93; Ord. No. 95-46, § 1, 4-4-95; Ord. No. 95-188, § 2, 10-17-95; Ord. No. 99-10, § 1, 1-21-99; Ord. No. 13-08, § 1, 2-5-13)

**Editor's note—**

Provisions enacted by Ord. No. 95-46, adopted April 4, 1995, designated as paragraphs (m)—(q), have been redesignated as paragraphs (n)—(r) at the discretion of the editor to avoid duplicative lettering. Furthermore, provisions enacted by Ord. No. 99-10, § 1, adopted Jan. 21, 1999, designated as paragraphs (n) and (o) have been redesignated as paragraphs (s) and (t) for a similar reason.

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

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

(a) Perform work outside the scope of work the certificate holder is authorized to perform or to act as a contractor.

(b) Depart 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 or abet any person not holding a certificate of competency to evade or violate any of the provisions of this chapter, or

(2) Allow a certificate to be used by an unauthorized person.

(e) Commit any fraudulent act as a certificate holder by which another is substantially injured.

(Ord. No. 71-15, § 4, 1-26-71; Ord. No. 93-70, § 5, 7-15-93; Ord. No. 93-109, § 1, 10-19-93; Ord. No. 13-08, § 1, 2-5-13)

Sec. 10-23. Refund of examination fees.

An application fee paid for the purpose of taking an examination as required by this chapter may be refunded to the applicant only under the following circumstances:

(a) If a refund is requested prior to the application being presented to the Board for screening to determine if the applicant is eligible to take the examination, or

(b) If upon screening the application, the Board determines that the applicant is ineligible to take any examination which the particular Board is authorized to give, or

(c) If the applicant is found eligible to take an examination but prior to the examination order date thereof he notifies the Secretary of the Board in writing that he is unable to take the examination, the full fee may be refunded or applied as the fee for the next examination only which is given for the particular trade, except that if prior to the examination, but after the examination order date thereof he notifies the Secretary of the Board in writing that he is unable to take the examination, the fee will not be refunded but will be applied as the fee for the next examination only which is given for the particular trade, or

(d) If an applicant for an examination has fulfilled the requirements set forth elsewhere in this section for a refund of an examination fee, that applicant must make written request for such refund, within six (6) months after the date of the examination for which he applied and a failure to do so will automatically forfeit all of the rights of the applicant to such refund of an examination fee.

(Ord. No. 62-21, § 1, 5-15-62; Ord. No. 67-82, § 1, 10-17-67; Ord. No. 69-11, § 13, 2-4-69; Ord. No. 76-39, § 1, 5-4-76)

Sec. 10-24. Occupational license, valid throughout the County for participating municipalities.

In addition to collecting for, and issuing State and County occupational licenses to the various contractors provided for in this chapter, the Miami-Dade County Tax Collector shall collect for and issue one (1) occupational license to such contractors, which shall be valid in all Miami-Dade County municipalities which participate in the single license program as provided hereinafter. In addition, the Miami-Dade County Tax Collector shall issue and collect for contractors occupational licenses for those municipalities which have agreed to participate in the single license program in those instances where the applying contractor desires or is restricted to do business in one (1) or more but not all of the participating municipalities.

(Ord. No. 66-2, § 1, 1-18-66)

**Editor's note—**

Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU) through [10-31](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-31FOBEFUCO) are derived from Ord. No. 66-2, adopted January 1, 1966. As said ordinance did not specify the manner of codification, it has been so codified at the discretion of the editors.

Sec. 10-25. Notice from municipalities of desire to participate.

Municipalities desiring to participate in the single license program shall furnish the County Manager on or before April 15, 1966, with a certified copy of a resolution of their respective governing bodies, agreeing to participate in the single license program and to no longer collect for or issue any such license if the County, upon receipt of such resolutions from municipalities within Miami-Dade County, determines that a sufficient number of municipalities will participate to make the program feasible. Such determination is to be made on or before June 1, 1966, by the County Manager, and those municipalities that propose to participate shall be notified of the determination.

(Ord. No. 66-2, § 2, 1-18-66)

Note—See note following § 10-24

Sec. 10-26. Withdrawal from participation.

Any participating municipality may later withdraw from such participation by submitting to the County Manager on or before April 15 of the current license year a certified resolution of its governing body, advising its withdrawal; such withdrawal not to be effective until the expiration of the current license year. From year to year any municipality may participate in the program by submitting to the County Manager on or before April 15 of the particular year a resolution in conformance with that called for in [Section 10-25](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-25NOMUDEPA) hereof, together with a statement of the net amount of license fees the municipality collected during the 1963-64 license year, and the amount of each individual license fee charged during such license year. By June 1st of each year after 1966, if the County Manager determines there are not a sufficient number of municipalities participating to make the program feasible, he shall advise the municipalities which are still participating that the program will not be continued for the next license year.

(Ord. No. 66-2, § 3, 1-18-66)

Note—See the editor's note following § 10-24

Sec. 10-27. Fee schedule for County-wide license.

The occupational licenses to be issued pursuant to Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU)—10-31 and the amount to be paid therefor are as follows:

*Amount*(Effective in All  
Participating   
*Type     Municipalities)*

General contractor .....$ 300.00

Sub-general contractor .....250.00

Sub-building contractor .....200.00

Specialty building contractor .....175.00

Plus $25.00 for each additional specialty building category listed on each certificate of competency

General engineering contractor .....300.00

Specialty engineering contractor .....175.00

Plus $25.00 for each additional specialty engineering category listed on each certificate of competency

Plumbing contractor .....200.00

Specialty plumbing contractor .....175.00

Plus $25.00 for each additional specialty plumbing category listed on each certificate of competency

Liquid petroleum gas installation contractor .....200.00

Electrical contractor .....200.00

Specialty electrical contractor .....175.00

Plus $25.00 for each additional specialty electrical category listed on each certificate of competency

General mechanical contractor .....200.00

Specialty mechanical contractor .....175.00

Plus $25.00 for each additional specialty mechanical category listed on each certificate of competency

Amount for license in only one (1) of the participating municipalities: Same as charged by that municipality prior to participation in program.

The above amounts are in addition to those collected for State and County occupational licenses pursuant to general law.

(Ord. No. 66-2, § 4, 1-18-66; Ord. No. 67-54, § 1, 7-25-67; Ord. No. 70-33, § 1, 4-29-70; Ord. No. 70-57, § 1, 7-14-70)

Sec. 10-28. Share of fees to participating municipalities.

All participating municipalities will share in the license fees collected in the following manner:

(a) Each municipality on or before April 15, 1966, shall certify to the County Manager the amount of license fees collected for its 1963-64 license year and the amount of each individual license fee charged during such year.

(b) Record shall be kept of licenses issued for one (1) or more municipalities but not all who participated, and in calculating such municipalities' percentage the revenue received shall be deducted from their 1963-64 license revenue.

(c) All municipalities' 1963-64 license revenue, less revenue from individual licenses, shall be added together and each municipality's license revenue divided by the total revenue of all municipalities to arrive at each municipality's percentage of the total.

(d) Total license revenue collected minus license revenue for individual municipalities times the percentage established by (c) above will prorate the overall license revenue to each participating municipality. To each municipality's prorated share will be added the individual license revenue applying to that municipality only.

(e) The Miami-Dade County Tax Collector shall distribute to each municipality its share of license revenue collected, based upon the above.

(Ord. No. 66-2, § 5, 1-18-66)

Note—See the editor's note following § 10-24

Sec. 10-29. Effect of restricted certificate of competency.

A contractor holding a "restricted" certificate of competency which restricts his right to do business in one (1) or more but not all of the participating municipalities shall be issued by the Miami-Dade County Tax Collector an occupational license for only such participating municipality or municipalities to which such contractor is restricted, for the amount charged by such municipality or municipalities for the license year of 1963-64.

(Ord. No. 66-2, § 6, 1-18-66)

Note—See the editor's note following § 10-24

Sec. 10-29.1. Issuance of unrestricted certificates of competency and eligibility in exchange for restricted certificates.

All holders of current certificates of competency as a contractor, master or journeyman, and all holders of current certificates of eligibility which were previously restricted under the provisions of Ordinance No. 57-25 to limit work in the unincorporated area of Miami-Dade County or in particular municipalities shall as of the effective date of this section be issued County-wide unrestricted certificates of competency and/or certificates of eligibility in exchange for currently held restricted certificates.

(Ord. No. 70-32, § 1, 4-29-70)

**Editor's note—**

Ord. No. 70-32, § 1, amended [Ch. 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) by adding [§ 10-33](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-33DIRE), renumbered § [10-29.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-29.1ISUNCECOELEXRECE) by the editors pursuant to authority in § 2 of the ordinance, to facilitate indexing and reference.

Sec. 10-30. Annual revision of pro rata formula.

In order to provide for an annual revision of the pro rata distribution formula each participating municipality shall maintain a contractors register, which shall include the names of all contractors who do business in the municipality during the license year, which shall be from October 1 through September 30 of the following year, the type of each contractor and their respective certificate of competency numbers. At the end of each license year, each participating municipality shall deliver such register to the County Manager, who shall revise the pro rata distribution formula by calculating the amount of fees each participating municipality would have collected under its 1963-64 fee schedule, based on the number and type of contractors listed in the respective registers. Upon arriving at such total figure for each participating municipality, the licenses issued for the individual municipality shall be deducted and a new pro rata share for each municipality will be arrived at by calculating the percentage such individual municipality's total is to the overall total fees which would have been collected by all participating municipalities under their respective 1963-64 fee schedules and the distribution for the coming license year shall be based on such percentage figures.

(Ord. No. 66-2, § 7, 1-18-66; Ord. No. 67-54, § 2, 7-25-67)

**Editor's note—**

Ord. No. 67-54, § 2, adopted July 25, 1967, effective ten (10) days after date of enactment, amended [§ 10-30](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-30ANREPRRAFO) to read as herein set out. Prior to amendment the new pro rata share for each municipality was arrived at by calculating the percentage such individual municipality's total was to the overall total fees which were collected by all participating municipalities under their respective 1963-64 fee schedules. Also see the editor's note following [§ 10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU)

Sec. 10-31. Forms to be furnished by County.

The Miami-Dade County Tax Collector shall prescribe and furnish the form of the occupational license to be issued pursuant to Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU)—10-31, which shall show the municipalities for which the license has been issued, and the same may be attached to the State and County occupational license. The Miami-Dade County Tax Collector may adopt reasonable rules and regulations which are in accord with Sections [10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU)—10-31 in order to aid its administration, subject to the approval of the County Manager.

(Ord. No. 66-2, § 8, 1-18-66)

Note—See the editor's note following § 10-24

Sec. 10-32. Exemptions for motion picture, television producers.

This chapter does not apply to any fabrication, construction, maintenance, operation, improvement, assembly, disassembly or repair of props, temporary structures, sets, portable or temporary lighting and recording equipment and other portable or temporary devices and equipment used in motion picture or television production, or in connection therewith; provided the same are for the use of the producer only and the work is performed by the producer's employees; and provided further, that such temporary structures or sets will be disassembled and removed when the same are no longer required by the producer as a production set, or within six (6) months after their assembly or construction, whichever occurs first, provided such six-month period may be extended for a reasonable time by the Building Official of the jurisdiction and Regulation upon the showing that the same are still needed for further production and it is determined by such Building Official, after inspection, that the same have not become a nuisance, or detrimental to the public health, welfare, safety and morals; provided further, however, that in the event of a hurricane alert such structures and sets which are not erected within a permanent building shall be immediately disassembled and removed or adequately secured to prevent injury or damage to life and property.

(Ord. No. 66-22, § 1, 5-17-66; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 6, 9-3-98)

**Editor's note—**

[Section 10-32](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-32EXMOPITEPR) is derived from Ord. No. 66-22, § 1. Said ordinance was designated [§ 10-24](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-24OCLIVATHCOPAMU) but was renumbered by the editors pursuant to the authority of § 2 of said ordinance.

Sec. 10-33. Disclosure required.

(A) In all contracts for repair, improvement, reconstruction, or remodeling of any structure of Group 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:

Following the above language, the contractor shall list all subcontractors and materialmen known to the contractor to be utilized in the work, any person known to the contractor to have served a Notice to Owner pursuant to the Florida Construction Lien Law, and any other person known to the contractor who, with the passage of time or the serving of notice or both, would be entitled to a construction lien over the property of the owner. By exception, the contractor shall not be obligated to list those persons with subcontracts or rendering services or supplying materials with a value not exceeding two hundred and fifty dollars ($250.00). The required notice shall be printed in not less than ten-point bold-faced type. To the extent known, the notice shall also contain the address and telephone number for each person required to be disclosed.

(B) The contractor shall be obligated to update the above list by the issuance of a rider to the construction contract within thirty (30) days of obtaining any information which renders the initial list incomplete or inaccurate, including the engagement of additional subcontractors or materialmen.

(C) This section shall be inapplicable to any contract in which the owner is the United States government, the State of Florida, or any county, city or political subdivision thereof, or other public authority.

(D) The requirements of this section shall be in addition to and not in substitution or derogation of any notices required to be given under the Construction Lien Law of the State of Florida.

(Ord. No. 93-76, § 1, 7-27-93; Ord. No. 13-08, § 1, 2-5-13)

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 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:

(i) YOU ARE ADVISED THAT THE COUNTY CONSTRUCTION TRADES QUALIFYING BOARD AND THE BUILDING AND ZONING DEPARTMENT OF MIAMI-DADE COUNTY, AND THE STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION MAY HAVE INFORMATION ON FILE CONCERNING THE FINANCIAL RESPONSIBILITY AND ANY COMPLAINTS AND INVESTIGATIONS PERTAINING TO THE WORK OF THIS CONTRACTOR. THE PUBLIC RECORDS OF THE COUNTY ARE AVAILABLE FOR INSPECTION AND COPYING.

(ii) YOU ARE ALSO ADVISED THAT THIS CONTRACTOR HAS PUBLIC LIABILITY INSURANCE AND WORKERS COMPENSATION INSURANCE THROUGH [NAME OF INSURERS] UNDER POLICY NUMBERS [NUMBERS], WITH EXPIRATION DATES OF [DATES] AND LIMITS OF LIABILITY IN THE AMOUNTS OF [NUMBERS].

(iii) YOU ARE ADVISED THAT IN ORDER TO PROTECT YOURSELF, YOU MAY REQUEST THAT THIS CONTRACT ALLOW FOR PAYMENTS TO THE CONTRACTOR TO BE CONDITIONED UPON THE CONTRACTOR OBTAINING AND PASSING MANDATORY INSPECTIONS.

(iv) YOU ARE ADVISED THAT YOU MAY PAY THE COST OF PURCHASING A CONTRACTOR'S PAYMENT BOND OR OTHER SECURITY, TO COVER PAYMENTS TO SUBCONTRACTORS AND MATERIAL SUPPLIERS, IN THE EVENT THIS CONTRACTOR FAILS TO DO SO, A COPY OF THOSE DOCUMENTS WHICH PROTECT YOU WILL BE FURNISHED UPON REQUEST, IF YOU SO WISH TO PURCHASE SUCH PROTECTION.

(v) YOU ARE ADVISED THAT IN ORDER TO PROTECT YOURSELF, YOU MAY REQUEST THAT THIS CONTRACT CONTAIN A WORK COMPLETION DATE, IN THE ABSENCE OF A COMPLETION DATE, YOU MAY REQUEST THAT INTERIM MILESTONES OR TIME PERIODS BE ESTABLISHED FOR COMPLETION OF PORTIONS OF THE WORK.

(vi) WITH LIMITED EXCEPTIONS PROVIDED BY LAW, THE WORK YOU ARE CONTRACTING FOR MUST BE PERFORMED BY A STATE OF FLORIDA CERTIFIED CONTRACTOR OR A MIAMI COUNTY CERTIFIED CONTRACTOR WHO IS ALSO REGISTERED WITH THE STATE.

(vii) YOU ARE FURTHER ADVISED THAT IF, AFTER OBTAINING A PERMIT FOR THE WORK, YOUR CONTRACTOR TERMINATES THIS PROJECT WITHOUT JUST CAUSE OR FAILS TO PERFORM WORK WITHOUT JUST CAUSE FOR 30 CONSECUTIVE DAYS, THE PROJECT MAY BE CONSIDERED ABANDONED. ABANDONMENT CONSTITUTES A PENALTY FOR WHICH A CONTRACTOR MAY BE DISCIPLINED BY THE STATE OR BY THE COUNTY.

(Ord. No. 95-188, § 3, 10-17-95; Ord. No. 13-08, § 1, 2-5-13)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-23, § 1, adopted April 4, 1978, designated §§ 10-1—10-32 of Ch. 10 as Art. I of said chapter. [(Back)](#BK_D46B1544A5E460B66772C8CB9EE9DF61)

**State Law reference—** Contractors, F.S. ch. 489. [(Back)](#BK_D46B1544A5E460B66772C8CB9EE9DF61)

### ARTICLE II. BIDDING ON PUBLIC PROJECTS [[2]](#BK_AA0B593E3D500EA23D33669187A1AD68)

[Sec. 10-33.01. Applicability of article.](#BK_61E1B71F261765F47161B37000B29097)

[Sec. 10-33.02. Community Small Business Enterprise Program.](#BK_224F954045F1E441AE00AD4DA008C790)

[Sec. 10-33.02.1. Bids precluded from related parties and colluding bidders.](#BK_160ED30A894E581630CB01BA4AD64913)

[Sec. 10-34. Listing of subcontractors required.](#BK_5DFBBA4573857E5C6904433871DD157C)

[Sec. 10-35. Releases of claim by subcontractors required.](#BK_83B8DC55342C3AE94596E52858E6962E)

[Sec. 10-36. Utility connection fees not biddable.](#BK_3C1DE0D7B9CD3ED3CB15CE0FEF41FF40)

[Sec. 10-37. Membership in trade organizations or standards writing body not to be a qualification.](#BK_17959DBCFF8E3A8A4D56C63750E17F9B)

[Sec. 10-38. Debarment of contractors from County work.](#BK_C6F34EEE941F67C6A8C24999BEEDBAD2)

Sec. 10-33.01. Applicability of article.

(a) *To County government.* The provisions of this article shall be applicable to all departments, agencies and instrumentalities, instrumentalities and legal entities created by the Board of County Commissioners of Miami-Dade County, Florida.

(b) *To municipalities.* Unless specifically adopted by a municipality, this article does not apply to any municipality.

(Ord. No. 78-23, § 2, 4-4-78; Ord. No. 79-76, § 4, 9-18-79; Ord. No. 97-104, § 1, 7-8-97)

**Editor's note—**

Ord. No. 93-76, adopted July 27, 1993, added a new [§ 10-33](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-33DIRE) and at the discretion of the editor former [§ 10-33](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-33DIRE) has been redesignated as [§ 10-33.01](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.01APAR)

Sec. 10-33.02. Community Small Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Miami-Dade County Community Small Business Enterprise ("CSBE") Program.

(2) *Definitions.* The following definitions shall apply in this section:

*Advisory board* means the Community Small Business Enterprise Board created for the purpose of reviewing program activities and results, and for making recommendations to the Department of Small Business Development (SBD) and the Board of County Commissioners (BCC) on matters pertaining to the program.

*Aggregate Set-Aside* means an aggregated value of small construction contracts, no one contract of which exceeds five million dollars, which are to be bid during a fixed period of time on a contract-by-contract basis with bidding therefor reserved solely among qualified CSBEs classified in the applicable Contracting Participation Level and SIC or NAICS Code for the contract.

*Available* or *availability* means to have, prior to bid submission, the ability to provide construction services under a prime contract that is being considered for a set-aside or under a first or second, third, or fourth tier subcontract on a contract being considered for a first or lower tier subcontractor goal by having:

1. Reasonably estimated, uncommitted capacity and expertise;

2. All licenses, permits, registrations and certifications;

3. The ability to obtain bonding that is reasonably required to perform the contract or subcontract consistent with normal industry practice; and

4. The ability to otherwise meet bid specifications.

*Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letters of interest or offer to perform the contract.

*Bid preference* means an amount deducted (for evaluation purposes only) from the total bid price in order to calculate the bid price to be used to evaluate the bid on a competitively bid prime county construction contract, which is not set-aside for bidding solely by CSBEs.

*Bidder* means any person, partnership, corporation or other business entity that submits a bid.

*Bonding assistance* may include providing assistance in preparing and completing bond packages as well as providing ending to be used for bonding purposes.

*Business day* means a regular week day (Monday through Friday) normally starting at 8:00 a.m. and finishing at 5:00 p.m., excluding Saturdays and Sundays and excluding all legal holidays recognized by the Federal, State or Miami-Dade County governments.

*Calendar day* means a twenty-four (24) hour period covering all days of the week (Monday through Sunday including all holidays), starting at 12:00 a.m. and finishing at 11:59 p.m.

*Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a business enterprise and the carrying out of the contractual responsibilities by actually performing, managing, and supervising the work involved. Acting as a broker is not considered a commercially useful function. The determination of whether an activity is a commercially useful function shall include:

1. The evaluation of the amount of work subcontracted;

2. Normal industry practices;

3. The skills, qualifications, or expertise of the enterprise to perform the work;

4. Whether the business' own personnel perform, manage, and/or supervise the work involved; and

5. Other relevant factors.

*Commitment letter* means a letter signed by an officer or other authorized representative of a bidder or proposer for a County construction contract containing a second, third or fourth tier subcontractor goal which specifically commits the bidder or proposer to meet such subcontractor goal.

*Community Small Business Enterprise (CSBE)* means a construction related enterprise, including a design-build firm, and any firm providing trades and/or services for the completion of a construction project, as defined in [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the Code of Miami-Dade County, which has an actual place of business in Miami-Dade County and whose average annual gross revenues for the last three (3) years do not exceed: ten million dollars ($10,000,000.00) for SIC 15 - Building Construction, General Contractors and Operative Builders; six million dollars ($6,000,000.00) for SIC 16 - Heavy Construction, other than Building Construction; or five million dollars ($5,000,000.00) for SIC 17 - Specialty Trade Contractors. CSBEs shall be categorized by the type of construction they perform in accordance with the two-digit Standard Industrial Classification (SIC) code, or the six-digit North American Industry Classification System (NAICS), of the Census applicable to such type of construction. A CSBE will graduate out of the program upon notification by SBD that it has exceeded these size limits based on its three-year average annual gross revenues. A certified CSBE that graduates out of the program shall continue to submit financial information as to cumulative gross revenue and bonding capacity to SBD annually for 3 years thereafter in order to further the County's ability to assess the effectiveness of the program.

The County Mayor or designee shall be authorized to adjust the CSBE-size limits every five (5) years at his/her discretion based on the local Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013—2014 calendar year using the figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

CSBEs must be certified by SIC or NAICS code, and classified into one (1) of the three (3) contracting participation levels. The lack of bonding capacity shall not preclude an applicant from being certified as a CSBE. As part of the certification process, CSBEs must go through a prequalification process which will be used to determine which of the three (3) contracting participation levels the CSBE will be placed in based on the firm's three (3) year average gross revenues. The contracting participation levels are as follows:

1. Level I—Three-year average gross revenues of $0.00—$2,000,000.00;

2. Level II—Three-year average gross revenues above $2,000,000.00 but not exceeding $5,000,000.00; or

3. Level III—Three-year average gross revenues above $5,000,000.00 but not exceeding $10,000,000.00.

A firm's eligibility to participate in the CSBE program and the contracting participation level at which it will participate shall be determined based on the three-year average gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A [which can be found in the County Clerk's office attached to Ordinance Number 97-52]. No firm shall be certified as a CSBE where the individual net worth of any of its owners is more than one million five hundred thousand dollars ($1,500,000.00). Representations as to gross revenues and net worth of owners shall be subject to audit.

Notwithstanding any other provision of this [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR), Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on a specialty trade contract set aside for CSBEs whose estimated cost is above $50,000 and may participate in any specialty trade portion of the work of a contract subject to a CSBE subcontractor goal where the cost of the specialty trade portion of the contract work is above $50,000.

*Construction* means the building, renovating, retrofitting, rehabing, restoration, painting, altering or repairing of a public improvement.

*Construction Manager-at-Risk ("CM-at-Risk")* replaces the general contractor and works for a fee with the County and the Architect through the design phase to contain the budget and schedule. The CM-at-Risk may provide a guaranteed maximum price ("GMP"), and bids the work out to local trade contractors. The CM-at-Risk mobilizes to the site and manages the trade contractors for quality and schedule.

*Construction Services* means construction, maintenance, painting, alteration, installation, or repair of a public improvement or any performance of work offered for public consumption that does not consist primarily of goods.

*Contract* means an agreement proposed by the County or Public Health Trust staff, or approved by the County Commission or Public Health Trust for construction.

*Contracting participation level* refers to the level in which a CSBE firm is classified based on the average gross revenues of the firm over a three-year period. In addition, construction contracts of ten million dollars ($10,000,000.00) or less (which may be reserved for limited competition amongst CSBEs) will be classified into one (1) of the three (3) contracting participation levels based on estimated project cost. The three (3) contracting participation levels are:

1. Level I—Three-year average gross revenues of $0—$2,000,000.00

2. Level II—Three-year average gross revenues above $2,000,000.00 but not exceeding $5,000,000.00

3. Level III—Three-year average gross revenues above $5,000,000.00 but not exceeding $10,000,000.00

Notwithstanding any other provision of this [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR), Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on a specialty trade contract set aside for CSBEs whose estimated cost is above $50,000 and may participate in any specialty trade portion of the work of a contract subject to a CSBE subcontractor goal where the cost of the specialty trade portion of the contract work is above $50,000.

Prime contracts with estimated project construction cost in excess of ten million dollars ($10,000,000.00) shall be "open market" contracts which all firms can bid on.

CSBEs prequalified in one (1) contracting participation level may not bid on a set-aside contract whose estimated cost falls within a lower contracting participation level (e.g., a CSBE classified in Level III may not bid on set-aside contracts whose estimated cost falls within Level II or I). CSBEs can bid on set-aside contracts whose estimated cost exceeds the limits of the contracting participation level in which they are classified (e.g., a Level I CSBE can bid on set-aside contracts whose estimated cost falls within Level II or III).

*CSBE objective* means the objective of assuring that not less than ten (10) percent of the County's total annual expenditures for construction are expended with CSBEs. The foregoing CSBE objective may be increased by subsequent resolution of the Board of County Commissioners, adopted after recommendation for an increase by the Advisory Board. Forty (40) percent of the foregoing objective may be accomplished through set-aside of smaller prime contracts and use of subcontractor goals on larger prime contracts falling within Standard Industrial Classification (SIC) code 15; forty (40) percent of the foregoing objective may be accomplished through set-aside of smaller prime contracts and use of subcontractor goals on larger prime contracts falling within SIC 16; and twenty (20) percent of the foregoing objective may be accomplished in prime contracts falling within SIC 17. The percentage of the overall CSBE objective allocated to each SIC category may be adjusted by resolution of the Board of County Commissioners in direct correlation to CSBE availability.

*Draw* means a request for payment submitted by the prime contractor to the County or County's designee. A scheduled draw occurs, according to the contract's payment schedule, when the prime contractor is allowed to submit its request for payment. The date(s) of a scheduled draw may be stated with specificity in the contract in the form of a payment schedule or may be stated as a reoccurring event taking place, for example, on the 30th of each month.

*Graduation* means the CSBE has exceeded the specific size limits stated for the program, based on the firm's three-year average annual gross revenues, and will no longer be eligible for participation in the program.

*Guaranteed maximum price ("GMP")* is the cost of the project that the CM-at-Risk guaranteed will not be exceeded.

*Joint venture* means an association of two (2) or more CSBEs. Joint ventures shall be subject to the size limitations set forth in this section; such size limitations include affiliates as set forth in Appendix A [which can be found in the County Clerk's office attached to Ordinance Number 97-52].

*Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development. Specific details of the program are shown in Attachment 3 [which can be found in the County Clerk's office attached to Ordinance Number 97-52].

*Mentor-Protege Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging small business enterprises in order for the latter to benefit from the knowledge and experience of the established mentor firms. A copy of the Miami-Dade County Mentor-Protege Program is provided as Attachment 1 [which can be found in the County Clerk's office attached to Ordinance Number 97-52].

*Miscellaneous Construction Contracts* are open contracts designed to consolidate an indeterminate number of individual small construction, repair, installation, or alteration activities which may be needed over a fixed period of time, or open contracts that are work order based where no specific item quantities have been determined prior to bid (unit price contracts).

*Prequalification* is defined as provided elsewhere in this ordinance.

*Primary Trade Contractor* means those contractors who directly contract with the CM-at-Risk. This definition only applies to contracts for a construction manager-at-risk.

*Program incentive* is an incentive that a firm can choose to use in a bid or proposal based on the firm's participation in certain programs. The incentive consists of either a bid preference or selection factor that will be used in evaluating the firm's bid on a specific project. The program incentives available are as follows:

1. For participation in the Mentor-Protege' Program—Two (2) percent of bid price or up to ten (10) percent of the total evaluation points;

2. For participation in the Worker Training Program—Two (2) percent of the bid price or up to ten (10) percent of the total evaluation points.

*Qualifier* means the individual who has qualified a contractor for its current, valid certificate of competency or eligibility as required by Subsection (a) of [Section 10-3](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-3CECOREDOBU) of this Code.

*Review Committee* or *RC* means the committee established by the County Mayor or designee to review proposed projects for the application of contract measures where SBD and contracting department have not established consensus.

*SBD* means the Miami-Dade County Department of Small Business Development, or successor agency.

*Selection factor* means a percentage of total evaluation points added to the points scored by a proposer responding to an RFP or RFQ for a prime County construction contract which is not set-aside for competition solely amongst CSBEs.

*Set-aside* means reservation for competition solely among CSBEs of a given prime County contract whose estimated cost is ten million dollars ($10,000,000.00) or less.

*SIC (Standard Industrial Classification) or the equivalent North American Industry Classification System (NAICS) code* is a code that was developed by the Federal Office of Management and Budget for use in the classification of establishments by type of activity in which they are engaged.

*Subcontractor goal* means a proportion of a prime contract value stated as a percentage to be subcontracted to CSBEs to perform a commercially useful function. A first tier subcontract goal may be imposed where there is CSBE availability at such tier level. A second, third and fourth tier subcontract goal may be imposed on those contracts whose estimated cost exceeds twenty-five million dollars ($25,000,000.00) where there is CSBE availability at such lower tier levels.

*Trade set-aside* means that an entire specialty trade component(s) of a County miscellaneous construction contract is reserved for first tier subcontracting amongst certified CSBEs (for example, the entire plumbing or roofing or electrical component of a specific contract is reserved for limited competition amongst certified CSBEs). All such subcontracts shall be in writing and shall be executed by the prime contractor and the first tier CSBE subcontractor.

*Worker Training Program* is a qualified training program or technical school or other such construction industry related training program, as approved by the advisory board.

(3) *Program components:*

A. *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this ordinance shall require review of all construction contracts funded in whole or in part with County funds and all leases and contracts for privately funded construction on County-owned land to determine the appropriateness of applying contract measures as set forth in this section. The County Manager shall prepare administrative orders, bid, and contract documents implementing the Bonding and Financial Assistance Program, the Management and Technical Assistance Programs, the Mentor-Protege Program and other related programs addressed in this section. All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this section shall contain specific provisions to implement the intent of the CSBE program in a manner consistent with its application to County construction contracts. This section shall not apply to privately funded construction on any County-owned facilities or property where the total value of the construction is two hundred thousand dollars ($200,000.00) or less. The words "County Manager" in this section shall mean the County Manager or his or her designee.

B. *Miami-Dade County Community Small Business Enterprise (CSBE) Program.* The prompt payment provisions of this section shall take precedence over [Section 2-8.1.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.4SHS.WIPRPAOR) of the Code ("Sherman S. Winn Prompt Payment Ordinance"), as to the contracts specified below:

1. Prompt payment.

a. The County Mayor or designee and the President of the Public Health Trust shall establish administrative procedures requiring that billings from contractors under prime construction contracts with Miami-Dade County or the Public Health Trust that are a CSBE contract set-aside or which contain a trade set-aside or subcontractor goal, shall be promptly reviewed and payment made to the prime contractor by the County or Trust on those amounts not in dispute within fourteen (14) calendar days of receipt of such billing by the County or the Trust.

The County and Trust shall notify the prime contractor, and the Department of Small Business Development (SBD), in writing, of those billings submitted by the prime which are in dispute, and the reasons why they are in dispute, within fourteen (14) calendar days of receipt of such billing by the County or Trust. This provision is applicable regardless of whether the disputed billing pertains to the work performed and/or billing of CSBE subcontractors. Reference is hereby made to [Section 2-8.1.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.4SHS.WIPRPAOR)(6) of the Code, which sets forth the procedures for improper invoices and resolution of disputes.

b. A prime contractor shall include in its billing to the County or Trust copies of those billings from CSBE subcontractors utilized to meet the subcontractor goal applicable to the contract which the contractor approves and whose cost is included in the payment requested from the County or Trust. A prime contract which contains a second, third or fourth tier subcontractor goal shall require all subcontractors in direct privity with a second or lower tier CSBE subcontractor, and all successive subcontractors on up to and including the first tier subcontractor level, to include portions of any lower tier CSBE subcontractor's billings which are approved by such subcontractors and are included in any payment amount they request.

Undisputed portions of billings from CSBEs that are submitted to the prime at least five (5) days or more before the date of the prime's next scheduled draw, must be submitted by the prime to the County in the prime's next scheduled draw, according to the contract's payment schedule. For example: if the County's billing cycle on the specific contract allows the prime to submit its draw on the 30th of each month, a CSBE that submits its billing to the prime on or before the 25th of the month shall have its billing included in the prime's next scheduled draw submitted to the County on the 30th.

Undisputed portions of billings from CSBEs that are submitted to the prime less than five (5) days before the prime's next scheduled draw, may be submitted in the next draw; however, said billings shall be submitted no later than in the prime's next subsequent scheduled draw. For example, if the County's billing cycle on the specific contract allows the prime to submit its draw on the 30th of each month, a CSBE that submits its billing to the prime after the 25th of the month but before the 30th of the month shall, at the latest, have its billing included in the prime's subsequent scheduled draw submitted to the County on the 30th of the following month.

Failure by the prime to include the CSBE's billing(s) in its next scheduled draw or subsequent scheduled draw to the County as outlined above, and absent notification of disputes, as set forth in subsection (3)(A)(1) herein, shall result in the prime making full payment directly to the CSBE for the full amount of the submitted billing(s). Full payment to the CSBE subcontractor for the particular billing(s) shall be made within the same number of days that the County has mandated as the billing cycle for said contract in operation, or within forty (40) calendar days of submittal of such billing(s) by the CSBE to the prime, whichever is less, regardless of whether the prime has received its payment from the County.

c. If for any reason, the prime contractor chooses not to submit any billings to the County on its next or subsequent scheduled draw, the prime contractor shall make full payment to the CSBE subcontractor(s) for billings submitted by the CSBE subcontractor(s) in accordance with the subsection above. Full payment to the CSBE subcontractor(s) for the particular billing(s) shall be made by the prime contractor within the same number of days that the County has mandated as the billing cycle for said contract in operation, or within forty (40) calendar days of submittal of such billing(s) by the CSBE subcontractor(s) to the prime contractor, whichever is less, regardless of whether the prime has received its payment from the County.

d. Prime construction contracts to which a CSBE trade set-aside or subcontractor goal has been applied shall require that billings from CSBEs at whatever subcontractor tier level for which the contract measure has been applied, shall be promptly reviewed and payment made to such CSBEs on those amounts not in dispute within two (2) business days of receipt of payment therefor. The foregoing obligation to promptly review and pay CSBE billings shall apply to prime contractors and subcontractors who are in direct privity with the CSBE and to each successive subcontractor on up the line to the level of prime contractor. The two (2) day payment provision shall equally apply to retainage payments received by prime contractors from the County, and subsequently passed on to subcontractors.

e. The prime contractor agrees to the contract requirements of Miami-Dade County, Florida Code, Section 10-35, Release of Claim by Subcontractors Required. The requirements found in [Section 10-35](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-35RECLSURE) are hereby fully incorporated into this CSBE Prompt Payment Subsection and non-compliance, by failing to pay subcontractors and failing to provide the requisite subcontractor affidavit and/or consent of surety to requisition payment, shall be enforceable through this Subsection.

f. The prime contractor on a prime construction contract to which a CSBE trade set-aside or a first tier subcontractor goal has been applied shall inform the Department of Small Business Development, the Contracting Officer, and the first tier CSBE subcontractor, in writing, of those amounts billed by the CSBE which are in dispute, and the specific reasons why they are in dispute, within five (5) calendar days of submittal of such billing by the first tier CSBE subcontractor to the prime contractor. Prime contracts to which a second or lower tier subcontractor goal has been applied shall provide that subcontractors in direct privity with any CSBE utilized to meet such lower tier subcontractor goal, shall inform the affected CSBE in writing, with copies to the prime contractor and the Department of Small Business Development, of those amounts of such CSBE's billings that are disputed and the specific reasons therefor within five (5) calendar days of submittal of such billing from the CSBE.

Failure of the prime contractor to comply with the applicable requirements of this Subsection shall result in the prime contractor's forfeiture of the right to use the dispute as justification for not paying the first tier CSBE subcontractor and payment shall be forthcoming from the prime contractor. Prime contracts to which a second or lower tier subcontractor goal has been applied shall provide that a subcontractor in direct privity with a CSBE utilized to meet such goal who fails to comply with the applicable provisions of this Subsection shall result in such subcontractor's forfeiture of the right to use the dispute as justification for not paying the CSBE subcontractor and payment shall be forthcoming from such subcontractor.

g. None of the provisions of Section (3)(B)1 requiring the prime contractor to make full payment on any billing by a subcontractor due to failure to comply with this section shall be construed as also requiring the County to make a similar full payment of that billing to the prime contractor. The County shall not be precluded from disputing billings submitted by prime contractors in accordance with the notice requirements of subsection (3)(B)1a as stated herein.

h. Failure of the prime contractor to comply with any of the requirements found in [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) (3)(B)1 et seq. shall result in the imposition of one (1) or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance have been resolved;

2. Work stoppage;

3. Termination, suspension, or cancellation of the contract in whole or part;

4. The contractor may also be subject to debarment.

i. The County Manager, or his or her designee, shall establish administrative procedures to apply similar provisions, as found in this subsection, (3)(B)1, to CSBEs that are being used to meet 2nd, 3rd and/or 4th tier CSBE measures on County contracts.

j. In addition to any sanction available pursuant to Subsection (3)(B)1.h. above, construction contracts to which a CSBE trade set-aside or subcontractor goal at any subcontractor tier level has been applied shall provide that failure of the prime contractor or any subcontractor in direct privity to the CSBE to make prompt payment as provided in [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR)(3)(B)1. et seq., shall result in the imposition of a penalty of $75.00 per day for each day payment to a CSBE subcontractor is not made within the time frames specified in these provisions. Any such penalty shall be deducted from the prime contractor's next invoice. Monies received from payment of penalties imposed hereunder shall be utilized to defray SBD's cost of administering this ordinance.

Contractual documents shall also require the prime contractor or any subcontractor in direct privity to the CSBE to make payment to the CSBE of one (1) percent interest per month on any balance not paid by the time frame specified in these provisions; unpaid balance shall bear interest from thirty (30) days after the due date at a rate of one (1) percent per month. The CSBE must invoice the prime contractor for any interest accrued in order to receive the interest payment. Any overdue period of less than one (1) month shall be considered as one (1) month in computing interest. Unpaid interest shall compound monthly. With respect to each past due payment, interest shall cease to accrue after interest on that payment has accrued for twelve (12) months. For purposes of this section, one (1) month shall constitute a period beginning on any day of one month and ending on the same day of the following month. No contract between the prime contractor and the CSBE or any subcontractor in privity thereto shall prohibit the CSBE from invoicing for late payment interest charges allowed under this section.

2. *Mentor-Protege Program:* This program is a community based effort involving leaders of major firms, financial and bonding institutions, contracting associations, small business enterprises, and support service organizations. The program is an effort to overcome difficulties that typically inhibit or restrict the success of small businesses and is designed to produce a broad base of high quality, competitive and profitable companies through incremental improvement. It is expected that as a result of the Mentor-Protege Program, Protege will experience a greater than industry average success rate and realize the growth and profitability objectives of their business plans as well as long range stability. The program will provide a community benefit by strengthening emerging businesses and providing them with opportunities for growth, expansion and increased participation in Miami-Dade County's economic development. To be eligible for incentives under the Mentor-Protege Program, the Mentors and Protege must be registered by the Department of Small Business Development in the Mentor-Protege Program. The specific details of the proposed program are shown in Attachment 1 [which can be found in the County Clerk's office attached to Ordinance Number 97-52].

3. *Bonding and Financial Assistance Program:* This program will provide CSBEs with assistance in obtaining bonding and/or financial assistance for construction projects. Bonding assistance will include providing assistance in preparing and completing bond packages as well as providing funding to be used for bonding purposes. Financial assistance will include providing financial assistance such as mobilization capital, line of credit and/or working capital loans through partnering relationships with financial institutions. The specific details of the proposed program are shown in Attachment 2 as amended.

4. *Management and Technical Assistance Program:* This program will provide direct and indirect assistance for small business development. Program management provides direction, coordinates access to services, and maintains continual communications to assure knowledge and use of available resources. Technical assistance will also be provided such as accounting services and business plan preparation, which will assist firms in developing documents needed for bonding and financial assistance as well as business and management workshops and seminars. CSBEs may have access to resources that focus on developing their management capacity and enhancing the marketability of their products. Specific details of the proposed program are shown in Attachment 3 [which can be found in the County Clerk's office attached to Ordinance Number 97-52].

5. *Trade set-asides:* Trade set-aside means that an entire specialty trade component(s) of a County contract or a miscellaneous construction contract which the prime contractor shall subcontract at the first tier level to certified CSBEs (for example, the entire plumbing or roofing or electrical component of a specific contract). All such subcontracts shall be in writing and shall be executed by the prime contractor and the first tier CSBE subcontractor. Miscellaneous construction contract shall mean a construction contract managed by a construction manager selected on the basis of a management fee that will be added to the cost of specialty trade work for various projects bid by the construction manager as a trade set-aside for CSBEs.

6. *Subcontractor goals:*

a. *In general.*The County Commission or Public Health Trust may establish subcontractor goals for any specialty and/or construction related trade or service portion of the work in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract, and of the availability of CSBEs to afford effective subcontracting competition therefor. After bid advertisement, or other formal public notice, the established subcontractor goal may be reduced only with the approval of the County Commission, Public Health Trust.

Where a first tier subcontractor goal has been imposed, bid documents shall require bidders to submit a Schedule Intent Affidavit, on the bid submittal due date identifying all CSBEs to be utilized to meet the first tier subcontractor goal and the trade designation of work each will perform. Where a second, third and fourth tier subcontractor goal has been imposed, the bid documents shall require bidders to submit a commitment letter committing the bidder to meet such goal. Upon notification by the Department of Small Business Development, bidders may cure correctable defects that exist on the Schedule of Intent Affidavit within forty-eight (48) hours after notification by SBD. Failure to submit the required Schedule of Intent Affidavit or commitment letter at the time of bid submission shall render the bid non-responsive. Failure to correct identified defects on the Schedule of Intent Affidavit, within forty-eight (48) hours shall render the bid non-responsive.

Bidders whose bids fail to meet the specified first tier subcontractor goal, in order to remain eligible for award of the contract, must submit evidence, on the bid submission due date, proving the lack of available CSBEs to afford effective competition therefor.

A successful prime bidder that is a CSBE or a joint venture may perform up to fifty (50) percent of a first tier CSBE subcontractor goal with its own forces. The remaining percentage of such first tier subcontractor goal work shall be performed by other CSBEs.

Bid documents shall provide that:

(i) Only expenditures to CSBEs for performing a commercially useful function shall be counted toward meeting a specified subcontractor goal;

(ii) Expenditures to CSBEs for acting essentially as a conduit to transfer funds to a non-CSBE shall not be counted toward meeting a subcontractor goal unless such conduct receives prior approval from the Department of Small Business Development as consistent with normal industry practice; and

(iii) Expenditures to CSBEs who subcontract work further to non-CSBEs shall not be counted toward meeting a subcontractor goal unless such subcontracting receives prior approval from the Department of Small Business Development as consistent with normal industry practice.

(iv) Only expenditures to CSBEs made under a written first tier subcontract executed by both the prime contractor and the CSBE shall be counted towards meeting a first tier subcontractor goal. If the prime contractor exceeds the first-tier CSBE subcontractor goal, the amount by which the first-tier CSBE subcontractor goal is exceeded shall count towards fulfillment of the second, third and fourth tier subcontractor goal on that contract. Only expenditures made under a written second, third or fourth tier subcontract executed by both the next tier level subcontractor and the lower tier CSBE subcontractor shall be counted towards meeting a second, third or fourth tier subcontracting goal.

(v) The bidder who is awarded a contract having a second, third or fourth tier subcontractor goal shall notify SBD in writing, prior to initiating the process to select lower tier CSBEs whose participation will be utilized to meet such goal, of the name, address and tier level of the subcontractor who will award the lower tier subcontract to a CSBE, the scope of work for such lower tier subcontract and the bid submission date for such lower tier subcontract. The prime contractor shall obtain SBD's approval prior to the award of any lower tier subcontract that will be utilized to meet a lower tier subcontractor goal.

(vi) Contracts in excess of twenty-five million dollars ($25,000,000.00) which have subcontractor goals shall require the prime contractor during the term of the contract to make a quarterly presentation to the Review Committee on his or her performance in meeting such goal.

Bid documents shall allow bidders to challenge or protest a subcontractor goal established under this section by submitting no later than ten (10) business days prior to the scheduled bid opening date the reasons for such challenge or protest in writing to the department responsible for the contract. Challenges or protests to a CSBE subcontractor goal by bidders after the time specified in the preceding sentence shall not be heard by the County Commission or Public Health Trust.

b. *Application to Construction Manager-at-Risk contracts.*

(i) *Construction management services portion.* For Construction Manager-at-Risk contracts, the County Commission may establish, where appropriate and upon the recommendation of the Review Committee, first tier CSBE subcontractor goals applicable to the construction management portion thereof. Such goal shall not be applicable to the procurement of trade packages on the actual construction project. Bidders for CM-at-Risk contracts to which a first tier CSBE subcontractor goal has been established for construction management services under this paragraph shall submit the Schedule of Intent Affidavit and follow the procedures and timing therefor applicable to contracts in general under subpart a) above.

(ii) *Actual construction portion of the work.* For CM-at-Risk contracts, subcontractor goals for the actual construction portion of the work may be established where appropriate by the County Manager or the Manager's designee for 1st, 2nd, 3rd or 4th tier subcontractors upon the recommendation of the Review Committee based on estimates made prior to advertisement of the bid package of the quality, quantity and type of subcontracting opportunities provided by the bid package and of the availability of CSBEs to afford effective subcontracting therefor.

(a) *Overall subcontracting goal.* Where an overall CSBE subcontracting goal has been established for the actual construction portion of the work, the CM-at-Risk shall submit the Schedule of Intent Affidavit to the County at the time the Final Guaranteed Maximum Price is due identifying all CSBEs utilized to meet the overall goal, and the trade designation of work and percentage of the Final Guaranteed Maximum Price each will perform.

(b) *First tier subcontractor goal.* Where a first tier CSBE subcontracting goal has been established, bidders to the CM-at-Risk for contracts as Primary Trade Contractors shall submit at the time of bid submission to the CM-at-Risk the Schedule of Intent Affidavit identifying all CSBEs to be utilized to meet such goal, the trade designation of the work and the percentage of the bid each identified CSBE will perform. Failure to submit the required Schedule of Intent Affidavit within the required time frame may render the bid non-responsive, or subject to sanctions or penalties as outlined in the contract or the Administrative Order. The use of CSBEs at the Primary Trade Contractor level and at the level of contractors that directly contract with the Primary Trade Contractors shall count towards meeting the first-tier CSBE subcontractor goal on the contract. In addition, if the CM-at-Risk exceeds the first-tier CSBE subcontractor goal, the amount by which the first-tier CSBE subcontractor goal is exceeded shall count towards fulfillment of the second, third and fourth tier subcontractor goal on that contract. However, if the CM-at-Risk exceeds the second, third and fourth tier subcontractor goal, the amount that the second, third and fourth tier subcontractor goal is exceeded shall not count towards fulfillment of the first-tier subcontractor goal.

(c) *Second, third and fourth tier subcontractor goals.* Where a second, third or fourth tier subcontractor goal has been established for the actual construction portion of the work under a CM-at-Risk contract, the construction manager at risk awarded the contract shall notify SBD in writing, prior to initiating the process to select lower tier CSBEs whose participation will be utilized to meet such goal, of the name, address and tier level of the subcontractor who will award the lower tier subcontract to a CSBE, the scope of work for such lower tier subcontract and the bid submission date therefor. The construction manager at risk awarded the contract shall obtain SBD's approval prior to the award of any lower tier subcontract that will be utilized to meet a lower tier subcontract goal.

(iii) *Reduction in established subcontractor goal and periodic reporting to the Commission.* After bid advertisement, or other formal public notice, the established subcontractor goal on a CM-at-Risk contract for construction management services may be reduced only with the approval of the County Commission or Public Health Trust. After bid advertisement or other formal notice, the established subcontractor goal applicable to the actual construction portion of the work may be reduced only with the approval of the Manager. The County Manager shall periodically report to the Board of County Commissioners on all goals on Construction Manager-at-Risk contracts.

(iv) *Compliance responsibilities.* The construction manager at risk shall comply with the requirements of this subsection regarding any CSBE subcontractor goal that has been applied to any portion of the work of the CM-at-Risk contract.

c. *Application to contracts for environmental services where construction tasks are involved.* For contracts for environmental services where construction tasks are involved, CSBE subcontractor goals may be established by the County Manager upon the recommendation of the Review Committee based on estimates made prior to awarding such tasks and of the availability of CSBEs to afford effective subcontracting therefor.

[7. *Reserved.*]

8. *Contract measures:*

a. *Contract set-asides:* The County Commission or Public Health Trust may determine it is in its best interest to waive any competitive bidding or selection requirement and set-aside a prime County construction contract for CSBEs when determined, prior to bid advertisement, that there are at least three (3) CSBEs available in the Standard Industrial Classification (SIC) category, as well as in the contracting participation level that the contract is classified in (based on the estimated project construction cost). Contracts with estimated project construction cost less than or equal to ten million dollars ($10,000,000.00) may be set-aside for competition by CSBEs. Such contracts will be placed into one (1) of three (3) contracting participation levels based on the estimated project construction cost, and will be classified by Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) code. The three (3) contracting participation levels, based on average gross revenues for the past three (3) years are:

1. Level I—Three-year average gross revenues of $0.00—$2,000,000.00

2. Level II—Three-year average gross revenues above $2,000,000.00 but not exceeding $5,000,000.00

3. Level III—Three-year average gross revenues above $5,000,000.00 but not exceeding $10,000,000.00

CSBEs will also be categorized by contracting participation level, which will be determined by the Department of Small Business Development (based, in part, on the CSBE's prequalification package).

CSBEs prequalified in one (1) Contracting Participation Level (e.g. those in Contracting Participation Level III) may not bid on a lower level prime County contract set-aside for CSBEs (e.g., a three hundred thousand dollar ($300,000.00) project which falls into Level I). However, a CSBE prequalified in a lower level may bid on contracts whose estimated cost falls within a higher level (e.g., a Level I CSBE may bid on a Level II or III contract).

Transferring to a non-CSBE through subcontracting or otherwise all or part of the actual work of a set-aside contract is prohibited unless such transfer receives prior approval from the Department of Small Business Development as consistent with normal industry practice.

A CSBE may compete for any set-aside prime construction contract in the SIC or NAICS code which the CSBE is certified.

In the case of an Aggregate Set-Aside, the aggregated value of the set-aside shall be established after taking into account the CSBE objective and the effect of any measures that may be applied to other County construction contracts not included in the Aggregate Set-Aside. The particular level of CSBEs that may bid for a particular contract under an Aggregate Set-Aside shall be determined by Contracting Participation Level based on the contract's estimated cost and by SIC or NAICS Code. At the time a proposed Aggregate Set-Aside is presented to the County Commission for waiver of competitive bidding and set-aside for CSBEs, staff shall present an analysis of the availability of sufficient CSBEs in the various Contracting Participation Levels to compete for the contracts proposed to be included in the aggregated value of contracts proposed for the Aggregate Set-Aside. As part of such presentation, staff shall advise the Commission of the mechanisms that will be applied to assure an equitable distribution of awards to all qualified CSBEs.

b. *Selection factor:* A contractor responding to an RFP or RFQ for a prime county construction contract which is not set-aside for competition solely amongst CSBEs shall be entitled to a program incentive of up to ten (10) percent of the total evaluation points for participation in the Worker Training Program or the Mentor-Protege Program. The County Manager shall establish a sliding scale which provides the extent of preference given a contractor hereunder. In no event shall the cumulative effect of the selection factor hereunder, exceed ten (10) percent of the total evaluation points on any one (1) RFP or RFQ.

Any committee formed to evaluate a response to an RFP or RFQ with a CSBE selection factor shall include a voting representative from the Department of Small Business Development.

c. *Bid preference:* A contractor bidding on a competitively bid prime county construction contract which is not set-aside for competition solely amongst CSBEs shall be entitled to a program incentive of up to two (2) percent of such contractor's bid price (for bid evaluation purposes only) for participation in the Worker Training Program or the Mentor-Protege Program. The County Manager shall establish a sliding scale which provides the extent of preference given a contractor hereunder. In no event shall the cumulative effect of the bid preference hereunder, exceed two (2) percent of such contractor's bid price.

d. *Trade set-aside:* The County Commission or Public Health Trust may authorize a trade set-aside as outlined in this section.

e. *Subcontractor goals:* The County Commission or Public Health Trust may establish subcontractor goals as outlined in this section.

9. *Advisory board:* There is hereby created a Miami-Dade County Advisory Board for the CSBE Program. Board members shall be appointed by the Board of County Commissioners and shall consist of one (1) each of the following:

1. One (1) member from the list of recommended appointees submitted by the Allied Minority Contractor's Association, Inc.;

2. One (1) member from the list of recommended appointees submitted by the South Florida Chapter of the Associated General Contractors of America;

3. One (1) member from the list of recommended appointees submitted by the BAC Funding Corporation;

4. One (1) member from the list of recommended appointees submitted by the Construction Association of Florida, Inc;

5. One (1) member from the list of recommended appointees submitted by the Engineering Contractor's Association of South Florida, Inc.;

6. One (1) member from the list of recommended appointees submitted by the Latin Builders' Association;

7. One (1) member from the list of recommended appointees submitted by the Underground Contractors' Association of South Florida, Inc.;

8. One (1) member from the list of recommended appointees submitted by the Miami-Dade Chamber of Commerce;

9. One (1) member from the list of recommended appointees submitted by the Contractor's Resource Center;

10. One (1) member from the list of recommended appointees submitted by the UPPAC;

11. One (1) member from the list of recommended appointees submitted by the National Association of Black Women in Construction;

12. A representative of the local bonding industry;

13. A representative of the local banking and financial industry;

14. A certified CSBE; and

15. One (1) member from the list of recommended appointees submitted by the CSBE Association.

The terms of each member shall be two (2) years. Members shall serve without compensation.

The advisory board is created for the purpose of providing general program oversight and assisting the Department of Small Business Development in tracking and monitoring the results and effectiveness of the CSBE Program. The advisory board shall not assume the Department of Small Business Development's administrative or other responsibilities. The advisory board may serve as liaison between program participants and the local business community, recommend additional program incentives, participate in the recruitment of prospective participant's for the CSBE program, and review and report on the program's progress. Within one (1) year after inception of the CSBE program, the advisory board shall recommend to the County Commission the maximum length of time a CSBE may participate in the program.

Sections [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for Advisory Board members for transactions arising from the exercise of those powers given the advisory board by this section.

The County Mayor or designee shall approve the replacement of any of the delineated recommending organizations above, where said organization(s) fails to either (i) provide a list of recommended appointees within thirty (30) days of written notice from the Department of Small Business Development, or (ii) continue to operate in Miami-Dade County, or the appointed CSBE Advisory Board member fails to participate in board activities for a period of six (6) months. The current CSBE Advisory Board shall provide the name(s) of a recommended replacement organization(s) to be considered by the County Mayor, by majority vote.

10. *Graduation:* Upon review, any CSBE that exceeds the size limits, based on the firm's three-year average gross revenues, established by this section shall be graduated from the CSBE program upon notification by SBD and may no longer be eligible for participation in the CSBE Program. These firms shall be allowed to complete any currently awarded contract and remain eligible to be awarded contracts as primes or subcontractors for bids submitted prior to notice of graduation. However, the graduated firm will not eligible to receive any new contracts under the CSBE program.

(4) *Certification requirements:* The County Mayor or designee shall implement eligibility criteria and procedures for entities to be certified as CSBEs based on regulations outlined in this section. Firms exceeding size limits established hereunder and under Appendix A [which can be found in the County Clerk's office attached to Ordinance Number 97-52] are not eligible for contract measures or participation in these programs.

1. The Department of Small Business Development shall maintain and publish at least every other week an updated list of CSBEs, identifying each listed CSBE based on each Standard Industry Classification (SIC) category or North American Industry Classification System (NAICS) code and each specialty trade the CSBE is certified in, and noting what contracting participation level the firm is classified in.

2. The Department of Small Business Development shall not certify an applicant, shall not recertify a CSBE, and shall decertify a CSBE that fails to comply with the criteria or procedures for obtaining or maintaining certification. The Department of Small Business Development shall have authority to suspend the certification of a CSBE during any appeal of a decertification decision.

3. Applicants and certified CSBEs must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified.

4. The qualifier of the certified CSBE firm must own at least ten (10) percent of the certified firm's issued stock.

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of bid submittal. Successful bidders must be certified at the time of bid submittal, bid award, and throughout the duration of the contract. With the exception of provisions previously described for graduation from the CSBE program, loss of CSBE certification may lead to removal of the firm from continued participation in the CSBE program. CSBEs experiencing changes in ownership shall notify the County within thirty (30) days of the effective date of such changes.

6. A business owner, alone or as a member of a group, shall own or control only one (1) CSBE at a time. A business owner, alone or as a member of a group, and any CSBE may not hold more than a ten (10) percent equity ownership in any other CSBE.

7. Applicants for CSBE certification shall, as part of their application, disclose the information specified in Subsections (d)(1) and (2) of [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE) of this Code.

8. The Department of Small Business Development may require applicants and CSBEs to submit information regarding their business operations, including, but not limited to, a breakdown of the applicant's or CSBE's ownership, management, and/or workforce as to race, national origin, gender, and gross annual sales.

(5) *Enforcement:* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this ordinance or its implementing orders may result in the imposition of one (1) or more of the following sanctions:

i. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

ii. Work stoppage;

iii. Termination, suspension, or cancellation of the contract in whole or part;

iv. In the event a bidder or CSBE attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, or is found after a hearing to have discriminated in violation of Article VII of [Chapter 11A](../level2/PTIIICOOR_CH11ADI.docx#PTIIICOOR_CH11ADI) of the Miami-Dade County Code, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the first tier subcontract for the project on which the bidder or CSBE committed such acts. In addition, and as a further sanction, the County Mayor or his designee may impose any of the above-stated sanctions on any other contracts or first tier subcontracts the bidder or CSBE has on County projects. In each instance, the bidder or CSBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The bidder or CSBE may also be subject to debarment.

v. The foregoing notwithstanding, the County Mayor or designee shall include language in all prospective contracts containing a CSBE measure which provides that, in addition to any other sanction for failure to fulfill the CSBE measure requirements, the contractor's eligibility to receive any future county contracts may be conditioned upon the contractor making up the deficit in CSBE participation in such future contracts by having CSBE(s) perform equal to double the dollar value of the deficiency in the CSBE measure in the prior contract. Contract language shall provide that in order to be eligible for future county contracts, a contractor who fails to meet an established CSBE goal shall submit a CSBE Make-up Plan for the approval of the Director. A Make-up Plan and a corresponding Schedule of Intent Affidavit must be submitted as part of any bid or proposal submitted for future contracts at the time of bid or proposal submittal. The Schedule of Intent Affidavit must identify all CSBEs to be utilized to meet the first tier subcontractor goal and the trade designation of work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to include the required Schedule of Intent Affidavit with bids or proposals for any future contracts shall result in the submittal being deemed nonresponsive. Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six (6) month period. A contractor that fails to comply with any of the material terms of a second Make-up plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one (1) year period. A contractor that fails to comply with any of the material terms of a third Make-up plan, without good cause, may be subject to debarment and shall automatically be referred to the debarment committee. After serving a debarment for failure to satisfy a make-up plan for no good cause, the subject firm shall be deemed ineligible for bidding on county contracts with measures for 1 additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any CSBE measure otherwise applicable to the future contract.

Some of the contractual violations that may result in the imposition of the sanctions listed in Subsection (5) above include, but are not limited to, the following:

1. A CSBE serving as a conduit for CSBE work awarded to a firm as a CSBE but which is being performed by a non-CSBE firm;

2. A prime contractor not meeting CSBE Program trade set-aside or subcontractor goal requirement;

3. Not obtaining or retaining CSBE certification while performing work designated for CSBE firms.

4. Failure to submit monthly utilization reports;

5. Failure to comply with CSBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;

6. Failure to maintain certification;

7. Deviation from the schedule of participation without prior approval from SBD;

8. Termination of the CSBE's contract without prior approval from SBD;

9. Reduction of the scope of work of a first tier CSBE subcontract without prior approval from SBD. Reduction of the scope of work of a second, third or fourth tier CSBE subcontract utilized to meet a second, third or fourth tier subcontractor goal without prior approval of SBD;

10. Modifications to the terms and/or prices of payment to a CSBE without prior approval from SBD;

11. Unjustified failure to enter into a written first tier subcontract with a CSBE after listing the firm on a schedule of participation. Unjustified failure to enter into a written second, third or fourth tier subcontract with a CSBE utilized to meet a second, third or fourth tier subcontractor goal.

(6) *Administrative penalties.* For violation of or noncompliance with this ordinance or its implementing orders, bid, and competitive selection documents, the County Mayor or designee may impose penalties that include, but are not limited to, the following:

1. The loss of eligibility to be certified as a CSBE for a specified period of time, not to exceed three (3) years, for an applicant or a CSBE, its individual officers, its shareholders with significant interests, and its affiliated businesses.

2. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was pervasive, the Mayor or designee may order that the contract work be suspended or terminated, and that the non-complying contractor or subcontractor and the principal owners and/or qualifying agent thereof be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.

3. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor or designee may, in the case of a goal deficit, order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10% of the amount thereof; for the second deficit, a penalty in an amount equal to 20% thereof; for the third and successive deficits, a penalty in an amount equal to 30% thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and shall be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) of the Code of Miami-Dade County.

4. If the required payment is not made within thirty (30) days of the administrative hearing or final resolution of any appeal therefrom, the noncomplying contractor or subcontractor and the principal owner(s) and qualifying agent(s) thereof shall be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.

(7) *Appeals.*

A. Any firm that is denied certification, decertified, or issued a determination of noncompliance with the requirements of this ordinance or its implementing order may appeal such action to the County Mayor or designee by submitting a written request to the County Mayor or designee along with a nonrefundable filing fee to be established by implementing order, within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the County Mayor or designee shall appoint a hearing officer and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), or 3-11.1, or otherwise.

B. Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.

C. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

(8) *County responsibilities.* The Department of Small Business Development (or other County department designated by the County Mayor or designee) shall:

1. Administer, or provide oversight for, the CSBE program and incentives outlined in this section;

2. Provide staff assistance to the review committee and the advisory board;

3. Compile and maintain the data necessary to make the appropriate determinations as to the certification and decertification of CSBEs, and to make recommendations for the application of contract measures to a given contract;

4. Ensure that an integrated system exists for information gathering, reporting, and statistical analysis including (but not limited to) interfacing with other County financial systems such as FAMIS, Seaport, Aviation, HUD and WASAD to obtain actual amount of work orders authorized to firms versus the project award amount (for prime contractors as well as for subcontractors), and interfacing with the GSA mainframe system to access data on vendors and awards;

5. Monitor all contracts for which program measures have been applied in terms of contractor and subcontractor compliance with the provisions of this ordinance;

6. Provide assistance in technical and financial matters including:

a. Assistance in increasing the ability of CSBEs to compete effectively on contracts;

b. Conduct of seminars on contract management; and

c. Assistance in identifying and solving problems on projects.

7. Review and investigate reports of noncompliance, and make the appropriate recommendations to the County Manager as to penalties to be invoked; and

8. Prepare an annual report for the Board of County Commissioners on the results of the CSBE Program.

9. Prepare quarterly reports for the advisory board on the results of the CSBE Program.

10. SBD shall assign a CSBE coordinator to each county department issuing capital construction contracts whose responsibility shall be to seek out contracting opportunities for CSBEs and serve as liaison between SBD and the department.

11. Upon completion of a contract or after final payment on a contract SBD shall review the final Monthly Utilization Report and other project documents to include final payments and make a determination as to whether the bidder met the CSBE measure. If the bidder has not met the CSBE measure, SBD will notify the bidder in writing of the deficit and corresponding sanctions for contractual violations.

(9) Notwithstanding the requirements of this Section, the Mayor or his designee is hereby expressly authorized and directed to establish an expedited process for the creation, review and approval of measures relating to Economic Stimulus Projects subject to [Section 2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) of this Code. Such process shall be set forth in an administrative order.

(Ord. No. 97-52, § 1, 5-20-97; Ord. No. 97-158, § 1, 9-23-97; Ord. No. 99-31, § 1, 3-18-99; Ord. No. 00-17, § 1, 2-8-00; Ord. No. 01-65, § 1, 3-20-01; Ord. No. 01-116, § 1, 7-10-01; Ord. No. 01-158, § 1, 9-25-01; Ord. No. 02-29, § 1, 2-26-02; Ord. No. 03-121, § 1, 5-6-03; Ord. No. 05-119, § 1, 7-7-05; Ord. No. 07-16, § 1, 2-6-07; Ord. No. 08-40, § 1, 4-8-08; Ord. No. 08-92, § 3, 7-17-08; Ord. No. 09-41, § 1, 6-2-09; Ord. No. 10-89, § 1, 12-7-10; Ord. No. 11-22, § 1, 5-3-11; Ord. No. 12-05, § 2, 2-7-12)

Sec. 10-33.02.1. Bids precluded from related parties and colluding bidders.

(a) Notwithstanding any other provision of this Code, when two (2) or more related parties each submit a bid or proposal for any construction contract subject to this article, such bid or proposal shall be presumed collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers, or principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.

(b) All bids or proposals submitted for any construction contract must be genuine and not sham or collusive or made in the interest or in behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. Any bid or proposal submitted in violation of this subsection shall be rejected and the proposer shall be subject to debarment.

(c) A contractor recommended for award as the result of a competitive solicitation for any County construction contract shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the County: stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties, as defined in this Section, which bid in the solicitation; and attesting that the contractor's proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. In the event a recommended contractor identifies related parties in the competitive solicitation, its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in accordance with the provisions of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.

(Ord. No. 91-32, § 4(10-33.1), 3-5-91; Ord. No. 08-113, § 2, 10-7-08)

**Editor's note—**

To avoid duplication of section numbers, at the editor's discretion, [§ 10-33.1](../level3/PTIIICOOR_CH10CO_ARTIINGE.docx#PTIIICOOR_CH10CO_ARTIINGE_S10-33.1REPRDICOREREALADREREST) has been redesignated as [§ 10-33.02.1](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02.1BIPRREPACOBI)

Sec. 10-34. Listing of subcontractors required.

The requirements of this section shall apply to those county and Public Health Trust construction contracts in which a bidder may use a subcontractor which involve the expenditure of one hundred thousand dollars ($100,000.00) or more. Such contracts shall require the entity contracting with the county to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work direct to such entity. The contract shall also require the entity contracting with the County to report to the County the race, gender, and ethnic origin of the owners and employees of all such first tier subcontractors. When a competitive process is utilized to select the entity that will contract with the county, the specifications shall provide that it shall be a condition of award for the successful bidder to provide the listing of subcontractors, if required. The contract shall require the contractor to provide to the County the race, gender and ethnic information as soon as reasonably available and in any event prior to final payment under the contract. The Mayor or Mayor's designee shall include language in all contracts to which this section applies to implement this section and to provide that the contractor shall not change or substitute subcontractors or suppliers from those listed except upon written approval of the County.

(Ord. No. 97-104, § 1, 7-8-97; Ord. No. 98-31, § 1, 2-19-98; Ord. No. 00-30, § 1, 2-24-00; Ord. No. 11-90, § 2, 11-15-11)

**Editor's note—**

Ordinance No. 96-160, § 1, adopted November 12, 1996, repealed [§ 10-34](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE) in its entirety. Formerly, such section pertained to listing of subcontractors not required; exceptions and derived from Ord. No. 78-23, § 2, 4-4-78; Ord. No. 79-38, § 2, 6-5-79; Ord. No. 79-76, § 4, 9-18-79; Ord. No. 82-67, § 2, 7-20-82. Subsequently, Ord. No. 97-104, § 1, adopted July 8, 1997, added back similar provisions.

**Cross reference—** Certain provisions not applicable to DEFGH program, § 1-7

Sec. 10-35. Releases of claim by subcontractors required.

Before any prime contractor can receive any draw, except the first draw, for moneys due it as a result of a percentage of the work completed, it must pay all first-tier subcontractors and all direct suppliers of the prime contractor who have performed any work or supplied any materials directly to the prime contractor for the project as of that date their proportionate share of all previous draws and must provide the County's Project Manager with duly executed affidavits (subcontractor's statement of satisfaction) or releases of claim from all first-tier subcontractors and direct suppliers to the prime contractor who have performed any work or supplied any materials for the project as of that date, stating that said subcontractors and suppliers have been paid their proportionate share of all previous draws. In the event such affidavits cannot be furnished, the contractor may submit an executed consent of surety to requisition payment, identifying the subcontractors and suppliers, and the amounts for which the statement of satisfaction cannot be furnished. The contractor's failure to provide a consent of surety to requisition payment will result in the amount in dispute being withheld until (1) the statement of satisfaction is furnished, or (2) consent of surety to requisition payment is furnished.

(Ord. No. 78-23, § 2, 4-4-78; Ord. No. 84-11, § 1, 2-7-84; Ord. No. 86-6, § 1, 2-4-86; Ord. No. 88-13, § 1, 3-1-88)

Sec. 10-36. Utility connection fees not biddable.

Utility connection fees, as hereinafter defined, shall not be included in the bid of any prime contractor. Upon the prime contractor's receipt from the utility of an invoice setting forth the utility connection fee, the prime contractor shall forward said invoice to the County, and the County shall pay the utility connection fee directly to the utility. For the purposes of this section, "utility connection fee" includes connection charges, impact fees and other cost factors which represent a proportionate share of the cost of other water and sewer facilities.

(Ord. No. 78-23, § 2, 4-4-78)

Sec. 10-37. Membership in trade organizations or standards writing body not to be a qualification.

The County shall be the sole qualifying agent for prime contractors and subcontractors. No prime contractor or subcontractor shall be required to possess any other professional designation or affiliation in order to be eligible to bid on a project. Nothing in this section, however, shall prevent the County from requiring proof of sufficient expertise and skill to qualify for the subject project.

(Ord. No. 78-23, § 2, 4-4-78)

Sec. 10-38. Debarment of contractors from County work.

(a) *Purpose of debarment:*

(1) The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. To effectuate this policy, the debarment of contractors from County work may be undertaken.

(2) The serious nature of debarment requires that this sanction be imposed only when it is in the public interest for the County's protection, and not for purposes of punishment. Debarment shall be imposed in accordance with the procedures contained in this ordinance.

(3) Debarment is intended as a remedy in addition to, and not in substitution of, the evaluation of the responsibility of County bidders and contractors, and the rejection or termination of County bidders and contractors based on findings of non-responsibility on a case by case basis.

(b) *Definitions:*

(1) *Affiliates.* Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, (i) either one (1) controls or has the power to control the other, or (ii) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized by a debarred entity, individual, or affiliate following the debarment of a contractor that has the same or similar management, ownership, or principal employees as the contractor that was debarred or suspended.

(2) *Civil judgment* means a judgment or finding of a civil offense by any court of competent jurisdiction.

(3) *Contractor* means any individual or other legal entity that:

(i) Directly or indirectly (e.g., through an affiliate), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a County contract for construction or for procurement of goods or services, including professional services; or

(ii) Conducts business, or reasonably may be expected to conduct business, with the County as an agent, surety, representative or subcontractor of another contractor.

(iii) For the purposes of this section, the terms "vendor" and "consultant" have the same meaning as "contractor." "Subconsultant" has the same meaning as "subcontractor."

(4) *Conviction* means a judgment or conviction of a criminal offense, be it a felony or misdemeanor, by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

(5) *Debarment* mean action taken by the Debarment Committee to exclude a contractor from County contracting and County-approved subcontracting for a reasonable, specified period as provided in subsection (j) below; a contractor so excluded is debarred.

(6) *Debarment committee* means a group of two (2) County department directors or assistant directors and one (1) member from private industry selected by DBD from a Standing Pool of Committee members appointed by the County Manager, to evaluate and, if warranted, to impose debarment. At least one (1) member of the Debarment Committee shall have working knowledge of the affected area. All Debarment Committee members appointed to a specific Debarment Committee shall be subject to restrictions similar to those in the Cone of Silence Ordinance 98-106 in that they are prohibited from having any communication with any of the parties involved in the specific debarment, or their representatives. Violation of this policy could lead to termination.

(7) *Indictment* means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

(8) *Legal proceeding* means any civil judicial proceeding to which the county is a party or any criminal proceeding. The term includes appeals from such proceedings.

(9) *List of debarred contractors* means a list compiled, maintained and distributed by the Department of Business Development ("DBD") of Miami-Dade County, containing the names of contractors debarred under the procedures of this ordinance.

(10) *Preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(c) *List of debarred contractors:*

(1) DBD, as the agency charged with the implementation of this ordinance shall:

(i) Compile and maintain a current, consolidated list ("List") of all contractors debarred by County departments. Such list shall be public record and shall be available for public inspection and dissemination;

(ii) Periodically revise and distribute the list and issue supplements, if necessary, to all departments, to the office of the County Manager, to the Board of County Commissioners; and

(iii) Include in the list the name and telephone number of the official responsible for its maintenance and distribution.

(2) The list shall indicate:

(i) The names and addresses of all contractors debarred, in alphabetical order;

(ii) The name of the department that recommends initiation of the debarment action;

(iii) The cause for the debarment action, as is further described herein, or other statutory or regulatory authority;

(iv) The effect of the debarment action;

(v) The termination date for each listing;

(vi) The contractor's certificate of competency or license number, when applicable;

(vii) The qualifier of the contractor, when applicable;

(viii) The name and telephone number of the point of contact in the department recommending the debarment action.

(3) DBD shall:

(i) In accordance with internal retention procedures, maintain records relating to each debarment;

(ii) Establish procedures to provide for the effective use of the list, including internal distribution thereof, to ensure that departments do not solicit offers from, award contracts to, or consent to subcontracts with contractors on the list; and

(iii) Respond to inquiries concerning listed contractors and coordinate such responses with the department that recommended the action.

(d) *Effects of debarment:*

(1) Debarred contractors are excluded from receiving contracts, and departments shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors, unless the county manager determines that an emergency exists justifying such action, and obtains approval from the Board of County Commissioners. Debarred contractors are also excluded from conducting business with the County as agents, representatives, subcontractors or partners of other contractors.

(2) Debarred contractors are excluded from acting as individual sureties.

(e) *Continuation of current contracts:*

(1) Commencing on the effective date of this ordinance, all proposed County contracts for construction, or for procurement of goods and services, including professional services, shall incorporate this ordinance and specify that debarment may constitute grounds for termination of any existing County contract.

(2) The debarment shall take effect in accordance with the notice provided by the County Manager pursuant to subsection (i)(9) below, except that if a department continues contracts or subcontracts in existence at the time the contractor was debarred, the debarment period shall commence upon the conclusion of the contract, and in the interim the debarred contractor shall not enter into any county contracts.

(3) Departments may not renew or otherwise extend the duration of current contracts, or consent to subcontracts with debarred contractors, unless the County Manager determines that an emergency exists justifying the renewal or extension or for an approved extension due to delay or time extension for reasons beyond the contractors control, and such action is approved by the Board of County Commissioners.

(4) No further work shall be awarded to a debarred contractor in connection with a continuing or miscellaneous construction contract, or a continuing or miscellaneous contract for goods or services, including professional services, or similar contract, where the work is divided into separate discrete groups and the county's refusal or denial of further work under the contract will not result in a breach of such contract.

(f) *Restrictions on subcontracting:*

(1) When a debarred contractor is proposed as a subcontractor for any subcontract subject to County approval, the department shall not consent to subcontracts with such contractors unless the County Manager determines that an emergency exists justifying such consent, and the Board of County Commissioners approves such decision.

(2) The County shall not be responsible for any increases in project costs or other expenses incurred by a contractor as a result of rejection of proposed subcontractors pursuant to subsection (f)(1) above, provided the subcontractor was debarred prior to bid opening or opening of proposals.

(g) *Debarment:*

(1) The Debarment Committee may, in the public interest, debar a contractor for any of the causes listed in this ordinance, using the procedures outlined below. The existence of a cause for debarment, however, does not necessarily require that the contractor be debarred; the seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(2) Debarment constitutes debarment of all officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the debarred contractor, unless the debarred decision is limited by its terms to specific divisions, organizational elements, or commodities. The Debarment Committee's decision includes any existing affiliates of the contractor, if they are (i) specifically named and (ii) given written notice of the proposed debarment and an opportunity to respond. Future affiliates of the contractor are subject to the pre-existing Debarment Committee's decision.

(3) A contractor's debarment shall be effective throughout county government.

(h) *Causes for debarment:*

(1) The Debarment Committee may debar a contractor for a conviction or civil judgment:

(i) For commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain, performing, or making a claim upon a public contract or subcontract, or a contract or subcontract funded in whole or in part with public funds;

(ii) For violation of federal or State antitrust statutes relating to the submission of offers;

(iii) For commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(iv) For commission of any other payment or performance related offense that seriously and directly affects the completion of one (1) or more contracts or the performance of the completed building, or project, or goods and services; or

(v) Which makes the County the prevailing party in a legal proceeding, and a court determines that the lawsuit between the contractor and the County was frivolous or filed in bad faith.

(2) The committee may debar a contractor, based upon a preponderance of the evidence, for:

(i) Violation of the terms of a County contract or subcontract, or a contract or subcontract funded in whole or in part by County funds, such as willful failure to perform in accordance with the terms of one (1) or more contracts; or the failure to perform, or unsatisfactory performance of one (1) or more contracts.

(ii) Violation of a County ordinance or administrative order which lists debarment as a potential penalty.

(iii) Any other cause of so serious or compelling a nature that it affects the responsibility of a county contractor or subcontractor in performing County work.

(3) The debarment committee may debar a CSBE based upon a preponderance of evidence that the CSBE has forfeited a bond or has defaulted on financial assistance, either of which was provided under the CSBE program; or if any individual or corporation, partnership or other entity, or any individual officer, shareholder with a significant interests, director or partner of such entity, or affiliated business of such entity attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement.

(i) *Debarment procedures:*

(1) Investigation and referral. Departments shall promptly investigate and prepare written reports concerning a proposed debarment, and prepare written requests to DBD for the debarment of contractors the department believes is subject to any of the causes listed above. The County Manager (or his or her designee), and the Office of the Inspector General, may investigate, prepare written reports on, and prepare written requests for, debarment of contractors or subcontractors.

(2) Upon receipt of a request for debarment, DBD shall create a Debarment Committee, from the Standing Pool of Committee members appointed by the County Manager, none of whose members shall include a representative from the department making the debarment request. DBD shall act as staff to the Debarment Committee. The department requesting debarment shall present evidence and argument to the Debarment Committee. In the event that the requesting department requests the assistance of the County Attorney's Office, the County Attorney's Office shall provide as counsel to the requesting department a representative of the office independent from any designated to advise the Debarment Committee in the proceedings.

(3) Notice of proposal to debar. DBD, on behalf of the Debarment Committee, shall issue a notice of proposed debarment advising the contractor and any specifically named affiliates, by certified mail, return receipt requested, or personal service, that:

(i) Debarment is being considered;

(ii) Of the reasons and causes for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(iii) That a hearing shall be conducted before the Debarment Committee on a date and time not less than twenty (20) days after service of the notice. The notice shall also advise the contractor that it may be represented by an attorney, may present documentary evidence and verbal testimony, and may cross-examine evidence and testimony presented against it.

(iv) The notice shall also describe the effect of the issuance of the notice of proposed debarment, and of the potential effect of an actual debarment.

(4) No later than seven (7) calendar days prior to the scheduled hearing date, the contractor must furnish DBD a list of the defenses, and the documents and records supporting those defenses, the contractor intends to present at the hearing. If the contractor fails to submit the list of defenses, in writing, and the documents and records supporting those defenses, at least seven (7) calendar days prior to the hearing, or fails to seek an extension of time, in writing, at least seven (7) calendar days prior to the hearing, within which to do so, the contractor shall have waived the opportunity to be heard at the hearing. Failure to request an extension at least seven (7) calendar days prior to the hearing shall constitute an absolute waiver to present defenses and to be heard before the Debarment Committee. The Debarment Committee Chair (or the Director of DBD, or his or her designee) has the right to grant or deny an extension of time so long as the request for an extension of time is made at least seven (7) calendar days prior to the hearing, and [[his or her decision may only be reviewed upon an abuse of discretion standard.

(5) Discovery. The process of discovery, including the subpoenaing of witnesses, the taking of depositions, the submission of interrogatories, and requests for documents, is not permitted under this ordinance. However, any party may make a public records request under Chapter 119 of the Florida Statutes.

(6) Hearsay evidence shall be admissible at the hearing but shall not form the sole basis for initiating a debarment procedure nor the sole basis of any determination of debarment. The hearing shall be transcribed, taped or otherwise recorded by use of a court reporter, at the election of the committee and at the expense of the county. Copies of the hearing tape or transcript shall be furnished at the expense and request of the requesting party.

(7) Debarment Committee's decision. In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the Debarment Committee shall make a decision on the basis of all the undisputed, material information in the administrative record, including any undisputed, material submissions made by the contractor. Where actions are based on disputed evidence, the Debarment Committee shall decide what weight to attach to evidence of record, judge the credibility of witnesses, and base its decision on the preponderance of the evidence standard. In the event that the contractor fails to appear at the debarment hearing or to present competent proof under affirmation or oath through persons with direct knowledge of the contractor's performance, the contractor shall be presumed to be not responsible and subject to debarment. The Debarment Committee's decision shall be based on a majority of the members of the Committee. The Debarment Committee shall be the sole trier of fact. The committee's decision shall be made within twenty (20) working days after conclusion of the hearing, unless the Debarment Committee extends this period for good cause.

(8) The committee's decision shall be in writing and shall include the committee's factual findings, the principal causes of debarment as enumerated in this Ordinance, identification of the contractor and all affiliates affected by the decision, and the specific term, including duration, of the debarment imposed.

(9) Notice of Debarment Committee's decision.

(i) If the Debarment Committee decides to impose debarment, and the Debarment Committee's decision is not overridden by the County Manager, the county manager shall give the contractor and any affiliates involved written notice by certified mail, return receipt requested, or hand delivery, within twenty (20) working days of the decision, specifying the reasons for debarment and including a copy of the committee's written decision; stating the period of debarment, including effective dates; and advising that the debarment is effective throughout the county departments.

(ii) If debarment is not imposed by the Debarment Committee, and the Debarment Committee's decision is not overridden by the County Manager, the county manager shall notify the contractor and any affiliates involved, by certified mail, return receipt requested, or personal service, within twenty (20) working days of the decision.

(10) All decisions of the Debarment Committee shall be final and shall be effective on the date the notice is signed by the county manager unless overridden by the County Manager within twenty (20) working days of the date of the Debarment Committee's written decision. If the County Manager overrides the decision of the Debarment Committee, the County Manager shall state in writing the reasons for his or her override of the Debarment Committee's decision. If the County Manager does not override the Debarment Committee's decision within twenty (20) working days of the date of the Debarment Committee's written decision, and does not sign the notice to the contractor as stated in Section (i)(9) above, the Debarment Committee's decision is final, and becomes effective on the twenty-first (21st) working day after the date of the Debarment Committee's written decision. The Director of DBD or his or her designee shall then issue the notice to the contractor as required in Section (i)(9) above. Decisions of the Debarment Committee may be appealed to the Appellate Division of the Circuit Court within thirty (30) calendar days of the date the notice is signed by the County Manager. Decisions of the Debarment Committee shall not be overturned absent a finding of abuse of discretion. A debarred contractor may seek a stay of the debarment decision in accordance with the Florida Rules of Appellate Procedure.

(j) *Period of debarment:*

(1) The period of debarment imposed shall be within the sole discretion of the Debarment Committee. Debarment shall be for a period commensurate with the seriousness of the cause(s), and, where applicable, within the guidelines set forth below, but in no event shall exceed ten (10) years for a Contractor which is not an individual. Officers, directors, shareholders, partners, agents, employees, or other individual associated with a Contractor or Contractor who is an individual may be permanently debarred as set forth below.

(2) The following guidelines in the period of debarment shall apply except where mitigating or aggravating circumstances justify deviation:

(i) For commission of an offense as described in subsection (h)(l)(i): ten (10) years

(ii) For commission of an offense as described in subsection (h)(l)(ii): ten (10) years.

(iii) For commission of an offense as described in subsection (h)(l)(iii): ten (10) years.

(iv) For commission of an offense as described in subsection (h)(l)(iv): one (1) to two (2) years.

(v) For commission of an offense as described in subsection (h)(l)(v): two (2) to ten (10) years.

(vi) For commission of an offense as described in subsections (h)(2)(i) or (ii): two (2) to ten (10) years.

(vii) For commission of an offense as described in subsection (h)(2)(iii): one (1) to two (2) years.

(viii) Notwithstanding the foregoing, in the event that the Debarment Committee finds that an individual (i.e., officers, directors, shareholders, partners, agents, employees, or other persons associated with a Contractor or a Contractor who is a person) has knowingly and willfully committed an offence described in subsection (h) such individual may be permanently debarred upon a unanimous vote of the Debarment Committee.

(3) The Debarment Committee may, in its sole discretion, reduce the period of debarment, upon the contractor's written request, for reasons such as:

(i) Newly discovered material evidence;

(ii) Reversal of the conviction or civil judgment upon which the debarment was based;

(iii) Bona fide change in ownership or management;

(iv) Elimination of other causes for which the debarment was imposed; or

(v) Other reasons the Debarment Committee deems appropriate.

(4) The debarred contractor's written request shall contain the reasons for requesting a reduction in the debarment period. DBD, with the assistance of the affected department, shall have thirty (30) days from receipt of such request to submit a written response thereto. The decision of the Department Committee regarding a request made under this subsection is final and non-appealable.

(k) *Scope of debarment:*

(1) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, agent, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct may be evidence of such knowledge, approval or acquiescence.

(2) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of the contractor's conduct.

(3) The fraudulent, criminal or other seriously improper conduct of any subcontractor associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the subcontractor's performance of duties for or on behalf of the contractor and the contractor had knowledge of, approved of, or acquiesced in this conduct. The contractor's acceptance of benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

(4) The fraudulent, criminal, or other seriously improper conduct of one (1) contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct may be evidence of such knowledge, approval, or acquiescence.

(Ord. No. 93-129, § 1, 11-16-93; Ord. No. 97-52, § 2, 5-20-97; Ord. No. 98-107, § 1, 7-21-98; Ord. No. 00-18, § 1, 2-8-00; Ord. No. 13-75, § 1, 7-16-13)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-23, § 2, amended the Code by adding provisions designated as Art. II of Ch. 10, §§ 10-33.01—10-37. [(Back)](#BK_B40628C40ABF4D7902BF01EF238D3F30)

**Cross reference—** Contracts and purchases generally, § 2-8.1 et seq.; wages on County contract projects, § 2-11.16; County Manager authority to manage Stage I of the Rapid Transit System, § 2-171; construction of roads, bridges, etc., Ch. 9. [(Back)](#BK_B40628C40ABF4D7902BF01EF238D3F30)