

What responsibilities do I have if I obtained the permit as an owner-builder?

If you have obtained an owner-builder permit to perform electrical, mechanical, plumbing or gas work, you must perform all work yourself and you cannot subcontract or hire day labor employees. If you are a holder of a building permit, you can subcontract to licensed contractors, use day labor or persons that are certified and/or licensed in their trade, to be paid on an hourly per diem basis for the building trade. However, you will be responsible for all work done by your employees. Anyone contracting (including labor) with you, verbally or in writing, on a fixed fee basis for any work, who is not properly licensed, will be subject to a fine of \$500 and/or imprisonment for six months. Additionally, the hiring of an unlicensed contractor could subject you to a \$5,000 fine.

Are there any additional insurance requirements?

You should be advised that if your day labor employees cause any damage to persons or property, or if any of your day labor employees are injured on the job, you are liable. Your regular home insurance policy ordinarily MAY NOT cover this type of liability. Please check with your insurance agent.

A pool is being constructed on my property. Am I required to erect a safety barrier?

You are required to erect an approved safety barrier around the property or pool, under a building permit obtained from the Building Department, prior to final inspection of the pool. The safety barrier must also be inspected and approved by this department.

If you have any questions relating to the requirements of City, County, or State Law you may contact the City Building Department at (305) 622-8027 Code Enforcement Department at (305) 622-2020 or the.

Legal questions should be referred to your attorney.

As the owner of the property, are there any requirements I need to know about?

I have hired a licensed contractor who has obtained the permit. Is there anything I need to know?

What should I do before making a final payment to the contractor?

How long is my permit valid for and are inspections required?

What responsibilities do I have if I obtained the permit as an owner-builder?

What if my contractor abandons the work or if I have a complaint regarding his/her performance?

Are there any additional insurance requirements?

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A Permit Has
Just Been Issued
For Work To
Be Performed
On Your Property



City of Miami Gardens
Building Department

As the owner of the property, are there any requirements I need to know about?

Florida's Construction Lien Law requires the recording of a Notice of Commencement with the Clerk of the Courts for real property improvements greater than \$2,500. This notice must be signed by you, the property owner. Under Florida law, those who work on your property or provide materials and are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

For your protection under the Construction Lien Law, and to avoid the possibility of paying twice for improvements to real property, you must record a Notice of Commencement with the Clerk of the Court's Office. The Notice of Commencement must be signed by you, the owner contracting the improvement, and not your agent. The Notice of Commencement must be completed and recorded within 90 days before starting the work. A copy is also to be posted on the job site.

I have hired a licensed contractor who has obtained the permit. Is there anything I need to know?

Chapter 10 of the City and Miami-Dade County Code and Chapter 489 of the Florida Statutes require that all construction contractors be licensed. Beyond that, Chapter 10 requires that the workers/employees of the contractor be certified in the trade they are working in, or

that another employee that has the required Certificate of Competency directly supervises the workers at critical points of the job.

The Miami-Dade County Construction Trades Qualifying Board and the State Department of Business and Professional Regulation are responsible for licensing contractors. A State Licensed Contractor can work anywhere in the State of Florida in their trade of competency. A County Licensed Contractor can only work in Miami Dade County also within their qualified trade.

The City of Miami Gardens Code Enforcement and Building Departments exist in part to help protect our community against unscrupulous or unlicensed contractors. By calling the City of Miami Gardens Building Department at (305) 622-8027 and/or the Miami-Dade County Contractor Licensing and Enforcement Section at (305) 375-2901, you can be informed if there are any complaints against the contractor, whether or not the contractor is licensed and whether the contractor has current liability and worker's compensation insurance. The Miami Gardens Code Enforcement Department will investigate complaints of unlicensed activity; for questions call (305) 622-8021.

Licensed contractors must have general liability and worker's compensation insurance in effect at all times.

It is also important to know that the 1995 Florida Legislature created the "Homebuyer's Protection Act". This Act amends several sections of Florida Statutes and was effective October 1, 1995. Most of the provisions are directed at commercial construction although some are directed at general construction. The following are some of the key provisions of the act.

- Section 489.1265(1) & (2) Florida Statutes provide that a contractor may not enter into an agreement with, or knowingly allow his certification to be used by, a person who is not certified or registered.
- Section 489.1265(3) provides that a contractor, except when working without compensation, may not obtain permits for construction work without first entering into a contract to perform improvements. A violation of this provision is a misdemeanor of the first degree and a subsequent violation is a felony.
- Section 489.126 requires that a contractor who receives money totaling more than 10% of the contract price for work on residential property must apply for the necessary permits within 30 days after payment is made and must start work within 90 days after all permits are issued, unless the person who made payment agreed to a longer period in writing.
- Section 489.1425 requires the contractor to notify residential property owners of a recovery fund no later than the date the owner makes the initial

payment and at the time final payment is made. The contractor must inform the owner clearly and conspicuously in writing of how and where to file a claim and an explanation of consumers rights under the Construction Industry Recovery Fund.

- Section 713.165 provides that the owner may request from the contractor a list of all subcontractors and suppliers. This request must be in writing and delivered by Registered or Certified mail. Within 10 days after receipt of the written request, the contractor must furnish the list. Failure to do so results in the forfeiture of the contractor's right to assert a lien against the owner's property.

What should I do before making a final payment to the contractor?

The contractor should provide to you proof that all final inspections have been approved by the Building Department or provide a Certificate of Completion or Occupancy issued by the city Building Department.

If you want to verify that all inspection approvals have been obtained, you may call the Inspection Records Section at (305) 622-8027. Additionally, you should request final release of liens from any individuals or firms who have provided labor, material or supplies, especially those who have sent you a "Notice to Owner" letter.

What if my contractor abandons the work or if I have a complaint regarding his/her performance?

You can contact the Office of the Building Official at (305) 622-8027 and file a complaint. Miami Gardens staff will work with you and the Contractor Licensing and Enforcement Section of the Miami-Dade County Building Department to investigate and work toward a resolution of the problem.

If the permit is active, you should contact an Inspector by calling the Building Department's Office, (305) 622-8027 between the hours of 8:30 a.m. - 3:30 p.m. However, it may be necessary for you to hire a new contractor to complete the work or you may complete the work as an owner-builder.

How long is my permit valid for and are inspections required?

Section 104 of the Florida Building Code requires that all construction work for which a permit is required shall be subject to inspection and approval by the Building Official. It is the responsibility of the permit holder to cause the work to remain accessible and exposed for inspection purposes.

Permits will expire and become null and void if work authorized by such permits has not commenced within 180 days from permit issuance or has been suspended or abandoned at any time for a period of 180 days. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days.