

The Rules

The City of Miami Gardens Code Enforcement and Building Departments exist in part to help protect our community against unscrupulous or unlicensed contractors. In the wake of this past hurricane season it is imperative that all homeowner's in our community are vigilant against unscrupulous and/or unlicensed contractors who may seek to victimize them.

Chapter 10 of the City's Code of Ordinances and Chapter 489 of the Florida Statutes require that all construction contractors be licensed. Beyond that, Chapter 10 of the City's code 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. County Licensing has many more trade categories including over 100 Certification Categories under seven disciplines including: Maintenance, Building, Building Specialties (such as roofing), Electrical, Plumbing, Mechanical, and Liquefied Petroleum. Each Category requires a combination of years of experience, education, continuing education, and testing in order to obtain and maintain a Certificate of Competency in a trade category.

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Contractors

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THE FACTS

Contractor Enforcement

What you don't know can hurt you!



City of Miami Gardens
Building Department

The Facts

● **Every contractor is required to carry their competency card with them while working.** The competency card is a photo ID that lists the areas or trades in which the contractor or subcontractor is licensed to perform work.

It is a violation of the code not to have this card with them and it is also a violation of the code not to place their license number in all their advertising including business cards and on their vehicles. Unlicensed contractors often give a customer many early warning signs. First and foremost, a contractor should be willing to enter into a written contract and to give a written job estimate. Unwillingness to give estimates or to enter into written agreements and pushing verbal contracts are always signs of trouble.

● **Every Contractor is required to have proof of insurance.** They must have general liability and in most cases, worker's compensation insurance in effect at all times. If they cannot show you proof of the above, stay away!

● **Contractors must demonstrate sufficient financial ability to perform the type of project that their license contemplates.** Be wary of any prospective contractors that request large down payments prior to beginning the work. Also watch out for many requests for money during the early phases of the construction. Additionally, payments should be made to a company not an individuals name, and be wary of requests for cash.

● **A contractor is required to obtain all necessary permits for the job to be performed.** If you are told that you have to obtain the permits or that a permit is not required please check with the Code Enforcement Department or the City Building Department. In general, a permit is required for the erection or construction of any building or structure as well as the adding to, enlarging, repairing, improving, altering, covering or extending of any building or structure. This includes, but is not limited to the installation, alteration, and/or repair of any electrical wiring or equipment, any sanitary plumbing or water supply, and any gas supply system. When in doubt, please call us.

Working without a permit when one is required, can result in fines, the structure being declared unsafe or more serious consequences when life safety issues are ignored.

Issues

The City also undertakes the task of educating our residents of their rights and responsibilities before they begin any building repairs or renovations. Through the City permitting process, you can get the advice of licensed and certified professionals whose primary concern is your safety and welfare. They will approve each phase of your project assuring that the work is done in accordance with the Florida Building Code, Zoning laws, and the approved plans.

Working without a permit when one is required, can result in fines, the structure being declared unsafe or more serious consequences when life safety issues are ignored.

The permitting process not only protects your safety, but it also protects you from a construction lien being placed against your property. Florida's Construction Lien Law (Chapter 713, part1) requires the recording with the Clerk of the Courts, a Notice of Commencement for real property improvements greater than \$2,500.00 in value.

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 and file a construction lien. So if a contractor decides

not to pay for the materials used on the job and does not pay the subcontractors or the workers that did the job, you the property owner are legally responsible to pay that debt if you and said contractor did not file the Notice of Commencement.

How does a property owner know that this notice is required? If a permit is pulled for a job exceeding \$2,500.00 in value the contractor must have a certified copy of the recorded Notice of Commencement posted at the job site. Without this, the City's Building Department cannot pass the first requested inspection; in fact the Department is required by law to verify the notice. Again the only way for you the property owner to get this added assurance is to make sure that a permit is obtained prior to the commencement of any work.

A construction job is not finished until the City Building Department does a final inspection and the work passes that inspection. Additionally, as the property owner you should receive a Release of Lien, and Affidavit to the extent of payment from the contractor.

In summary, Building permits protect you, your neighbors, and the entire community.

Warning Signs of Unscrupulous Contractors

Unlicensed contracting activity is a crime. Unlicensed or unscrupulous contractors often give off early warning signs that all property owners should be wary of:

Requests for large down payments; *licensed contractors must demonstrate sufficient financial ability to perform the work for which the license specifies.*

Verbal contracts; *never accept an oral agreement and avoid contractors who are not willing to put all terms in writing.*

No proof of proper licensure or insurance; *licensed contractors must have general liability, property damage, and worker's compensation insurance in effect at all times.*

Inability or hesitance to obtain permits; *A licensed contractor in good standing will always obtain the permit.*

The need to work only on weekends or after hours; *this is a sign of moonlighting without a license.*

Requests for payments in cash or to individuals and not the company name; *Licensed contractors almost always have a separate business account.*

No contractor license number on vehicles, business cards, contracts, or in advertisements; *the law requires all licensed contractors to place their license numbers on all their work vehicles and in all their advertising.*

The term "Handyman"; *there is no such State or Local license and no local certificate of competency for such a trade.*

It is also a crime to knowingly hire an unlicensed contractor who falls under the guidelines of Florida State Statute Chapter 489. This action is called aiding and abetting an unlicensed contractor and can subject the person that hired the contractor to fines and possible jail time.

Contractor Enforcement

The Miami-Dade Building Code Compliance Office enforces contractor licensing issues and answers contractor licensing questions. To file a complaint against a contractor or to report suspected unlicensed activities please call BCCO at 375-2901 and (305) 468-5900 for verification of licensure.

The Miami-Dade County Police Department's Intergovernmental Bureau's Special Enforcement Unit (SEU), along with the City and BCCO, will investigate any complaints you may have against a contractor. To make a complaint you can also call the SEU directly at (305) 477-1616.

The City Building and Code Enforcement Departments are conducting inspections and answering complaints throughout the City enforcing the above listed codes. Department staff is also attending association meetings to help clarify tour requirements and will accept any invitations to speak.

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

Legal questions should be referred to your attorney.