

1 A bill to be entitled
 2 An act relating to swimming pool and spa contracting;
 3 amending s. 489.105, F.S.; revising the definition of
 4 the term "contractor" with respect to the cleaning,
 5 maintenance, and water treatment of swimming pools and
 6 spas; revising the scope of work of commercial
 7 pool/spa contractors, residential pool/spa
 8 contractors, and swimming pool/spa servicing
 9 contractors; amending s. 489.111, F.S.; revising
 10 eligibility requirements for taking the swimming
 11 pool/spa servicing contractor's licensure examination;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (3) of section 489.105, Florida
 17 Statutes, is amended to read:

18 489.105 Definitions.—As used in this part:

19 (3) "Contractor" means the person who is qualified for,
 20 and is only responsible for, the project contracted for and
 21 means, except as exempted in this part, the person who, for
 22 compensation, undertakes to, submits a bid to, or does himself
 23 or herself or by others construct, repair, alter, remodel, add
 24 to, demolish, maintain for purposes of water treatment, subtract
 25 from, or improve any building or structure, including related
 26 improvements to real estate, for others or for resale to others;
 27 and whose job scope is substantially similar to the job scope
 28 described in one of the subsequent paragraphs of this

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29 subsection. For the purposes of regulation under this part,
30 "demolish" applies only to demolition of steel tanks over 50
31 feet in height; towers over 50 feet in height; other structures
32 over 50 feet in height, other than buildings or residences over
33 three stories tall; and buildings or residences over three
34 stories tall. For purposes of regulation under this part,
35 "maintain for purposes of water treatment" applies only to
36 cleaning, maintenance, and water treatment of swimming pools and
37 spas. Contractors are subdivided into two divisions, Division I,
38 consisting of those contractors defined in paragraphs (a)-(c),
39 and Division II, consisting of those contractors defined in
40 paragraphs (d)-(r):

41 (a) "General contractor" means a contractor whose services
42 are unlimited as to the type of work which he or she may do, who
43 may contract for any activity requiring licensure under this
44 part, and who may perform any work requiring licensure under
45 this part, except as otherwise expressly provided in s. 489.113.

46 (b) "Building contractor" means a contractor whose
47 services are limited to construction of commercial buildings and
48 single-dwelling or multiple-dwelling residential buildings,
49 which do not exceed three stories in height, and accessory use
50 structures in connection therewith or a contractor whose
51 services are limited to remodeling, repair, or improvement of
52 any size building if the services do not affect the structural
53 members of the building.

54 (c) "Residential contractor" means a contractor whose
55 services are limited to construction, remodeling, repair, or
56 improvement of one-family, two-family, or three-family

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57 residences not exceeding two habitable stories above no more
58 than one uninhabitable story and accessory use structures in
59 connection therewith.

60 (d) "Sheet metal contractor" means a contractor whose
61 services are unlimited in the sheet metal trade and who has the
62 experience, knowledge, and skill necessary for the manufacture,
63 fabrication, assembling, handling, erection, installation,
64 dismantling, conditioning, adjustment, insulation, alteration,
65 repair, servicing, or design, if not prohibited by law, of
66 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
67 equivalent or lighter gauge and of other materials, including,
68 but not limited to, fiberglass, used in lieu thereof and of air-
69 handling systems, including the setting of air-handling
70 equipment and reinforcement of same, the balancing of air-
71 handling systems, and any duct cleaning and equipment sanitizing
72 that requires at least a partial disassembling of the system.

73 (e) "Roofing contractor" means a contractor whose services
74 are unlimited in the roofing trade and who has the experience,
75 knowledge, and skill to install, maintain, repair, alter,
76 extend, or design, if not prohibited by law, and use materials
77 and items used in the installation, maintenance, extension, and
78 alteration of all kinds of roofing, waterproofing, and coating,
79 except when coating is not represented to protect, repair,
80 waterproof, stop leaks, or extend the life of the roof. The
81 scope of work of a roofing contractor also includes required
82 roof-deck attachments and any repair or replacement of wood roof
83 sheathing or fascia as needed during roof repair or replacement.

84 (f) "Class A air-conditioning contractor" means a

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85 contractor whose services are unlimited in the execution of
86 contracts requiring the experience, knowledge, and skill to
87 install, maintain, repair, fabricate, alter, extend, or design,
88 if not prohibited by law, central air-conditioning,
89 refrigeration, heating, and ventilating systems, including duct
90 work in connection with a complete system if such duct work is
91 performed by the contractor as necessary to complete an air-
92 distribution system, boiler and unfired pressure vessel systems,
93 and all appurtenances, apparatus, or equipment used in
94 connection therewith, and any duct cleaning and equipment
95 sanitizing that requires at least a partial disassembling of the
96 system; to install, maintain, repair, fabricate, alter, extend,
97 or design, if not prohibited by law, piping, insulation of
98 pipes, vessels and ducts, pressure and process piping, and
99 pneumatic control piping; to replace, disconnect, or reconnect
100 power wiring on the load side of the dedicated existing
101 electrical disconnect switch; to install, disconnect, and
102 reconnect low voltage heating, ventilating, and air-conditioning
103 control wiring; and to install a condensate drain from an air-
104 conditioning unit to an existing safe waste or other approved
105 disposal other than a direct connection to a sanitary system.
106 The scope of work for such contractor also includes any
107 excavation work incidental thereto, but does not include any
108 work such as liquefied petroleum or natural gas fuel lines
109 within buildings, except for disconnecting or reconnecting
110 changeouts of liquefied petroleum or natural gas appliances
111 within buildings; potable water lines or connections thereto;
112 sanitary sewer lines; swimming pool piping and filters; or

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113 | electrical power wiring.

114 | (g) "Class B air-conditioning contractor" means a

115 | contractor whose services are limited to 25 tons of cooling and

116 | 500,000 Btu of heating in any one system in the execution of

117 | contracts requiring the experience, knowledge, and skill to

118 | install, maintain, repair, fabricate, alter, extend, or design,

119 | if not prohibited by law, central air-conditioning,

120 | refrigeration, heating, and ventilating systems, including duct

121 | work in connection with a complete system only to the extent

122 | such duct work is performed by the contractor as necessary to

123 | complete an air-distribution system being installed under this

124 | classification, and any duct cleaning and equipment sanitizing

125 | that requires at least a partial disassembling of the system; to

126 | install, maintain, repair, fabricate, alter, extend, or design,

127 | if not prohibited by law, piping and insulation of pipes,

128 | vessels, and ducts; to replace, disconnect, or reconnect power

129 | wiring on the load side of the dedicated existing electrical

130 | disconnect switch; to install, disconnect, and reconnect low

131 | voltage heating, ventilating, and air-conditioning control

132 | wiring; and to install a condensate drain from an air-

133 | conditioning unit to an existing safe waste or other approved

134 | disposal other than a direct connection to a sanitary system.

135 | The scope of work for such contractor also includes any

136 | excavation work incidental thereto, but does not include any

137 | work such as liquefied petroleum or natural gas fuel lines

138 | within buildings, except for disconnecting or reconnecting

139 | changeouts of liquefied petroleum or natural gas appliances

140 | within buildings; potable water lines or connections thereto;

141 sanitary sewer lines; swimming pool piping and filters; or
142 electrical power wiring.

143 (h) "Class C air-conditioning contractor" means a
144 contractor whose business is limited to the servicing of air-
145 conditioning, heating, or refrigeration systems, including any
146 duct cleaning and equipment sanitizing that requires at least a
147 partial disassembling of the system, and whose certification or
148 registration, issued pursuant to this part, was valid on October
149 1, 1988. Only a person who was registered or certified as a
150 Class C air-conditioning contractor as of October 1, 1988, shall
151 be so registered or certified after October 1, 1988. However,
152 the board shall continue to license and regulate those Class C
153 air-conditioning contractors who held Class C licenses before
154 October 1, 1988.

155 (i) "Mechanical contractor" means a contractor whose
156 services are unlimited in the execution of contracts requiring
157 the experience, knowledge, and skill to install, maintain,
158 repair, fabricate, alter, extend, or design, if not prohibited
159 by law, central air-conditioning, refrigeration, heating, and
160 ventilating systems, including duct work in connection with a
161 complete system if such duct work is performed by the contractor
162 as necessary to complete an air-distribution system, boiler and
163 unfired pressure vessel systems, lift station equipment and
164 piping, and all appurtenances, apparatus, or equipment used in
165 connection therewith, and any duct cleaning and equipment
166 sanitizing that requires at least a partial disassembling of the
167 system; to install, maintain, repair, fabricate, alter, extend,
168 or design, if not prohibited by law, piping, insulation of

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169 pipes, vessels and ducts, pressure and process piping, pneumatic
170 control piping, gasoline tanks and pump installations and piping
171 for same, standpipes, air piping, vacuum line piping, oxygen
172 lines, nitrous oxide piping, ink and chemical lines, fuel
173 transmission lines, liquefied petroleum gas lines within
174 buildings, and natural gas fuel lines within buildings; to
175 replace, disconnect, or reconnect power wiring on the load side
176 of the dedicated existing electrical disconnect switch; to
177 install, disconnect, and reconnect low voltage heating,
178 ventilating, and air-conditioning control wiring; and to install
179 a condensate drain from an air-conditioning unit to an existing
180 safe waste or other approved disposal other than a direct
181 connection to a sanitary system. The scope of work for such
182 contractor also includes any excavation work incidental thereto,
183 but does not include any work such as potable water lines or
184 connections thereto, sanitary sewer lines, swimming pool piping
185 and filters, or electrical power wiring.

186 (j) "Commercial pool/spa contractor" means a contractor
187 whose scope of work involves, but is not limited to, the
188 construction, repair, water treatment, maintenance, and
189 servicing of any swimming pool, or hot tub or spa, whether
190 public, private, or otherwise, regardless of use. The scope of
191 work includes the installation, repair, or replacement of
192 existing equipment, ~~any cleaning or equipment sanitizing that~~
193 ~~requires at least a partial disassembling, excluding filter~~
194 ~~changes,~~ and the installation of new pool/spa equipment,
195 interior finishes, the installation of package pool heaters, the
196 installation of all perimeter piping and filter piping, and the

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197 construction of equipment rooms or housing for pool/spa
198 equipment, and also includes the scope of work of a swimming
199 pool/spa servicing contractor. The scope of such work does not
200 include direct connections to a sanitary sewer system or to
201 potable water lines. ~~The installation, construction,~~
202 ~~modification, or replacement of equipment permanently attached~~
203 ~~to and associated with the pool or spa for the purpose of water~~
204 ~~treatment or cleaning of the pool or spa requires licensure;~~
205 ~~however, the usage of such equipment for the purposes of water~~
206 ~~treatment or cleaning does not require licensure unless the~~
207 ~~usage involves construction, modification, or replacement of~~
208 ~~such equipment. Water treatment that does not require such~~
209 ~~equipment does not require a license. In addition, a license is~~
210 ~~not required for the cleaning of the pool or spa in a way that~~
211 ~~does not affect the structural integrity of the pool or spa or~~
212 ~~its associated equipment.~~

213 (k) "Residential pool/spa contractor" means a contractor
214 whose scope of work involves, but is not limited to, the
215 construction, repair, water treatment, maintenance, and
216 servicing of a residential swimming pool, or hot tub or spa,
217 regardless of use. The scope of work includes the installation,
218 repair, or replacement of existing equipment, ~~any cleaning or~~
219 ~~equipment sanitizing that requires at least a partial~~
220 ~~disassembling, excluding filter changes, and~~ the installation of
221 new pool/spa equipment, interior finishes, the installation of
222 package pool heaters, the installation of all perimeter piping
223 and filter piping, and the construction of equipment rooms or
224 housing for pool/spa equipment, and also includes the scope of

225 work of a swimming pool/spa servicing contractor. The scope of
 226 such work does not include direct connections to a sanitary
 227 sewer system or to potable water lines. ~~The installation,~~
 228 ~~construction, modification, or replacement of equipment~~
 229 ~~permanently attached to and associated with the pool or spa for~~
 230 ~~the purpose of water treatment or cleaning of the pool or spa~~
 231 ~~requires licensure; however, the usage of such equipment for the~~
 232 ~~purposes of water treatment or cleaning does not require~~
 233 ~~licensure unless the usage involves construction, modification,~~
 234 ~~or replacement of such equipment. Water treatment that does not~~
 235 ~~require such equipment does not require a license. In addition,~~
 236 ~~a license is not required for the cleaning of the pool or spa in~~
 237 ~~a way that does not affect the structural integrity of the pool~~
 238 ~~or spa or its associated equipment.~~

239 (1) "Swimming pool/spa servicing contractor" means a
 240 contractor whose scope of work involves, but is not limited to,
 241 the repair, water treatment, maintenance, and servicing of a
 242 swimming pool, or hot tub or spa, whether public or private, or
 243 otherwise, regardless of use. The scope of work includes the
 244 repair or replacement of existing equipment, any sanitation,
 245 chemical balancing, routine maintenance, or cleaning ~~or~~
 246 ~~equipment sanitizing that requires at least a partial~~
 247 ~~disassembling, excluding filter changes, and the installation of~~
 248 new pool/spa equipment, interior refinishing, the reinstallation
 249 or addition of pool heaters, the repair or replacement of all
 250 perimeter piping and filter piping, the repair of equipment
 251 rooms or housing for pool/spa equipment, and the substantial or
 252 complete draining of a swimming pool, or hot tub or spa, for the

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253 purpose of repair, ~~or~~ renovation, or water treatment. The scope
254 of such work does not include direct connections to a sanitary
255 sewer system or to potable water lines. ~~The installation,~~
256 ~~construction, modification, substantial or complete disassembly,~~
257 ~~or replacement of equipment permanently attached to and~~
258 ~~associated with the pool or spa for the purpose of water~~
259 ~~treatment or cleaning of the pool or spa requires licensure;~~
260 ~~however, the usage of such equipment for the purposes of water~~
261 ~~treatment or cleaning does not require licensure unless the~~
262 ~~usage involves construction, modification, substantial or~~
263 ~~complete disassembly, or replacement of such equipment. Water~~
264 ~~treatment that does not require such equipment does not require~~
265 ~~a license. In addition, a license is not required for the~~
266 ~~cleaning of the pool or spa in a way that does not affect the~~
267 ~~structural integrity of the pool or spa or its associated~~
268 ~~equipment.~~

269 (m) "Plumbing contractor" means a contractor whose
270 contracting business consists of the execution of contracts
271 requiring the experience, financial means, knowledge, and skill
272 to install, maintain, repair, alter, extend, or, if not
273 prohibited by law, design plumbing. A plumbing contractor may
274 install, maintain, repair, alter, extend, or, if not prohibited
275 by law, design the following without obtaining an additional
276 local regulatory license, certificate, or registration: sanitary
277 drainage or storm drainage facilities; venting systems; public
278 or private water supply systems; septic tanks; drainage and
279 supply wells; swimming pool piping; irrigation systems; or solar
280 heating water systems and all appurtenances, apparatus, or

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281 equipment used in connection therewith, including boilers and
282 pressure process piping and including the installation of water,
283 natural gas, liquefied petroleum gas and related venting, and
284 storm and sanitary sewer lines; and water and sewer plants and
285 substations. The scope of work of the plumbing contractor also
286 includes the design, if not prohibited by law, and installation,
287 maintenance, repair, alteration, or extension of air-piping,
288 vacuum line piping, oxygen line piping, nitrous oxide piping,
289 and all related medical gas systems; fire line standpipes and
290 fire sprinklers if authorized by law; ink and chemical lines;
291 fuel oil and gasoline piping and tank and pump installation,
292 except bulk storage plants; and pneumatic control piping
293 systems, all in a manner that complies with all plans,
294 specifications, codes, laws, and regulations applicable. The
295 scope of work of the plumbing contractor applies to private
296 property and public property, including any excavation work
297 incidental thereto, and includes the work of the specialty
298 plumbing contractor. Such contractor shall subcontract, with a
299 qualified contractor in the field concerned, all other work
300 incidental to the work but which is specified as being the work
301 of a trade other than that of a plumbing contractor. This
302 definition does not limit the scope of work of any specialty
303 contractor certified pursuant to s. 489.113(6), and does not
304 require certification or registration under this part of any
305 authorized employee of a public natural gas utility or of a
306 private natural gas utility regulated by the Public Service
307 Commission when disconnecting and reconnecting water lines in
308 the servicing or replacement of an existing water heater.

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309 (n) "Underground utility and excavation contractor" means
310 a contractor whose services are limited to the construction,
311 installation, and repair, on public or private property, whether
312 accomplished through open excavations or through other means,
313 including, but not limited to, directional drilling, auger
314 boring, jacking and boring, trenchless technologies, wet and dry
315 taps, grouting, and slip lining, of main sanitary sewer
316 collection systems, main water distribution systems, storm sewer
317 collection systems, and the continuation of utility lines from
318 the main systems to a point of termination up to and including
319 the meter location for the individual occupancy, sewer
320 collection systems at property line on residential or single-
321 occupancy commercial properties, or on multioccupancy properties
322 at manhole or wye lateral extended to an invert elevation as
323 engineered to accommodate future building sewers, water
324 distribution systems, or storm sewer collection systems at storm
325 sewer structures. However, an underground utility and excavation
326 contractor may install empty underground conduits in rights-of-
327 way, easements, platted rights-of-way in new site development,
328 and sleeves for parking lot crossings no smaller than 2 inches
329 in diameter if each conduit system installed is designed by a
330 licensed professional engineer or an authorized employee of a
331 municipality, county, or public utility and the installation of
332 such conduit does not include installation of any conductor
333 wiring or connection to an energized electrical system. An
334 underground utility and excavation contractor may not install
335 piping that is an integral part of a fire protection system as
336 defined in s. 633.021 beginning at the point where the piping is

337 used exclusively for such system.

338 (o) "Solar contractor" means a contractor whose services
339 consist of the installation, alteration, repair, maintenance,
340 relocation, or replacement of solar panels for potable solar
341 water heating systems, swimming pool solar heating systems, and
342 photovoltaic systems and any appurtenances, apparatus, or
343 equipment used in connection therewith, whether public, private,
344 or otherwise, regardless of use. A contractor, certified or
345 registered pursuant to this chapter, is not required to become a
346 certified or registered solar contractor or to contract with a
347 solar contractor in order to provide services enumerated in this
348 paragraph that are within the scope of the services such
349 contractors may render under this part.

350 (p) "Pollutant storage systems contractor" means a
351 contractor whose services are limited to, and who has the
352 experience, knowledge, and skill to install, maintain, repair,
353 alter, extend, or design, if not prohibited by law, and use
354 materials and items used in the installation, maintenance,
355 extension, and alteration of, pollutant storage tanks. Any
356 person installing a pollutant storage tank shall perform such
357 installation in accordance with the standards adopted pursuant
358 to s. 376.303.

359 (q) "Glass and glazing contractor" means a contractor
360 whose services are unlimited in the execution of contracts
361 requiring the experience, knowledge, and skill to install,
362 attach, maintain, repair, fabricate, alter, extend, or design,
363 in residential and commercial applications without any height
364 restrictions, all types of windows, glass, and mirrors, whether

365 fixed or movable; swinging or sliding glass doors attached to
 366 existing walls, floors, columns, or other structural members of
 367 the building; glass holding or supporting mullions or horizontal
 368 bars; structurally anchored impact-resistant opening protection
 369 attached to existing building walls, floors, columns, or other
 370 structural members of the building; prefabricated glass, metal,
 371 or plastic curtain walls; storefront frames or panels; shower
 372 and tub enclosures; metal fascias; and caulking incidental to
 373 such work and assembly.

374 (r) "Specialty contractor" means a contractor whose scope
 375 of work and responsibility is limited to a particular phase of
 376 construction established in a category adopted by board rule and
 377 whose scope is limited to a subset of the activities described
 378 in one of the paragraphs of this subsection.

379 Section 2. Paragraph (c) of subsection (2) of section
 380 489.111, Florida Statutes, is amended to read:

381 489.111 Licensure by examination.—

382 (2) A person shall be eligible for licensure by
 383 examination if the person:

384 (c) Meets eligibility requirements according to one of the
 385 following criteria:

386 1. Has received a baccalaureate degree from an accredited
 387 4-year college in the appropriate field of engineering,
 388 architecture, or building construction and has 1 year of proven
 389 experience in the category in which the person seeks to qualify.
 390 For the purpose of this part, a minimum of 2,000 person-hours
 391 shall be used in determining full-time equivalency.

392 2. Has a total of at least 4 years of active experience as

393 a worker who has learned the trade by serving an apprenticeship
394 as a skilled worker who is able to command the rate of a
395 mechanic in the particular trade or as a foreman who is in
396 charge of a group of workers and usually is responsible to a
397 superintendent or a contractor or his or her equivalent,
398 provided, however, that at least 1 year of active experience
399 shall be as a foreman.

400 3. Has a combination of not less than 1 year of experience
401 as a foreman and not less than 3 years of credits for any
402 accredited college-level courses; has a combination of not less
403 than 1 year of experience as a skilled worker, 1 year of
404 experience as a foreman, and not less than 2 years of credits
405 for any accredited college-level courses; or has a combination
406 of not less than 2 years of experience as a skilled worker, 1
407 year of experience as a foreman, and not less than 1 year of
408 credits for any accredited college-level courses. All junior
409 college or community college-level courses shall be considered
410 accredited college-level courses.

411 4.a. An active certified residential contractor is
412 eligible to take the building contractors' examination if he or
413 she possesses a minimum of 3 years of proven experience in the
414 classification in which he or she is certified.

415 b. An active certified residential contractor is eligible
416 to take the general contractors' examination if he or she
417 possesses a minimum of 4 years of proven experience in the
418 classification in which he or she is certified.

419 c. An active certified building contractor is eligible to
420 take the general contractors' examination if he or she possesses

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421 a minimum of 4 years of proven experience in the classification
422 in which he or she is certified.

423 5.a. An active certified air-conditioning Class C
424 contractor is eligible to take the air-conditioning Class B
425 contractors' examination if he or she possesses a minimum of 3
426 years of proven experience in the classification in which he or
427 she is certified.

428 b. An active certified air-conditioning Class C contractor
429 is eligible to take the air-conditioning Class A contractors'
430 examination if he or she possesses a minimum of 4 years of
431 proven experience in the classification in which he or she is
432 certified.

433 c. An active certified air-conditioning Class B contractor
434 is eligible to take the air-conditioning Class A contractors'
435 examination if he or she possesses a minimum of 1 year of proven
436 experience in the classification in which he or she is
437 certified.

438 6.a. An active certified swimming pool servicing
439 contractor is eligible to take the residential swimming pool
440 contractors' examination if he or she possesses a minimum of 3
441 years of proven experience in the classification in which he or
442 she is certified.

443 b. An active certified swimming pool servicing contractor
444 is eligible to take the swimming pool commercial contractors'
445 examination if he or she possesses a minimum of 4 years of
446 proven experience in the classification in which he or she is
447 certified.

448 c. An active certified residential swimming pool

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449 contractor is eligible to take the commercial swimming pool
450 contractors' examination if he or she possesses a minimum of 1
451 year of proven experience in the classification in which he or
452 she is certified.

453 d. An applicant is eligible to take the swimming pool/spa
454 servicing contractors' examination if he or she has
455 satisfactorily completed 60 hours of instruction in courses and
456 20 hours of in-field, hands-on instruction related to the scope
457 of work covered by that license and approved by the Construction
458 Industry Licensing Board by rule ~~and has at least 1 year of~~
459 ~~proven experience related to the scope of work of such a~~
460 ~~contractor.~~

461 Section 3. This act shall take effect October 1, 2013.