## Florida Senate - 2005

By Senator Bennett

21-1063A-05 See HB 311 1 A bill to be entitled 2 An act relating to construction contracting; amending s. 489.113, F.S.; revising an 3 exemption for general contractors with respect 4 5 to the requirement to subcontract the б construction of certain sanitary sewer 7 collection, storm collection, and water 8 distribution systems; creating s. 489.1185, F.S.; providing requirements for grandfathering 9 10 certified general contractors as underground utility and excavation contractors for purposes 11 12 of qualifying business organizations performing 13 such construction; providing for fees; providing an effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Paragraph (d) of subsection (3) of section 18 489.113, Florida Statutes, is amended to read: 19 489.113 Qualifications for practice; restrictions.--20 21 (3) A contractor shall subcontract all electrical, 22 mechanical, plumbing, roofing, sheet metal, swimming pool, and 23 air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category, 2.4 25 however: (d) A general contractor on new site development work, 26 27 site redevelopment work, mobile home parks, or commercial 2.8 properties shall not be required to subcontract the construction of the a main sanitary sewer collection system, 29 the storm collection system, and the or water distribution 30 system, not including the continuation of utility lines from 31 1

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1 the mains to the buildings, and may perform any of the 2 services, on public or private property, for which a license 3 as an underground utility and excavation contractor is 4 required under this part. 5 Section 2. Section 489.1185, Florida Statutes, is 6 created to read: 7 489.1185 Business organizations; grandfathering of 8 certified general contractors as underground utility and 9 excavation contractors. --10 (1) Any business organization with a valid certificate of authority issued pursuant to this part, which at the time 11 12 of application is not qualified by a certified underground 13 utility and excavation contractor pursuant to s. 489.105(3)(n) but is qualified as of January 1, 2005, as a certified general 14 contractor pursuant to s. 489.105(3)(a), may designate one 15 qualifying agent for certification as an underground utility 16 17 and excavation contractor if that person: 18 (a) Is certified as a general contractor pursuant to 19 <u>this part.</u> (b) Has at least 5 years' experience in sewer, water, 20 21 and storm sewer systems, at least 2 years of which must have 2.2 been in a supervisory capacity with the qualified business 23 entity. 2.4 (c) Is at least 18 years of age. (d) Is an employee of, or has an ownership interest 25 in, that business entity. 26 27 (2) The board shall issue, without examination, a 2.8 certificate in the category of underground utility and excavation contractor to an applicant properly designated 29 pursuant to subsection (1), provided the board has received 30 from the applicant prior to April 1, 2006, a completed 31

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application, an application fee of \$100, a certification fee of \$100, an unlicensed activity fee of \$5 pursuant to s. 455.2281, and a fee of \$4 pursuant to s. 489.109(3), and provided the applicant: (a) Has not had a registration or certificate that was issued by the board suspended, revoked, or relinquished in lieu of further disciplinary action. (b) Does not have a disciplinary case pending before <u>the board.</u> (c) Has not been convicted of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting. Section 3. This act shall take effect July 1, 2005. 2.4 

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