



438124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2013	.	
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The Committee on Regulated Industries (Detert) recommended the following:

Senate Amendment

Delete lines 204 - 268
and insert:

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

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add



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13 to, demolish, subtract from, or improve any building or
14 structure, including related improvements to real estate, for
15 others or for resale to others; and whose job scope is
16 substantially similar to the job scope described in one of the
17 paragraphs of this subsection. For the purposes of regulation
18 under this part, the term "demolish" applies only to demolition
19 of steel tanks more than 50 feet in height; towers more than 50
20 feet in height; other structures more than 50 feet in height,
21 other than buildings or residences more than three stories tall;
22 and ~~all~~ buildings or residences more than three stories tall.

23 Contractors are subdivided into two divisions, Division I,
24 consisting of those contractors defined in paragraphs (a)-(c),
25 and Division II, consisting of those contractors defined in
26 paragraphs (d)-(q):

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

32 (b) "Building contractor" means a contractor whose services
33 are limited to construction of commercial buildings and single-
34 dwelling or multiple-dwelling residential buildings, which do
35 not exceed three stories in height, and accessory use structures
36 in connection therewith or a contractor whose services are
37 limited to remodeling, repair, or improvement of any size
38 building if the services do not affect the structural members of
39 the building.

40 (c) "Residential contractor" means a contractor whose
41 services are limited to construction, remodeling, repair, or



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42 improvement of one-family, two-family, or three-family
43 residences not exceeding two habitable stories above no more
44 than one uninhabitable story and accessory use structures in
45 connection therewith.

46 (d) "Sheet metal contractor" means a contractor whose
47 services are unlimited in the sheet metal trade and who has the
48 experience, knowledge, and skill necessary for the manufacture,
49 fabrication, assembling, handling, erection, installation,
50 dismantling, conditioning, adjustment, insulation, alteration,
51 repair, servicing, or design, if not prohibited by law, of
52 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
53 equivalent or lighter gauge and of other materials, including,
54 but not limited to, fiberglass, used in lieu thereof and of air-
55 handling systems, including the setting of air-handling
56 equipment and reinforcement of same, the balancing of air-
57 handling systems, and any duct cleaning and equipment sanitizing
58 that requires at least a partial disassembling of the system.

59 (e) "Roofing contractor" means a contractor whose services
60 are unlimited in the roofing trade and who has the experience,
61 knowledge, and skill to install, maintain, repair, alter,
62 extend, or design, if not prohibited by law, and use materials
63 and items used in the installation, maintenance, extension, and
64 alteration of all kinds of roofing, waterproofing, and coating,
65 except when coating is not represented to protect, repair,
66 waterproof, stop leaks, or extend the life of the roof. The
67 scope of work of a roofing contractor also includes skylights
68 and any related work, required roof-deck attachments, and any
69 repair or replacement of wood roof sheathing or fascia as needed
70 during roof repair or replacement and any related work.



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



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100 electrical power wiring. A Class A air-conditioning contractor
101 may test and evaluate central air-conditioning, refrigeration,
102 heating, and ventilating systems, including duct work; however,
103 a mandatory licensing requirement is not established for the
104 performance of these specific services.

105 (g) "Class B air-conditioning contractor" means a
106 contractor whose services are limited to 25 tons of cooling and
107 500,000 Btu of heating in any one system in the execution of
108 contracts requiring the experience, knowledge, and skill to
109 install, maintain, repair, fabricate, alter, extend, or design,
110 if not prohibited by law, central air-conditioning,
111 refrigeration, heating, and ventilating systems, including duct
112 work in connection with a complete system only to the extent
113 such duct work is performed by the contractor as necessary to
114 complete an air-distribution system being installed under this
115 classification, and any duct cleaning and equipment sanitizing
116 that requires at least a partial disassembling of the system; to
117 install, maintain, repair, fabricate, alter, extend, or design,
118 if not prohibited by law, piping and insulation of pipes,
119 vessels, and ducts; to replace, disconnect, or reconnect power
120 wiring on the load side of the dedicated existing electrical
121 disconnect switch; to install, disconnect, and reconnect low
122 voltage heating, ventilating, and air-conditioning control
123 wiring; and to install a condensate drain from an air-
124 conditioning unit to an existing safe waste or other approved
125 disposal other than a direct connection to a sanitary system.
126 The scope of work for such contractor also includes any
127 excavation work incidental thereto, but does not include any
128 work such as liquefied petroleum or natural gas fuel lines



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129 within buildings, except for disconnecting or reconnecting
130 changeouts of liquefied petroleum or natural gas appliances
131 within buildings; potable water lines or connections thereto;
132 sanitary sewer lines; swimming pool piping and filters; or
133 electrical power wiring. A Class B air-conditioning contractor
134 may test and evaluate central air-conditioning, refrigeration,
135 heating, and ventilating systems, including duct work; however,
136 a mandatory licensing requirement is not established for the
137 performance of these specific services.

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

150 (i) "Mechanical contractor" means a contractor whose
151 services are unlimited in the execution of contracts requiring
152 the experience, knowledge, and skill to install, maintain,
153 repair, fabricate, alter, extend, or design, if not prohibited
154 by law, central air-conditioning, refrigeration, heating, and
155 ventilating systems, including duct work in connection with a
156 complete system if such duct work is performed by the contractor
157 as necessary to complete an air-distribution system, boiler and



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158 unfired pressure vessel systems, lift station equipment and
159 piping, and all appurtenances, apparatus, or equipment used in
160 connection therewith, and any duct cleaning and equipment
161 sanitizing that requires at least a partial disassembling of the
162 system; to install, maintain, repair, fabricate, alter, extend,
163 or design, if not prohibited by law, piping, insulation of
164 pipes, vessels and ducts, pressure and process piping, pneumatic
165 control piping, gasoline tanks and pump installations and piping
166 for same, standpipes, air piping, vacuum line piping, oxygen
167 lines, nitrous oxide piping, ink and chemical lines, fuel
168 transmission lines, liquefied petroleum gas lines within
169 buildings, and natural gas fuel lines within buildings; to
170 replace, disconnect, or reconnect power wiring on the load side
171 of the dedicated existing electrical disconnect switch; to
172 install, disconnect, and reconnect low voltage heating,
173 ventilating, and air-conditioning control wiring; and to install
174 a condensate drain from an air-conditioning unit to an existing
175 safe waste or other approved disposal other than a direct
176 connection to a sanitary system. The scope of work for such
177 contractor also includes any excavation work incidental thereto,
178 but does not include any work such as potable water lines or
179 connections thereto, sanitary sewer lines, swimming pool piping
180 and filters, or electrical power wiring. A mechanical contractor
181 may test and evaluate central air-conditioning, refrigeration,
182 heating, and ventilating systems, including duct work; however,
183 a mandatory licensing requirement is not established for the
184 performance of these specific services.

185 (j) "Commercial pool/spa contractor" means a contractor
186 whose scope of work involves, but is not limited to, the



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187 construction, repair, and servicing of any swimming pool, or hot
188 tub or spa, whether public, private, or otherwise, regardless of
189 use. The scope of work includes the installation, repair, or
190 replacement of existing equipment, any cleaning or equipment
191 sanitizing that requires at least a partial disassembling,
192 excluding filter changes, and the installation of new pool/spa
193 equipment, interior finishes, the installation of package pool
194 heaters, the installation of all perimeter piping and filter
195 piping, and the construction of equipment rooms or housing for
196 pool/spa equipment, and also includes the scope of work of a
197 swimming pool/spa servicing contractor. The scope of such work
198 does not include direct connections to a sanitary sewer system
199 or to potable water lines. The installation, construction,
200 modification, or replacement of equipment permanently attached
201 to and associated with the pool or spa for the purpose of water
202 treatment or cleaning of the pool or spa requires licensure;
203 however, the usage of such equipment for the purposes of water
204 treatment or cleaning does not require licensure unless the
205 usage involves construction, modification, or replacement of
206 such equipment. Water treatment that does not require such
207 equipment does not require a license. In addition, a license is
208 not required for the cleaning of the pool or spa in a way that
209 does not affect the structural integrity of the pool or spa or
210 its associated equipment.

211 (k) "Residential pool/spa contractor" means a contractor
212 whose scope of work involves, but is not limited to, the
213 construction, repair, and servicing of a residential swimming
214 pool, or hot tub or spa, regardless of use. The scope of work
215 includes the installation, repair, or replacement of existing



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216 equipment, any cleaning or equipment sanitizing that requires at
217 least a partial disassembling, excluding filter changes, and the
218 installation of new pool/spa equipment, interior finishes, the
219 installation of package pool heaters, the installation of all
220 perimeter piping and filter piping, and the construction of
221 equipment rooms or housing for pool/spa equipment, and also
222 includes the scope of work of a swimming pool/spa servicing
223 contractor. The scope of such work does not include direct
224 connections to a sanitary sewer system or to potable water
225 lines. The installation, construction, modification, or
226 replacement of equipment permanently attached to and associated
227 with the pool or spa for the purpose of water treatment or
228 cleaning of the pool or spa requires licensure; however, the
229 usage of such equipment for the purposes of water treatment or
230 cleaning does not require licensure unless the usage involves
231 construction, modification, or replacement of such equipment.
232 Water treatment that does not require such equipment does not
233 require a license. In addition, a license is not required for
234 the cleaning of the pool or spa in a way that does not affect
235 the structural integrity of the pool or spa or its associated
236 equipment.

237 (1) "Swimming pool/spa servicing contractor" means a
238 contractor whose scope of work involves, but is not limited to,
239 the repair and servicing of a swimming pool, or hot tub or spa,
240 whether public or private, or otherwise, regardless of use. The
241 scope of work includes the repair or replacement of existing
242 equipment, any cleaning or equipment sanitizing that requires at
243 least a partial disassembling, excluding filter changes, and the
244 installation of new pool/spa equipment, interior refinishing,



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245 the reinstallation or addition of pool heaters, the repair or
246 replacement of all perimeter piping and filter piping, the
247 repair of equipment rooms or housing for pool/spa equipment, and
248 the substantial or complete draining of a swimming pool, or hot
249 tub or spa, for the purpose of repair or renovation. The scope
250 of such work does not include direct connections to a sanitary
251 sewer system or to potable water lines. The installation,
252 construction, modification, substantial or complete disassembly,
253 or replacement of equipment permanently attached to and
254 associated with the pool or spa for the purpose of water
255 treatment or cleaning of the pool or spa requires licensure;
256 however, the usage of such equipment for the purposes of water
257 treatment or cleaning does not require licensure unless the
258 usage involves construction, modification, substantial or
259 complete disassembly, or replacement of such equipment. Water
260 treatment that does not require such equipment does not require
261 a license. In addition, a license is not required for the
262 cleaning of the pool or spa in a way that does not affect the
263 structural integrity of the pool or spa or its associated
264 equipment.

265 (m) "Plumbing contractor" means a contractor whose services
266 are unlimited in the plumbing trade and includes contracting
267 business consisting of the execution of contracts requiring the
268 experience, financial means, knowledge, and skill to install,
269 maintain, repair, alter, extend, or, if not prohibited by law,
270 design plumbing. A plumbing contractor may install, maintain,
271 repair, alter, extend, or, if not prohibited by law, design the
272 following without obtaining an additional local regulatory
273 license, certificate, or registration: sanitary drainage or



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274 storm drainage facilities, water and sewer plants and
275 substations, venting systems, public or private water supply
276 systems, septic tanks, drainage and supply wells, swimming pool
277 piping, irrigation systems, and solar heating water systems and
278 all appurtenances, apparatus, or equipment used in connection
279 therewith, including boilers and pressure process piping and
280 including the installation of water, natural gas, liquefied
281 petroleum gas and related venting, and storm and sanitary sewer
282 lines. The scope of work of the plumbing contractor also
283 includes the design, if not prohibited by law, and installation,
284 maintenance, repair, alteration, or extension of air-piping,
285 vacuum line piping, oxygen line piping, nitrous oxide piping,
286 and all related medical gas systems; fire line standpipes and
287 fire sprinklers if authorized by law; ink and chemical lines;
288 fuel oil and gasoline piping and tank and pump installation,
289 except bulk storage plants; and pneumatic control piping
290 systems, all in a manner that complies with all plans,
291 specifications, codes, laws, and regulations applicable. The
292 scope of work of the plumbing contractor applies to private
293 property and public property, including any excavation work
294 incidental thereto, and includes the work of the specialty
295 plumbing contractor. Such contractor shall subcontract, with a
296 qualified contractor in the field concerned, all other work
297 incidental to the work but which is specified as being the work
298 of a trade other than that of a plumbing contractor. This
299 definition does not limit the scope of work of any specialty
300 contractor certified pursuant to s. 489.113(6), and does not
301 require certification or registration under this part of a
302 person licensed under chapter 527 or any authorized employee of



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303 a public natural gas utility or of a private natural gas utility
304 regulated by the Public Service Commission when disconnecting
305 and reconnecting water lines in the servicing or replacement of
306 an existing water heater. A plumbing contractor may perform
307 drain cleaning and clearing and install or repair rainwater
308 catchment systems; however, a mandatory licensing requirement is
309 not established for the performance of these specific services.

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



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332 municipality, county, or public utility and the installation of
333 such conduit does not include installation of any conductor
334 wiring or connection to an energized electrical system. An
335 underground utility and excavation contractor may not install
336 piping that is an integral part of a fire protection system as
337 defined in s. 633.021 beginning at the point where the piping is
338 used exclusively for such system.

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

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

360 (q) "Specialty contractor" means a contractor whose scope



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361 of work and responsibility is limited to a particular phase of
362 construction established in a category adopted by board rule and
363 whose scope is limited to a subset of the activities described
364 in one of the paragraphs of this subsection.