

By Senator Detert

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1 A bill to be entitled
2 An act relating to swimming pools and spas; amending
3 s. 489.105, F.S.; revising the definition of the terms
4 "contractor," "commercial pool/spa contractor,"
5 "residential pool/spa contractor," and "swimming
6 pool/spa servicing contractor" to include the
7 cleaning, maintenance, and water treatment of swimming
8 pools and spas; conforming provisions to changes made
9 by the act; amending s. 489.111, F.S.; revising
10 eligibility requirements to take the swimming pool/spa
11 servicing contractors' examination; providing an
12 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, and
20 is only responsible for, the project contracted for and means,
21 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 paragraphs of this subsection. For the
29 purposes of regulation under this part, the term "demolish"

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

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

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

53 (c) "Residential contractor" means a contractor whose
54 services are limited to construction, remodeling, repair, or
55 improvement of one-family, two-family, or three-family
56 residences not exceeding two habitable stories above no more
57 than one uninhabitable story and accessory use structures in
58 connection therewith.

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

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

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

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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
113 electrical power wiring. A Class A air-conditioning contractor
114 may test and evaluate central air-conditioning, refrigeration,
115 heating, and ventilating systems, including duct work; however,
116 a mandatory licensing requirement is not established for the

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117 performance of these specific services.

118 (g) "Class B air-conditioning contractor" means a
119 contractor whose services are limited to 25 tons of cooling and
120 500,000 Btu of heating in any one system in the execution of
121 contracts requiring the experience, knowledge, and skill to
122 install, maintain, repair, fabricate, alter, extend, or design,
123 if not prohibited by law, central air-conditioning,
124 refrigeration, heating, and ventilating systems, including duct
125 work in connection with a complete system only to the extent
126 such duct work is performed by the contractor as necessary to
127 complete an air-distribution system being installed under this
128 classification, and any duct cleaning and equipment sanitizing
129 that requires at least a partial disassembling of the system; to
130 install, maintain, repair, fabricate, alter, extend, or design,
131 if not prohibited by law, piping and insulation of pipes,
132 vessels, and ducts; to replace, disconnect, or reconnect power
133 wiring on the load side of the dedicated existing electrical
134 disconnect switch; to install, disconnect, and reconnect low
135 voltage heating, ventilating, and air-conditioning control
136 wiring; and to install a condensate drain from an air-
137 conditioning unit to an existing safe waste or other approved
138 disposal other than a direct connection to a sanitary system.
139 The scope of work for such contractor also includes any
140 excavation work incidental thereto, but does not include any
141 work such as liquefied petroleum or natural gas fuel lines
142 within buildings, except for disconnecting or reconnecting
143 changeouts of liquefied petroleum or natural gas appliances
144 within buildings; potable water lines or connections thereto;
145 sanitary sewer lines; swimming pool piping and filters; or

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146 electrical power wiring. A Class B air-conditioning contractor
147 may test and evaluate central air-conditioning, refrigeration,
148 heating, and ventilating systems, including duct work; however,
149 a mandatory licensing requirement is not established for the
150 performance of these specific services.

151 (h) "Class C air-conditioning contractor" means a
152 contractor whose business is limited to the servicing of air-
153 conditioning, heating, or refrigeration systems, including any
154 duct cleaning and equipment sanitizing that requires at least a
155 partial disassembling of the system, and whose certification or
156 registration, issued pursuant to this part, was valid on October
157 1, 1988. Only a person who was registered or certified as a
158 Class C air-conditioning contractor as of October 1, 1988, shall
159 be so registered or certified after October 1, 1988. However,
160 the board shall continue to license and regulate those Class C
161 air-conditioning contractors who held Class C licenses before
162 October 1, 1988.

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

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175 system; to install, maintain, repair, fabricate, alter, extend,
176 or design, if not prohibited by law, piping, insulation of
177 pipes, vessels and ducts, pressure and process piping, pneumatic
178 control piping, gasoline tanks and pump installations and piping
179 for same, standpipes, air piping, vacuum line piping, oxygen
180 lines, nitrous oxide piping, ink and chemical lines, fuel
181 transmission lines, liquefied petroleum gas lines within
182 buildings, and natural gas fuel lines within buildings; to
183 replace, disconnect, or reconnect power wiring on the load side
184 of the dedicated existing electrical disconnect switch; to
185 install, disconnect, and reconnect low voltage heating,
186 ventilating, and air-conditioning control wiring; and to install
187 a condensate drain from an air-conditioning unit to an existing
188 safe waste or other approved disposal other than a direct
189 connection to a sanitary system. The scope of work for such
190 contractor also includes any excavation work incidental thereto,
191 but does not include any work such as potable water lines or
192 connections thereto, sanitary sewer lines, swimming pool piping
193 and filters, or electrical power wiring. A mechanical contractor
194 may test and evaluate central air-conditioning, refrigeration,
195 heating, and ventilating systems, including duct work; however,
196 a mandatory licensing requirement is not established for the
197 performance of these specific services.

198 (j) "Commercial pool/spa contractor" means a contractor
199 whose scope of work involves, but is not limited to, the
200 construction, repair, water treatment, maintenance, and
201 servicing of any swimming pool, or hot tub or spa, whether
202 public, private, or otherwise, regardless of use. The scope of
203 work includes the installation, repair, or replacement of

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204 existing equipment, ~~any cleaning or equipment sanitizing that~~
205 ~~requires at least a partial disassembling, excluding filter~~
206 ~~changes, and the installation of new pool/spa equipment,~~
207 interior finishes, the installation of package pool heaters, the
208 installation of all perimeter piping and filter piping, and the
209 construction of equipment rooms or housing for pool/spa
210 equipment, and also includes the scope of work of a swimming
211 pool/spa servicing contractor. The scope of such work does not
212 include direct connections to a sanitary sewer system or to
213 potable water lines. ~~The installation, construction,~~
214 ~~modification, or replacement of equipment permanently attached~~
215 ~~to and associated with the pool or spa for the purpose of water~~
216 ~~treatment or cleaning of the pool or spa requires licensure;~~
217 ~~however, the usage of such equipment for the purposes of water~~
218 ~~treatment or cleaning does not require licensure unless the~~
219 ~~usage involves construction, modification, or replacement of~~
220 ~~such equipment. Water treatment that does not require such~~
221 ~~equipment does not require a license. In addition, a license is~~
222 ~~not required for the cleaning of the pool or spa in a way that~~
223 ~~does not affect the structural integrity of the pool or spa or~~
224 ~~its associated equipment.~~

225 (k) "Residential pool/spa contractor" means a contractor
226 whose scope of work involves, but is not limited to, the
227 construction, repair, water treatment, maintenance, and
228 servicing of a residential swimming pool, or hot tub or spa,
229 regardless of use. The scope of work includes the installation,
230 repair, or replacement of existing equipment, ~~any cleaning or~~
231 ~~equipment sanitizing that requires at least a partial~~
232 ~~disassembling, excluding filter changes, and the installation of~~

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233 new pool/spa equipment, interior finishes, the installation of
234 package pool heaters, the installation of all perimeter piping
235 and filter piping, and the construction of equipment rooms or
236 housing for pool/spa equipment, and also includes the scope of
237 work of a swimming pool/spa servicing contractor. The scope of
238 such work does not include direct connections to a sanitary
239 sewer system or to potable water lines. ~~The installation,~~
240 ~~construction, modification, or replacement of equipment~~
241 ~~permanently attached to and associated with the pool or spa for~~
242 ~~the purpose of water treatment or cleaning of the pool or spa~~
243 ~~requires licensure; however, the usage of such equipment for the~~
244 ~~purposes of water treatment or cleaning does not require~~
245 ~~licensure unless the usage involves construction, modification,~~
246 ~~or replacement of such equipment. Water treatment that does not~~
247 ~~require such equipment does not require a license. In addition,~~
248 ~~a license is not required for the cleaning of the pool or spa in~~
249 ~~a way that does not affect the structural integrity of the pool~~
250 ~~or spa or its associated equipment.~~

251 (1) "Swimming pool/spa servicing contractor" means a
252 contractor whose scope of work involves, but is not limited to,
253 the repair, water treatment, maintenance, and servicing of a
254 swimming pool, or hot tub or spa, whether public or private, or
255 otherwise, regardless of use. The scope of work includes the
256 repair or replacement of existing equipment, any sanitation,
257 chemical balancing, routine maintenance or cleaning, ~~cleaning or~~
258 ~~equipment sanitizing that requires at least a partial~~
259 ~~disassembling, excluding filter changes,~~ and the installation of
260 new pool/spa equipment, interior refinishing, the reinstallation
261 or addition of pool heaters, the repair or replacement of all

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262 perimeter piping and filter piping, the repair of equipment
263 rooms or housing for pool/spa equipment, and the substantial or
264 complete draining of a swimming pool, or hot tub or spa, for the
265 purpose of repair, ~~or renovation,~~ or water treatment. The scope
266 of such work does not include direct connections to a sanitary
267 sewer system or to potable water lines. ~~The installation,~~
268 ~~construction, modification, substantial or complete disassembly,~~
269 ~~or replacement of equipment permanently attached to and~~
270 ~~associated with the pool or spa for the purpose of water~~
271 ~~treatment or cleaning of the pool or spa requires licensure;~~
272 ~~however, the usage of such equipment for the purposes of water~~
273 ~~treatment or cleaning does not require licensure unless the~~
274 ~~usage involves construction, modification, substantial or~~
275 ~~complete disassembly, or replacement of such equipment. Water~~
276 ~~treatment that does not require such equipment does not require~~
277 ~~a license. In addition, a license is not required for the~~
278 ~~cleaning of the pool or spa in a way that does not affect the~~
279 ~~structural integrity of the pool or spa or its associated~~
280 ~~equipment.~~

281 (m) "Plumbing contractor" means a contractor whose services
282 are unlimited in the plumbing trade and includes contracting
283 business consisting of the execution of contracts requiring the
284 experience, financial means, knowledge, and skill to install,
285 maintain, repair, alter, extend, or, if not prohibited by law,
286 design plumbing. A plumbing contractor may install, maintain,
287 repair, alter, extend, or, if not prohibited by law, design the
288 following without obtaining an additional local regulatory
289 license, certificate, or registration: sanitary drainage or
290 storm drainage facilities, water and sewer plants and

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291 substations, venting systems, public or private water supply
292 systems, septic tanks, drainage and supply wells, swimming pool
293 piping, irrigation systems, and solar heating water systems and
294 all appurtenances, apparatus, or equipment used in connection
295 therewith, including boilers and pressure process piping and
296 including the installation of water, natural gas, liquefied
297 petroleum gas and related venting, and storm and sanitary sewer
298 lines. The scope of work of the plumbing contractor also
299 includes the design, if not prohibited by law, and installation,
300 maintenance, repair, alteration, or extension of air-piping,
301 vacuum line piping, oxygen line piping, nitrous oxide piping,
302 and all related medical gas systems; fire line standpipes and
303 fire sprinklers if authorized by law; ink and chemical lines;
304 fuel oil and gasoline piping and tank and pump installation,
305 except bulk storage plants; and pneumatic control piping
306 systems, all in a manner that complies with all plans,
307 specifications, codes, laws, and regulations applicable. The
308 scope of work of the plumbing contractor applies to private
309 property and public property, including any excavation work
310 incidental thereto, and includes the work of the specialty
311 plumbing contractor. Such contractor shall subcontract, with a
312 qualified contractor in the field concerned, all other work
313 incidental to the work but which is specified as being the work
314 of a trade other than that of a plumbing contractor. This
315 definition does not limit the scope of work of any specialty
316 contractor certified pursuant to s. 489.113(6), and does not
317 require certification or registration under this part of any
318 authorized employee of a public natural gas utility or of a
319 private natural gas utility regulated by the Public Service

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320 Commission when disconnecting and reconnecting water lines in
321 the servicing or replacement of an existing water heater. A
322 plumbing contractor may perform drain cleaning and clearing and
323 install or repair rainwater catchment systems; however, a
324 mandatory licensing requirement is not established for the
325 performance of these specific services.

326 (n) "Underground utility and excavation contractor" means a
327 contractor whose services are limited to the construction,
328 installation, and repair, on public or private property, whether
329 accomplished through open excavations or through other means,
330 including, but not limited to, directional drilling, auger
331 boring, jacking and boring, trenchless technologies, wet and dry
332 taps, grouting, and slip lining, of main sanitary sewer
333 collection systems, main water distribution systems, storm sewer
334 collection systems, and the continuation of utility lines from
335 the main systems to a point of termination up to and including
336 the meter location for the individual occupancy, sewer
337 collection systems at property line on residential or single-
338 occupancy commercial properties, or on multioccupancy properties
339 at manhole or wye lateral extended to an invert elevation as
340 engineered to accommodate future building sewers, water
341 distribution systems, or storm sewer collection systems at storm
342 sewer structures. However, an underground utility and excavation
343 contractor may install empty underground conduits in rights-of-
344 way, easements, platted rights-of-way in new site development,
345 and sleeves for parking lot crossings no smaller than 2 inches
346 in diameter if each conduit system installed is designed by a
347 licensed professional engineer or an authorized employee of a
348 municipality, county, or public utility and the installation of

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349 such conduit does not include installation of any conductor
350 wiring or connection to an energized electrical system. An
351 underground utility and excavation contractor may not install
352 piping that is an integral part of a fire protection system as
353 defined in s. 633.021 beginning at the point where the piping is
354 used exclusively for such system.

355 (o) "Solar contractor" means a contractor whose services
356 consist of the installation, alteration, repair, maintenance,
357 relocation, or replacement of solar panels for potable solar
358 water heating systems, swimming pool solar heating systems, and
359 photovoltaic systems and any appurtenances, apparatus, or
360 equipment used in connection therewith, whether public, private,
361 or otherwise, regardless of use. A contractor, certified or
362 registered pursuant to this chapter, is not required to become a
363 certified or registered solar contractor or to contract with a
364 solar contractor in order to provide services enumerated in this
365 paragraph that are within the scope of the services such
366 contractors may render under this part.

367 (p) "Pollutant storage systems contractor" means a
368 contractor whose services are limited to, and who has the
369 experience, knowledge, and skill to install, maintain, repair,
370 alter, extend, or design, if not prohibited by law, and use
371 materials and items used in the installation, maintenance,
372 extension, and alteration of, pollutant storage tanks. Any
373 person installing a pollutant storage tank shall perform such
374 installation in accordance with the standards adopted pursuant
375 to s. 376.303.

376 (q) "Specialty contractor" means a contractor whose scope
377 of work and responsibility is limited to a particular phase of

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378 construction established in a category adopted by board rule and
379 whose scope is limited to a subset of the activities described
380 in one of the paragraphs of this subsection.

381 Section 2. Subsection (2) of section 489.111, Florida
382 Statutes, is amended to read:

383 489.111 Licensure by examination.—

384 (2) A person shall be eligible for licensure by examination
385 if the person:

386 (a) Is 18 years of age;

387 (b) Is of good moral character; and

388 (c) Meets eligibility requirements according to one of the
389 following criteria:

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

396 2. Has a total of at least 4 years of active experience as
397 a worker who has learned the trade by serving an apprenticeship
398 as a skilled worker who is able to command the rate of a
399 mechanic in the particular trade or as a foreman who is in
400 charge of a group of workers and usually is responsible to a
401 superintendent or a contractor or his or her equivalent,
402 provided, however, that at least 1 year of active experience
403 shall be as a foreman.

404 3. Has a combination of not less than 1 year of experience
405 as a foreman and not less than 3 years of credits for any
406 accredited college-level courses; has a combination of not less

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407 than 1 year of experience as a skilled worker, 1 year of
408 experience as a foreman, and not less than 2 years of credits
409 for any accredited college-level courses; or has a combination
410 of not less than 2 years of experience as a skilled worker, 1
411 year of experience as a foreman, and not less than 1 year of
412 credits for any accredited college-level courses. All junior
413 college or community college-level courses shall be considered
414 accredited college-level courses.

415 4.a. An active certified residential contractor is eligible
416 to take the building contractors' examination if he or she
417 possesses a minimum of 3 years of proven experience in the
418 classification in which he or she is certified.

419 b. An active certified residential contractor is eligible
420 to take the general contractors' examination if he or she
421 possesses a minimum of 4 years of proven experience in the
422 classification in which he or she is certified.

423 c. An active certified building contractor is eligible to
424 take the general contractors' examination if he or she possesses
425 a minimum of 4 years of proven experience in the classification
426 in which he or she is certified.

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

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

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436 certified.

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

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

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

452 c. An active certified residential swimming pool contractor
453 is eligible to take the commercial swimming pool contractors'
454 examination if he or she possesses a minimum of 1 year of proven
455 experience in the classification in which he or she is
456 certified.

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

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Section 3. This act shall take effect July 1, 2014.