

By Senator Yarborough

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1 A bill to be entitled
2 An act relating to underground utility and excavation
3 contractors; amending s. 489.105, F.S.; revising the
4 definition of the term "underground utility and
5 excavation contractor"; amending s. 633.102, F.S.;
6 revising the definition of the term "Contractor V";
7 defining the term "underground utility and excavation
8 contractor"; reenacting s. 489.117(1)(a), (2)(a) and
9 (b), and (4)(a), (d), and (e), relating to
10 registration and specialty contractors, to incorporate
11 the amendment made to s. 489.105, F.S., in references
12 thereto; reenacting ss. 633.224(1) and 633.318(2)(a),
13 F.S., relating to automatic fire sprinkler systems and
14 fire protection system contractor certificate
15 application and examination, respectively, to
16 incorporate the amendment made to s. 633.102, F.S., in
17 references thereto; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (n) of subsection (3) of section
22 489.105, Florida Statutes, is amended to read:

23 489.105 Definitions.—As used in this part:

24 (3) "Contractor" means the person who is qualified for, and
25 is only responsible for, the project contracted for and means,
26 except as exempted in this part, the person who, for
27 compensation, undertakes to, submits a bid to, or does himself
28 or herself or by others construct, repair, alter, remodel, add
29 to, demolish, subtract from, or improve any building or

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30 structure, including related improvements to real estate, for
31 others or for resale to others; and whose job scope is
32 substantially similar to the job scope described in one of the
33 paragraphs of this subsection. For the purposes of regulation
34 under this part, the term "demolish" applies only to demolition
35 of steel tanks more than 50 feet in height; towers more than 50
36 feet in height; other structures more than 50 feet in height;
37 and all buildings or residences. Contractors are subdivided into
38 two divisions, Division I, consisting of those contractors
39 defined in paragraphs (a)-(c), and Division II, consisting of
40 those contractors defined in paragraphs (d)-(q):

41 (n) "Underground utility and excavation contractor" means a
42 contractor whose services are limited to the construction,
43 installation, and repair, on public or private property, whether
44 accomplished through open excavations or through other means,
45 including, but not limited to, directional drilling, auger
46 boring, jacking and boring, trenchless technologies, wet and dry
47 taps, grouting, and slip lining, of main sanitary sewer
48 collection systems, main water distribution systems, storm sewer
49 collection systems, and the continuation of utility lines from
50 the main systems to a point of termination up to and including
51 the meter location for the individual occupancy, sewer
52 collection systems at property line on residential or single-
53 occupancy commercial properties, or on multioccupancy properties
54 at manhole or wye lateral extended to an invert elevation as
55 engineered to accommodate future building sewers, water
56 distribution systems, or storm sewer collection systems at storm
57 sewer structures. However, an underground utility and excavation
58 contractor may install empty underground conduits in rights-of-

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59 way, easements, platted rights-of-way in new site development,
60 and sleeves for parking lot crossings no smaller than 2 inches
61 in diameter if each conduit system installed is designed by a
62 licensed professional engineer or an authorized employee of a
63 municipality, county, or public utility and the installation of
64 such conduit does not include installation of any conductor
65 wiring or connection to an energized electrical system. An
66 underground utility and excavation contractor may ~~not~~ install
67 piping that is an integral part of a fire protection system as
68 defined in s. 633.102 only up to a beginning at the point within
69 5 feet of the building for which such system will be installed
70 or up to the fire riser inside the building and ending no more
71 than 1 foot above the finished floor ~~where the piping is used~~
72 ~~exclusively for such system.~~

73 Section 2. Present subsections (33), (34), and (35) of
74 section 633.102, Florida Statutes, are redesignated as
75 subsections (34), (35), and (36), respectively, a new subsection
76 (33) is added to that section, and paragraph (e) of subsection
77 (3) of that section is amended, to read:

78 633.102 Definitions.—As used in this chapter, the term:

79 (3)

80 (e) "Contractor V" means a contractor whose business is
81 limited to the execution of contracts requiring the ability to
82 fabricate, install, alter, repair, and service the underground
83 piping for a fire protection system using water as the
84 extinguishing agent beginning at the point of service as defined
85 in this act and ending no more than 1 foot above the finished
86 floor. A Contractor V may inspect underground piping for a
87 water-based fire protection system under the direction of a

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88 Contractor I or Contractor II. A Contractor V is also a licensed
89 underground utility and excavation contractor, as defined in s.
90 489.105(3)(n), who may fabricate, install, alter, repair, and
91 service the underground piping for a fire protection system
92 using water as the extinguishing agent up to a point within 5
93 feet of the building for which the fire protection system will
94 be installed or up to the fire riser inside the building and
95 ending no more than 1 foot above the finished floor.

96
97 This subsection may not be construed to include engineers or
98 architects within the defined terms and does not limit or
99 prohibit a licensed fire protection engineer or architect with
100 fire protection design experience from designing any type of
101 fire protection system. A distinction is made between system
102 design concepts prepared by the design professional and system
103 layout as defined in this section and typically prepared by the
104 contractor. However, a person certified under this chapter as a
105 Contractor I or Contractor II may design new fire protection
106 systems of 49 or fewer sprinklers; may design the alteration of
107 an existing fire sprinkler system if the alteration consists of
108 the relocation, addition, or deletion of 49 or fewer sprinklers,
109 notwithstanding the size of the existing fire sprinkler system;
110 and may design the alteration of an existing fire sprinkler
111 system if the alteration consists of the relocation or deletion
112 of 249 or fewer sprinklers and the addition of up to 49
113 sprinklers, as long as the cumulative total number of fire
114 sprinklers being added, relocated, or deleted does not exceed
115 249, notwithstanding the size of the existing fire sprinkler
116 system, if there is no change of occupancy of the affected

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117 areas, as defined in the Florida Building Code and the Florida
118 Fire Prevention Code, and there is no change in the water demand
119 as defined in NFPA 13, "Standard for the Installation of
120 Sprinkler Systems," and if the occupancy hazard classification
121 as defined in NFPA 13 is reduced or remains the same as a result
122 of the alteration. Conflicts between the Florida Building Code
123 and the Florida Fire Prevention Code shall be resolved pursuant
124 to s. 553.73(1)(d). A person certified as a Contractor I,
125 Contractor II, or Contractor IV may design a new fire protection
126 system or design the alteration of an existing fire protection
127 system, the scope of which complies with NFPA 13D, "Standard for
128 the Installation of Sprinkler Systems in One- and Two-Family
129 Dwellings and Manufactured Homes," as adopted by the State Fire
130 Marshal, notwithstanding the number of fire sprinklers.
131 Contractor-developed plans may not be required by any local
132 permitting authority to be sealed by a registered professional
133 engineer.

134 (33) "Underground utility and excavation contractor" means
135 an individual who holds a current and valid license as described
136 under s. 489.105(3)(n).

137 Section 3. For the purpose of incorporating the amendment
138 made by this act to section 489.105, Florida Statutes, in
139 references thereto, paragraph (a) of subsection (1), paragraphs
140 (a) and (b) of subsection (2), and paragraphs (a), (d), and (e)
141 of subsection (4) of section 489.117, Florida Statutes, are
142 reenacted to read:

143 489.117 Registration; specialty contractors.—

144 (1)(a) A person engaged in the business of a contractor as
145 defined in s. 489.105(3)(a)-(o) must be registered before

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146 engaging in business as a contractor in this state, unless he or
147 she is certified. Except as provided in paragraph (2)(b), to be
148 initially registered, the applicant must submit the required fee
149 and file evidence of successful compliance with the local
150 examination and licensing requirements, if any, in the area for
151 which registration is desired. An examination is not required
152 for registration.

153 (2)(a) Except as provided in paragraph (b), the board may
154 not issue a new registration after July 1, 1993, based on any
155 certificate of competency or license for a category of
156 contractor defined in s. 489.105(3)(a)-(o) which is issued by a
157 municipal or county government that does not exercise
158 disciplinary control and oversight over such locally licensed
159 contractors, including forwarding a recommended order in each
160 action to the board as provided in s. 489.131(7). For purposes
161 of this subsection and s. 489.131(10), the board shall determine
162 the adequacy of such disciplinary control by reviewing the local
163 government's ability to process and investigate complaints and
164 to take disciplinary action against locally licensed
165 contractors.

166 (b) The board shall issue a registration to an eligible
167 applicant to engage in the business of a contractor in a
168 specified local jurisdiction, provided each of the following
169 conditions are satisfied:

170 1. The applicant held, in any local jurisdiction in this
171 state during 2021, 2022, or 2023, a certificate of registration
172 issued by the state or a local license issued by a local
173 jurisdiction to perform work in a category of contractor defined
174 in s. 489.105(3)(a)-(o).

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175 2. The applicant submits all of the following to the board:

176 a. Evidence of the certificate of registration or local
177 license held by the applicant as required by subparagraph 1.

178 b. Evidence that the specified local jurisdiction does not
179 have a license type available for the category of work for which
180 the applicant was issued a certificate of registration or local
181 license during 2021, 2022, or 2023, such as a notification on
182 the website of the local jurisdiction or an e-mail or letter
183 from the office of the local building official or local building
184 department stating that such license type is not available in
185 that local jurisdiction.

186 c. Evidence that the applicant has submitted the required
187 fee.

188 d. Evidence of compliance with the insurance and financial
189 responsibility requirements of s. 489.115(5).

190
191 An examination is not required for an applicant seeking a
192 registration under this paragraph.

193 (4)(a)1. A person whose job scope does not substantially
194 correspond to either the job scope of one of the contractor
195 categories defined in s. 489.105(3)(a)-(o), or the job scope of
196 one of the certified specialty contractor categories established
197 by board rule, is not required to register with the board. A
198 local government, as defined in s. 163.211, may not require a
199 person to obtain a license, issued by the local government or
200 the state, for a job scope which does not substantially
201 correspond to the job scope of one of the contractor categories
202 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.
203 489.1455(1), or the job scope of one of the certified specialty

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204 contractor categories established pursuant to s. 489.113(6). A
205 local government may not require a state or local license to
206 obtain a permit for such job scopes. For purposes of this
207 section, job scopes for which a local government may not require
208 a license include, but are not limited to, painting; flooring;
209 cabinetry; interior remodeling when the scope of the project
210 does not include a task for which a state license is required;
211 driveway or tennis court installation; handyman services;
212 decorative stone, tile, marble, granite, or terrazzo
213 installation; plastering; pressure washing; stuccoing; caulking;
214 and canvas awning and ornamental iron installation.

215 2. A county that includes an area designated as an area of
216 critical state concern under s. 380.05 may offer a license for
217 any job scope which requires a contractor license under this
218 part if the county imposed such a licensing requirement before
219 January 1, 2021.

220 3. A local government may continue to offer a license for
221 veneer, including aluminum or vinyl gutters, siding, soffit, or
222 fascia; rooftop painting, coating, and cleaning above three
223 stories in height; or fence installation and erection if the
224 local government imposed such a licensing requirement before
225 January 1, 2021.

226 4. A local government may not require a license as a
227 prerequisite to submit a bid for public works projects if the
228 work to be performed does not require a license under general
229 law.

230 (d) Any person who is not required to obtain registration
231 or certification pursuant to s. 489.105(3)(d)-(o) may perform
232 contracting services for the construction, remodeling, repair,

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233 or improvement of single-family residences, including a
234 townhouse as defined in the Florida Building Code, without
235 obtaining a local license if such person is under the
236 supervision of a certified or registered general, building, or
237 residential contractor. As used in this paragraph, supervision
238 shall not be deemed to require the existence of a direct
239 contract between the certified or registered general, building,
240 or residential contractor and the person performing specialty
241 contracting services.

242 (e) Any person who is not certified or registered may
243 perform the work of a specialty contractor whose scope of
244 practice is limited to the type of work specified under s.
245 489.105(3)(j), (k), or (l) for the construction, remodeling,
246 repair, or improvement of commercial or residential swimming
247 pools, interactive water features as defined in the Florida
248 Building Code, hot tubs, and spas without obtaining a local
249 license or certification as a specialty contractor if he or she
250 is supervised by a contractor who is certified or registered
251 under s. 489.105(3)(j), (k), or (l); the work is within the
252 scope of the supervising contractor's license; the supervising
253 contractor is responsible for the work; and the work does not
254 require certification or registration under s. 489.105(3)(d)-
255 (i), (m)-(o), or s. 489.505. Such supervision does not require a
256 direct contract between the contractor certified or registered
257 under s. 489.105(3)(j), (k), or (l) and the person performing
258 the work, or for the person performing the work to be an
259 employee of the contractor certified or registered under s.
260 489.105(3)(j), (k), or (l). This paragraph does not limit the
261 exemptions provided in s. 489.103 and may not be construed to

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262 expand the scope of a contractor certified or registered under
263 s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical
264 services for which certification or registration is required by
265 this part or part II.

266 Section 4. For the purpose of incorporating the amendment
267 made by this act to section 633.102, Florida Statutes, in a
268 reference thereto, subsection (1) of section 633.224, Florida
269 Statutes, is reenacted to read:

270 633.224 Automatic fire sprinkler systems for one-family
271 dwellings, two-family dwellings, and mobile homes.—

272 (1) It is unlawful for a person to engage in the business
273 or act in the capacity of a contractor of automatic fire
274 sprinkler systems for one-family dwellings, two-family
275 dwellings, and mobile homes without having been duly certified
276 and holding a current certificate as a Contractor I, Contractor
277 II, or Contractor IV as defined in s. 633.102.

278 Section 5. For the purpose of incorporating the amendment
279 made by this act to section 633.102, Florida Statutes, in a
280 reference thereto, paragraph (a) of subsection (2) of section
281 633.318, Florida Statutes, is reenacted to read:

282 633.318 Certificate application and issuance; permit
283 issuance; examination and investigation of applicant.—

284 (2) (a) Examinations shall be administered by the division
285 and held at times and places within the state as the division
286 determines, but there shall be at least two examinations a year.
287 Each applicant shall take and pass an objective, written
288 examination of her or his fitness for a certificate in the class
289 for which the application is requested. There shall be a type of
290 examination for each class of certificate for contractors as

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291 defined in s. 633.102. The examination must test the applicant's
292 ability to lay out, fabricate, install, alter, repair, and
293 inspect fire protection systems and their appurtenances and must
294 test the applicant's fitness in business and financial
295 management. The test must be based on applicable standards of
296 the National Fire Protection Association and on relevant Florida
297 and federal laws pertaining to the construction industry, safety
298 standards, administrative procedures, and pertinent technical
299 data.

300 Section 6. This act shall take effect July 1, 2025.