# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

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| **BILL #:** CS/HB 869 | **COMPANION BILL:** SB 808 (Yarborough) |
| **TITLE:** Underground Utility and Excavation Contractors | **LINKED BILLS:** None |
| **SPONSOR(S):** Sapp | **RELATED BILLS:** None |

**Committee References**

Industries & Professional Activities
15 Y, 1 N, As CS
➤
Economic Infrastructure
➤
Commerce

## SUMMARY

**Effect of the Bill:**

The bill expands the practice of underground utility and excavation contractors and certain Fire Protection System Contractor Vs.

**Fiscal or Economic Impact:**

The bill may have a positive indeterminate fiscal impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

The bill allows underground utility and excavation contractors and fire protection system contractor Vs, who are also licensed as underground utility and excavation contractors, to install piping that is integral to a fire protection system. (Sections 1 and 2)

Underground utility and excavation contractors may install piping integral to a fire protection system up to a point within five (5) feet of the building where the system will be installed. Fire protection system contractor Vs may install such piping up to the fire riser[1] inside the building and ending no more than 1 foot above the finished floor. (Sections 1 and 2)

The bill provides an effective date of July 1, 2025 (Section 6).

**FISCAL OR ECONOMIC IMPACT:**

PRIVATE SECTOR:

The bill may increase the revenue for underground utility and excavation contractors and certain fire protection system contractors because of their expanded practice scope.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Underground Utility and Excavation Contractors

[1] The fire riser is the pipe, which is connected to the pressurized water source, that carries water to the sprinklers in the building. *See* Brian O'Connor, *Hangers and Support of Sprinkler System Piping*, National Fire Protection Association (Apr. 18, 2022, www.nfpa.org/news-blogs-and-articles/blogs/2022/04/18/hangers-and-support-of-sprinkler-system-piping (last visited Mar. 14, 2025).

The Construction Industry Licensing Board ("Board") in the Department of Business and Professional Regulation ("DBPR") regulates the construction industry, including underground utility and excavation contractors. Underground utility and excavation contractor services are limited to the construction, installation, and repair underground utility systems (i.e. water, sewer, and stormwater systems) which is achieved through excavation or some other means.[2] Underground utility and excavation contractors cannot install conduits connecting to an energized electrical system. [3]

DBPR provides an application for an underground utility and excavation contractor license which requires passing state examination, having 4 years of experience or a combination of college and experience, and supplying additional information.[4]

Currently, underground utility and excavation contractors **may not** install piping that is integral to a fire protection system beginning at the point where the piping is used exclusively for such system.

Fire Protection System

A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:[5]

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection use.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.[6]

Fire protection systems must be installed in accordance with the Fire Code and the Building Code. Current law requires local governments to enforce the Fire Code and the Building Code including the permitting, inspecting, and approval of the installation of a fire protection system.[7] Owners of fire protection systems are responsible for the maintenance of their fire protection systems, and must contract with a certified fire protection system contractor to regularly inspect such systems.[8]

Fire Protection System Contractors

In order to engage in the business of laying out, fabricating, installing, inspecting, altering, repairing, or servicing a fire protection system in Florida, other than a pre-engineered system, a person must be certified as a fire protection system contractor.[9]

Fire protection system contractors are regulated by ch. 633, F.S., which outlines the law pertaining to fire protection system contractors in the state. The Division of State Fire Marshal within the Department of Financial Services is responsible for licensing and regulating fire system protection contractors in the state.[10]

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[2] S. 489.105(3)(n), F.S.
[3] *Id*.
[4] *CILB 5-N - Certified Underground Utility and Excavation Contractor as an Individual*, Licensing Portal , Department of Business and Professional Regulation, www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=0610&XACT_DEFN_ID=3186 (last visited Mar. 13, 2025).
[5] S. 633.102(11), F.S.
[6] *Id.*
[7] *See generally* ch. 553 and 633, F.S.
[8] S. 633.312, F.S.
[9] S. 633.336(1), F.S.

Fire protection system contractors are divided into five categories ranging from Contractor I to Contractor V. [11]A contractor's ability to practice is limited to the category or categories that a contractor has obtained certification. A Contractor I has the largest scope of work while the Contractor V has the narrowest scope of work.

Currently, a Contractor V may work on the underground piping for a water-based fire protection system at the point where the piping is exclusively for the fire protection system and ending no more than 1 foot above the finished floor. A Contractor V may also inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II. To become licensed as a Contractor V, a person must be licensed as an underground utility and excavation contractor, plumbing contractor, or have four years of experience in such fields.[12]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Industries & Professional Activities Subcommittee | 15 Y, 1 N, As CS | 3/19/2025 | Anstead | Brackett |
| THE CHANGES ADOPTED BY THE COMMITTEE: | • Provided that an underground utility and excavation contractor may install piping for a fire protection system up to 5 feet of the building, but may not install it in the building. | | | |
| Economic Infrastructure Subcommittee | | | | |
| Commerce Committee | | | | |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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[10] Ss. 633.318 and 633.338, F.S.
[11] S. 633.102(3)(a)-(e), F.S.
[12] Fla. Admin. Code r. 69A-46.010(3)(c).