

By Senator Truenow

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A bill to be entitled

An act relating to landscape irrigation; creating s. 373.1861, F.S.; providing a short title; creating s. 373.1862, F.S.; providing legislative intent and purpose; providing applicability; creating s. 373.1863, F.S.; defining terms; creating s. 373.1864, F.S.; providing legislative findings; prohibiting a person from taking certain actions regarding a landscape irrigation system unless such person is a licensed irrigation contractor or the property owner; authorizing specified entities to adopt more stringent standards for a property owner who installs a landscape irrigation system; specifying that only a licensed irrigation contractor may connect an irrigation system to a water supply; providing requirements for a licensed irrigation contractor to obtain a landscape irrigation permit; requiring a licensed irrigation contractor to create a landscape irrigation plan design drawing; providing requirements for such plan design drawings; providing requirements for landscape irrigation plans; requiring a licensed irrigation contractor to submit the landscape irrigation system permit application and plan to specified entities before building construction commences; requiring a licensed irrigation contractor to provide specified entities with certain information before being issued a landscape irrigation permit; creating s. 373.1865, F.S.; providing a purpose for landscape irrigation system standards; requiring that

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landscape irrigation systems be divided into specified zones; providing requirements for such zones; requiring that landscape irrigation systems be designed to use the lowest quality water; providing spacing requirements for landscape irrigation system sprinklers; providing requirements for landscape irrigation equipment, capacity, and accessories; prohibiting high-volume irrigation areas from exceeding a certain percentage of the total irrigated area; authorizing the use of low-volume irrigation areas in certain circumstances; prohibiting the installation of risers; requiring a minimum distance between distribution equipment and impervious surfaces; requiring that landscape irrigation systems use micro-irrigation in landscape beds under certain circumstances; creating s. 373.1866, F.S.; creating a landscape irrigation watering schedule; providing a limitation for landscape irrigation watering; providing a timeframe within which the owner of a new irrigation system must adopt the watering schedule; requiring a licensed irrigation contractor who installs an irrigation system to provide the owners or users of such system with certain information; authorizing a local government to grant a variance from the watering schedule under certain circumstances; prohibiting a local government from granting a variance under certain circumstances; providing exceptions from landscape irrigation watering schedules; providing requirements for a spray

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sprinkler body; prohibiting a person from taking certain actions regarding a sprinkler body, beginning on a specified date; creating s. 373.1867, F.S.; providing for the enforcement of the act; providing for fines and penalties; providing that regular maintenance and replacement of certain components is not a violation of the act under certain circumstances; prohibiting enforcement officials from providing more than one written warning before assessing a fine; authorizing a local government to take certain action to enforce this section; creating s. 373.1868, F.S.; providing for severability; prohibiting a governmental entity from adopting or attempting to enforce any law, rule, or regulation in conflict with the act; creating s. 373.1869, F.S.; authorizing the department to adopt rules to implement the act; amending s. 373.62, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions; conforming a provision to changes made by the act; amending s. 489.105, F.S.; defining the term "irrigation contractor"; amending s. 489.107, F.S.; revising the membership of the Construction Industry Licensing Board; conforming cross-references; amending s. 489.111, F.S.; revising contractor eligibility requirements for licensure; amending ss. 489.117, 489.118, and 489.141, F.S.; conforming cross-references; providing an effective date.

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

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Section 1. Section 373.1861, Florida Statutes, is created to read:

373.1861 Short title.—Sections 373.1861-373.1869 may be cited as the “Landscape Irrigation Standards and Watering Restrictions Act.”

Section 2. Section 373.1862, Florida Statutes, is created to read:

373.1862 LEGISLATIVE INTENT AND PURPOSE; APPLICABILITY.—

(1) While an automatic landscape irrigation system is not required, and a carefully designed landscape or a temporary irrigation system may be considered for any property, it is the intent and purpose of this act to:

(a) Implement procedures that promote water conservation through more efficient use of landscape irrigation to improve environmental quality; and

(b) Ensure efficient water use by establishing minimum standards for landscape irrigation design which are considerate of the climate, soil health, water resources, land use, and resource planning of watershed districts in this state.

(2) Water use in landscape irrigation systems may be reduced by providing for all of the following:

(a) The preservation of existing vegetation.

(b) The use of site-appropriate plant materials.

(c) The use of pervious paving materials.

(d) The use of water-efficient landscape irrigation.

(e) The use of applicable best management practices.

(f) The use of environmentally sensitive site development concepts.

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117 (3) This act applies to new commercial landscapes,
118 residential landscapes, institutional developments proposing to
119 install a landscape irrigation system, and any substantial
120 improvement or modification to an existing landscape irrigation
121 system which requires 50 percent or more of the irrigation
122 system to be replaced or altered.

123 (4) This act does not apply to irrigation systems for any
124 of the following:

125 (a) Agricultural production systems.

126 (b) Greenhouses.

127 (c) Nurseries.

128 (d) Cemeteries.

129 (e) Golf courses.

130 (f) Athletic fields, playgrounds, or intensive recreational
131 areas.

132 (g) Vegetable gardens, fruit tree groves, or nut tree
133 groves.

134 Section 3. Section 373.1863, Florida Statutes, is created
135 to read:

136 373.1863 DEFINITIONS.—As used in this act, the term:

137 (1) "Address" means the house number of a physical location
138 of a specific property. This includes rural route numbers but
139 excludes post office box numbers. If a lot number in a mobile
140 home park or similar community is used by the United States
141 Postal Service to determine a delivery location, the lot number
142 is the property's address. An even-numbered address means an
143 address ending in the numbers 0, 2, 4, 6, or 8 or the letters A-
144 M. An odd-numbered address means an address ending in the
145 numbers 1, 3, 5, 7, or 9 or the letters N-Z.

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146 (2) "Application rate" or "precipitation rate" means the
147 rate at which water is applied to a given area by sprinklers or
148 emitters, usually expressed as depth per unit of time.

149 (3) "Automatic irrigation controller" means a device that
150 automatically turns an irrigation system, such as a lawn
151 sprinkler or drip irrigation system, on and off and is also
152 known as a clock or timer.

153 (4) "Bubbler" means an emission device that applies water
154 to the soil, discharging at least 0.5 to 2 gallons of water per
155 hour, but generally less than 60 gallons per hour.

156 (5) "Bubbler irrigation" means the application of water to
157 the soil surface at the plant root zone, discharging at least
158 0.5 to 2 gallons of water per hour, but generally less than 60
159 gallons per hour.

160 (6) "Check valve" means a device that permits water to flow
161 in one direction and is installed on any sprinkler where low
162 point drainage occurs or if the sprinkler is located lower than
163 the valve box.

164 (7) "Controller" means a timing mechanism that signals
165 automatic valves to open and close on a pre-set program or based
166 on sensor readings or its mounting box.

167 (8) "Coverage" means the way water is applied to an area.

168 (9) "Department" means the Department of Environmental
169 Protection or its successor agency.

170 (10) "Design pressure" means the pressure at which the
171 irrigation system or its components are designed to operate as
172 measured at the pump discharge or, if there is no pump, at the
173 entrance to the system.

174 (11) "Distribution pattern" means the water depth distance

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relationship measured from a single emission device.

(12) "Distribution uniformity" means even application of irrigation across a landscaped area, as expressed as a decimal or percent value.

(13) "Drip irrigation" means the precise low-rate application of water to the soil surface, beneath the soil surface, or near the plant root zone around widely spaced plants across a large area. Applications normally occur as small streams or discrete continuous drops in the range of 0.5 to 2 gallons per hour.

(14) "Drip line emitter" means a tube that discharges water from integrated and evenly spaced emitters, perforations, or a porous wall.

(15) "Emission device" means a landscape irrigation system component used to dispense irrigation water to the landscape at a specific rate.

(16) "Emitter" means a device used to control irrigation discharge from lateral pipes and a device used in micro-irrigation systems.

(17) "Establishment" means the process by which newly planted vegetation becomes self-sustaining and rooted in its new location.

(18) "Florida Water Star" means a statewide certification program, owned by the St. Johns River Water Management District, for new and existing homes and commercial developments that meet specific water-efficiency criteria for their respective landscape and irrigation systems, as well as plumbing fixtures and appliances.

(19) "Flow rate" means the measure of a volume of water

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moving in a certain amount of time.

(20) "Head" means the exterior case or shell of a sprinkler incorporating a means of connecting to a piping system and designed to provide above-ground or overhead irrigation. The head may also be known as a rotor, a spray head, a mist head, or an impact sprinkler when referring to the type of emission used interchangeably with and in conjunction with a sprinkler.

(21) "Head-to-head spacing" means spacing sprinkler heads so the distance between sprinklers is equal to the sprinkler head-rated throw radius.

(22) "Hydrozone" means a distinct grouping of plants with similar water and climatic requirements which may be irrigated within a common zone to conserve water, improve efficiency, and avoid overwatering and underwatering.

(23) "Irrigation" means the intentional application of water by artificial means to sustain plant growth or optimize production.

(24) "Irrigation inspector" means a person responsible for inspecting landscape irrigation systems and carrying out all of the following duties:

(a) Making determinations regarding whether a landscape irrigation system complies with all relevant requirements.

(b) Making determinations regarding whether the appropriate backflow prevention device is installed.

(c) Providing test results to the water purveyor.

(d) Investigating and issuing findings for all complaints alleging deficiency of a landscape irrigation system.

(25) "Landscape" means an area that is planted with ground covers, shrubs, trees, turf, or similar plant materials.

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(26) "Landscape area" means the total site area less the building footprint, impervious or paved surfaces, stormwater control structures, or waterbodies. It includes any permeable surface on a given lot or parcel which is covered with gardens, landscape, mulch, or turfgrass.

(27) "Landscape irrigation" means the outside watering of plants, such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, and other such flora, which may be situated in diverse locations, such as commercial and industrial establishments, public and residential areas, public medians, or rights-of-way.

(28) "Landscape irrigation plan" means a printed or drawn plan for irrigation on a property with scaled dimensions which identifies:

(a) Existing rights-of-way, easements, and other land reservations;

(b) The water source that will be used for irrigation; and

(c) Irrigation specifications that include all of the following information:

1. Pipe location, type, and size.

2. Sprinkler head location, including spacing to adjacent sprinkler heads and structures.

3. Location of soil moisture sensor probes, if applicable.

4. Location and area of irrigation zones.

5. Sprinkler head type and application rate.

6. Micro-irrigation type and application rate.

7. Location of heads requiring check valves and their respective valve sizes.

8. All relevant pressure regulations.

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262 (29) "Landscape irrigation system" means a system of
263 delivering water to an area where it is needed, but not normally
264 present in necessary volume.

265 (30) "Lateral" means a water delivery pipeline that
266 supplies water from a manifold or header pipe downstream of a
267 control valve to irrigation emission devices.

268 (31) "Low-volume irrigation" means heads that emit less
269 than 0.5 gallons of water per minute.

270 (32) "Micro-bubbler" means a unit designed for micro-
271 irrigation applications requiring higher flow and coverage than
272 a spot emitter or drip, but a lower amount of water than a
273 standard bubbler.

274 (33) "Micro-irrigation" means the application of small
275 quantities of water directly on or below the soil surface or
276 plant root zone, in discrete drops, thin streams, or miniature
277 sprays, through emitters placed along lateral water delivery
278 pipes. Micro-irrigation encompasses a number of methods or
279 concepts, including drip irrigation, micro-bubblers, micro
280 sprays, subsurface irrigation, or low-volume or trickle
281 irrigation.

282 (34) "Micro-irrigation emission device" means an emission
283 device intended to discharge water in the form of drops or a
284 continuous stream at rates less than 30 gallons of water per
285 hour or 113.5 liters per hour at the largest area of coverage
286 available for the nozzle series when operated at 30 pounds per
287 square inch, except during flushing.

288 (35) "Micro-spray" means a micro-irrigation emission device
289 that uses small-diameter tubing and small orifice micro-spray
290 heads to limit water output and deliver water more directly to

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the plant root zone by converting irrigation water pressure to discharge water at a flow rate not exceeding 30 gallons per hour or 113.5 liters per hour at the largest area of coverage available for the nozzle series when operated at 30 pounds per square inch. Micro-spraying includes the use of micro-bubblers, micro-spinners, or micro-spray jets.

(36) "Nozzle" means the discharge opening or orifice of an emission device used to control the volume, distribution pattern, or droplet size of water discharge.

(37) "Nozzle throw diameter" means the entire measured width of the throw of a sprinkler head.

(38) "Operating pressure" means the water pressure necessary to operate an emission device. Operating pressure may be described as any of the following:

(a) "Maximum operating pressure," meaning the highest manufacturer-recommended pressure to ensure proper operation of an emission device.

(b) "Minimum operating pressure," meaning the lowest manufacturer-recommended pressure to ensure proper operation of an emission device.

(c) "Recommended operating pressure," meaning the manufacturer's recommended pressure for operation of an emission device.

(39) "Operator/manager" means a person or an entity responsible for the management of an irrigation system.

(40) "Orifice" means an opening with a closed perimeter through which water flows.

(41) "Person" means any person, firm, partnership, association, corporation, company, or organization.

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320 (42) "Radius of throw" means the distance of throw for a
321 circular wetting pattern.

322 (43) "Reclaimed water" means water that has been treated in
323 municipal wastewater facilities, has received at least secondary
324 treatment and basic disinfection, and is safe to use for
325 irrigation and other permitted purposes.

326 (44) "Residential landscape irrigation" means the
327 irrigation of landscapes associated with any residential housing
328 unit having sanitary facilities and kitchen facilities designed
329 to accommodate one or more residents, including single-family
330 homes, multifamily housing units, and mobile homes.

331 (45) "Riser" means a threaded pipe to which sprinklers or
332 other emitters are attached for above-ground placement.

333 (46) "Rotor sprinkler" means a sprinkler that applies water
334 in a pattern to a defined landscape area by means of one or more
335 rotating streams.

336 (47) "Smart irrigation controller" means a device designed
337 to reduce outdoor water use by irrigating based on a plant's
338 watering needs. There are two basic types:

339 (a) Weather-based irrigation controllers, which use local
340 weather and landscape conditions to tailor watering schedules.

341 (b) Soil moisture-based irrigation controllers, which
342 monitor moisture levels in the soil to prevent irrigation when
343 water is not needed.

344 (48) "Spacing" means the distance between sprinklers or
345 other emitters.

346 (49) "Spray sprinkler" means a sprinkler that steadily
347 applies water in a pattern to a defined landscape area.

348 (50) "Sprinkler" means an emission device consisting of a

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sprinkler body with one or more nozzles or orifices to convert irrigation water pressure to high-velocity water discharge through the atmosphere, discharging a minimum of 0.5 gallons per minute or 1.9 liters per minute at the largest area of coverage available for the nozzle series when operated at 30 pounds per square inch or more with a full-circle wetting pattern.

(51) "Sprinkler body" means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system, designed to convey water to a nozzle or an orifice. The term includes, but is not limited to, all of the following:

(a) "Rotor sprinkler body," meaning a sprinkler body that contains components to drive the rotation of the nozzle or orifice during operation without an integral control valve.

(b) "Spray sprinkler body," meaning a sprinkler body that does not contain components to drive the rotation of the nozzle or orifice during operation without an integral control valve.

(c) "Valve-in-head sprinkler body," meaning a sprinkler body that contains an integral control valve.

(52) "Substantial improvement or modification" means any reconstruction, rehabilitation, addition, or other modification of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the modification. The term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not include any of the following:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

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378 local code enforcement official and which improvements are the
379 minimum necessary to assure safe living conditions.

380 (b) Any alteration of a historic structure, provided that
381 the alteration will not preclude the structure's continued
382 designation as a historic structure.

383 (53) "Subsurface irrigation" means a landscape irrigation
384 system equipped with water emitters and a delivery line
385 installed below the soil surface. Such system is designed to
386 distribute water to soils directly from under the surface to
387 prevent airborne drift and minimize runoff.

388 (54) "Supply" means the origin or source of the water used
389 in an landscape irrigation system.

390 (55) "Temporary establishment irrigation" means the short-
391 term use of irrigation for the establishment of new vegetation
392 which must be removed once the plants are established.

393 (56) "Throw" means the measured distance from the nozzle or
394 orifice of a sprinkler head to where the sprinkler deposits
395 water.

396 (57) "Turfgrass" means a groundcover surface of mowed
397 grass.

398 (58) "Valve" means a device used to control the flow of
399 water within a landscape irrigation system.

400 (59) "Weather-based irrigation controller" means a device
401 that uses climatic information to determine when the landscape
402 irrigation system operates by reducing or cancelling irrigation
403 in response to rainfalls, temperature, and other climatic
404 conditions.

405 (60) "Wetting area" means a wetting pattern created by an
406 emission device or multiple emission devices in a defined area.

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407 Section 4. Section 373.1864, Florida Statutes, is created
408 to read:

409 373.1864 Legislative findings; landscape irrigation system
410 permit; plan design.—

411 (1) The Legislature finds that the landscape irrigation
412 system permit application procedures in this section provide an
413 economical, efficient, and safe method of reviewing proposed
414 landscape irrigation system plans and specifications before
415 installation, by:

416 (a) Requiring the evaluation of proposed plans for a
417 landscape irrigation system; and

418 (b) Ensuring that, if approved, the landscape irrigation
419 system is installed, maintained, and operated in a manner
420 consistent with a comprehensive plan pursuant to ss. 163.3177
421 and 163.3178 and the health, safety, and general welfare of
422 residents.

423 (2) A person may not install, maintain, alter, repair,
424 service, or inspect a landscape irrigation system, or consult on
425 these activities, unless the person is a licensed irrigation
426 contractor or the property owner. A local government or water
427 management district may adopt more stringent requirements for a
428 property owner who installs an irrigation system. Only a
429 licensed irrigation contractor may connect a landscape
430 irrigation system to a water supply.

431 (3) To obtain a landscape irrigation permit, a licensed
432 irrigation contractor must submit an application to the
433 appropriate local government or water management district which
434 contains all of the following information:

435 (a) The licensed irrigation contractor's name, address,

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436 phone number, and e-mail address.

437 (b) The landscape irrigation contractor's license.

438 (c) A landscape irrigation plan with design drawings that
439 identify all design elements, development materials, and
440 proposed installation methods. Commercial, industrial,
441 multifamily, and municipal buildings must meet any additional
442 requirements provided in Appendix F of the Plumbing Volume of
443 the Florida Building Code.

444 (d) An application fee paid to the appropriate local
445 government or water management district.

446 (4) The licensed irrigation contractor shall create
447 landscape irrigation plan design drawings that are clearly
448 legible at a reasonable scale, display the entire site to be
449 irrigated, and include all modifications. Such design drawings
450 must show that there will not be any drainage from any emission
451 device when the irrigation system is turned off.

452 (5) (a) Landscape irrigation plans must provide
453 accommodations for smaller areas of sprinkler irrigation,
454 including irrigated turfgrass areas, irrigated landscape bed
455 areas, and unirrigated areas, to prevent direct spray onto
456 buildings, driveways, roadways, or other impervious hardscapes.

457 (b) Such irrigated areas less than 4 feet wide must be
458 irrigated with micro-irrigation or zone-appropriate spray heads.

459 (6) The licensed irrigation contractor must submit the
460 landscape irrigation system permit application and plan to the
461 appropriate local government or water management district before
462 building construction commences.

463 (7) Before a local government or water management district
464 may issue a landscape irrigation permit, the licensed irrigation

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contractor must provide the local government or water management district with all of the following:

(a) A Letter of Certification of Design for a Landscape Irrigation System developed by the department certifying the design is consistent with the requirements of this section and signed by a landscape irrigation system professional.

(b) A Letter of Completion Certifying Compliance with Design for a Landscape Irrigation System developed by the department certifying installation is consistent with the design and signed by a landscape irrigation system professional.

(c) Proof of certification by the Florida Water Star certification program.

Section 5. Section 373.1865, Florida Statutes, is created to read:

373.1865 Landscape irrigation system requirements.—

(1) PURPOSE.—The Legislature finds that the purpose of landscape irrigation system standards is to ensure that irrigation systems are designed for maximum efficiency and uniformity in the irrigation zone and that systems prioritize all of the following:

(a) Proper installation.

(b) Appropriate watering scheduling and run times consistent with s. 373.1866.

(c) Regular maintenance by qualified entities.

(d) Irrigation for establishment, post-establishment scheduling, and appropriate removal.

(2) LANDSCAPE IRRIGATION SYSTEM REQUIREMENTS.—

(a) A landscape irrigation system must be divided into zones based on all of the following factors:

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494 1. Available flow rate.

495 2. Cultural use of the area.

496 3. Type of vegetation irrigated, such as native plants,
497 shrubs, or turfgrass.

498 4. Type of sprinklers, including sprinklers with matching
499 precipitation rates.

500 5. Soil characteristics and slope.

501 6. Sun exposure.

502 (b) Spray heads and rotors may not be mixed in the same
503 zone, and bubblers for trees must be in separate zones.

504 (c) Turfgrass and landscape beds must be irrigated in
505 separate zones.

506 (d) Landscape irrigation systems must be designed to use
507 the lowest quality water that is available, is feasible to use,
508 and has been evaluated as suitable. This includes reclaimed
509 water and stormwater.

510 (3) SPRINKLER SPACING REQUIREMENTS.—Landscape irrigation
511 system sprinkler spacing must be designed and maintained in the
512 following manner:

513 (a) Sprinkler heads must be spaced at 50 percent of the
514 nozzle throw diameter from adjacent sprinkler heads in all
515 directions the nozzle throws. The respective local government
516 may allow a variance for areas where head-to-head spacing will
517 oversaturate the soil or lead to inefficient water use.

518 (b) Sprinklers must be spaced at least 12 inches from
519 buildings and 4 inches from impervious areas.

520 (c) Sprinkler heads for turfgrass areas must be designed
521 and maintained with:

522 1. A minimum 6-inch-high sprinkler body for St. Augustine,

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Zoysia, or Bahia grasses.

2. A minimum 4-inch-high sprinkler body for Centipede, Bermuda, or Seashore Paspalum grasses.

(d) Sprinkler inspections, conducted by an irrigation inspector, must take place at least quarterly to avoid watering of impervious surfaces.

(e) Rotors and sprays in turf areas must be spaced to achieve head-to-head coverage.

(f) All sprinkler heads must be pressure-regulated at the head or zone valve and set to manufacturer specifications.

(g) Landscape irrigation system pipes must maintain a maximum of 5 feet per second water flow velocity for landscape irrigation system integrity.

(4) LANDSCAPE IRRIGATION EQUIPMENT, CAPACITY, AND ACCESSORIES.—Landscape irrigation systems must be equipped with all of the following:

(a) The capacity to operate in the range of 30 to 40 pounds per square inch at each spray head or 40 to 50 pounds per square inch at each rotor.

(b) Filter devices to ensure emitters maintain proper cast and coverage.

(c) An irrigation controller or smart irrigation controller that includes a weather-based irrigation controller. Such controllers must have nonvolatile memory or battery backup capacity that retains the irrigation schedule, set pursuant to s. 373.1866, during and after power outages.

(5) ADDITIONAL REGULATIONS.—

(a) High-volume irrigation areas may not exceed 60 percent of the total area to be irrigated. Low-volume irrigation areas

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may be used in lieu of any high-volume irrigation area.

(b) Irrigation risers may not be installed.

(c) There must be a minimum of 4 inches between distribution equipment, including sprinklers, pumps, valves, or other components, and impervious surfaces.

(d) Landscape irrigation systems must use micro-irrigation in landscape beds if supplemental irrigation is needed.

Section 6. Section 373.1866, Florida Statutes, is created to read:

373.1866 Landscape irrigation watering schedule.—

(1) SCHEDULE.—

(a) When daylight saving time is in effect, landscape irrigation may occur only in accordance with the following irrigation schedule:

1. Residential landscape irrigation at odd-numbered addresses or properties with no address may occur only on Wednesday or Saturday and may not occur between 10 a.m. and 4 p.m.

2. Residential landscape irrigation at even-numbered addresses may occur only on Thursday or Sunday and may not occur between 10 a.m. and 4 p.m.

3. Nonresidential landscape irrigation may occur only on Tuesday or Friday and may not occur between 10 a.m. and 4 p.m.

4. No more than 0.75 inches of water may be applied per irrigation zone on any day that irrigation occurs, and such irrigation may not occur for more than 1 hour per irrigation zone on any day that irrigation occurs.

(b) When Eastern Standard Time is in effect, landscape irrigation may occur only in accordance with the following

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581 irrigation schedule:

582 1. Residential landscape irrigation at odd-numbered
583 addresses or properties with no address may occur only on
584 Saturday and may not occur between 10 a.m. and 4 p.m.

585 2. Residential landscape irrigation at even-numbered
586 addresses may occur only on Sunday and may not occur between 10
587 a.m. and 4 p.m.

588 3. Nonresidential landscape irrigation may occur only on
589 Tuesday and may not occur between 10 a.m. and 4 p.m.

590 4. No more than 0.75 inches of water may be applied per
591 irrigation zone on any day that irrigation occurs, and such
592 irrigation may not occur for more than 1 hour per irrigation
593 zone on any day that irrigation occurs.

594 (c) When Central Standard Time is in effect, landscape
595 irrigation may occur only in accordance with the following
596 irrigation schedule:

597 1. Residential landscape irrigation at odd-numbered
598 addresses or properties with no address may occur only on
599 Saturday and may not occur between 10 a.m. and 4 p.m.

600 2. Residential landscape irrigation at even-numbered
601 addresses may occur only on Sunday and may not occur between 10
602 a.m. and 4 p.m.

603 3. Nonresidential landscape irrigation may occur only on
604 Tuesday and may not occur between 10 a.m. and 4 p.m.

605 4. No more than 0.75 inches of water may be applied per
606 irrigation zone on any day that irrigation occurs, and such
607 irrigation may not occur for more than 1 hour per irrigation
608 zone on any day that irrigation occurs.

609 (d) Landscape irrigation watering may be limited to only

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that which may be necessary to meet the landscape's needs.

(e) The owner of a new irrigation system must adopt the watering schedule outlined in paragraphs (a), (b), and (c) within 60 days after such system is installed. The licensed irrigation contractor who installed such irrigation system must provide the property owner or user with all of the following post-construction and maintenance system information:

1. The irrigation system plan design drawings.
2. Maintenance activities and schedules.
3. The system's operational schedule.
4. Instructions for adjusting the system.
5. Water shut-off method.
6. The manufacturer's operational guide for the controller.

(2) VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS.—

(a) A local government may grant a variance from the specific landscape irrigation watering schedule set forth in subsection (1) for any of the following reasons:

1. Strict adherence to the watering schedule would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in a substantial economic, health, or other hardship on the applicant requesting the variance or those served by the applicant; or

2. A contiguous property is divided into different zones, such that each zone must be irrigated on different days than other zones of the property.

(b) A local government may not grant a variance to allow a single zone to be irrigated more than 2 days per week during daylight saving time or more than 1 day per week during Eastern

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Standard Time or Central Standard Time.

(3) EXCEPTIONS TO THE LANDSCAPE IRRIGATION WATERING SCHEDULE.—Landscape irrigation is subject to the following landscape irrigation watering schedule exceptions:

(a) Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed at any time.

(b) Irrigation of a new landscape is allowed at any time of day on any day for the initial 30 days after installation and every other day for the next 30 days, for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

(c) Watering-in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law or when recommended by the manufacturer or best management practices, is allowed at any time of day on any day within 24 hours after application. Watering-in of chemicals may not exceed 0.25 inches of water per application, except as otherwise required by law or recommended by the manufacturer or best management practices.

(d) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes, not to exceed 20 minutes per hour per zone.

(e) Irrigation using a handheld hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

(f) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not restricted by this section.

(g) The use of water from a reclaimed water system is

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668 allowed at any time. For the purposes of this paragraph, a
669 reclaimed water system includes systems in which the primary
670 source is reclaimed water, which may or may not be supplemented
671 from another source during peak demand periods.

672 (h) The use of recycled water from wet detention treatment
673 ponds for irrigation is allowed at any time, provided the ponds
674 are not augmented from any ground or off-site surface water or
675 public supply sources.

676 (4) ADDITIONAL REQUIREMENTS.—

677 (a) A spray sprinkler body that is not specifically
678 excluded from the scope of the United States Environmental
679 Protection Agency's WaterSense Specification for Spray Sprinkler
680 Bodies, Version 1.0 program must include an integral pressure
681 regulator and must meet the water efficiency and performance
682 criteria of the program.

683 (b) Beginning July 1, 2027, a person may not sell, offer
684 for sale, lease, or install for compensation a new spray
685 sprinkler body unless the product includes a mark, label, or tag
686 denoting that the product meets or exceeds water efficiency and
687 performance criteria described in paragraph (a).

688 Section 7. Section 373.1867, Florida Statutes, is created
689 to read:

690 373.1867 Enforcement and penalties.—

691 (1) A licensed irrigation contractor as defined in s.
692 489.105(3)(q) shall report landscape irrigation systems that are
693 not in compliance with this act to the irrigation inspector or
694 such personnel as designated by the respective local government.

695 (2) The department, in coordination with local governments,
696 shall authorize law enforcement personnel or other government

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697 staff as the enforcement officials.

698 (a)1. Each violation of s. 373.1865 or s. 373.1866 is
699 subject to the following fines or penalties:

700 a. A written warning for a first violation.

701 b. A \$50 fine for a second violation.

702 c. A fine not to exceed \$500 for all subsequent violations.

703 2. Funds generated by penalties imposed pursuant to
704 subparagraph 1. shall be used by the respective local government
705 for the administration and enforcement of this act and to
706 further water conservation activities.

707 (b) Regular maintenance and replacement of worn or broken
708 components which interrupts or inhibits the operation of a
709 landscape irrigation system is not a violation of this act if
710 such repairs are conducted within a reasonable time.

711 (c) Enforcement officials may not provide violators with
712 more than one written warning before assessing a fine.

713 (d) The appropriate local government may take any other
714 appropriate legal action, including, but not limited to,
715 injunctive action, to enforce this section.

716 Section 8. Section 373.1868, Florida Statutes, is created
717 to read:

718 373.1868 Severability; conflicting law, rules, or
719 regulations.—

720 (1) If any provision of this act or its application to any
721 person or circumstance is held to be invalid by a court of
722 competent jurisdiction, the invalidity does not affect other
723 provisions or applications of this act which can be given effect
724 without the invalid provision or application, and to this end
725 the provisions of this act are severable.

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726 (2) It is unlawful for any governmental entity to adopt or
727 to attempt to enforce any law, rule, or regulation in conflict
728 with the provisions of this act.

729 Section 9. Section 373.1869, Florida Statutes, is created
730 to read:

731 373.1869 Rulemaking.—The department may adopt rules to
732 implement this act.

733 Section 10. Section 373.62, Florida Statutes, is amended to
734 read:

735 373.62 Water conservation; automatic sprinkler systems.—

736 (1) A licensed irrigation contractor ~~Any person~~ who
737 purchases and installs an automatic landscape irrigation system
738 shall ~~must~~ properly install, maintain, and operate technology
739 that inhibits or interrupts operation of the system during
740 periods of sufficient moisture.

741 (2) A licensed irrigation contractor who installs or
742 performs work on an automatic landscape irrigation system shall
743 ~~must~~ test for the correct operation of each inhibiting or
744 interrupting device or switch on that system. If such devices or
745 switches are not installed in the system or are not in proper
746 operating condition, the licensed irrigation contractor must
747 install new ones or repair the existing ones and confirm that
748 each device or switch is in proper operating condition before
749 completing other work on the system.

750 ~~(3) The department shall create a model ordinance by~~
751 ~~January 15, 2010, that may be adopted and enforced by local~~
752 ~~governments. The ordinance must, at a minimum:~~

753 ~~(a) Require licensed contractors to report automatic~~
754 ~~landscape irrigation systems that are not in compliance with~~

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~~this section to the appropriate authority.~~

~~(b) Provide penalties for licensed contractors who do not comply with this section. The minimum penalty must be \$50 for a first offense, \$100 for a second offense, and \$250 for a third or subsequent offense.~~

~~Regular maintenance and replacement of worn or broken technology which interrupts or inhibits the operation of an automatic landscape irrigation system is not a violation of this section if such repairs are conducted within a reasonable time.~~

~~(4) Local governments may adopt the model ordinance by October 1, 2010. Local governments that impose requirements that are more stringent than the model ordinance are exempt from adopting the ordinance.~~

~~(5) Funds generated by penalties imposed under the ordinance shall be used by the local government for the administration and enforcement of this section and to further water conservation activities.~~

~~(6)~~ For purposes of this section, a licensed irrigation contractor includes an individual who holds a specific irrigation contractor's license issued by a county.

(4) (a) ~~(7) (a)~~ The Legislature recognizes that lawn and landscape irrigation systems use a substantial amount of the state's potable water. The Legislature finds that smart irrigation systems that use soil moisture sensors with remote monitoring and adjustment capabilities, if properly installed and monitored, provide more efficient irrigation and save substantially more water than conventional time-controlled irrigation systems. This is because smart irrigation systems

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784 apply water to lawns and plants only as necessary to maintain
785 required soil moisture, thus minimizing the overwatering or
786 unnecessary watering that occurs with conventional irrigation
787 systems. However, in order for this technology to optimize the
788 efficient application of water it cannot be subject to day or
789 days-of-the-week watering restrictions. The Legislature,
790 therefore, recognizes that enacting a statewide process to
791 provide an exemption from local water restriction ordinances
792 will accelerate the adoption of this water saving technology.
793 Further, a uniform exemption process will streamline variance
794 procedures and minimize delay in implementing such technology.
795 The longer it takes to approve soil moisture sensor control
796 systems, the more potable water is wasted. A uniform variance
797 process will allow state residents to maintain their property
798 and protect water resources while enjoying their landscapes.

799 (b) For purposes of this subsection, the term:

800 1. "Monitoring entity" means a local government, community
801 development district created pursuant to chapter 190, a
802 homeowners' association created pursuant to chapter 720, a
803 condominium association created pursuant to chapter 718, a
804 cooperative created pursuant to chapter 719, or a public or
805 private utility.

806 2. "Soil moisture sensor" means a soil-based device that
807 assesses the available plant soil moisture in order to minimize
808 the unnecessary use of water and optimize the effectiveness of
809 an irrigation system.

810 3. "Soil moisture sensor control system" is the collective
811 term for an entire soil moisture sensor system that has remote
812 monitoring and adjustment capability.

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(c) A variance from day or days-of-the-week watering schedules pursuant to s. 373.1866 ~~restrictions~~, which includes ~~shall include~~ the maximum soil set point for different soil types within the monitoring entity's jurisdiction, must ~~shall~~ be granted by the applicable water management district for any residential, commercial, or recreational user within a monitoring entity's jurisdiction having a soil moisture sensor control system if the monitoring entity certifies that:

1. Each soil moisture sensor control system installed within its jurisdiction will have multiple soil sensors that conform to different soil types and slopes in order to optimize water use for each user, adjust irrigation schedules based on soil moisture requirements, and be installed by a licensed contractor in a manner that is consistent with the Field Guide to Soil Moisture Sensor Use in Florida by the University of Florida IFAS Extension Program for Resource Efficient Communities.

2. It has the ability to monitor the status of each individual user's system and to remotely modify the system settings for irrigation cycles and run times.

3. It will electronically post and update a list of active users of soil moisture sensor control systems within its jurisdiction on a monthly basis and provide Internet access to such listing and the monitoring database to the water management district and the local government.

4. It shall provide notice to a user of noncompliant activity within 48 hours after such activity and, if the user does not take corrective action within 48 hours after such notice, it will remove the posted notice required in

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subparagraph 5. and remove the user from the active users list required by subparagraph 3.

5. It shall post a notice at each parcel that has installed a compliant soil moisture sensor control system in plain view from the nearest roadway stating: "Irrigating with Smart Irrigation Controller," with the address of the parcel, and shall remove the notice if the user is no longer being monitored by the monitoring entity.

(d) Upon installation of a soil moisture sensor control system, the licensed contractor shall certify to the monitoring entity that subparagraphs (c)1. and (c)2. have been met.

1. The monitoring entity shall post the notice required by subparagraph (c)5. on the user's property and update the Internet listing of users of active soil moisture sensor control systems to include the new user.

2. On an annual basis a professional engineer licensed under chapter 471 or a professional landscape architect licensed under chapter 481 shall perform an annual maintenance review of all soil moisture sensor control systems within the monitoring entity's jurisdiction and certify to the monitoring entity which systems are properly operating and in compliance with paragraph (c). The monitoring entity shall update its Internet listing of users of active soil moisture sensor control systems based on the certification.

(e) Failure by the monitoring entity to ensure continual compliance with the condition of this variance shall be cause for the appropriate water management district to revoke the variance upon proper notice to the monitoring entity.

(f) The variance provided in this subsection applies to day

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or days-of-the-week schedules pursuant to s. 373.1866 ~~watering~~
~~restrictions of the water management district as preempted by s.~~
~~373.217.~~ All other applicable local government and water
management district restrictions related to irrigation,
including, but not limited to, a prohibition on irrigation and
time-of-day watering requirements and water shortage or
emergency orders issued pursuant to s. 373.246(2) and (7),
remain applicable to the soil moisture sensor control system
users within a monitoring entity's jurisdiction.

(g) This subsection does not require a property owner to
install a soil moisture sensor control system. This subsection
also does not prohibit a property owner from installing soil
moisture sensors and seeking an individual variance from the
applicable water management district even if such property is
located within the jurisdiction of a monitoring entity that has
been granted a variance pursuant to paragraph (c).

Section 11. 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
to, demolish, subtract from, or improve any building or
structure, including related improvements to real estate, for
others or for resale to others; and whose job scope is
substantially similar to the job scope described in one of the
paragraphs of this subsection. For the purposes of regulation

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under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(r) ~~(d)-(q)~~:

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

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

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

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture,

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929 fabrication, assembling, handling, erection, installation,
930 dismantling, conditioning, adjustment, insulation, alteration,
931 repair, servicing, or design, if not prohibited by law, of
932 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
933 equivalent or lighter gauge and of other materials, including,
934 but not limited to, fiberglass, used in lieu thereof and of air-
935 handling systems, including the setting of air-handling
936 equipment and reinforcement of same, the balancing of air-
937 handling systems, and any duct cleaning and equipment sanitizing
938 that requires at least a partial disassembling of the system.

939 (e) "Roofing contractor" means a contractor whose services
940 are unlimited in the roofing trade and who has the experience,
941 knowledge, and skill to install, maintain, repair, alter,
942 extend, or design, if not prohibited by law, and use materials
943 and items used in the installation, maintenance, extension, and
944 alteration of all kinds of roofing, waterproofing, and coating,
945 except when coating is not represented to protect, repair,
946 waterproof, stop leaks, or extend the life of the roof. The
947 scope of work of a roofing contractor also includes all of the
948 following and any related work: skylights; required roof-deck
949 attachments; any repair or replacement of wood roof sheathing or
950 fascia as needed during roof repair or replacement; and the
951 evaluation and enhancement of roof-to-wall connections for
952 structures with wood roof decking as described in Section 706 of
953 the Florida Building Code-Existing Building, provided that any
954 enhancement, which was properly installed and inspected in
955 accordance with the Office of Insurance Regulation uniform
956 mitigation verification inspection form, the Florida Building
957 Code, or project specific engineering that exceeds these

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requirements, is done in conjunction with a roof covering replacement or repair.

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied

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987 petroleum or natural gas fuel lines within buildings, except for
988 disconnecting or reconnecting changeouts of liquefied petroleum
989 or natural gas appliances within buildings; potable water lines
990 or connections thereto; sanitary sewer lines; swimming pool
991 piping and filters; or electrical power wiring. A Class A air-
992 conditioning contractor may test and evaluate central air-
993 conditioning, refrigeration, heating, and ventilating systems,
994 including duct work; however, a mandatory licensing requirement
995 is not established for the performance of these specific
996 services.

997 (g) "Class B air-conditioning contractor" means a
998 contractor whose services are limited to 25 tons of cooling and
999 500,000 Btu of heating in any one system in the execution of
1000 contracts requiring the experience, knowledge, and skill to
1001 install, maintain, repair, fabricate, alter, extend, or design,
1002 if not prohibited by law, central air-conditioning,
1003 refrigeration, heating, and ventilating systems, including duct
1004 work in connection with a complete system only to the extent
1005 such duct work is performed by the contractor as necessary to
1006 complete an air-distribution system being installed under this
1007 classification, and any duct cleaning and equipment sanitizing
1008 that requires at least a partial disassembling of the system; to
1009 install, maintain, repair, fabricate, alter, extend, or design,
1010 if not prohibited by law, piping and insulation of pipes,
1011 vessels, and ducts; to replace, disconnect, or reconnect power
1012 wiring on the line or load side of the dedicated existing
1013 electrical disconnect switch on single phase electrical systems;
1014 to repair or replace power wiring, disconnects, breakers, or
1015 fuses for dedicated HVAC circuits with proper use of a circuit

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breaker lock; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

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

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(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a

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sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(j) "Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the

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usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

(k) "Residential pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for

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the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

(1) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves, but is not limited to, the repair and servicing of a swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the

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1161 structural integrity of the pool or spa or its associated
1162 equipment.

1163 (m) "Plumbing contractor" means a contractor whose services
1164 are unlimited in the plumbing trade and includes contracting
1165 business consisting of the execution of contracts requiring the
1166 experience, financial means, knowledge, and skill to install,
1167 maintain, repair, alter, extend, or, if not prohibited by law,
1168 design plumbing. A plumbing contractor may install, maintain,
1169 repair, alter, extend, or, if not prohibited by law, design the
1170 following without obtaining an additional local regulatory
1171 license, certificate, or registration: sanitary drainage or
1172 storm drainage facilities, water and sewer plants and
1173 substations, venting systems, public or private water supply
1174 systems, septic tanks, drainage and supply wells, swimming pool
1175 piping, irrigation systems, and solar heating water systems and
1176 all appurtenances, apparatus, or equipment used in connection
1177 therewith, including boilers and pressure process piping and
1178 including the installation of water, natural gas, liquefied
1179 petroleum gas and related venting, and storm and sanitary sewer
1180 lines. The scope of work of the plumbing contractor also
1181 includes the design, if not prohibited by law, and installation,
1182 maintenance, repair, alteration, or extension of air-piping,
1183 vacuum line piping, oxygen line piping, nitrous oxide piping,
1184 and all related medical gas systems; fire line standpipes and
1185 fire sprinklers if authorized by law; ink and chemical lines;
1186 fuel oil and gasoline piping and tank and pump installation,
1187 except bulk storage plants; and pneumatic control piping
1188 systems, all in a manner that complies with all plans,
1189 specifications, codes, laws, and regulations applicable. The

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scope of work of the plumbing contractor applies to private property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6) and does not require certification or registration under this part as a category I liquefied petroleum gas dealer, or category V LP gas installer, as defined in s. 527.01, who is licensed under chapter 527 or an authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from

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the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install piping that is an integral part of a fire protection system as defined in s. 633.102 beginning at the point where the piping is used exclusively for such system.

(o) "Solar contractor" means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to this chapter, is not required to become a certified or registered solar contractor or to contract with a

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1248 solar contractor in order to provide services enumerated in this
1249 paragraph that are within the scope of the services such
1250 contractors may render under this part.

1251 (p) "Pollutant storage systems contractor" means a
1252 contractor whose services are limited to, and who has the
1253 experience, knowledge, and skill to install, maintain, repair,
1254 alter, extend, or design, if not prohibited by law, and use
1255 materials and items used in the installation, maintenance,
1256 extension, and alteration of, pollutant storage tanks. Any
1257 person installing a pollutant storage tank shall perform such
1258 installation in accordance with the standards adopted pursuant
1259 to s. 376.303.

1260 (q) "Irrigation contractor" means a contractor whose
1261 services are unlimited in the landscape irrigation trade and who
1262 possesses the experience, knowledge, and skill necessary to
1263 sell, install, design, consult, maintain, alter, repair, or
1264 service an irrigation system, including the connection of such
1265 system to a private or public water supply. This includes system
1266 connection to water wells in unincorporated areas.

1267 (r)~~(q)~~ "Specialty contractor" means a contractor whose
1268 scope of work and responsibility is limited to a particular
1269 phase of construction established in a category adopted by board
1270 rule and whose scope is limited to a subset of the activities
1271 described in one of the paragraphs of this subsection.

1272 Section 12. Subsections (2) and (4) of section 489.107,
1273 Florida Statutes, are amended, and subsection (1) of that
1274 section is republished, to read:

1275 489.107 Construction Industry Licensing Board.—

1276 (1) To carry out the provisions of this part, there is

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created within the department the Construction Industry Licensing Board. Members shall be appointed by the Governor, subject to confirmation by the Senate. Members shall be appointed for 4-year terms. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive 4-year terms or more than 11 years on the board.

(2) The board shall consist of 19 ~~18~~ members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) One is primarily engaged in business as a landscape

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1306 irrigation contractor;

1307 (k)~~(j)~~ Two are consumer members who are not, and have never
1308 been, members or practitioners of a profession regulated by the
1309 board or members of any closely related profession; and

1310 (l)~~(k)~~ Two are building officials of a municipality or
1311 county.

1312 (4) The board shall be divided into two divisions, Division
1313 I and Division II.

1314 (a) Division I consists ~~is comprised~~ of the general
1315 contractor, building contractor, and residential contractor
1316 members of the board; one of the members appointed pursuant to
1317 paragraph (2) (k) ~~(2) (j)~~; and one of the members appointed
1318 pursuant to paragraph (2) (l) ~~(2) (k)~~. Division I has jurisdiction
1319 over the regulation of general contractors, building
1320 contractors, and residential contractors.

1321 (b) Division II consists ~~is comprised~~ of the roofing
1322 contractor, sheet metal contractor, air-conditioning contractor,
1323 mechanical contractor, pool contractor, plumbing contractor,
1324 licensed irrigation contractor, and underground utility and
1325 excavation contractor members of the board; one of the members
1326 appointed pursuant to paragraph (2) (k) ~~(2) (j)~~; and one of the
1327 members appointed pursuant to paragraph (2) (l) ~~(2) (k)~~. Division
1328 II has jurisdiction over the regulation of contractors defined
1329 in s. 489.105(3) (d)-(g) ~~s. 489.105(3) (d)-(p)~~.

1330 (c) Jurisdiction for the regulation of specialty
1331 contractors defined in s. 489.105(3) (r) ~~s. 489.105(3) (q)~~ shall
1332 lie with the division having jurisdiction over the scope of work
1333 of the specialty contractor as defined by board rule.

1334 Section 13. Subsection (2) of section 489.111, Florida

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Statutes, is amended to read:

489.111 Licensure by examination.—

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

(a) Is 18 years of age;

(b) Is of good moral character; and

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

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination under s. 489.113(1) is eligible for a license under this section.

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

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits

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

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class B contractor license after passing or having previously passed the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor

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is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

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d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

7. An applicant may submit an application to the department to take the irrigation contractors' examination after he or she satisfactorily completes 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule.

Section 14. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (r) ~~s. 489.105(3)(a)-(o) and (r)~~ or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a

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state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

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

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

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

Section 15. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors;
grandfathering provisions.—The board shall, upon receipt of a

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completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(q) ~~s. 489.105(3)(a)-(p)~~.

Section 16. Subsection (2) of section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—

(2) A claimant is not qualified to make a claim for recovery from the recovery fund if:

(a) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(b) The claimant is a licensee who acted as the contractor in the transaction that is the subject of the claim;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The claimant was associated in a business relationship with the licensee other than the contract at issue; or

(f) The claimant had entered into a contract with a licensee to perform a scope of work described in s. 489.105(3)(d)-(r) ~~s. 489.105(3)(d)-(q)~~ before July 1, 2016.

Section 17. This act shall take effect July 1, 2026.