

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

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

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

23 489.105 Definitions.—As used in this part:

24 (3) "Contractor" means the person who is qualified for,
25 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 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)-(q):

(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 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 only up to a beginning at the point within 5 feet of the building for which such system will be installed ~~where the piping is used exclusively for such system.~~

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

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

(3)

(e) "Contractor V" means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service as defined in this act and ending no more than 1 foot above the finished floor. A Contractor V may inspect underground piping for a water-based fire protection system under the direction of a Contractor I or Contractor II. A Contractor V who is also a licensed underground utility and excavation contractor, as defined in s. 489.105(3)(n), may fabricate, install, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent up to a point within 5 feet of the building for which the fire protection system will be installed or up to the fire riser inside the building and ending no more than 1 foot above the finished floor.

This subsection may not be construed to include engineers or architects within the defined terms and does not limit or prohibit a licensed fire protection engineer or architect with fire protection design experience from designing any type of fire protection system. A distinction is made between system

101 design concepts prepared by the design professional and system
102 layout as defined in this section and typically prepared by the
103 contractor. However, a person certified under this chapter as a
104 Contractor I or Contractor II may design new fire protection
105 systems of 49 or fewer sprinklers; may design the alteration of
106 an existing fire sprinkler system if the alteration consists of
107 the relocation, addition, or deletion of 49 or fewer sprinklers,
108 notwithstanding the size of the existing fire sprinkler system;
109 and may design the alteration of an existing fire sprinkler
110 system if the alteration consists of the relocation or deletion
111 of 249 or fewer sprinklers and the addition of up to 49
112 sprinklers, as long as the cumulative total number of fire
113 sprinklers being added, relocated, or deleted does not exceed
114 249, notwithstanding the size of the existing fire sprinkler
115 system, if there is no change of occupancy of the affected
116 areas, as defined in the Florida Building Code and the Florida
117 Fire Prevention Code, and there is no change in the water demand
118 as defined in NFPA 13, "Standard for the Installation of
119 Sprinkler Systems," and if the occupancy hazard classification
120 as defined in NFPA 13 is reduced or remains the same as a result
121 of the alteration. Conflicts between the Florida Building Code
122 and the Florida Fire Prevention Code shall be resolved pursuant
123 to s. 553.73(1)(d). A person certified as a Contractor I,
124 Contractor II, or Contractor IV may design a new fire protection
125 system or design the alteration of an existing fire protection

126 system, the scope of which complies with NFPA 13D, "Standard for
127 the Installation of Sprinkler Systems in One- and Two-Family
128 Dwellings and Manufactured Homes," as adopted by the State Fire
129 Marshal, notwithstanding the number of fire sprinklers.

130 Contractor-developed plans may not be required by any local
131 permitting authority to be sealed by a registered professional
132 engineer.

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

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

142 489.117 Registration; specialty contractors.—

143 (1)(a) A person engaged in the business of a contractor as
144 defined in s. 489.105(3)(a)-(o) must be registered before
145 engaging in business as a contractor in this state, unless he or
146 she is certified. Except as provided in paragraph (2)(b), to be
147 initially registered, the applicant must submit the required fee
148 and file evidence of successful compliance with the local
149 examination and licensing requirements, if any, in the area for
150 which registration is desired. An examination is not required

151 for registration.

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

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

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

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

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

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

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

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

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

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

correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) 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 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.

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

230 (d) Any person who is not required to obtain registration
231 or certification pursuant to s. 489.105(3)(d)-(o) may perform
232 contracting services for the construction, remodeling, repair,
233 or improvement of single-family residences, including a
234 townhouse as defined in the Florida Building Code, without
235 obtaining a local license if such person is under the
236 supervision of a certified or registered general, building, or
237 residential contractor. As used in this paragraph, supervision
238 shall not be deemed to require the existence of a direct
239 contract between the certified or registered general, building,
240 or residential contractor and the person performing specialty
241 contracting services.

242 (e) Any person who is not certified or registered may
243 perform the work of a specialty contractor whose scope of
244 practice is limited to the type of work specified under s.
245 489.105(3)(j), (k), or (l) for the construction, remodeling,
246 repair, or improvement of commercial or residential swimming
247 pools, interactive water features as defined in the Florida
248 Building Code, hot tubs, and spas without obtaining a local
249 license or certification as a specialty contractor if he or she
250 is supervised by a contractor who is certified or registered

251 under s. 489.105(3)(j), (k), or (l); the work is within the
252 scope of the supervising contractor's license; the supervising
253 contractor is responsible for the work; and the work does not
254 require certification or registration under s. 489.105(3)(d)-
255 (i), (m)-(o), or s. 489.505. Such supervision does not require a
256 direct contract between the contractor certified or registered
257 under s. 489.105(3)(j), (k), or (l) and the person performing
258 the work, or for the person performing the work to be an
259 employee of the contractor certified or registered under s.
260 489.105(3)(j), (k), or (l). This paragraph does not limit the
261 exemptions provided in s. 489.103 and may not be construed to
262 expand the scope of a contractor certified or registered under
263 s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical
264 services for which certification or registration is required by
265 this part or part II.

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

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

272 (1) It is unlawful for a person to engage in the business
273 or act in the capacity of a contractor of automatic fire
274 sprinkler systems for one-family dwellings, two-family
275 dwellings, and mobile homes without having been duly certified

and holding a current certificate as a Contractor I, Contractor II, or Contractor IV as defined in s. 633.102.

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

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

(2)(a) Examinations shall be administered by the division and held at times and places within the state as the division determines, but there shall be at least two examinations a year. Each applicant shall take and pass an objective, written examination of her or his fitness for a certificate in the class for which the application is requested. There shall be a type of examination for each class of certificate for contractors as defined in s. 633.102. The examination must test the applicant's ability to lay out, fabricate, install, alter, repair, and inspect fire protection systems and their appurtenances and must test the applicant's fitness in business and financial management. The test must be based on applicable standards of the National Fire Protection Association and on relevant Florida and federal laws pertaining to the construction industry, safety standards, administrative procedures, and pertinent technical data.

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