

Department of Business and Professional Regulation  
Construction Industry Licensing Board  
Declaratory Statements

last updated July 10, 2017

Subject	Findings of Facts	Conclusion	Number	Petitioner	File Date
Accessory Use Structures	Petitioner asked the Board whether construction of an accessory use structure is within the scope of a Residential Contractor when the parcel does not and will not have a residence	Pursuant to Chapter 489, Part I, section 489.105, Residential Contractors services are limited to construction, repair, and improvement of accessory use structures in connection with residences. Therefore, the Board hereby issues a Declaratory statement that a residential contractor may not construct an accessory use structure unless it is in connection with a residence as listed in Section 489.105 (3)(c).	<a href="#">2010-059</a>	Devon Higginbotham	12/2/2010
Accessory Use Structures	Petitioner asks the Board whether a building department may issue a permit to a locally licensed contractor to construct a single family accessory building such as a detached metal carport on a slab if the construction is within the scope of the local license.	Pursuant to Section 489.105, Florida Statutes, a registered contractor fulfills the competency requirements for the jurisdiction where the registration was issued and may only contract in such jurisdiction. Therefore, the Board hereby issues a declaratory statement that yes, a locally licensed contractor may obtain a permit to construct a single family accessory building such as a detached metal carport on a slab if the construction is within the scope of the local license.	<a href="#">2011-033</a>	Putnam County Planning and Development Services	7/12/2011
Air Conditioning	Can they install solar water heating systems with a certified class A air conditioning contractor's license	No; mechanical and air conditioning contractors are not permitted to install solar water heating systems	<a href="#">2009-021</a>	Mid-Florida Heating and Air, Inc	9/4/2009
Air Conditioning	Petitioner asks the Board whether a license is required for technicians to investigate the cause and origin of damage to HVAC units and to prepare a written report with their findings.	The board hereby issues a declaratory statement that an air conditioning contractor's license is required to perform the services described in the petition.	<a href="#">2012-082</a>	Lightning Investigations, LLC	1/3/2013
Air Conditioning Contractor (Class A & Class B)	The petitioner asks the Board whether a licensed Class A or Class B air conditioning contractor can contract and install a heat pump for a swimming pool or spa.	The board hereby issues a declaratory statement that the petitioner cannot contract and install a heat pump for a swimming pool under his certified air conditioning contractor's license	<a href="#">2012-024</a>	Jeff Tawney, AquaCal Auto Pilot, Inc.	4/27/2012
Air Conditioning Contractor (Class B)	Petitioner asks the Board whether replacement of a water cooled 2-ton unit which is connected to the riser of a 500-ton water cooling tower is within the scope of a Class B contractor	The board hereby issues a declaratory statement replacement of a water cooled 2-ton unit, which is connected to the riser of a 500-ton water cooling tower, is within the scope of a Class B air conditioning contractor	<a href="#">2011-083</a>	Pete Quintella, City of Miami Beach Building Department	2/7/2012
Air Conditioning Contractor (Class B)	Petitioner asks the board whether it is in the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower; to replace a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling tower; and to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower	The board hereby issues a declaratory statement that it is outside the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower. Replacement of a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling is permissible with the contractor's scope, but it is outside the contractor's scope to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower.	<a href="#">2012-061</a>	Pete Quintella, City of Miami Beach Building Department	10/19/2012

Air Conditioning Contractor (Class B)	Petitioner asks the Board whether a class b air-conditioning contractor, as defined in Section 489.105 (3)(g), Florida Statutes, can contract to perform, and perform, maintenance, service, and make repairs to the evaporator, compressor, condenser, coils, and other components of the refrigerant system of a swimming pool/spa heat pump.	The board hereby issues a declaratory statement that the petitioner can contract to perform, and perform, maintenance, service, and make repairs to the evaporator, compressor, condenser, coils, and other components of the refrigerant system of a swimming pool/spa heat pump.	<a href="#">2014-060</a>	Larry Frankling/Star Air Conditioning & Heating, LLC	8/5/2014
Air Conditioning Contractor (Class B)	The petitioner asks the Board to define "25 tons in one system" in the execution of contracts as referenced in 489.105(3)(g), F.S.	The board hereby issues a declaratory statement that the '25 tons in any one system' means, considered on a per-unit basis, each unit must be within 25 tons.	<a href="#">2015-098</a>	Jacob Ragsdale	11/6/2015
Air Conditioning/PlumbingMechanical	Whether the service of LP gas appliances is within the scope of either a plumbing, air conditioning class A or B, or mechanical license.	Pursuant to section 489.105, Florida Statutes, plumbing, air conditioning class A & B, and mechanical licensees are allowed to disconnect, reconnect, and repair LP appliances. Therefore, the board issues a declaratory statement that service of LP appliances, including disconnect, reconnect, and repair are within the scope of practice of certified plumbing, air conditioning class A & B, and mechanical contractors	<a href="#">2010-047</a>	Jacqueline Watts	2/1/2011
Air Conditioning/PlumbingMechanical	Is the venting of carbon monoxide, which is part of the installation and servicing of LP Gas appliances, within the scope of Class A & B Air Conditioning/Mechanical contracting licensing? Is the connecting and disconnecting of LP Gas appliances during changeouts, installation or service withing scope of a plumbing contractor? Is the installation or servicing of "outdoor" LP Gas piping within the scope of a plumbing contractor?	Yes on all counts	<a href="#">2005-031</a>	Jacqueline Watts	9/8/2005
Appliance Repair	Petition asks the Board whether a license is required for work on medium, low, and ultralow temperature equipment located in hospitals, laboratories, research facilities, and on highly specialized cooling equipment for the U.S. Government	The board hereby issues a declaratory statement that a license is not required to service an appliance as described that is designed to be plugged into an electrical socket when the appliance is not part of the structure.	<a href="#">2012-079</a>	Dennis J. Haggerty	1/3/2013
Appliance Repair	Petitioner asks the board whether a plumbing license is required for the removal and replacement of dishwasher appliances.	The board hereby issues a declaratory statement that a plumbing license is not required to replace dishwashers.	<a href="#">2013-004</a>	Barry Conley	3/4/2013
Building Contractor	Petitioner asks the board whether a certified building contractor may erect a brand new building. Petitioner indicates that most projects are single story, 3000 square foot stores.	Therefore, the board hereby issues a declaratory statement that the definition of "building contractor" in Section 489.105(3)(b), F.S., includes the ability to construct new buildings as described in the Petitioner's request for a declaratory statement.	<a href="#">2014-021</a>	Ricki Moran	5/23/2014
Building Contractors	Petitioner asks the Board whether the installation of windows and doors in buildings greater than 3 stories in height is within the scope of a building contractor	Pursuant to section 489.105, F.S., building contractors are permitted to perform remodeling, repair, or improvement of any size building if the services do not affect the structural members of a building. Therefore, the Board hereby issues a declaratory statement that a building contractor may install non-structural, non-load-bearing windows and doors in buildings greater than 3 stories in height, pursuant to section 489.105 (3)(c), F.S.	<a href="#">2010-063</a>	Bruce Landers	10/15/2010
Building Contractors	Petitioner asks the board whether a building contractor can install a pool lift by drilling into the existing pool deck, installing a socket, and providing an independent water supply.	Pursuant to section 489.105 (3), Florida Statutes, the requested pool services are outside the scope of work of a building contractor. Therefore, the Board hereby issues a declaratory statement that a building contractor is not licensed to install a pool lift as described in the petition.	<a href="#">2011-073</a>	Ted Bickoff	11/14/2011

Cell Towers	Can a building contractor construct cell towers up to 250 feet in height?	No, a cell construction of a cell tower up to 250 feet in height exceeds the scope of services of a building contractor as defined by 489.105(3)(b)	<a href="#">2005-029</a>	Gilly Development and Wesley Power	6/28/2005
Chickee	Petitioner asks the board whether Miccosukee and Seminole Tribal members are exempt from licensure when contracting with consumers off the reservation to build "chickee."	Therefore, the board hereby issues a declaratory statement that Miccosukee and Seminole Tribal members must be properly licensed for building a "chickee" not within the boundaries of the reservation	<a href="#">2013-091</a>	City of Port St Lucie Building Department	12/26/2013
Chimney and smokestack repair, maintenance, inspection, and demolition	Is there a license requirement; services also include masonry restoration, lining installations, cleaning, waterproofing, and coating applications on industrial chimneys, smokestacks, and similar structures	A division 1 contractor's license is required to perform chimney work, with the correct license to the height and type of the related structure, except where works falls within a division 2 license	<a href="#">2010-006</a>	Gerard Chimney Company	7/6/2010
Construction Manager	Petitioner asks the Board whether Construction Management as a service the oversees the management of construction activities on a given project is the exclusive purview of a licensed contractor, or whether this service can be performed by an unlicensed individual or entity.	Pursuant to Section 489.105 (3), Florida Statutes, a license is required to contract to perform construction. Therefore, the Board hereby issues a declaratory statement Construction Management as a service that oversees the management of construction activities on a given project is the exclusive purview of a licensed contractor. Further, construction management, as described herein, cannot be performed by an unlicensed individual or entity	<a href="#">2011-082</a>	Paul Del Vecchio	12/29/2011
Continuing Education Course	Purchased a computer aided residential drafting program called "softplan" and found out course was not acceptable	Board determined that petitioner was asking for a relief from additional credit due since he had to retake a CE course that had already been credited for the renewal cycle. The board awarded the petitioner the additional 7 credits	<a href="#">2006-001</a>	Christopher Paoli	7/6/2006
Contractor submitted drawings, specifications, plans for permitting single and two-family dwellings.	Petitioner asks the board (1) whether a contractor can submit his or her own site specific drawings, specifications, and plans for permitting single-family and two-family dwellings, or any other structure not exceeding 1,200 square feet or on story in height without a licensed engineer or architect signing and sealing the drawings, and (2) whether building officials have basis to reject, other than for good cause, such drawings, specifications, or plans.	Therefore, the board hereby issues a declaratory statement that: 1. A contractor can submit his or her own site specific drawings, specifications, and plans for permitting single-family and two-family dwellings, or any other structure not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing the sealing the drawings. 2. Building officials have no basis to reject, other than for good cause, such drawings, specifications, or plans.	<a href="#">2014-015</a>	Carl L Jones	5/4/2014
Cooling Towers	Whether the construction, installation and repair of Evap Tech's cooling towers are considered and subject to the licensing requirements.	Requires a Class A or B air conditioning or mechanical contractor's license	<a href="#">2005-034</a>	Evap Tech, Inc	1/20/2006
Cooling Towers	Petitioner asks the Board whether a license is required to install plastic baffle material for use in existing cooling towers, including removal of approximately 20% of the original cooling media.	Pursuant to section 489.105, Florida Statutes, a contractor is the person qualified and responsible to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure. Therefore, the Board hereby issues a declaratory statement that a contractor's license is required for the installation of plastic baffle material to an existing cooling tower as described in the petition	<a href="#">2011-090</a>	Jim Phelps, Phelps Engineering Company	2/7/2012
Drilling Companies	Is there a license requirement when scope of work is to assist the General Contractor to excavate the roadway to a tunnel; construct a zone of strenthened soil at the tunnel entry point, perform shallow soil mixing, stabilize soil, install tie down anchors	A person who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor	<a href="#">2010-055</a>	Malcolm Drilling	9/22/2010

Dryer Vent Cleaning	Petitioner asks the Board whether dryer vent cleaning, using the method described in his petition, requires a mechanical contractor's license.	The Board hereby issues a declaratory statement that because there is no disassembly of the dryer exhaust system in order to clean the dryer vent using the method described, a mechanical contractor's license is <u>not necessary</u> .	<a href="#">2014-125</a>	James R. Adams	1/30/2015
Electronic Leak Detection (Pools)	Petitioner asks the Board whether Sections 489.105 (3)(j), (k), and (l), Florida Statutes, allow him to perform electronic leak detection.	The Board hereby issues a declaratory statement that it did not find facts supporting the need for a license.	<a href="#">2014-050</a>	Walter Fitzpatrick	7/8/2014
Exhaust Systems	Petitioner asks the Board whether he can be qualified in a specialty category or whether a sheet metal contractor's license is sufficient to perform the installation of vehicle exhaust systems described in the petition.	The Board hereby issues a declaratory statement that a sheet metal contractor's license is required to perform the described vehicle exhaust system installation services.	<a href="#">2012-088</a>	Edward J. Rossman	2/14/2013
Florida Swimming Pool Assoc.	May swimming pool/spa servicing contractors perform the conversion of direct suction public/commercial pools to gravity-fed collection tanks system pools. The work requires the removal of oncrete decks, penetrations of pool structure, installation of piping, collection tanks, filters, and disinfectant devices; may also include cutting or penetrating the pool shell.	A swimming pool/spa servicing contractor can not make any modifications of a swimming pool concrete structure; can not change filtration system from a direct suction type of gravity fed collection tank type system.	<a href="#">2009-064</a>	Rodney S. Fischer	1/7/2010
Gas Line Specialty Contractor	The petitioner asks the Board whether directional drilling as a means of installation is within the scope of practice of a gas line specialty contractor.	Pursuant to section 61G4-15.026, Florida Administrative Code, directional drilling is within the scope of practice of a gas line specialty contractor. Therefore, the Board issues a declaratory statement that the petitioner is licensed, as a gas line specialty contractor, to perform directional drilling as described in the petition.	<a href="#">2010-098</a>	Rowdy Carlton, Eastern Pipeline Construction, Inc.	3/18/2011
General Contractor	The petitioner asks the Board whether a general contractor can shingle the roof of an addition to a house that he did not originally build.	Therefore, the Board hereby issues a declaratory statement that pursuant to 489.113(3)(b), Florida Statutes, a general contractor may not shingle the roof of an addition to a house when the addition is not a <u>new building of his or her own construction</u> .	<a href="#">2014-070</a>	David J. Brogdon/ PRO/MAX CONSTRUCTION LLC	2/11/2015
General Contractor	The petitioner asks the Board whether the company's general contractor's license is sufficient to perform sponge blasting and the application of a special coating on centrifugal chillers or air conditioning units after they have been disassembled <u>by a mechanical contractor</u> .	Therefore, the Board hereby issues a declaratory statement that the petitioner can perform the described services as long as it subcontracts to a mechanical contractor for the assembly and disassembly of the unit.	<a href="#">2013-019</a>	Blygold Florida, Inc.	5/31/2013
General Contractor	Petitioner asks the board whether his general contractor's license is sufficient to prepare site-specific drawings, specifications, or plans for the design and construction of single-family and two-family dwellings; swimming pools, spas, or screened enclosures; or any other structure not exceeding <u>1,200 square feet or one story in height</u> .	The board issues a declaratory statement that the petitioner can prepare site-specific drawings as specified in Section 489.113, Florida Statutes; and that the square footage of the single-family or two-family dwelling is not limited.	<a href="#">2013-033</a>	Horacia Gonzalez	7/16/2013
General Contractor	Petitioner asks the Board whether a licensed General Contractor is authorized by Florida Statutes to build swimming pools and to qualify a Florida business under the same category license.	The Board hereby issues a declaratory statement that a licensed general contractor is not authorized by Florida Statutes to build swimming pools and to qualify a Florida business under the same category license.	<a href="#">2014-041</a>	Igui Pools USA, LLC	7/8/2014
General Contractor	Petitioner asks the Board whether a contract for electrical or low voltage work can be awarded to a "general contractor," provided the general contractor subcontract the work to an appropriately licensed electrical or low voltage subcontractor.	The Board hereby issues a declaratory statement that a contract for electrical or low voltage work can be awarded to a "general contractor," provided the general contractor subcontract the work to an appropriately licensed electrical or low voltage subcontractor.	<a href="#">2015-009</a>	James R. Johannessen	3/30/2015
General Contractor	Petitioner asks the board If a licensed contractor enters into a direct contract with a licensed interior designer, is he/she <u>aiding and abetting unlicensed activity?</u>	The Board hereby issues a declaratory statement and answers the second question in the affirmative.	<a href="#">2016-097</a>	Paul Del Vecchio	3/2/2017

General or Building Contractor	Petitioner asks the board whether a general or building contractor can subcontract to an unlicensed contractor.	Therefore, the board issues a declaratory statement that a general or building contractor cannot subcontract to an unlicensed contractor.	<a href="#">2014-009</a>	City of Port St Lucie	5/23/2014
Heat Pump Pool Heaters	Petitioner asks the board whether the servicing and repairing of heat pump pool heaters falls within the scope of his contractor's license.	Therefore, the board hereby issues a declaratory statement that he can service and repair heat pump pool heaters as long as he does not remove what is there or install new heaters	<a href="#">2014-006</a>	Air Plus/ William Hixon	5/5/2014
Home Inspector Services	Petitioner asks the board whether home inspection services are within the scope of licensure of a Certified Division I contractor, provided the Division I contractor is not holding themselves out specifically as a home inspector	The board hereby issues a declaratory statement that home inspection services as described in the petition are within the scope of licensure of a Certified Division I contractor, provided the Division I contractor is not holding themselves out specifically as a home inspector licensed under Chapter 468, Florida Statutes	<a href="#">2012-010</a>	Robert J. Koning	5/16/2012
Home Warranty Services	The petitioner asks the Board whether it must obtain an air conditioning or mechanical contractor's license to market and sell a program of air conditioning maintenance services as described in the petition.	The Board hereby issues a declaratory statement that a contractor's license is not required for Petitioners to offer the services described in the petition in the capacity of a home warranty and service warranty association licensed under Chapter 634, Florida Statutes, including arranging for and compensating licensed contractors for warranty work, so long as Petitioners do not contract for or attempt to control the means and methods of construction for any additional services not included under the warranty, for which the homeowner must hire and compensate the contractor of its choosing. The board defers jurisdiction to the appropriate agency to determine whether Petitioners are properly licensed under Chapter 634, Florida Statutes, and the limitations therein.	<a href="#">2011-084</a>	Homesure of America, Inc. d/b/a Cross Country Home Services, Inc.	7/27/2012
HVAC Air and Hydronic Systems	Is testing, adjusting and balancing of HVAC air and hydronic systems within the scope of a Class A/B Air Conditioning and Mechanical contracting license	Yes	<a href="#">2005-050</a>	T. Gregory Lang	4/12/2006
Interior finish platers to pools	Petitioner asks the board to interpret Section 489.113, Florida Statutes, as it relates to subcontracting the application of the interior finish plaster to pools	Therefore, the board hereby issues a declaratory statement that county licensed contractors can be subcontracted to apply the interior finish plaster to pools, as long as the issuing agency permits that work under their licensing	<a href="#">2013-059</a>	Phoebe Menzer and Flamingo Pool and Spa Inc	10/31/2013
Irrigation Contractors	The petitioner asks the Board whether the scope of work of an irrigation contractor is regulated under Chapter 489, Florida Statutes, so long as the backflow preventer is installed	Pursuant to section 489.105, Florida Statutes, there is no state license category encompassing irrigation contractors as described by the petition.	<a href="#">2011-039</a>	Erin L Sims/David Fifner, Esq.	7/12/2011
Joint Ventures	Petitioner asks the Board whether a joint venture that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a response to an RFQ that contains no construction cost or compensation information	The board hereby issues a declaratory statement that a joint venture that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a response to an RFQ that contains no construction cost or compensation information	<a href="#">2012-066</a>	Hoar Construction	10/19/2012
Licensing Exemption for a natural gas transmission company	Petitioner asks the board whether they are exempt from having a license in Florida if they are working for a natural gas transmission company.	Therefore, the board issues a declaratory statement that the licensing exemption does not apply to the employees of Iron Horse Energy Services.	<a href="#">2014-020</a>	Iron Horse Energy Services	5/23/2014

Marine Specialty Contractors	Petitioner asks the Board whether Lake County may locally register and license marine specialty contractors, and if so, whether locally registered marine specialty contractors are required to register with the Board	Pursuant to section 489.117 (4)(a), F.S., a locally licensed person who job scope does not substantially correspond to that of a certified specialty contractor established by Board rule is not required to register with the Board to perform within the respective job scope. Therefore, the Board hereby issues a declaratory statement the Lake County may locally register and license marine specialty contractors, and those locally registered marine specialty contractors are not required to register with the Board.	<a href="#">2010-084</a>	Edmund Dagner, Lake County Building Department	2/18/2011
Marine Specialty Contractors	Petition asks the Board whether his license as a certified marine contractor is sufficient to perform the work he has described in the petition; whether his license allows him to construct a 12' clear width bridge that allows pedestrians and park maintenance vehicles access to park grounds (not a bridge intended for high traffic volume public vehicular traffic), for a project that does not require DOT pre- <del>qualifications</del>	The board hereby issues a declaratory statement that the work as outlined in the petition is within the scope of work of the certified marine contractor's license.	<a href="#">2013-018</a>	Jeremy Earl	5/10/2013
Mechanical Contractor	Petitioner asks the Board whether a Mechanical Contractor or Class A or B Air Conditioning Contractor can install, remove or replace the air conditioning control wiring used to shut down air conditioning equipment by duct detectors in systems that are controlled by a Fire Control Panel	The Board hereby issues a declaratory statement that either a Mechanical Contractor or Class A or B Air Conditioning Contractor can install, remove or replace the air conditioning control wiring used to shut down air conditioning equipment by duct detectors in systems that are controlled by a Fire Control Panel	<a href="#">2014-128</a>	Rolando Soto, Broward County Board of Rules and Appeals	2/11/2015
Mechanical Contracting	Can they install solar water heating systems with a certified <u>class A air conditioning contractor's license</u>	No; mechanical and air conditioning contractors are not <u>permitted to install solar water heating systems</u>	<a href="#">2009-021</a>	Mid-Florida Heating and Air, Inc	9/4/2009
Mechanical Contractor	The petitioner asks the board whether a certified mechanical contractor may install lift stations.	Pursuant to section 489.105, Florida Statutes, a plumber is required to connect the required sanitary lines for the lift station. Therefore, the Board issues a declaratory statement that a mechanical contractor may not hook up sanitary or sewer lines, but could potentially be allowed to operate as the prime contractor for such a job, provided the requirements to operate as a prime contractor were met pursuant to <del>Chapter 489, Florida Statutes</del>	<a href="#">2011-004</a>	Steven Markel, Complete Environmental Solutions	3/18/2011
Mechanical insulation	What type of license is necessary for the installation of mechanical installation on piping, plumbing, HVAC ducts, equipment, boilers, and other applications where mechanical <u>insulation is used</u>	A Class A or B Air Conditioning, Mechanical, or Plumbing contractor's license is necessary	<a href="#">2005-011</a>	Timothy J. Settles	6/28/2005
Mold Related Services	Petitioner asks the Board whether mold related services including assessment and remediation services are within the scope of a properly licensed Division I contractor, pursuant to Chapter 489, Florida Statutes.	Pursuant to section 489.105 (3), Florida Statutes, Contractor means the person who constructs, repairs, alters, remodels, adds to, demolishes, subtracts from, or improves 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 subsequent paragraphs of the subsection. Therefore, the Board hereby issues a declaratory statement that mold remediation and assessment services are within the scope of a Division I contractor as long as the the services are otherwise related to the contractor's scope of work. Division II is no addressed with this	<a href="#">2011-049</a>	Robert J. Koning	10/12/2011

Plumbing contractor	May a municipality pull a permit and perform the installation or replacement of a back flow device on private property on the customers side of the water meter as an exemption	Section 489.105(3)(m), provides that the installation and repair work described are within the scope of a plumbing contractor. The exemption in 489.103(3), applies to work on government and government controlled property.	<a href="#">2009-006</a>	Ronald Posey	5/28/2009
Plumbing contractor	Can they condemn, remove, and replace a heating element and thermostat on an electric water heater	Yes these services are within their scope of work	<a href="#">2009-047</a>	James Flaherty	11/16/2009
Plumbing contractor	The Petitioner asks the board whether plumbing contractors are allowed to run LP piping.	The Board hereby issues a declaratory statement that pursuant to section 489.105 (1)(m), F.S., liquid petroleum pipe installation is within the scope of a certified plumbing contractor.	<a href="#">2010-077</a>	Sandy Robinson, Putnam County Planning & Development Services	12/27/2010
Plumbing Contractor	The Petitioner asks the Board whether a plumbing contractor can install and design supply wells	Pursuant to section 489.105 (3)(m), F.S., design and installation of supply wells are within the scope of practice for a certified plumbing contractor. Therefore, the Board hereby issues a declaratory statement that a certified plumbing contractor can install and design supply wells.	<a href="#">2010-083</a>	Teddy Medsker	2/18/2011
Plumbing Contractor	The Petitioner asks the Board whether a contractor's license is required for sewer and drain cleaning, TV pipeline inspection, and private utility locating.	The Board hereby issues a declaratory statement that a plumber's license is required to perform the described work because it requires entry into the sanitary sewer lines.	<a href="#">2012-027</a>	Derek A. Pratt	4/27/2012
Plumbing contractor	Petitioner asks the board whether a plumbing contractor can install a solar water heating system, which includes the flat plate thermal collector, to the roof of a house.	Therefore, the board hereby issues a declaratory statement that a plumbing contractor cannot install a solar water heating system which includes the flat plate thermal collector to the roof of a house.	<a href="#">2013-113</a>	Sun Star Energy, LLC	2/3/2014
Plumbing Contractor	Petitioner asks the board whether a solar permit issued to a certified plumbing contractor must be accompanied by a sub permit from a roofing contractor or solar contractor to perform work	The Board hereby issues a declaratory statement that a plumbing contractor cannot install a solar water heating system to the roof of a house.	<a href="#">2013-098</a>	Tryon Plumbing Inc	2/3/2014
Plumbing Contractor	Petitioner ask the Board whether the words "fuel oil and gasoline piping and tank and pump installation, except bulk storage plants" in section 489.105(3)(m), Florida Statutes, implies that a Plumbing Contractor License is sufficient to install diesel fuel piping and tanks, including the installation of the tank, filter, day-tanks, piping and pumps.	The Board hereby issues a declaratory statement that the words "fuel oil and gasoline piping and tank and pump installation, except bulk storage plant" in section 489.105(3)(m), Florida Statutes, imply that a Plumbing Contractor License is sufficient to install diesel fuel piping and tanks, including the installation of the tank, filter, day tanks, piping and pumps.	<a href="#">2015-026</a>	Robert Solliday Jr.	6/25/2015
Plumbing Fixtures	Does a person who engages in changing out plumbing fixtures, such as faucets and toilets, and cleans out clogged drains need a state license	Yes this scope of work requires a plumbing license, subject to the "handyman" exemption stated in 489.103(9)	<a href="#">2007-021</a>	Wayne Eseltine	9/19/2007
Pneumatic Tube Systems	Petitioner asks the board whether a subcontractor, hired by a Florida Certified Licensed Contractor for the installation of pneumatic tube systems only, does the Company have to be a Florida certified licensed plumbing or mechanical contractor	Therefore, the board hereby issues a declaratory statement that a company, working as a subcontractor to install pneumatic tube systems must be a Florida certified licensed plumbing contractor.	<a href="#">2013-091</a>	Transcan Mechanical LLC	2/3/2014
Pollutant Storage Systems Contractor	Petitioner asks the Board whether his Certified Pollutant Storage System Contractor License covers the installation, maintenance, repair, alteration, extension, or design and use of materials and items in the installation, maintenance, extension, and alteration of, natural gas fuel tanks/systems.	The Board hereby issues a declaratory statement that the Petitioner's Certified Pollutant Storage System Contractor License does not cover the installation, maintenance, repair, alteration, extension, or design and use of materials and items in the installation, maintenance, extension, and alteration of, natural gas fuel tanks/systems.	<a href="#">2014-054</a>	Matthew Thomas Roller	8/5/2014
Pollutant Storage Systems Contractor	Petitioner asks the board whether they can construct or alter aviation hydrant fueling systems at airports that are tied to an above ground storage tank fuel distribution system.	Therefore, the board hereby issues a declaratory statement that the work is not within the scope of their license. A plumbing or mechanical license is required for distribution.	<a href="#">2014-022</a>	Mike Fossett and Kear Civil Corporation	5/23/2014

Pool cleaning and water treatment is limited to cleaning by chemical means	Introduction of chemicals into the pool/spa water by pouring liquid directly into pool/spa, broadcasting of particulates, or direct infusion of chlorine gas by a portable device not attached to the pool/spa equipment, or placing tablets into independent devices which free float into the pool/spa does not constitute contracting.	Does not constitute contracting	<a href="#">94-05259</a>	Cepcot Corp	9/2/1994
Power Generation Equipment	Petitioner asks the Board whether an electrical power generation company can contract with a licensed construction company to install, repair, upgrade, etc heat recovery steam generators (HRSG), boilers, pressure vessels, and related ancillary power generation equipment and which license is required.	Pursuant to section 489.105, Florida Statutes, a general contractor may contract for any activity under Chapter 489, Florida Statutes, and may perform any work as described under section 489.113, Florida Statutes. Therefore, the board hereby issues a declaratory statement that to install, repair, upgrade, heat recovery steam generators (HRSG), boilers, pressure vessels, and related ancillary power generation equipment a general contractor's license is required, but such services are subject to the subcontracting requirements of Chapter 489, Florida	<a href="#">2011-032</a>	Vogt Power International	7/12/2011
Pre-fabricated fiberglass, above-ground storage tanks for industrial applications	Petitioner manufactures the storage tanks off-site, and then delivers, places, and assembles the tanks on-site upon a concrete surface, without connecting to any other structure	A contractor's license is not required for the delivery of construction equipment and materials when the items are fabricated off-site and delivered to the site, including placement and assembly at the site	<a href="#">2008-063</a>	Tankinetics, Inc	12/4/2008
Pumping Tanks	City proposes to install, operate and maintain pre-treatment effluent pumping tanks. These are not septic tanks and are used for the treatment of wastewater. Should this be done by an underground utility and exc. Contractor?	If the city subcontract; it must subcontract to an underground utility and exc. Contractor or plumbing contractor. If done by a City employee, the work falls into the exemption listed as 489.103(3) and can be done without a licensed contractor.	<a href="#">2004-025</a>	City of Palm Coast	12/17/2004
Registered Contractors	License requirements for state registered contractors	Contractors are required to comply with all local licensing requirements. In order for local jurisdiction to issue new certificates of competency there must be local disciplinary control. The department may pursue a complaint where a local enforcement body does not have jurisdiction.	<a href="#">2007-066</a>	Anthony C. Apfelbeck	6/20/2008
Repair or replacement of an existing backflow preventer	Petitioner asks the board whether a business is required to hold a contractor's license to replace or repair an existing backflow preventer on a water service line in which the aggregate contract price for labor, materials and all other items is less than \$1,000.00.	The exemption in Section 489.103(g), F.S., may be available if the work is a casual, minor, or inconsequential nature. However, Rule 61G4-12.011(2), F.A.C., provides that this exemption is not applicable to any work affecting life-safety matters. The board finds that any repair or replacement of an existing backflow preventer on a water service line is a life-safety matter. Therefore, the board hereby issues a declaratory statement that a contractor's license would be required to replace or repair an existing backflow	<a href="#">2013-088</a>	City of Tallahassee	2/3/2014



Residential Contractor	Petitioner asks the Board whether a state certified residential contractor can work for a general contractor and a cabinet subcontractor, or is the residential contractor unable to work as a subcontractor in light of his state license.	Pursuant to Section 489.113 (2), Florida Statutes, a Division I contractor (General, Building, or Residential) may subcontract to a licensed or unlicensed non-employee independent contractor to perform work under the supervision of the Division I contractor provided the scope of work is within the scope of the Division I contractor's license including in accordance with Section 489.113 (3)(a), Florida Statutes, any construction or alteration of a structural component of a building or structure. This exemption is limited to scopes of work not otherwise requiring a license under any of the categories listed in 489.105 (3)(d)-(o), Florida Statutes. Therefore, the board hereby issues a declaratory statement that the general contractor can subcontract work to those competent to perform it, and the residential contractor's license does not preclude a person from working for a general contractor.	<a href="#">2011-079</a>	Mark A. Annunziata	12/29/2011
Roof repair/partial replacement of roof	Petitioner asks the Board whether an unlicensed person can perform roof repair or partial replacement whereby labor and materials are less than \$1000.00.	Pursuant to section 489.103 (9), Florida Statutes, the work under exemption must be of a casual, minor, or inconsequential nature. Rule 61G4-12.011 lists activities which are not of a casual, minor, or inconsequential nature, including work for which a building permit is required and any work affecting life-safety matters as defined in the applicable building code. Therefore, the Board hereby issues a declaratory statement that any work that relates to the building envelope or would require a building permit because it is a life safety issue requires a licensed contractor, answering the question in the negative.	<a href="#">2011-038</a>	Putnam County Planning and Development Services	7/12/2011
Roofing Contractor	Petitioner asks the Board whether he is properly licensed to install a solar-powered attic fan.	Pursuant to section 489.105, Florida Statutes, "Roofing Contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during the roof repair or replacement. Therefore, the Board issues a declaratory statement that installation of a self contained modular unit supplied from the manufacturer as described in the petition is within the scope of a roofing contractor.	<a href="#">2011-066</a>	Jeffrey Mahlstedt	10/17/2011
Sheet Metal Contractor	Does 489, require that a state licensed sheet metal contractor subcontract the installation of a steel roof curb when the sheet metal contractor installs a hood exhaust system	No	<a href="#">2005-062</a>	Mark Pietanza	4/7/2006

Skylights/Roofing Contractors	Petitioner asks the Board whether a roofing contractor is licensed to install sun tunnel tubular skylights.	Pursuant to section 489.105, Florida Statutes, roofing contractor means a contractor whose services are unlimited in the roofing trade and who can install, maintain, repair, alter, extend, and design when not prohibited by law. Therefore, the Board hereby issues a declaratory statement that skylights and solar tunnels may be installed by a roofing contractor so long as no structural members are modified during the installation.	<a href="#">2011-040</a>	Jeffrey Mahlstedt	7/12/2011
Solar Contracting	Petitioner asks the Board whether a licensed general contractor must be a certified or registered solar contractor or contract with a solar contractor in order to apply Tile Integrated Photovoltaics (T.I.P.V.) to roofing	Pursuant to Section 489.105 (3)(O), Florida Statutes, a contractor is not required to become a solar contractor or to contract with a solar contractor to provide services that are otherwise within such contractor's scope of services. Therefore, the Board hereby issues a declaratory statement that a Division I contractor, a roofing contractor, or a solar contractor may provide the services described in the second tabbed paragraph of the Petition.	<a href="#">2011-060</a>	Alejandro Arguelles	9/20/2011
Specialty Contractor	Petitioner asks the board to clarify the scope of work for the tower specialty license.	Therefore, the Board hereby issues a declaratory statement that the new services being provided by the Company, as described in their Petitions, fall under the scope of their present "Tower Specialty" license classification.	<a href="#">2013-070</a>	Utility Service Company Inc	11/27/2013
Specialty Contractor (Glass & Glazing)	Petitioner asks the board whether her state Certified Specialty Contractor license allows her to install steel doors and frames	Therefore, the Board hereby issues a declaratory statement that the Petition is denied because the scope of the question is too broad and insufficient information is given.	<a href="#">2013-060</a>	Lorie Newton and J Newton Enterprises Inc	10/31/2013
Specialty Structure Contractor	Petitioner asks the Board whether a specialty structure contractor can be a primary contractor for certain contracts as described in the petition.	Pursuant to Rule 61G4-15.015 (d), Florida Administrative Code, a specialty structure subcontractor shall subcontract all work incidental to the defined scope that is not within such scope of a specialty structure contractor. Therefore, the Board hereby issues a declaratory statement that a specialty structure contractor may be the primary contractor when any of the subcontracted work is incidental to the work performed by the specialty structure contractor.	<a href="#">2011-092</a>	Arnold M. Verway, Okeechobee County CILB	2/7/2012
Structural asphalt/concrete sub-base and/or synthetic running tracks	Petitioner asks the Board whether there is a licensed required for paving the asphalt/concrete sub-base or for installing synthetic running tracks	Therefore, the board hereby issues a declaratory statement that a state contractor's license is not required for installation of the sub-surface described in the petition. However, construction of any structural work would require a license pursuant to Chapter 489, Part I.	<a href="#">2011-068</a>	Ehren O'Donnell, ATT Sports, Inc.	10/17/2011

Subcontracting	The petitioner asks the board wether a license is required for the petitioner to subcontract with a certified general contractor for the installation of flexible polyvinyl chloride ("PVC") geomembrane and geocomposite lining materials as a water barrier, utilizing stainless steel anchorage batten bars, neoprene sponge rubber gaskets, and thixotropic epoxy water proof sealant. The petitioner asks the board wether a license is required for the petitioner to subcontract with a certified general contractor for the installation of flexible polyvinyl chloride ("PVC") geomembrane and geocomposite lining materials as a water barrier, utilizing stainless steel anchorage batten bars, neoprene sponge rubber gaskets, and thixotropic epoxy water proof sealant.	Section 489.105, Florida Statutes, provides in part, that no person who is not certified or registered shall engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a person who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories listed in s. 489.105 (3)(d)-(o). Therefore, the board hereby issues a declaratory statement that the petitioner is not required to obtain a contractor's license in order to subcontract for a certified general contractor on the project described in the petition. The applicability of this declaratory statement is limited to the set of facts incorporated	<a href="#">2012-025</a>	C.A.R.P.I. U.S.A. Inc.	4/27/2012
Subcontracting	The petitioner asks the board whether any statewide license is required when entering in a subcontract with, and supervised by, a state certified Division I contractor to demolish and remove elements and systems such as sheet metal, mechanical, plumbing, and commercial pool and spa systems that have been previously disconnected and decommissioned by the appropriate Division II contractors	The board hereby issues a declaratory statement that petitioner is not required to have a Division II license when working working under a Division I contractor to demolish and remove elements and systems, after all such items described in the petition are decommissioned by a Division II contractor.	<a href="#">2012-030</a>	Champion Services of Florida, LLC	6/13/2012
Swimming Pool (above ground)	Is an above-ground swimming pool considered a residential pool for purposes of 489.105(3)(k)? Does 489.103(6) exempt above-ground swimming pools from licensure?	A non-permanent, non-fixed above ground pool is not considered a "residential" pool. No license is required	<a href="#">2005-038</a>	William Moseley	10/21/2005
Swimming Pool Contractor (Commercial)	Petitioner asks the Board whether a commercial swimming pool contractor, as part of a project to building a swimming pool deck, can include in the contract the construction of a summer kitchen on the pool deck area as part of his scope of license and subcontract all other necessary work.	Section 489.113 (9)(a), Florida Statutes, states, "This part does not prevent any contractor from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors that remaining work which is part of project contracted." Therefore, the Board hereby issues a declaratory statement that John Garner can be the general contractor as long as the majority of the work is in the scope of his license and he subcontracts the	<a href="#">2013-049</a>	John Garner	8/1/2013
Swimming Pool Contractor (Residential)	Petitioner asks the board whether a contractor may submit his or her own site specific drawings, specifications, and plans for permitting residential swimming pools, spas, or screened enclosures not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawing; and whether building officials can reject such drawings, specifications, or plans when submitted by a properly licensed contractor via a permit application for work that falls within the scope of the contractor's license.	The board hereby issues a declaratory statement that a contractor may submit his or her own site specific drawings, specifications, and plans for permitting residential swimming pools, spas, or screened enclosures not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawing; and building officials cannot reject, other than for good cause, such drawings, specifications, or plans when submitted by a properly licensed contractor via a permit application for work that falls within the scope of the contractor's	<a href="#">2012-077</a>	Artesian Pools	11/2/2012

Swimming Pool Contractor (Residential/Commercial)	Can a residential/commerical swimming pool contractor include in his contract the sale of a screen enclosure which will be subcontracted to an appropriately licensed contractor for installation	489.113(9), if the majority of the work within the contract is within the scope of the residential/commercial swimming pool contractor, that contractor may include in his contract the sale of a screen enclosure, which will be subcontracted out for installation.	<a href="#">2005-066</a>	Dannie Johnson	1/20/2006
Swimming Pool/Spa Servicing Contractor	The petitioner asks the Board whether the license scope of a Pool/Spa Servicing Contractor includes the installation of pool solar heaters	Pursuant to section 489.105 (3)(l), F.S., the scope of work of a certified pool/spa servicing contractor includes the reinstallation or addition of pool heaters. Further, 489.105 (3)(p) provides that the solar contractor classification does not prevent a pool servicing contractor from providing services within the pool servicing contractor's respective classification. Therefore, the Board hereby issues a declaratory statement that a Certified Pool/Spa servicing	<a href="#">2010-081</a>	Marcelo Kronenberg, Richard Conway, The Original Five Star Pools	12/27/2010
Tower Specialty Contractor	The petitioner asks the Board whether the addition of antennae alters a communication tower such that a tower specialty license is required to attach the antennae.	Pursuant to Section 61G4-15.034, Florida Administrative Code, a tower specialty contractor is certified to perform work involving the construction, repair, and alteration of an uninhabitable tower. There, the Board hereby issues a declaratory statement as follows: Additions or attachments that do not affect the structural integrity of a tower are not considered an alteration of the tower pursuant to the Rule.	<a href="#">2011-002</a>	John Lohr, Red Mountain Group	3/18/2011
Underground Contractor	Petitioner asks the board whether a Certified Underground Contractor is licensed to preform work at a reclaimed water treatment plant facility as described in each of the following: a. Bypass pumping of influent sanitary sewer flow; b. Removal and replacement of above ground piping, 16 inch plug valves and mechanical slide with manual actuators and gates; c. Temporary underground piping for bypass pumping; d. Removal, and rehabilitation of above ground concrete channels and grating, including removing fiberglass liner assembly and rehabilitation of concrete surface; e. Application of the manufacturer's certified epoxy coating to above ground concrete channels; and f. Removal and replacement of self-cleaning mechanical bar screens and accessories, e g, float balls, electrical connections and control	The Construction Industry Licensing Board has authority to issue this Final Order pursuant to Section 120 565, Florida Statutes, and Rule 28-105, Florida Administrative Code. Therefore, the Board states that a Certified Underground Contractor do a-e above A certified underground contractor can do f above except for conduit and electrical connections which must be subcontracted.	<a href="#">2013-045</a>	City of Port Orange	11/27/2013
Underground Utility and Excavation Contractor (beyond property line)	Petitioner asks the board whether "at property line" within section 489.105(n), Florida Statutes is intended to prohibit a Underground Utility and Excavation Contractor from continuing beyond the property line to complete the scope of his work, or is it required that a Plumbing Contractor complete the work beyond the property line.	Therefore, the board hereby issues a declaratory statement that either a underground utility and excavation contractor or a plumbing contractor can complete the scope of work beyond the property line, up to 5 feet from the building, or the second meter, whichever is furthest from the property line.	<a href="#">2014-074</a>	Robert McCandless	1/29/2016
Underground Utility & Excavation Contractor	Petitioner asks the Board whether an underground utility and excavation contractors license, as its scope is defined in s.489.105(3)(n), F.S., is required when the only work performed is the installation of casing pipe or conduit accomplished through a trenchless technique such as directional drilling, auger boring, jacking and boring, micro tunneling, pipe ramming, or pilot tube guided boring.	The board answers the question in the affirmative. The applicability of this Declaratory Statement is limited to the set of facts incorporated herein.	<a href="#">2017-007</a>	William Clark Clifford Cryer	6/29/2017

Underground Utility & Excavation Contractor	Petitioner asks the board whether a licensed plumbing contractor is required to install a commercial grease trap.	Therefore, the board hereby issues a declaratory statement that the scope of work depicted in the Petition is acceptable within the scope of work by <u>underground utility and excavation contractor</u>	<a href="#">2013-092</a>	Fred Chesney	12/26/2013
Underground Utility Contractor	As a certified underground utility contractor, may they install combination lines to the "point of service" which is defined as the downstream side of the back-flow assembly	Pursuant to Section 489.105(3)(n), FS, an underground utility contractor is licensed to install water piping except where it is used exclusively for a fire protection system. The board responds in the affirmative.	<a href="#">2010-050</a>	Demay, Inc.	9/7/2010
Underground Utility Contractor & General Contractor	Petitioner asks the Board whether it can, as a certified general contractor and certified underground utility and excavation contractor, contract for the construction of a water treatment plant as described in the petition without possessing a plumbing license or subcontracting such work to a licensed plumber, and whether it can install a bolt-on pre-manufactured blower assembly in the treatment of the plant without possessing an air conditioning contractor's license.	Therefore, the Board hereby issues a declaratory statement that the petitioner has the necessary licenses to install water piping within the water treatment plant and into the distribution systems outside of the water treatment plan, and petitioner has the necessary licenses to install a pre-manufactured blower assembly described in the petition within the Treatment Plant. The applicability of this declaratory statement is limited to the set of facts incorporated	<a href="#">2012-001</a>	Danny Boromei, Close Construction, LLC	3/8/2012
Underground Utility and Excavation Contractor (installation or replacement of water meters)	Petitioner seeks a declaratory statement regarding the phrase "up to and including the meter location," used in 489.105(3)(n), F.S., as it may relate to the replacement of water meters	Therefore, the Board issues a declaratory statement that the installation or replacement of residential water meters is permitted under the scope of practice of the Underground Utility and Excavation Contractor's license	<a href="#">2015-088</a>	National Metering Services, Inc.	9/23/2015
Utility (meter reading)	Petitioner asks the Board whether a license is required under Chapter 489, Part I, to read residential, commercial, and industrial electric, gas, and water meters for utilities.	Pursuant to Chapter 489, Part I, the services in question do not require a contractors license. Therefore, the Board hereby issues a declaratory statement that simple reading of meters does not require a license pursuant to Chapter 489, Part I, <u>Florida Statutes</u>	<a href="#">2010-068</a>	Utility Meter Services, Inc.	11/8/2010
Utility (public utility)	Are individuals or companies contracted to a Public Utility performing the same primary job functions as the utility's employees exempt from licensing requirements under <u>489.103(5)</u>	The exemption found in 489.103(5), applies only to employees of the utility. Any entity contracting with a utility company would not be exempted from licensure requirements	<a href="#">2006-014</a>	Osrose Utilities Services, Inc.	12/27/2006
Utility Sub Meters	Petitioner asks the board whether a contractor's license is required for the installation of utility sub-meters.	Therefore, the Board hereby issues a declaratory statement that a general contractor's license will satisfy the requirements for providing all of the proposed services in the petition, but this statement does not address the requirements for electrical contracting.	<a href="#">2012-007</a>	Ista North America, Inc.	4/20/2012
Water circulating System / Electrical	Is there a license requirement for installation of a self contained water circulating system in a bathtub? Or to make <u>an electrical connection related to hot tubs?</u>	As long as the installer is not tying into a potable water or sewer system no license is required	<a href="#">2007-001</a>	David B. Levesque	4/24/2007
Wheelchair Ramp System	Petitioner asks the board whether their wheelchair ramp system is exempt from the requirements of chapter 489, Florida Statutes	Therefore, the board hereby issues a declaratory statement that the company's wheelchair ramp system is exempt from the requirements of Chapter 489, <u>Florida Statutes</u> for residential installations only	<a href="#">2013-082</a>	Amramp of North and Central Florida	12/26/2013