



**Informal Interpretation Report
Number 7434**



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Section FS489.113(3)

Question:

Is it the intent of FS489.113(3),(3c), to prevent General Contractors from doing all structural work on swimming pools, with structural being defined as all excavation, steel, and concrete, including pool deck and deck finishes? The GC would sub-contract electric and plumbing to appropriately licensed contractors. A pool contractor would then be used for interior finish.

Answer

A formal response to this question would best be addressed through a Declaratory (DEC) statement from the Construction Industry Licensing Board (CILB). As this question involves a direct opinion of the application of a statutory requirement, the body responsible for the application of the wording would be the best body to respond.

With that being said, the intent of this section (FS 489.113 (3),(c)) has been interpreted in the past that a GC would not need to sub-contract out the shell of a pool, perhaps on a highrise building, since it would become part of the building structure itself. The legislators did not specify that the shell had to be part of the building structure as part of the statute allowing a GC to complete the structural shell without the need of a pool contractor.

Commentary:

Florida Statute 489, Part I is fairly clear. A Division I contractor can do anything within the scope of the statute, unless it requires a Division II license holder to perform that work. As an example, a general contractor may be able to dig the trenches and even do the backfill, however, they cannot perform the plumbing work within the trench. This is

only one example. Pools and roofs are areas where overlap may exist as well, however, the Division I contractor is limited as to the extent they may be involved. Again, specific application of this statutory language falls within the purview and responsibility of the CILB.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.