

By Representative Burroughs

1 A bill to be entitled
2 An act relating to the Board of Professional
3 Engineers; creating s. 417.038, F.S.; providing
4 legislative findings and intent; providing
5 definitions; creating the Florida Engineers
6 Management Corporation; providing for the
7 organization, powers, and duties of the
8 corporation; providing an appropriation;
9 providing an effective date.

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

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13 Section 1. Section 471.038, Florida Statutes, is
14 created to read:

15 471.038 Florida Engineers Management Corporation.--

16 (1) SHORT TITLE.--This section may be cited as the
17 "Florida Engineers Management Corporation Act."

18 (2) DEFINITIONS.--As used in this section, the term:

19 (a) "Board" means the Board of Professional Engineers.

20 (b) "Board of Directors" means the board of directors
21 of the Florida Engineers Management Corporation.

22 (c) "Corporation" means the Florida Engineers
23 Management Corporation.

24 (d) "Department" means the Department of Business and
25 Professional Regulation.

26 (e) "Secretary" means the Secretary of Business and
27 Professional Regulation.

28 (3) FINDINGS OF FACT AND LEGISLATIVE INTENT.--

29 (a) It is the finding of the Legislature that the
30 privatization of certain functions that are performed by the
31 department will encourage greater operational and economic

1 efficiency and, therefore, will benefit regulated persons and
2 the public.

3 (b) It is the intent of the Legislature that a single
4 nonprofit corporation be established to provide
5 administrative, investigative, and prosecutorial services to
6 the board and that no additional nonprofit corporation be
7 created for these purposes.

8 (c) It is further the intent of the Legislature that
9 the corporation assume, by July 1, 1998, all duties assigned
10 to it.

11 (4) FLORIDA ENGINEERS MANAGEMENT CORPORATION;
12 ORGANIZATION, POWERS, AND DUTIES.--The Florida Engineers
13 Management Corporation is created to provide administrative,
14 investigative, and prosecutorial services to the board. The
15 corporation may not take final action on license applications
16 or in disciplinary cases or adopt administrative rules under
17 chapter 120. The provisions of s. 768.28 apply to the
18 corporation, which is deemed to be a corporation primarily
19 acting as an instrumentality of the state, but which is not an
20 agency within the meaning of s. 20.03(11). The corporation
21 shall:

22 (a) Be a Florida corporation not-for-profit,
23 incorporated under the provisions of chapter 617.

24 (b) Provide administrative, investigative, and
25 prosecutorial services to the board.

26 (c) Receive, hold, invest, and administer property and
27 make expenditures for the benefit of the board.

28 (d) Be approved by the board and the department to
29 operate for the benefit of the board and in the best interest
30 of the state.

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1 (e) Operate under a fiscal year that begins on July 1
2 of each year and ends on June 30 of the following year.

3 (f) Have a seven-member board of directors, three of
4 whom are to be appointed by the secretary, and four of whom
5 are to be appointed by the board. The members of the board of
6 directors must be registrants regulated by the board. The
7 officers shall select its officers in accordance with the
8 bylaws of the corporation.

9 (g) Operate under a written contract with the
10 department which is approved by the board. The contract must
11 provide for:

12 1. Approval of the articles of incorporation and
13 bylaws of the corporation by the department and the board.

14 2. Submission by the corporation of an annual budget
15 that complies with board rules for approval by the board and
16 the department.

17 3. Annual certification by the board that the
18 corporation is complying with the terms of the contract in a
19 manner consistent with the goals and purposes of the board and
20 in the best interest of the state. This certification must be
21 reported in the board's minutes.

22 4. The reversion to the board, or the state if the
23 board ceases to exist, of moneys and property held in trust by
24 the corporation for the benefit of the board, if the
25 corporation is no longer approved to operate for the board or
26 the board ceases to exist.

27 (h) Provide for an annual financial and compliance
28 audit of its financial accounts and records by an independent
29 certified public accountant in conjunction with the Auditor
30 General. The annual audit report must be submitted to the
31 board and the department for review and approval. Copies of

1 the audit must be submitted to the secretary and the
2 Legislature together with any other information requested by
3 the secretary, the board, or the Legislature. The Auditor
4 General shall conduct a performance audit of the corporation
5 for the period beginning January 1, 1998, through January 1,
6 2000, and thereafter at the request of the Joint Legislative
7 Auditing Committee.

8 (i) Submit to the secretary, the board, and the
9 Legislature, on or before January 1 of each year, a report on
10 the status of the corporation which includes, but is not
11 limited to, information concerning the programs and funds that
12 have been transferred to the corporation.

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14 Corporation records are public records subject to the
15 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
16 Constitution.

17 Section 2. In addition to moneys appropriated for the
18 operation of the State Board of Professional Engineers, the
19 sum of \$800,000 is appropriated from the account of the State
20 Board of Professional Engineers in the Professional Regulation
21 Trust Fund to fund the startup and first year operation of the
22 Florida Engineers Management Corporation.

23 Section 3. This act shall take effect July 1, 1997.

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26 SENATE SUMMARY

27 Creates the Florida Engineers Management Corporation to
28 provide administrative, investigative, or prosecutorial
29 services to the Board of Professional Engineers. Provides
30 powers and duties of the corporation. Provides for
31 reports. Provides an appropriation.