

By Representative J. Miller

1 A bill to be entitled
2 An act relating to regulation of architects and
3 engineers; creating s. 481.25, F.S.; creating
4 the Florida Architects Management Corporation;
5 providing for the organization, powers, and
6 duties of the corporation; creating s. 481.26,
7 F.S.; providing for construction in case of
8 judicial holdings of invalidity; amending s.
9 481.203, F.S.; redefining the terms
10 "certificate of registration" and "certificate
11 of authorization" and defining the term "FAMC";
12 amending s. 481.205, F.S.; exempting members of
13 the Board of Architecture and Interior Design
14 from certain statutory provisions relating to
15 per diem and travel expenses; amending s.
16 481.207, F.S.; revising provisions relating to
17 fees; amending s. 481.213, F.S.; providing for
18 licensure by the corporation; amending s.
19 481.215, F.S.; providing that the corporation
20 is the entity that renews architect licenses;
21 amending s. 481.219, F.S.; providing that the
22 corporation is the entity that certifies
23 partnerships and corporations for the practice
24 of architecture; amending s. 481.225, F.S.;
25 providing for the corporation to reissue an
26 architect license after disciplinary action;
27 amending s. 471.005, F.S.; redefining the terms
28 "certificate of authorization" and
29 "engineering" and defining the term "FEMC";
30 amending s. 471.007, F.S.; exempting members of
31 the Board of Professional Engineers from

1 certain statutory provisions relating to per
2 diem and travel expenses; amending s. 471.011,
3 F.S.; revising provisions relating to fees;
4 amending s. 471.015, F.S.; providing for
5 licensure of engineers by the Florida Engineers
6 Management Corporation; revising education
7 requirements for licensure; amending s.
8 471.017, F.S.; providing that the FEMC is the
9 entity that renews engineer licenses; amending
10 s. 471.021, F.S.; revising provisions relating
11 to temporary certification; amending s.
12 471.023, F.S.; providing that the FEMC is the
13 entity that certifies partnerships and
14 corporations for the practice of engineering;
15 amending s. 471.033, F.S.; providing for the
16 FEMC to reissue an engineer license after
17 disciplinary action; providing an effective
18 date.

19

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

21

22 Section 1. Section 481.25, Florida Statutes, is
23 created to read:

24 481.25 Florida Architects Management Corporation.--

25 (1) This section may be cited as the "Florida
26 Architects Management Corporation Act."

27 (2) As used in this section, the term:

28 (a) "Board" means the Board of Architecture and
29 Interior Design.

30 (b) "Board of directors" means the board of directors
31 of the Florida Architects Management Corporation.

1 (c) "Corporation" means the Florida Architects
2 Management Corporation.

3 (d) "Department" means the Department of Business and
4 Professional Regulation.

5 (e) "Secretary" means the Secretary of Business and
6 Professional Regulation.

7 (3)(a) It is the finding of the Legislature that the
8 privatization of certain functions that are performed by the
9 department for the board will encourage greater operational
10 and economic efficiency and, therefore, will benefit regulated
11 persons and the public.

12 (b) It is the intent of the Legislature that a single
13 nonprofit corporation be established to provide
14 administrative, investigative, and prosecutorial services to
15 the board and that no additional nonprofit corporation be
16 created for these purposes.

17 (c) It is further the intent of the Legislature that
18 the corporation assume, by July 1, 2000, all duties assigned
19 to it.

20 (4) The Florida Architects Management Corporation is
21 created to provide administrative, investigative, and
22 prosecutorial services to the board in accordance with the
23 provisions of part I of chapter 455 and this chapter. The
24 corporation may hire staff as necessary to carry out its
25 functions. Such staff are not public employees for the
26 purposes of chapter 110 or chapter 112. The provisions of s.
27 768.28 apply to the corporation, which is deemed to be a
28 corporation primarily acting as an instrumentality of the
29 state, but which is not an agency within the meaning of s.
30 20.03(11). The corporation shall:

31

1 (a) Be a Florida corporation not for profit,
2 incorporated under the provisions of chapter 617.

3 (b) Provide administrative, investigative, and
4 prosecutorial services to the board in accordance with the
5 provisions of part I of chapter 455 and this chapter.

6 (c) Receive, hold, and administer property and make
7 expenditures for the benefit of the board.

8 (d) Be approved by the board and the department to
9 operate for the benefit of the board and in the best interest
10 of the state.

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

13 (f) Have a seven-member board of directors, five of
14 whom are to be appointed by the board and must be registrants
15 regulated by the board and two of whom are to be appointed by
16 the secretary and must be laypersons not regulated by the
17 board. The corporation shall select its officers in accordance
18 with its bylaws. The members of the board of directors may be
19 removed by the board, with the concurrence of the department,
20 for the same reasons that a board member may be removed.

21 (g) Operate under a written contract with the
22 department which is approved by the board and renewed
23 annually. The initial contract must be entered into no later
24 than March 1, 2000. The contract must provide for:

25 1. Approval of the articles of incorporation and
26 bylaws of the corporation by the department and the board.

27 2. Submission by the corporation of an annual budget
28 that complies with board rules for approval by the board and
29 the department.

30 3. Annual certification by the board and the
31 department that the corporation is complying with the terms of

1 the contract in a manner consistent with the goals and
2 purposes of the board and in the best interest of the state.
3 This certification must be reported in the board's minutes.

4 4. Employment by the department of a contract
5 administrator to actively supervise the administrative,
6 investigative, and prosecutorial activities of the corporation
7 to ensure compliance with the contract and the provisions of
8 part I of chapter 455 and this chapter and to act as a liaison
9 for the department, the board, and the corporation to ensure
10 the effective operation of the corporation.

11 5. Funding of the corporation through appropriations
12 allocated to the regulation of professional architects from
13 the Professional Regulation Trust Fund.

14 6. The reversion to the board, or the state if the
15 board ceases to exist, of moneys and property held in trust by
16 the corporation for the benefit of the board, if the
17 corporation is no longer approved to operate for the board or
18 the board ceases to exist.

19 7. The securing and maintaining by the corporation,
20 during the term of the contract and for all acts performed
21 during the term of the contract, of all liability insurance
22 coverages in an amount to be approved by the department to
23 defend, indemnify, and hold harmless the corporation and its
24 officers and employees, the department and its employees, and
25 the state against all claims arising from state and federal
26 laws. Such insurance coverage must be with insurers qualified
27 and doing business in the state. The corporation must provide
28 proof of insurance to the department. The department and its
29 employees and the state are exempt from and are not liable for
30 any sum of money which represents a deductible, which sums
31 shall be the sole responsibility of the corporation. Violation

1 of this subparagraph shall be grounds for terminating the
2 contract.

3 (h) Provide for an annual financial and compliance
4 audit of its financial accounts and records by an independent
5 certified public accountant in conjunction with the Auditor
6 General. The annual audit report must be submitted to the
7 board and the department for review and approval. Copies of
8 the audit must be submitted to the secretary and the
9 Legislature together with any other information requested by
10 the secretary, the board, or the Legislature.

11 (i) Submit to the secretary, the board, and the
12 Legislature, on or before January 1 of each year, a report on
13 the status of the corporation which includes, but is not
14 limited to, information concerning the programs and funds that
15 have been transferred to the corporation. The report must
16 include: the number of license applications received; the
17 number approved and denied and the number of licenses issued;
18 the number of examinations administered and the number of
19 applicants who passed or failed the examination; the number of
20 complaints received; the number determined to be legally
21 sufficient; the number dismissed; the number determined to
22 have probable cause; the number of administrative complaints
23 issued and the status of the complaints; and the number and
24 nature of disciplinary actions taken by the board.

25 (5) The corporation may not exercise any authority
26 specifically assigned to the board under part I of chapter 455
27 or this chapter, including determining probable cause to
28 pursue disciplinary action against a licensee, taking final
29 action on license applications or in disciplinary cases, or
30 adopting administrative rules under chapter 120.

31

1 (6) The department shall retain the independent
2 authority to open, investigate, or prosecute any cases or
3 complaints, as necessary to protect the public health, safety,
4 or welfare. In addition, the department shall retain sole
5 authority to issue emergency suspension or restriction orders
6 pursuant to s. 120.60 and to prosecute unlicensed activity
7 cases pursuant to ss. 455.228 and 455.2281.

8 (7) Corporation records are public records subject to
9 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
10 State Constitution; however, public records exemptions set
11 forth in ss. 455.217 and 455.229 for records created or
12 maintained by the department shall apply to records created or
13 maintained by the corporation. The exemptions set forth in s.
14 455.225, relating to complaints and information obtained
15 pursuant to an investigation by the department, shall apply to
16 such records created or obtained by the corporation only until
17 an investigation ceases to be active. For the purposes of this
18 subsection, an investigation is considered active so long as
19 the corporation or any law enforcement or administrative
20 agency is proceeding with reasonable dispatch and has a
21 reasonable, good faith belief that it may lead to the filing
22 of administrative, civil, or criminal proceedings. An
23 investigation ceases to be active when the case is dismissed
24 prior to a finding of probable cause and the board has not
25 exercised its option to pursue the case or 10 days after the
26 board makes a determination regarding probable cause. All
27 information, records, and transcriptions regarding a complaint
28 that has been determined to be legally sufficient to state a
29 claim within the jurisdiction of the board become available to
30 the public when the investigation ceases to be active, except
31 information that is otherwise confidential or exempt from s.

1 119.07(1). However, in response to an inquiry about the
2 licensure status of an individual, the corporation shall
3 disclose the existence of an active investigation if the
4 nature of the violation under investigation involves the
5 potential for substantial physical or financial harm to the
6 public. The board shall designate by rule those violations
7 that involve the potential for substantial physical or
8 financial harm. The department and the board shall have access
9 to all records of the corporation, as necessary to exercise
10 their authority to approve and supervise the contract.

11 (8) The Office of Program Policy Analysis and
12 Governmental Accountability within the Office of the Auditor
13 General shall conduct a performance audit of the corporation
14 for the period beginning January 1, 2000, through January 1,
15 2002, and thereafter at the request of the Joint Legislative
16 Auditing Committee.

17 Section 2. Section 481.26, Florida Statutes, is
18 created to read:

19 481.26 Court action; effect.--

20 (1) If any provision of s. 481.25 is held to be
21 unconstitutional or is held to violate the state or federal
22 antitrust laws, the following shall occur:

23 (a) The corporation shall cease and desist from
24 exercising any powers and duties enumerated in the act.

25 (b) The Department of Business and Professional
26 Regulation shall resume the performance of such activities.
27 The department shall regain and receive, hold, invest, and
28 administer property and make expenditures for the benefit of
29 the board.

30 (2) The Executive Office of the Governor,
31 notwithstanding chapter 216, is authorized to reestablish

1 positions, budget authority, and salary rate necessary to
2 carry out the department's responsibilities related to the
3 regulation of architects.

4 Section 3. Section 481.203, Florida Statutes, is
5 amended to read:

6 481.203 Definitions.--As used in this part, the term:

7 (1) "Board" means the Board of Architecture and
8 Interior Design.

9 (2) "Department" means the Department of Business and
10 Professional Regulation.

11 (3) "Architect" or "registered architect" means a
12 natural person who is licensed under this part to engage in
13 the practice of architecture.

14 (4) "Certificate of registration" means a license
15 issued by the ~~FAMC department~~ to a natural person to engage in
16 the practice of architecture or a license issued by the
17 department to a natural person to engage in the practice of
18 interior design.

19 (5) "Certificate of authorization" means a certificate
20 issued by the ~~FAMC department~~ to a corporation or partnership
21 to practice architecture or a certificate issued by the
22 department to a corporation or partnership to practice
23 interior design.

24 (6) "Architecture" means the rendering or offering to
25 render services in connection with the design and construction
26 of a structure or group of structures which have as their
27 principal purpose human habitation or use, and the utilization
28 of space within and surrounding such structures. These
29 services include planning, providing preliminary study
30 designs, drawings and specifications, job-site inspection, and
31 administration of construction contracts.

1 (7) "Townhouse" is a single-family dwelling unit not
2 exceeding three stories in height which is constructed in a
3 series or group of attached units with property lines
4 separating such units. Each townhouse shall be considered a
5 separate building and shall be separated from adjoining
6 townhouses by the use of separate exterior walls meeting the
7 requirements for zero clearance from property lines as
8 required by the type of construction and fire protection
9 requirements; or shall be separated by a party wall; or may be
10 separated by a single wall meeting the following requirements:

11 (a) Such wall shall provide not less than 2 hours of
12 fire resistance. Plumbing, piping, ducts, or electrical or
13 other building services shall not be installed within or
14 through the 2-hour wall unless such materials and methods of
15 penetration have been tested in accordance with the Standard
16 Building Code.

17 (b) Such wall shall extend from the foundation to the
18 underside of the roof sheathing, and the underside of the roof
19 shall have at least 1 hour of fire resistance for a width not
20 less than 4 feet on each side of the wall.

21 (c) Each dwelling unit sharing such wall shall be
22 designed and constructed to maintain its structural integrity
23 independent of the unit on the opposite side of the wall.

24 (8) "Interior design" means designs, consultations,
25 studies, drawings, specifications, and administration of
26 design construction contracts relating to nonstructural
27 interior elements of a building or structure. "Interior
28 design" includes, but is not limited to, reflected ceiling
29 plans, space planning, furnishings, and the fabrication of
30 nonstructural elements within and surrounding interior spaces
31 of buildings. "Interior design" specifically excludes the

1 design of or the responsibility for architectural and
2 engineering work, except for specification of fixtures and
3 their location within interior spaces. As used in this
4 subsection, "architectural and engineering interior
5 construction relating to the building systems" includes, but
6 is not limited to, construction of structural, mechanical,
7 plumbing, heating, air-conditioning, ventilating, electrical,
8 or vertical transportation systems, or construction which
9 materially affects lifesafety systems pertaining to firesafety
10 protection such as fire-rated separations between interior
11 spaces, fire-rated vertical shafts in multistory structures,
12 fire-rated protection of structural elements, smoke evacuation
13 and compartmentalization, emergency ingress or egress systems,
14 and emergency alarm systems.

15 (9) "Registered interior designer" or "interior
16 designer" means a natural person who is licensed under this
17 part.

18 (10) "Nonstructural element" means an element which
19 does not require structural bracing and which is something
20 other than a load-bearing wall, load-bearing column, or other
21 load-bearing element of a building or structure which is
22 essential to the structural integrity of the building.

23 (11) "Reflected ceiling plan" means a ceiling design
24 plan which is laid out as if it were projected downward and
25 which may include lighting and other elements.

26 (12) "Space planning" means the analysis, programming,
27 or design of spacial requirements, including preliminary space
28 layouts and final planning.

29 (13) "Common area" means an area that is held out for
30 use by all tenants or owners in a multiple-unit dwelling,
31

1 including, but not limited to, a lobby, elevator, hallway,
2 laundry room, clubhouse, or swimming pool.

3 (14) "Diversified interior design experience" means
4 experience which substantially encompasses the various
5 elements of interior design services set forth under the
6 definition of "interior design" in subsection (8).

7 (15) "Interior decorator services" includes the
8 selection or assistance in selection of surface materials,
9 window treatments, wallcoverings, paint, floor coverings,
10 surface-mounted lighting, surface-mounted fixtures, and loose
11 furnishings not subject to regulation under applicable
12 building codes.

13 (16) "FAMC" means the Florida Architects Management
14 Corporation.

15 Section 4. Subsection (2) of section 481.205, Florida
16 Statutes, is amended to read:

17 481.205 Board of Architecture and Interior Design.--

18 (2) Members shall be appointed for 4-year staggered
19 terms. Members are exempt from s. 112.061 and will be
20 reimbursed for travel in accordance with procedures
21 established by the FAMC.

22 Section 5. Section 481.207, Florida Statutes, is
23 amended to read:

24 481.207 Fees.--The board, by rule, may establish
25 separate fees for architects and interior designers, to be
26 paid for applications, examination, reexamination, licensing
27 and renewal, delinquency, reinstatement, and recordmaking and
28 recordkeeping. The examination fee shall be in an amount that
29 covers the cost of obtaining and administering the examination
30 and shall be refunded if the applicant is found ineligible to
31 sit for the examination. The application fee is nonrefundable.

1 The fee for initial application and examination for architects
2 and interior designers may not exceed \$775 plus the actual per
3 applicant cost to the FAMC or the department for purchase of
4 the examination from the National Council of Architectural
5 Registration Boards or the National Council of Interior Design
6 Qualifications, respectively, or similar national
7 organizations. The biennial renewal fee for architects may not
8 exceed \$200. The biennial renewal fee for interior designers
9 may not exceed \$500. The delinquency fee may not exceed the
10 biennial renewal fee established by the board for an active
11 license. The board shall establish fees that are adequate to
12 ensure the continued operation of the board and to fund the
13 proportionate expenses incurred by the department which are
14 allocated to the regulation of architects and interior
15 designers. Fees shall be based on department estimates of the
16 revenue required to implement this part and the provisions of
17 law with respect to the regulation of architects and interior
18 designers.

19 Section 6. Subsection (1) of section 481.213, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 481.213 Licensure.--

22 (1) The FAMC ~~department~~ shall issue a license to any
23 applicant who the board certifies is qualified for licensure
24 and who has paid the initial licensure fee. Licensure as an
25 architect under this section shall be deemed to include all
26 the rights and privileges of licensure as an interior designer
27 under this section.

28 Section 7. Subsections (1), (2), and (3) of section
29 481.215, Florida Statutes, 1998 Supplement, are amended to
30 read:

31 481.215 Renewal of license.--

1 (1) Subject to the requirement of subsection (3), the
2 FAMC department shall renew a license upon receipt of the
3 renewal application and renewal fee.

4 (2) The FAMC department shall adopt rules establishing
5 a procedure for the biennial renewal of licenses.

6 (3) No license renewal shall be issued to an ~~architect~~
7 ~~or an~~ interior designer by the department until the licensee
8 submits proof satisfactory to the department that, during the
9 2 years prior to application for renewal, the licensee
10 participated per biennium in not less than 20 hours of at
11 least 50 minutes each per biennium of continuing education
12 approved by the board. The board shall approve only continuing
13 education that builds upon the basic knowledge of architecture
14 or interior design. The board may make exception from the
15 requirements of continuing education in emergency or hardship
16 cases.

17 Section 8. Effective January 1, 2001, subsections (5)
18 and (6) of section 481.215, Florida Statutes, 1998 Supplement,
19 as created by section 14 of chapter 98-287, Laws of Florida,
20 are amended to read:

21 481.215 Renewal of license.--

22 (5) Each interior design licensee shall provide to the
23 board proof of completion of the core curriculum courses, or
24 passing the equivalency test of the Building Code Training
25 Program established by s. 553.841, within 2 years after
26 commencement of the program or after initial licensure,
27 whichever is later. Hours spent taking core curriculum courses
28 shall count toward the number required for license renewal.
29 An interior design ~~A~~ licensee who passes the equivalency test
30 in lieu of taking the core curriculum courses shall receive
31 full credit for such core curriculum course hours.

1 (6) The board shall require, by rule adopted pursuant
2 to ss. 120.536(1) and 120.54, a specified number of hours in
3 specialized or advanced courses, approved by the Florida
4 Building Commission, on any portion of the Florida Building
5 Code, adopted pursuant to part VII of chapter 553, relating to
6 the interior design licensee's respective area of practice.

7 Section 9. Subsections (6), (8), (9), and (10) of
8 section 481.219, Florida Statutes, are amended to read:

9 481.219 Certification of partnerships and
10 corporations.--

11 (6) The FAMC or the department, respectively, shall
12 issue a certificate of authorization to any applicant who the
13 board certifies as qualified for a certificate of
14 authorization and who has paid the fee set in s. 481.207.

15 (8) The FAMC and the department shall adopt rules
16 establishing a procedure for the biennial renewal of
17 certificates of authorization.

18 (9) The FAMC or the department, respectively, shall
19 renew a certificate of authorization upon receipt of the
20 renewal application and biennial renewal fee.

21 (10) Each partnership and corporation certified under
22 this section shall notify the FAMC or the department,
23 respectively, within 30 days of any change in the information
24 contained in the application upon which the certification is
25 based. Any registered architect or interior designer who
26 qualifies the corporation or partnership as provided in
27 subsection (7) and who terminates her or his employment with a
28 partnership or corporation certified under this section shall
29 notify the FAMC or the department, respectively, of the
30 termination within 30 days.

31

1 Section 10. Subsection (4) of section 481.225, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 481.225 Disciplinary proceedings against registered
4 architects.--

5 (4) The FAMC ~~department~~ shall reissue the license of a
6 disciplined registered architect upon certification by the
7 board that he or she has complied with all of the terms and
8 conditions set forth in the final order.

9 Section 11. Section 471.005, Florida Statutes, is
10 amended to read:

11 471.005 Definitions.--As used in ss. 471.001-471.037,
12 the term:

13 (1) "Board" means the Board of Professional Engineers.

14 (2) "Certificate of authorization" means a license to
15 practice engineering issued by the FEMC ~~department~~ to a
16 corporation or partnership.

17 (3) "Department" means the Department of Business and
18 Professional Regulation.

19 (4) "Engineer" includes the terms "professional
20 engineer" and "registered engineer" and means a person who is
21 registered to engage in the practice of engineering under ss.
22 471.001-471.037.

23 (5) "Engineer intern" means a person who has graduated
24 from, or is in the final year of, an engineering curriculum
25 approved by the board and has passed the fundamentals of
26 engineering examination as provided by rules adopted by the
27 board.

28 (6) "Engineering" includes the term "professional
29 engineering" and means any service or creative work, the
30 adequate performance of which requires engineering education,
31 training, and experience in the application of special

1 knowledge of the mathematical, physical, and engineering
2 sciences to such services or creative work as consultation,
3 investigation, evaluation, planning, and design of engineering
4 works and systems, planning the use of land and water,
5 ~~teaching of the principles and methods of engineering design,~~
6 engineering surveys, and the inspection of construction for
7 the purpose of determining in general if the work is
8 proceeding in compliance with drawings and specifications, any
9 of which embraces such services or work, either public or
10 private, in connection with any utilities, structures,
11 buildings, machines, equipment, processes, work systems,
12 projects, and industrial or consumer products or equipment of
13 a mechanical, electrical, hydraulic, pneumatic, or thermal
14 nature, insofar as they involve safeguarding life, health, or
15 property; and includes such other professional services as may
16 be necessary to the planning, progress, and completion of any
17 engineering services. A person who practices any branch of
18 engineering; who, by verbal claim, sign, advertisement,
19 letterhead, or card, or in any other way, represents himself
20 or herself to be an engineer or, through the use of some other
21 title, implies that he or she is an engineer or that he or she
22 is registered under ss. 471.001-471.037; or who holds himself
23 or herself out as able to perform, or does perform, any
24 engineering service or work or any other service designated by
25 the practitioner which is recognized as engineering shall be
26 construed to practice or offer to practice engineering within
27 the meaning and intent of ss. 471.001-471.037.

28 (7) "FEMC" means the Florida Engineers Management
29 Corporation.

30
31

1 ~~(8)(7)~~ "License" means the registration of engineers
2 or certification of businesses to practice engineering in this
3 state.

4 Section 12. Section 471.007, Florida Statutes, is
5 amended to read:

6 471.007 Board of Professional Engineers.--There is
7 created in the department the Board of Professional Engineers.
8 The board shall consist of nine members, seven of whom shall
9 be registered engineers and two of whom shall be laypersons
10 who are not and have never been engineers or members of any
11 closely related profession or occupation. Of the members who
12 are registered engineers, three shall be civil engineers, one
13 shall be either an electrical or electronic engineer, one
14 shall be a mechanical engineer, one shall be an engineering
15 educator, and one shall be from any discipline of engineering
16 other than civil engineering. Members shall be appointed by
17 the Governor for terms of 4 years each. Members are exempt
18 from s. 112.061 and will be reimbursed for travel in
19 accordance with procedures established by the Florida
20 Engineers Management Corporation.

21 Section 13. Subsections (1) and (2) of section
22 471.011, Florida Statutes, are amended to read:

23 471.011 Fees.--

24 (1) The board by rule may establish fees to be paid
25 for applications, examination, reexamination, licensing and
26 renewal, inactive status application and reactivation of
27 inactive licenses, and recordmaking and recordkeeping. The
28 board may also establish by rule a delinquency fee. The board
29 shall establish fees that are adequate to ensure the continued
30 operation of the board. Fees shall be based on FEMC department
31 estimates of the revenue required to implement ss.

1 471.001-471.037 and the provisions of law with respect to the
2 regulation of engineers.

3 (2) The initial application and examination fee shall
4 not exceed \$125 plus the actual per applicant cost to the FEMC
5 ~~department~~ to purchase the examination from the National
6 Council of Engineering Examiners or a similar national
7 organization. The examination fee shall be in an amount which
8 covers the cost of obtaining and administering the examination
9 and shall be refunded if the applicant is found ineligible to
10 sit for the examination. The application fee shall be
11 nonrefundable.

12 Section 14. Subsections (1) and (4) and paragraph (a)
13 of (5) of section 471.015, Florida Statutes, 1998 Supplement,
14 are amended to read:

15 471.015 Licensure.--

16 (1) The FEMC ~~department~~ shall issue a license to any
17 applicant who the board certifies is qualified to practice
18 engineering and who has passed the licensing examination.

19 (4) The FEMC ~~department~~ shall not issue a license by
20 endorsement to any applicant who is under investigation in
21 another state for any act that would constitute a violation of
22 ss. 471.001-471.037 or of part I of chapter 455 until such
23 time as the investigation is complete and disciplinary
24 proceedings have been terminated.

25 (5)(a) The board shall deem that an applicant who
26 seeks licensure by endorsement has passed an examination
27 substantially equivalent to part I of the engineering
28 examination when such applicant:

29 1. Has held a valid professional engineer's
30 registration in another state for 15 years and has had 20
31

1 years of continuous professional-level engineering experience;
2 or

3 2. Has an undergraduate degree in engineering and a
4 doctorate degree from a university that has an Accreditation
5 Board of Engineering and Technology accredited undergraduate
6 program in the same discipline of engineering.~~received a~~
7 ~~doctorate degree in engineering from a nationally accredited~~
8 ~~engineering degree program which is accredited by the~~
9 ~~Accreditation Board for Engineering Technology; or~~

10 3. ~~Has received a doctorate degree in engineering and~~
11 ~~has taught engineering full time for at least 3 years, at the~~
12 ~~baccalaureate level or higher, after receiving that degree.~~

13 Section 15. Section 471.017, Florida Statutes, 1998
14 Supplement, is amended to read:

15 471.017 Renewal of license.--

16 (1) The FEMC ~~department~~ shall renew a license upon
17 receipt of the renewal application and fee.

18 (2) The board ~~department~~ shall adopt rules
19 establishing a procedure for the biennial renewal of licenses.

20 ~~(3) Commencing with licensure renewal in 2002, each~~
21 ~~licensee actively participating in the design of engineering~~
22 ~~works or systems in connection with buildings, structures, and~~
23 ~~facilities covered by the Florida Building Code shall submit~~
24 ~~proof to the board that the licensee participates in~~
25 ~~continuing education courses relating to the core curriculum~~
26 ~~courses or the building code training program or evidence of~~
27 ~~passing an equivalency test on the core curriculum courses or~~
28 ~~specialized or advanced courses on any portion of the Florida~~
29 ~~Building Code applicable to the area of practice.~~

30 Section 16. Subsections (1) and (2) of section
31 471.021, Florida Statutes, are amended to read:

1 471.021 Engineers and firms of other states; temporary
2 certificates to practice in Florida.--

3 (1) In accordance with rules ~~Upon approval~~ of the
4 board and payment of the fee set in s. 471.011, the department
5 shall grant a temporary registration for work on one specified
6 project in this state for a period not to exceed 1 year to an
7 engineer holding a certificate to practice in another state,
8 provided Florida registrants are similarly permitted to engage
9 in work in such state and provided that the engineer be
10 qualified for licensure by endorsement.

11 (2) In accordance with rules ~~Upon approval by~~ the
12 board and payment of the fee set in s. 471.011, the department
13 shall grant a temporary certificate of authorization for work
14 on one specified project in this state for a period not to
15 exceed 1 year to an out-of-state corporation, partnership, or
16 firm, provided one of the principal officers of the
17 corporation, one of the partners of the partnership, or one of
18 the principals in the fictitiously named firm has obtained a
19 temporary certificate of registration in accordance with
20 subsection (1).

21 Section 17. Subsection (1) of section 471.023, Florida
22 Statutes, is amended to read:

23 471.023 Certification of partnerships and
24 corporations.--

25 (1) The practice of, or the offer to practice,
26 engineering by registrants through a corporation or
27 partnership offering engineering services to the public or by
28 a corporation or partnership offering said services to the
29 public through registrants under ss. 471.001-471.037 as
30 agents, employees, officers, or partners is permitted only if
31 the firm possesses a certification issued by the FEMC

1 ~~department~~ pursuant to qualification by the board, subject to
2 the provisions of ss. 471.001-471.037. One or more of the
3 principal officers of the corporation or one or more partners
4 of the partnership and all personnel of the corporation or
5 partnership who act in its behalf as engineers in this state
6 shall be registered as provided by ss. 471.001-471.037. All
7 final drawings, specifications, plans, reports, or documents
8 involving practices registered under ss. 471.001-471.037 which
9 are prepared or approved for the use of the corporation or
10 partnership or for public record within the state shall be
11 dated and shall bear the signature and seal of the registrant
12 who prepared or approved them. Nothing in this section shall
13 be construed to mean that a certificate of registration to
14 practice engineering shall be held by a corporation. Nothing
15 herein prohibits corporations and partnerships from joining
16 together to offer engineering services to the public, provided
17 each corporation or partnership otherwise meets the
18 requirements of this section. No corporation or partnership
19 shall be relieved of responsibility for the conduct or acts of
20 its agents, employees, or officers by reason of its compliance
21 with this section, nor shall any individual practicing
22 engineering be relieved of responsibility for professional
23 services performed by reason of his or her employment or
24 relationship with a corporation or partnership.

25 Section 18. Subsection (4) of section 471.033, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 471.033 Disciplinary proceedings.--

28 (4) The FEMC ~~department~~ shall reissue the license of a
29 disciplined engineer or business upon certification by the
30 board that the disciplined person has complied with all of the
31 terms and conditions set forth in the final order.

1 Section 19. This act shall take effect July 1, 1999.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Creates the Florida Architects Management Corporation to privatize certain aspects of regulating the practice of architecture in the same manner as is provided to professional engineers by the Florida Engineers Management Corporation. Amends ch. 481, F.S., as it relates to the practice of architecture and ch. 471, F.S., relating to professional engineers to provide for the assumption of certain powers and duties of the Department of Business and Professional Regulation by the respective corporations.