

758-114CXB-32

Bill No. CS/HB 1643

Amendment No. ____ (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Clarke offered the following:

Amendment to Amendment (572373) (with title amendment)

On page 144, between lines 7 and 8,

and insert:

Section 69. Section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.--

(1) No person other than a duly licensed ~~registered~~ engineer shall practice engineering or use the name or title of "licensed ~~registered~~ engineer," "professional engineer," or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license ~~registration~~ as an engineer in this state.

(2) The following persons are not required to be ~~licensed~~ ~~register~~ under the provisions of this chapter as a licensed ~~registered~~ engineer:

(a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility

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1 or the public health, safety, or welfare or the safety or
2 health of employees. This paragraph shall not be construed as
3 authorizing the practice of engineering through an agent or
4 employee who is not duly licensed ~~registered~~ under the
5 provisions of this chapter.

6 (b)1. A person acting as a public officer employed by
7 any state, county, municipal, or other governmental unit of
8 this state when working on any project the total estimated
9 cost of which is \$10,000 or less.

10 2. Persons who are employees of any state, county,
11 municipal, or other governmental unit of this state and who
12 are the subordinates of a person in responsible charge
13 licensed ~~registered~~ under this chapter, to the extent that the
14 supervision meets standards adopted by rule of the board.

15 (c) Regular full-time employees of a corporation not
16 engaged in the practice of engineering as such, whose practice
17 of engineering for such corporation is limited to the design
18 or fabrication of manufactured products and servicing of such
19 products.

20 (d) Regular full-time employees of a public utility or
21 other entity subject to regulation by the Florida Public
22 Service Commission, Federal Energy Regulatory Commission, or
23 Federal Communications Commission.

24 (e) Employees of a firm, corporation, or partnership
25 who are the subordinates of a person in responsible charge,
26 licensed ~~registered~~ under this chapter.

27 (f) Any person as contractor in the execution of work
28 designed by a professional engineer or in the supervision of
29 the construction of work as a foreman or superintendent.

30 (g) A licensed ~~registered~~ surveyor and mapper who
31 takes, or contracts for, professional engineering services

1 incidental to her or his practice of surveying and mapping and
2 who delegates such engineering services to a licensed
3 ~~registered~~ professional engineer qualified within her or his
4 firm or contracts for such professional engineering services
5 to be performed by others who are licensed ~~registered~~
6 professional engineers under the provisions of this chapter.

7 (h) Any electrical, plumbing, air-conditioning, or
8 mechanical contractor whose practice includes the design and
9 fabrication of electrical, plumbing, air-conditioning, or
10 mechanical systems, respectively, which she or he installs by
11 virtue of a license issued under chapter 489, under part I of
12 chapter 553, or under any special act or ordinance when
13 working on any construction project which:

14 1. Requires an electrical or plumbing or
15 air-conditioning and refrigeration system with a value of
16 \$50,000 or less; and

17 2.a. Requires an aggregate service capacity of 600
18 amperes (240 volts) or less on a residential electrical system
19 or 800 amperes (240 volts) or less on a commercial or
20 industrial electrical system;

21 b. Requires a plumbing system with fewer than 250
22 fixture units; or

23 c. Requires a heating, ventilation, and
24 air-conditioning system not to exceed a 15-ton-per-system
25 capacity, or if the project is designed to accommodate 100 or
26 fewer persons.

27 (i) Any general contractor, certified or registered
28 pursuant to the provisions of chapter 489, when negotiating or
29 performing services under a design-build contract as long as
30 the engineering services offered or rendered in connection
31 with the contract are offered and rendered by an engineer

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1 licensed ~~or registered~~ in accordance with this chapter.

2 (3) Notwithstanding the provisions of this chapter or
3 of any other law, no licensed ~~registered~~ engineer whose
4 principal practice is civil or structural engineering, or
5 employee or subordinate under the responsible supervision or
6 control of the engineer, is precluded from performing
7 architectural services which are purely incidental to her or
8 his engineering practice, nor is any licensed ~~registered~~
9 architect, or employee or subordinate under the responsible
10 supervision or control of the architect, precluded from
11 performing engineering services which are purely incidental to
12 her or his architectural practice. However, no engineer shall
13 practice architecture or use the designation "architect" or
14 any term derived therefrom, and no architect shall practice
15 engineering or use the designation "engineer" or any term
16 derived therefrom.

17 Section 70. Section 471.0035, Florida Statutes, is
18 amended to read:

19 471.0035 Instructors in postsecondary educational
20 institutions; exemption from licensure ~~registration~~
21 requirement.--For the sole purpose of teaching the principles
22 and methods of engineering design, notwithstanding the
23 provisions of s. 471.005(7), a person employed by a public
24 postsecondary educational institution, or by an independent
25 postsecondary educational institution licensed or exempt from
26 licensure pursuant to the provisions of chapter 246, is not
27 required to be licensed ~~register~~ under the provisions of this
28 chapter as a professional ~~registered~~ engineer.

29 Section 71. Subsections (5), (6), (7), and (8) of
30 section 471.005, Florida Statutes, are amended to read:

31 471.005 Definitions.--As used in this chapter, the

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1 term:

2 (5) "Engineer" includes the terms "professional
3 engineer" and "licensed ~~registered~~ engineer" and means a
4 person who is licensed ~~registered~~ to engage in the practice of
5 engineering under this chapter.

6 (6) "Engineer intern" means a person who has graduated
7 ~~from, or is in the final year of,~~ an engineering curriculum
8 approved by the board and has passed the fundamentals of
9 engineering examination as provided by rules adopted by the
10 board.

11 (7) "Engineering" includes the term "professional
12 engineering" and means any service or creative work, the
13 adequate performance of which requires engineering education,
14 training, and experience in the application of special
15 knowledge of the mathematical, physical, and engineering
16 sciences to such services or creative work as consultation,
17 investigation, evaluation, planning, and design of engineering
18 works and systems, planning the use of land and water,
19 teaching of the principles and methods of engineering design,
20 engineering surveys, and the inspection of construction for
21 the purpose of determining in general if the work is
22 proceeding in compliance with drawings and specifications, any
23 of which embraces such services or work, either public or
24 private, in connection with any utilities, structures,
25 buildings, machines, equipment, processes, work systems,
26 projects, and industrial or consumer products or equipment of
27 a mechanical, electrical, hydraulic, pneumatic, or thermal
28 nature, insofar as they involve safeguarding life, health, or
29 property; and includes such other professional services as may
30 be necessary to the planning, progress, and completion of any
31 engineering services. A person who practices any branch of

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1 engineering; who, by verbal claim, sign, advertisement,
2 letterhead, or card, or in any other way, represents himself
3 or herself to be an engineer or, through the use of some other
4 title, implies that he or she is an engineer or that he or she
5 is licensed ~~registered~~ under this chapter; or who holds
6 himself or herself out as able to perform, or does perform,
7 any engineering service or work or any other service
8 designated by the practitioner which is recognized as
9 engineering shall be construed to practice or offer to
10 practice engineering within the meaning and intent of this
11 chapter.

12 (8) "License" means the licensing ~~registration~~ of
13 engineers or certification of businesses to practice
14 engineering in this state.

15 Section 72. Section 471.007, Florida Statutes, is
16 amended to read:

17 471.007 Board of Professional Engineers.--There is
18 created in the department the Board of Professional Engineers.
19 The board shall consist of nine members, seven of whom shall
20 be licensed ~~registered~~ engineers and two of whom shall be
21 laypersons who are not and have never been engineers or
22 members of any closely related profession or occupation. Of
23 the members who are licensed ~~registered~~ engineers, three shall
24 be civil engineers, one shall be either an electrical or
25 electronic engineer, one shall be a mechanical engineer, one
26 shall be an engineering educator, and one shall be from any
27 discipline of engineering other than civil engineering.
28 Members shall be appointed by the Governor for terms of 4
29 years each.

30 Section 73. Paragraph (a) of subsection (2) of section
31 471.013, Florida Statutes, is amended to read:

1 471.013 Examinations; prerequisites.--
2 (2)(a) The board may refuse to certify an applicant
3 for failure to satisfy the requirement of good moral character
4 only if:
5 1. There is a substantial connection between the lack
6 of good moral character of the applicant and the professional
7 responsibilities of a licensed ~~registered~~ engineer; and
8 2. The finding by the board of lack of good moral
9 character is supported by clear and convincing evidence.
10 Section 74. Paragraph (a) of subsection (3) and
11 subsection (5) of section 471.015, Florida Statutes, are
12 amended to read:
13 471.015 Licensure.--
14 (3) The board shall certify as qualified for a license
15 by endorsement an applicant who:
16 (a) Qualifies to take the examination as set forth in
17 s. 471.013, has passed a United States national, regional,
18 state, or territorial ~~or foreign national~~ licensing
19 examination that is substantially equivalent to the
20 examination required by s. 471.013, and has satisfied the
21 experience requirements set forth in s. 471.013; or
22 (5)(a) The board shall deem that an applicant who
23 seeks licensure by endorsement has passed an examination
24 substantially equivalent to part I of the engineering
25 examination when such applicant:
26 1. Has held a valid professional engineer's license
27 ~~registration~~ in another state for 15 years and has had 20
28 years of continuous professional-level engineering experience;
29 2. Has received a doctorate degree in engineering from
30 an institution that has an undergraduate engineering degree
31 program which is accredited by the Accreditation Board for

1 Engineering Technology; or

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

5 (b) The board shall deem that an applicant who seeks
6 licensure by endorsement has passed an examination
7 substantially equivalent to part I and part II of the
8 engineering examination when such applicant has held a valid
9 professional engineer's license registration in another state
10 for 25 years and has had 30 years of continuous
11 professional-level engineering experience.

12 Section 75. Section 471.019, Florida Statutes, is
13 amended to read:

14 471.019 Reactivation.--The board shall prescribe by
15 rule continuing education requirements for reactivating a
16 license. The continuing education requirements for
17 reactivating a license for a licensed ~~registered~~ engineer may
18 not exceed 12 classroom hours for each year the license was
19 inactive.

20 Section 76. Section 471.0195, Florida Statutes, is
21 amended to read:

22 471.0195 Florida Building Code training for
23 engineers.--~~Effective January 1, 2000,~~All licensees actively
24 participating in the design of engineering works or systems in
25 connection with buildings, structures, or facilities and
26 systems covered by the Florida Building Code shall take
27 continuing education courses and submit proof to the board, at
28 such times and in such manner as established by the board by
29 rule, that the licensee has completed the core curriculum
30 courses and any specialized or advanced courses on any portion
31 of the Florida Building Code applicable to the licensee's area

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1 of practice or has passed the appropriate equivalency test of
2 the Building Code Training Program as required ~~established~~ by
3 s. 553.841. The board shall record reported continuing
4 education courses on a system easily accessed by code
5 enforcement jurisdictions for evaluation when determining
6 license status for purposes of processing design documents.
7 Local jurisdictions shall be responsible for notifying the
8 board when design documents are submitted for building
9 construction permits by persons who are not in compliance with
10 this section. The board shall take appropriate action as
11 provided by its rules when such noncompliance is determined to
12 exist.

13 Section 77. Subsections (1) and (2) of section
14 471.021, Florida Statutes, are amended to read:

15 471.021 Engineers and firms of other states; temporary
16 certificates to practice in Florida.--

17 (1) Upon approval of the board and payment of the fee
18 set in s. 471.011, the management corporation shall issue a
19 temporary license ~~registration~~ for work on one specified
20 project in this state for a period not to exceed 1 year to an
21 engineer holding a certificate to practice in another state,
22 provided Florida licensees ~~registrants~~ are similarly permitted
23 to engage in work in such state and provided that the engineer
24 be qualified for licensure by endorsement.

25 (2) Upon approval by the board and payment of the fee
26 set in s. 471.011, the management corporation shall issue a
27 temporary certificate of authorization for work on one
28 specified project in this state for a period not to exceed 1
29 year to an out-of-state corporation, partnership, or firm,
30 provided one of the principal officers of the corporation, one
31 of the partners of the partnership, or one of the principals

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1 in the fictitiously named firm has obtained a temporary
2 license ~~certificate of registration~~ in accordance with
3 subsection (1).

4 Section 78. Section 471.023, Florida Statutes, is
5 amended to read:

6 471.023 Certification of partnerships and
7 corporations.--

8 (1) The practice of, or the offer to practice,
9 engineering by licensees ~~registrants~~ through a corporation or
10 partnership offering engineering services to the public or by
11 a corporation or partnership offering said services to the
12 public through licensees ~~registrants~~ under this chapter as
13 agents, employees, officers, or partners is permitted only if
14 the firm possesses a certification issued by the management
15 corporation pursuant to qualification by the board, subject to
16 the provisions of this chapter. One or more of the principal
17 officers of the corporation or one or more partners of the
18 partnership and all personnel of the corporation or
19 partnership who act in its behalf as engineers in this state
20 shall be licensed ~~registered~~ as provided by this chapter. All
21 final drawings, specifications, plans, reports, or documents
22 involving practices licensed ~~registered~~ under this chapter
23 which are prepared or approved for the use of the corporation
24 or partnership or for public record within the state shall be
25 dated and shall bear the signature and seal of the licensee
26 ~~registrant~~ who prepared or approved them. Nothing in this
27 section shall be construed to mean that a license ~~certificate~~
28 ~~of registration~~ to practice engineering shall be held by a
29 corporation. Nothing herein prohibits corporations and
30 partnerships from joining together to offer engineering
31 services to the public, provided each corporation or

1 partnership otherwise meets the requirements of this section.
2 No corporation or partnership shall be relieved of
3 responsibility for the conduct or acts of its agents,
4 employees, or officers by reason of its compliance with this
5 section, nor shall any individual practicing engineering be
6 relieved of responsibility for professional services performed
7 by reason of his or her employment or relationship with a
8 corporation or partnership.

9 (2) For the purposes of this section, a certificate of
10 authorization shall be required for a corporation,
11 partnership, association, or person practicing under a
12 fictitious name, offering engineering services to the public.
13 However, when an individual is practicing engineering in his
14 or her own given name, he or she shall not be required to be
15 licensed ~~register~~ under this section.

16 (3) The fact that a licensed ~~registered~~ engineer
17 practices through a corporation or partnership shall not
18 relieve the licensee ~~registrant~~ from personal liability for
19 negligence, misconduct, or wrongful acts committed by him or
20 her. Partnerships and all partners shall be jointly and
21 severally liable for the negligence, misconduct, or wrongful
22 acts committed by their agents, employees, or partners while
23 acting in a professional capacity. Any officer, agent, or
24 employee of a corporation shall be personally liable and
25 accountable only for negligent acts, wrongful acts, or
26 misconduct committed by him or her or committed by any person
27 under his or her direct supervision and control, while
28 rendering professional services on behalf of the corporation.
29 The personal liability of a shareholder of a corporation, in
30 his or her capacity as shareholder, shall be no greater than
31 that of a shareholder-employee of a corporation incorporated

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1 under chapter 607. The corporation shall be liable up to the
2 full value of its property for any negligent acts, wrongful
3 acts, or misconduct committed by any of its officers, agents,
4 or employees while they are engaged on behalf of the
5 corporation in the rendering of professional services.

6 (4) Each certification of authorization shall be
7 renewed every 2 years. Each partnership and corporation
8 certified under this section shall notify the board within 1
9 month of any change in the information contained in the
10 application upon which the certification is based.

11 (5) Disciplinary action against a corporation or
12 partnership shall be administered in the same manner and on
13 the same grounds as disciplinary action against a licensed
14 ~~registered~~ engineer.

15 Section 79. Section 471.025, Florida Statutes, is
16 amended to read:

17 471.025 Seals.--

18 (1) The board shall prescribe, by rule, one or more
19 forms ~~a form~~ of seal to be used by licensees ~~registrants~~
20 ~~holding valid certificates of registration~~. Each licensee
21 ~~registrant~~ shall obtain at least one ~~an impression-type metal~~
22 seal in the form approved by rule of the board ~~aforsaid~~ and
23 may, in addition, register his or her seal electronically in
24 accordance with ss. 668.001-668.006. All final drawings,
25 specifications, plans, reports, or documents prepared or
26 issued by the licensee ~~registrant~~ and being filed for public
27 record and all final ~~bid~~ documents provided to the owner or
28 the owner's representative shall be signed by the licensee
29 ~~registrant~~, dated, and sealed ~~stamped~~ with said seal. Such
30 signature, date, and seal shall be evidence of the
31 authenticity of that to which they are affixed. Drawings,

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1 specifications, plans, reports, final ~~bid~~ documents, or
2 documents prepared or issued by a licensee ~~registrant~~ may be
3 transmitted electronically and may be signed by the licensee
4 ~~registrant~~, dated, and sealed ~~stamped~~ electronically with said
5 seal in accordance with ss. 668.001-668.006.

6 (2) It is unlawful for any person to ~~stamp, seal, or~~
7 digitally sign any document with a seal or digital signature
8 after his or her license ~~certificate of registration~~ has
9 expired or been revoked or suspended, unless such license
10 ~~certificate of registration~~ has been reinstated or reissued.
11 When an engineer's license ~~the certificate of registration of~~
12 ~~a registrant~~ has been revoked or suspended by the board, the
13 licensee it shall be mandatory that the registrant, within a
14 period of 30 days after the revocation or suspension has
15 become effective, surrender his or her seal to the executive
16 director ~~secretary~~ of the board and confirm to the executive
17 director ~~secretary~~ the cancellation of the licensee's
18 ~~registrant's~~ digital signature in accordance with ss.
19 668.001-668.006. In the event the engineer's license
20 ~~registrant's certificate~~ has been suspended for a period of
21 time, his or her seal shall be returned to him or her upon
22 expiration of the suspension period.

23 (3) No licensee ~~registrant~~ shall affix or permit to be
24 affixed his or her seal, name, or digital signature to any
25 plan, specification, drawing, final bid document, or other
26 document that depicts work which he or she is not licensed to
27 perform or which is beyond his or her profession or specialty
28 therein.

29 Section 80. Section 471.027, Florida Statutes, is
30 amended to read:

31 471.027 Engineers authorized to enter lands of third

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1 parties under certain conditions.--Engineers are hereby
 2 granted permission and authority to go on, over, and upon the
 3 lands of others when necessary to make engineering surveys
 4 and, in so doing, to carry with them their agents and
 5 employees necessary for that purpose. Entry under the right
 6 hereby granted shall not constitute trespass, and engineers
 7 and their duly authorized agents or employees so entering
 8 shall not be liable to arrest or a civil action by reason of
 9 such entry; however, nothing in this section shall be
 10 construed as giving authority to said licensees ~~registrants~~,
 11 agents, or employees to destroy, injure, damage, or move
 12 anything on lands of another without the written permission of
 13 the landowner.

14 Section 81. Subsection (1) of section 471.031, Florida
 15 Statutes, is amended to read:

16 471.031 Prohibitions; penalties.--

17 (1) A person may not ~~knowingly~~:

18 (a) Practice engineering unless the person is licensed
 19 ~~registered~~ under this chapter;

20 (b) Use the name or title "professional registered
 21 engineer" or any other title, designation, words, letters,
 22 abbreviations, or device tending to indicate that such person
 23 holds an active license registration as an engineer when the
 24 person is not licensed registered under this chapter,
 25 including, but not limited to, the following titles:

26 "agricultural engineer," "air-conditioning engineer,"
 27 "architectural engineer," "building engineer," "chemical
 28 "engineer," "civil engineer," "control systems engineer,"
 29 "electrical engineer," "environmental engineer," "fire
 30 "protection engineer," "industrial engineer," "manufacturing
 31 "engineer," "mechanical engineer," "metallurgical engineer,"

1 "mining engineer," "minerals engineer," "marine engineer,"
 2 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
 3 "structural engineer," "transportation engineer," "software
 4 engineer," "computer hardware engineer," or "systems
 5 engineer";

6 (c) Present as his or her own the license registration
 7 of another;

8 (d) Give false or forged evidence to the board or a
 9 member thereof;

10 (e) Use or attempt to use a license registration that
 11 has been suspended, revoked, or placed on inactive or
 12 delinquent status;

13 (f) Employ unlicensed persons to practice engineering;
 14 or

15 (g) Conceal information relative to violations of this
 16 chapter.

17 Section 82. Paragraph (e) of subsection (1) and
 18 paragraph (c) of subsection (3) of section 471.033, Florida
 19 Statutes, are amended to read:

20 471.033 Disciplinary proceedings.--

21 (1) The following acts constitute grounds for which
 22 the disciplinary actions in subsection (3) may be taken:

23 (e) Making or filing a report or record that the
 24 licensee knows to be false, willfully failing to file a report
 25 or record required by state or federal law, willfully impeding
 26 or obstructing such filing, or inducing another person to
 27 impede or obstruct such filing. Such reports or records
 28 include only those that are signed in the capacity of a
 29 licensed registered engineer.

30 (3) When the board finds any person guilty of any of
 31 the grounds set forth in subsection (1), it may enter an order

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1 imposing one or more of the following penalties:

2 (c) Imposition of an administrative fine not to exceed
3 ~~\$5,000~~~~\$1,000~~ for each count or separate offense ~~and a fine of~~
4 ~~up to \$5,000 for matters pertaining to a material violation of~~
5 ~~the Florida Building Code as reported by a local jurisdiction.~~

6 Section 83. Subsection (1) of section 471.037, Florida
7 Statutes, is amended to read:

8 471.037 Effect of chapter locally.--

9 (1) Nothing contained in this chapter shall be
10 construed to repeal, amend, limit, or otherwise affect any
11 local building code or zoning law or ordinance, now or
12 hereafter enacted, which is more restrictive with respect to
13 the services of licensed ~~registered~~ engineers than the
14 provisions of this chapter.

15
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 151, line 4, after the semicolon, of the
20 amendment

21

22 insert:

23 amending ss. 471.003, 471.0035, 471.005,
24 471.007, 471.013, 471.015, 471.019, 471.0195,
25 471.021, 471.023, 471.025, 471.027, 471.031,
26 471.033, 471.037, F.S.; revising provisions
27 applying to registered professional engineers
28 to apply to licensed professional engineers;

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