

Bill No. CS for CS for SB 990

Amendment No.      Barcode 275326

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dyer moved the following amendment:

**Senate Amendment (with title amendment)**

On page 1, between lines 14 and 15,

insert:

Section 16. 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

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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 17. 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 18. 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 19. 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 20. Paragraph (a) of subsection (2) of section  
31 471.013, Florida Statutes, is amended to read:

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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 21. 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

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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 22. 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 23. 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 24. 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 25. 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

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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 26. 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 27. 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 28. 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,"

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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 29. 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 \$1,000 for each count or separate offense ~~and a fine of up to~~  
4 ~~\$5,000 for matters pertaining to a material violation of the~~  
5 ~~Florida Building Code as reported by a local jurisdiction.~~

6 Section 30. 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 (Redesignate subsequent sections.)

17  
18  
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 3, after the semicolon,

22  
23 insert:

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

30  
31