

1 A bill to be entitled
2 An act relating to business regulation;
3 amending s. 509.032, F.S.; providing for annual
4 rather than biannual inspections of transient
5 and nontransient apartments; revising notice
6 and license requirements for temporary food
7 service events; amending s. 509.039, F.S.;
8 revising requirements for testing and
9 certification of food service managers;
10 amending s. 509.251, F.S.; excluding certain
11 fees from the maximum aggregate license fee for
12 public food service establishments; amending s.
13 509.291, F.S.; providing for increased
14 coordination and consultation among the
15 Secretary of Business and Professional
16 Regulation, the Division of Hotels and
17 Restaurants, and the advisory council; amending
18 s. 509.302, F.S.; increasing the annual fee
19 collected for the purpose of funding the
20 Hospitality Education Program; amending s.
21 399.01, F.S.; revising and removing
22 definitions; requiring that elevator service
23 maintenance contracts be made available to the
24 Department of Business and Professional
25 Regulation upon request for oversight purposes;
26 revising qualifications for an elevator
27 certificate of competency; amending s. 399.02,
28 F.S.; providing that each elevator owner is
29 responsible for inspections and correction of
30 code deficiencies; eliminating a requirement
31 that the department review service maintenance

1 contracts and determine whether they ensure
2 safe operation; amending s. 399.03, F.S.;
3 revising requirements relating to the design,
4 installation, and alteration of conveyances;
5 providing additional requirements for issuance
6 of elevator permits; revising reporting
7 requirements; providing requirements for
8 temporary operation inspections; amending s.
9 399.049, F.S.; revising grounds for suspension
10 or revocation of certification or registration;
11 amending s. 399.061, F.S.; eliminating the
12 requirement that annual inspections be
13 conducted through third-party inspection
14 services; revising reporting requirements
15 relating to service maintenance contracts;
16 revising requirements relating to the
17 correction of violations; amending s. 399.07,
18 F.S.; extending the period of validity of
19 certificates of operation from 1 to 2 years;
20 revising fee provisions to conform; amending s.
21 399.105, F.S.; providing administrative fines
22 for violations relating to reporting, operating
23 a sealed elevator, and complying with
24 correction orders; eliminating a restriction on
25 the issuance of an administrative fine relating
26 to commencing installation without a
27 construction permit; amending s. 399.106, F.S.;
28 correcting a reference; amending s. 399.125,
29 F.S.; eliminating the requirement to report
30 elevator incidents; amending s. 399.13, F.S.;
31 allowing municipalities or counties that assume

1 elevator inspection duties to hire private
2 inspectors to conduct inspections; amending s.
3 509.036, F.S.; conforming a reference; creating
4 s. 473.3125, F.S.; requiring the Board of
5 Accountancy to require, by rule, licensees to
6 undergo periodic peer review as a condition of
7 license renewal; providing requirements for the
8 rules governing peer review; providing immunity
9 from liability for any action taken in good
10 faith by a certified public accountant as a
11 member of a review committee; providing
12 immunity from liability for a certified public
13 accountant or other individual who performs
14 administrative services for a review committee
15 in good faith, without malice, and on the basis
16 of facts reasonably known to exist; amending s.
17 473.323, F.S.; authorizing the board to take
18 disciplinary action against a licensee who
19 fails to provide documentation of a
20 satisfactory peer review; amending ss. 471.003,
21 471.0035, 471.005, 471.007, 471.013, 471.015,
22 471.019, 471.0195, 471.021, 471.023, 471.025,
23 471.027, 471.031, 471.033, 471.037, F.S.;
24 revising provisions applying to registered
25 professional engineers to apply to licensed
26 professional engineers; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (a) of subsection (2) and
2 paragraph (c) of subsection (3) of section 509.032, Florida
3 Statutes, are amended to read:

4 509.032 Duties.--

5 (2) INSPECTION OF PREMISES.--

6 (a) The division has responsibility and jurisdiction
7 for all inspections required by this chapter. The division
8 has responsibility for quality assurance. Each licensed
9 establishment shall be inspected at least biannually, except
10 for transient and nontransient apartments, which shall be
11 inspected at least annually, and shall be inspected at such
12 other times as the division determines is necessary to ensure
13 the public's health, safety, and welfare. The division shall
14 establish a system to determine inspection frequency. Public
15 lodging units classified as resort condominiums or resort
16 dwellings are not subject to this requirement, but shall be
17 made available to the division upon request. If, during the
18 inspection of a public lodging establishment classified for
19 renting to transient or nontransient tenants, an inspector
20 identifies vulnerable adults who appear to be victims of
21 neglect, as defined in s. 415.102, or, in the case of a
22 building that is not equipped with automatic sprinkler
23 systems, tenants or clients who may be unable to self-preserve
24 in an emergency, the division shall convene meetings with the
25 following agencies as appropriate to the individual situation:
26 the Department of Health, the Department of Elderly Affairs,
27 the area agency on aging, the local fire marshal, the landlord
28 and affected tenants and clients, and other relevant
29 organizations, to develop a plan which improves the prospects
30 for safety of affected residents and, if necessary, identifies
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1 alternative living arrangements such as facilities licensed
2 under part II or part III of chapter 400.

3 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD
4 SERVICE EVENTS.--The division shall:

5 (c) Administer a public notification process for
6 temporary food service events and distribute educational
7 materials that address safe food storage, preparation, and
8 service procedures.

9 1. Sponsors of temporary food service events shall
10 notify the division not less than 3 days prior to the
11 scheduled event of the type of food service proposed, the time
12 and location of the event, a complete list of food service
13 vendors ~~vendor owners and operators~~ participating in the each
14 event, the number of individual food service facilities each
15 vendor will operate at the event, and the identification
16 number of each food service vendor's current license as a
17 ~~numbers of all~~ public food service establishment or temporary
18 food service event licensee establishments participating in
19 ~~each event~~. Notification may be completed orally, by
20 telephone, in person, or in writing. A public food service
21 establishment or food service vendor may not use this
22 notification process to circumvent the license requirements of
23 this chapter.

24 2. The division shall keep a record of all
25 notifications received for proposed temporary food service
26 events and shall provide appropriate educational materials to
27 the event sponsors, including the food-recovery brochure
28 developed under s. 570.0725.

29 3.a. A public food service establishment or other food
30 service vendor must obtain one of the following classes of a
31 license from the division: an individual license, for a fee of

1 no more than \$105,for each temporary food service event in
2 which it participates; or an annual license, for a fee of no
3 more than \$1,000, that entitles the licensee to participate in
4 an unlimited number of food service events during the license
5 period. The division shall establish license fees, by rule,
6 and may limit the number of food service facilities a licensee
7 may operate at a particular temporary food service event under
8 a single license.

9 b. Public food service establishments holding current
10 licenses from the division may operate under the regulations
11 of such a license at temporary food service events of 3 days
12 or less in duration.

13 Section 2. Section 509.039, Florida Statutes, is
14 amended to read:

15 509.039 Food service manager certification.--It is the
16 duty of the division to adopt, by rule, food safety protection
17 standards for the training and certification of all food
18 service managers who are responsible for the storage,
19 preparation, display, or serving of foods to the public in
20 establishments regulated under this chapter. The standards
21 adopted by the division shall be consistent with the Standards
22 for Accreditation of Food Protection Manager Certification
23 Programs adopted by the Conference for Food Protection.These
24 standards are to be adopted by the division to ensure that,
25 upon successfully passing a test, approved by the Conference
26 for Food Protection,a manager of a food service establishment
27 shall have demonstrated a knowledge of basic food protection
28 practices. The division may contract with an organization
29 offering a training and certification program that complies
30 with division standards and results in a certification
31 recognized by the Conference for Food Protection ~~These~~

1 ~~standards shall also provide for a certification program which~~
2 ~~authorizes private or public agencies to conduct an approved~~
3 ~~test and certify all test the results of those tests to the~~
4 ~~division. Other organizations offering programs that meet the~~
5 ~~same requirements may also conduct approved tests and certify~~
6 ~~all test results to the division. The division may charge the~~
7 ~~organization it contracts with a fee of not more than \$5 per~~
8 ~~certified test to cover the administrative costs of the~~
9 ~~division for the food service manager training and~~
10 ~~certification program.The fee for the test shall not exceed~~
11 ~~\$50.~~ All managers employed by a food service establishment
12 must have passed an approved ~~this~~ test and received a
13 certificate attesting thereto. Managers have a period of 90
14 days after employment to pass the required test. The ranking
15 of food service establishments is also preempted to the state;
16 provided, however, that any local ordinances establishing a
17 ranking system in existence prior to October 1, 1988, may
18 remain in effect.

19 Section 3. Subsections (1) and (2) of section 509.251,
20 Florida Statutes, are amended to read:

21 509.251 License fees.--

22 (1) The division shall adopt, by rule, a schedule of
23 fees to be paid by each public lodging establishment as a
24 prerequisite to issuance or renewal of a license. Such fees
25 shall be based on the number of rental units in the
26 establishment. The aggregate fee per establishment charged any
27 public lodging establishment but shall not exceed \$1,000;
28 however, the fees described in paragraphs (a) and (b) may not
29 be included as part of the aggregate fee subject to this cap.
30 Resort condominium units within separate buildings or at
31 separate locations but managed by one licensed agent may be

1 combined in a single license application, and the division
2 shall charge a license fee as if all units in the application
3 are in a single licensed establishment. Resort dwelling units
4 may be licensed in the same manner as condominium units. The
5 fee schedule shall require an establishment which applies for
6 an initial license to pay the full license fee if application
7 is made during the annual renewal period or more than 6 months
8 prior to the next such renewal period and one-half of the fee
9 if application is made 6 months or less prior to such period.
10 The fee schedule shall include fees collected for the purpose
11 of funding the Hospitality Education Program, pursuant to s.
12 509.302, which are payable in full for each application
13 regardless of when the application is submitted.

14 (a) Upon making initial application or an application
15 for change of ownership, the applicant shall pay to the
16 division a fee as prescribed by rule, not to exceed \$50, in
17 addition to any other fees required by law, which shall cover
18 all costs associated with initiating regulation of the
19 establishment.

20 (b) A license renewal filed with the division within
21 30 days after the expiration date shall be accompanied by a
22 delinquent fee as prescribed by rule, not to exceed \$50, in
23 addition to the renewal fee and any other fees required by
24 law. A license renewal filed with the division more than 30
25 but not more than 60 days after the expiration date shall be
26 accompanied by a delinquent fee as prescribed by rule, not to
27 exceed \$100, in addition to the renewal fee and any other fees
28 required by law.

29 (2) The division shall adopt, by rule, a schedule of
30 fees to be paid by each public food service establishment as a
31 prerequisite to issuance or renewal of a license. The fee

1 schedule shall prescribe a basic fee and additional fees based
2 on seating capacity and services offered. The aggregate fee
3 per establishment charged any public food service
4 establishment may not exceed \$400; however, the fees described
5 in paragraphs (a) and (b) may not be included as part of the
6 aggregate fee subject to this cap. The fee schedule shall
7 require an establishment which applies for an initial license
8 to pay the full license fee if application is made during the
9 annual renewal period or more than 6 months prior to the next
10 such renewal period and one-half of the fee if application is
11 made 6 months or less prior to such period. The fee schedule
12 shall include fees collected for the purpose of funding the
13 Hospitality Education Program, pursuant to s. 509.302, which
14 are payable in full for each application regardless of when
15 the application is submitted.

16 (a) Upon making initial application or an application
17 for change of ownership, the applicant shall pay to the
18 division a fee as prescribed by rule, not to exceed \$50, in
19 addition to any other fees required by law, which shall cover
20 all costs associated with initiating regulation of the
21 establishment.

22 (b) A license renewal filed with the division within
23 30 days after the expiration date shall be accompanied by a
24 delinquent fee as prescribed by rule, not to exceed \$50, in
25 addition to the renewal fee and any other fees required by
26 law. A license renewal filed with the division more than 30
27 but not more than 60 days after the expiration date shall be
28 accompanied by a delinquent fee as prescribed by rule, not to
29 exceed \$100, in addition to the renewal fee and any other fees
30 required by law.

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1 Section 4. Subsection (2) of section 509.291, Florida
2 Statutes, is amended, and subsections (5) and (6) are added to
3 said section, to read:

4 509.291 Advisory council.--

5 (2) The purpose of the advisory council is to promote
6 better relations, understanding, and cooperation between such
7 industries and the division; to suggest means of better
8 protecting the health, welfare, and safety of persons using
9 the services offered by such industries; to give the division
10 the benefit of its knowledge and experience concerning the
11 industries and individual businesses affected by the laws and
12 rules administered by the division; ~~and~~ to promote and
13 coordinate the development of programs to educate and train
14 personnel for such industries; and to perform such other
15 duties as prescribed by law.

16 (5) The secretary and the division shall periodically
17 review with the advisory council the division's budget and
18 financial status for the purpose of maintaining the financial
19 stability of the division. The council shall make
20 recommendations, when it deems appropriate, to the secretary
21 and the division to ensure that adequate funding levels from
22 fees, penalties, and other costs assessed by the division and
23 paid by the industries it regulates are maintained.

24 (6) The division shall provide to the advisory council
25 each year an annual internal audit of the financial records of
26 the Hospitality Education Program for the purpose of
27 permitting the advisory council to determine compliance with
28 the provisions of s. 509.072(2).

29 Section 5. Subsection (3) of section 509.302, Florida
30 Statutes, is amended to read:

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1 509.302 Director of education, personnel, employment
2 duties, compensation.--

3 (3) All public lodging establishments and all public
4 food service establishments licensed under this chapter shall
5 pay an annual fee of no more than ~~\$10~~\$6 which shall be
6 included in the annual license fee and which shall be used for
7 the sole purpose of funding the Hospitality Education Program.

8 Section 6. Section 399.01, Florida Statutes, is
9 amended to read:

10 399.01 Definitions.--As used in this chapter, the
11 term:

12 (1) "Alteration" means any change or addition to the
13 vertical conveyance other than maintenance, repair, or
14 replacement.

15 ~~(2) "Certificate of competency" means a document
16 issued by the division which evidences the competency of a
17 person to construct, install, inspect, maintain, or repair any
18 vertical conveyance.~~

19 (2)~~(3)~~ "Certificate of operation" means a document
20 issued by the department which indicates that the conveyance
21 has had the required safety inspection and tests and that fees
22 have been paid as provided in this chapter.

23 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
24 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
25 chairlift.

26 (4)~~(5)~~ "Department" means the Department of Business
27 and Professional Regulation.

28 (5)~~(6)~~ "Division" means the Division of Hotels and
29 Restaurants of the Department of Business and Professional
30 Regulation.

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1 (6)~~(7)~~ "Elevator" means one of the following
2 mechanical devices:

3 (a) A hoisting and lowering mechanism, equipped with a
4 car and platform that moves in guide rails and serves two or
5 more landings to transport material or passengers or both.

6 (b) An escalator, which is a power-driven, inclined
7 continuous stairway used for raising or lowering passengers.

8 (c) A dumbwaiter, which is a hoisting and lowering
9 mechanism equipped with a car of limited size which moves in
10 guide rails and serves two or more landings.

11 (d) A moving walk, which is a type of
12 passenger-carrying device on which passengers stand or walk
13 and in which the passenger-carrying surface remains parallel
14 to its direction of motion and is uninterrupted.

15 (e) An inclined stairway chairlift, which is a device
16 used to transport physically handicapped persons over
17 architectural barriers.

18 (f) An inclined or vertical wheelchair lift, which is
19 a device used to transport wheelchair handicapped persons over
20 architectural barriers.

21 ~~(8) "Escalator" means an installation defined as an~~
22 ~~escalator in the Florida Building Code.~~

23 (7)~~(9)~~ "Existing installation" means an installation
24 defined as an "installation, existing" in the Florida Building
25 Code.

26 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
27 means the committee appointed by the secretary of the
28 Department of Business and Professional Regulation.

29 (9)~~(11)~~ "Private residence" means a separate dwelling
30 or a separate apartment in a multiple dwelling which is
31 occupied by members of a single-family unit.

1 (10)~~(12)~~ "Service maintenance contract" means a
2 contract that provides for routine examination, lubrication,
3 cleaning, adjustment, replacement of parts, and performance of
4 applicable code-required safety tests such as on a traction
5 elevator and annual relief pressure test on a hydraulic
6 elevator and any other service, repair, and maintenance
7 sufficient to ensure the safe operation of the elevator. A
8 service maintenance contract shall be made available upon
9 request of the department for purposes of oversight and
10 monitoring.

11 (11)~~(13)~~ "Temporarily dormant conveyance" means a
12 conveyance whose power supply has been disconnected by
13 removing fuses and placing a padlock on the mainline
14 disconnect switch in the "OFF" position. The car is parked,
15 and the hoistway doors are in the closed and latched position.
16 A wire seal is installed on the mainline disconnect switch by
17 a certified ~~certificate of competency~~ elevator inspector. This
18 conveyance installation may not be used again until it has
19 been put in safe running order and is in condition for use.
20 Annual inspections shall continue for the duration of the
21 temporarily dormant status by a certified ~~certificate of~~
22 ~~competency~~ elevator inspector. The temporarily dormant status
23 is renewable on an annual basis and may not exceed a 5-year
24 period. The inspector shall file a report with the department
25 ~~chief elevator inspector~~ describing the current conditions.
26 The wire seal and padlock may not be removed for any purpose
27 without permission from the department ~~elevator inspector~~.

28 (12)~~(14)~~ "Temporary operation inspection permit" means
29 an inspection performed by a certified elevator inspector, the
30 successful passage of a document issued by the department
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1 which permits the temporary use of a noncompliant vertical
2 conveyance as provided by rule.

3 (13)~~(15)~~ "Registered elevator company" means an entity
4 registered with and authorized by the division employing
5 persons to construct, install, inspect, maintain, or repair
6 any vertical conveyance. Each registered elevator company must
7 annually register with the division and maintain general
8 liability insurance coverage in the minimum amounts set by
9 rule ~~the division~~.

10 (14)~~(16)~~ "Certified elevator inspector" is a natural
11 person registered with and authorized by the division to
12 construct, install, inspect, maintain, or repair any vertical
13 conveyance, after having properly acquired the qualified
14 elevator inspector credential as prescribed by the American
15 Society of Mechanical Engineers. Each certified elevator
16 inspector must annually register with the division and provide
17 ~~from the National Association of Elevator Safety Authorities.~~
18 ~~Such person shall remain so authorized by the division only~~
19 ~~upon providing annual~~ proof of completion of 8 hours of
20 continuing education, proof that and the qualified elevator
21 inspector credential remains in good standing, and proof of
22 ~~with the National Association of Elevator Safety Authorities.~~
23 ~~A licensed mechanical engineer whose license is in good~~
24 ~~standing may be authorized as a certified elevator inspector~~
25 ~~by the division. Each certified elevator inspector must~~
26 ~~annually register with the division and maintain general~~
27 liability insurance coverage in the minimum amounts set by the
28 division.

29 (15)~~(17)~~ "Certified elevator technician" means a
30 natural person authorized by the division to construct,
31 install, maintain, or repair any vertical conveyance, after

1 having been issued an elevator certificate of competency by
2 the division. Each certified elevator technician must annually
3 register with the division and be covered by ~~maintain~~ general
4 liability insurance coverage in the minimum amounts set by the
5 division.

6 ~~(16)(18)~~ "Elevator helper" means a natural person
7 performing work under the direct supervision of an elevator
8 certificate of competency holder ~~a certified elevator~~
9 ~~inspector or an elevator technician~~ to construct, install,
10 maintain, or repair any vertical conveyance.

11 ~~(17)(19)~~ "Elevator certificate of competency" means a
12 credential issued by the division to any individual natural
13 person successfully completing an examination as prescribed by
14 rule and paying a nonrefundable fee of \$50. Such credential
15 shall be valid for and expire at the end of 1 year, and may be
16 renewed by the division when the division receives proof of
17 the elevator certificate of competency holder's completion of
18 8 hours of continuing education from a provider approved by
19 the department and a nonrefundable renewal fee of \$50. The
20 department shall adopt by rule criteria for providing approval
21 and procedures for continuing education reporting.

22 (a) An elevator certificate of competency may be
23 issued only if the applicant meets the following requirements:

24 1. Four years' work experience in the construction,
25 maintenance, service, and repair of conveyances covered by
26 this chapter. This experience shall be verified by current or
27 previously registered elevator companies as required by the
28 division.

29 2. One of the following:
30
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1 a. Proof of completion and successful passage of a
2 written examination administered by the division or a provider
3 approved by the division under standards it adopted by rule.

4 b. Proof of completion of an apprenticeship program
5 for elevator mechanics which has standards substantially
6 equivalent to those found in a national training program for
7 elevator mechanics and is registered with the Bureau of
8 Apprenticeship and Training of the United States Department of
9 Labor or a state apprenticeship authority.

10 c. Proof of licensure or certification by a state or
11 local jurisdiction in the United States having standards
12 substantially equal to or more stringent than those of this
13 chapter.

14 (b) A licensed mechanical engineer whose license is in
15 good standing may be granted an elevator certificate of
16 competency.

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18 All other building transportation terms are defined in the
19 current Florida Building Code.

20 Section 7. Subsections (1) and (5) of section 399.02,
21 Florida Statutes, are amended to read:

22 399.02 General requirements.--

23 (1) The Elevator Safety Technical Advisory Committee
24 shall develop and submit to the Director of Hotels and
25 Restaurants proposed ~~regarding~~ revisions to the elevator
26 safety code so that it is the same as or similar to the latest
27 editions ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

28 (5)(a) The construction permitholder is responsible
29 for the correction of violations and deficiencies until the
30 elevator has been inspected and a certificate of operation has
31 been issued by the department. The construction permitholder

1 is responsible for all tests of new and altered equipment
2 until the elevator has been inspected and a certificate of
3 operation has been issued by the department.

4 (b) The elevator owner is responsible for the safe
5 operation, ~~and proper maintenance, and inspection and~~
6 correction of code deficiencies of the elevator after ~~it has~~
7 ~~been inspected and~~ a certificate of operation has been issued
8 by the department. The responsibilities of the elevator owner
9 may be assigned by lease.

10 ~~(c) The elevator owner shall report to the department~~
11 ~~60 days before the expiration of the certificate of operation~~
12 ~~whether there exists a service maintenance contract, with whom~~
13 ~~the contract exists, and the details concerning the provisions~~
14 ~~and implementation of the contract which the department~~
15 ~~requires. The department shall keep the names of companies~~
16 ~~with whom the contract exists confidential pursuant to the~~
17 ~~public records exemption provided in s. 119.14(4)(b)3. This~~
18 ~~annual contract report must be made on forms supplied by the~~
19 ~~department. The elevator owner must report any material~~
20 ~~change in the service maintenance contract no fewer than 30~~
21 ~~days before the effective date of the change. The department~~
22 ~~shall determine whether the provisions of the service~~
23 ~~maintenance contract and its implementation ensure the safe~~
24 ~~operation of the elevator.~~

25 Section 8. Section 399.03, Florida Statutes, is
26 amended to read:

27 399.03 Design, installation, and alteration of
28 conveyances.--

29 (1) A conveyance covered by this chapter may not be
30 erected, constructed, installed, or altered within buildings
31 or structures until ~~unless~~ a permit has been obtained from the

1 department ~~before the work is commenced~~. Permits must be
2 applied for by a registered elevator company and may only be
3 granted upon receipt and approval of an application to be made
4 on a form prescribed by the department, accompanied by proper
5 fees and a sworn statement from an agent of the registered
6 elevator company that the plans meet all applicable elevator
7 safety and building codes. Permits may be granted only to
8 registered elevator companies in good standing.When any
9 material alteration is made, the alteration ~~device~~ must
10 conform to applicable requirements of the Florida Building
11 Code and the provisions of this chapter ~~for the alteration.~~ A
12 ~~permit required hereunder may not be issued except to a~~
13 ~~person, firm, or corporation holding a current elevator~~
14 ~~contractor's license issued under this chapter.~~ A copy of the
15 permit and plans must be kept at the construction site at all
16 times while the work is in progress and until a certificate of
17 operation is issued.

18 (2) The department shall provide by rule for permit
19 application requirements and permit fees.

20 (3) Permits may be revoked for the following reasons:

21 (a) There are any false statements or
22 misrepresentations as to the material facts in the
23 application, plans, or specifications on which the permit was
24 based.

25 (b) The permit was issued in error and not in
26 accordance with the code or rules.

27 (c) The work detailed under the permit is not being
28 performed in accordance with the provisions of the
29 application, plans, or specifications or with the code or
30 conditions of the permit.

31

1 (d) The construction permitholder to whom the permit
2 was issued fails or refuses to comply with a stop-work order.

3 (4) A permit expires if:

4 (a) The work authorized by the permit is not commenced
5 within 6 months after the date of issuance, or within a
6 shorter period of time as the department may specify at the
7 time the permit is issued.

8 (b) The work is suspended or abandoned for a period of
9 60 days, or such shorter period of time as the department may
10 specify at the time the permit is issued, after the work has
11 been started. For good cause, the department may allow a
12 discretionary extension for the foregoing period.

13 (5) All new conveyance installations must be performed
14 by a registered elevator company ~~person to whom a license to~~
15 ~~install or service a conveyance has been issued.~~ Subsequent to
16 ~~installation, the licensed person, firm, or company must~~
17 ~~certify compliance with the applicable sections of this~~
18 ~~chapter and the Florida Building Code.~~ Before any vertical
19 conveyance is used, except those in a private residence, it
20 must be inspected by a certified elevator ~~licensed~~ inspector
21 ~~not employed, or associated, or having a conflict of interest~~
22 ~~with the elevator construction permitholder~~ or elevator owner
23 and certified as meeting the safety provisions of the Florida
24 Building Code, including the performance of all required
25 safety tests. The certified elevator inspector shall provide
26 the original copy of the inspection report to the department
27 within 5 days after the inspection. A certificate of operation
28 may not be issued until the permitholder provides an affidavit
29 signed by the construction supervisor attesting that the
30 supervisor directly supervised the construction or
31 installation of the elevator. ~~Upon successful inspection, the~~

1 ~~owner or lessee must apply to the department for a certificate~~
2 ~~of operation from the department. A fee as prescribed in this~~
3 ~~chapter must be paid for the certificate of operation. It is~~
4 ~~the responsibility of the licensed elevator construction~~
5 ~~permitholder to complete and submit a first-time registration~~
6 ~~for a new installation.~~ Vertical conveyances, including
7 stairway chairlifts, and inclined or vertical wheelchair lifts
8 located in private residences are not required to obtain a
9 certificate of operation under this chapter.

10 ~~(6) A certificate of operation expires July 31 of each~~
11 ~~year and must be renewed prior to continued use of the~~
12 ~~conveyance. A certificate of operation must be clearly~~
13 ~~displayed on or in each conveyance or in the machine room for~~
14 ~~use by and for the benefit of inspectors and code enforcement~~
15 ~~personnel. Certificates of operation may only be renewed for~~
16 ~~vertical conveyances having a current satisfactory inspection.~~

17 (6)(7) At the department's request, and to facilitate
18 oversight and monitoring, the permitholder shall notify the
19 department of the scheduled final inspection date and time for
20 purposes of acquiring a certificate of inspection, in writing,
21 ~~at least 7 days before completion of the work and shall, in~~
22 ~~the presence of a licensed elevator inspector not associated~~
23 ~~with or employed by the installing company or contractor,~~
24 ~~subject the newly installed, relocated, or altered portions of~~
25 ~~the elevator to tests required to show that the elevator meets~~
26 ~~the applicable provisions of the Florida Building Code.~~

27 (7)(8) Each elevator shall comply with the edition of
28 the Florida Building Code or Elevator Safety Code that was in
29 effect at the time of receipt of application for the
30 construction permit for the elevator.

31

1 ~~(8)(9)~~ Each alteration to, or relocation of, an
2 elevator shall comply with the edition of the Florida Building
3 Code or Elevator Safety Code that was in effect at the time of
4 receipt of the application for the construction permit for the
5 alteration or relocation.

6 ~~(9)(10)~~ When any change is made in the classification
7 of an elevator, the elevator shall comply with all of the
8 requirements of the version of the Florida Building Code or
9 Elevator Safety Code that were in effect at the time of
10 receipt of the application for the construction permit for the
11 change in classification.

12 ~~(10)(a)~~ The temporary use of an elevator during
13 installation or alteration is authorized for a period of 30
14 days after the completion of a satisfactory temporary
15 operation inspection. An additional 30-day period of temporary
16 use is authorized from the date of completion of each
17 additional satisfactory temporary operation inspection. A
18 satisfactory temporary operation inspection must satisfy the
19 following criteria: the elevator is tested under contract
20 load; the hoistway is fully enclosed; the hoistway doors and
21 interlocks are installed; the car is completely enclosed,
22 including door or gate and top; all electrical safety devices
23 are installed and properly functioning; and terminal stopping
24 equipment is in place for a safe runby and proper clearance.
25 When a car is provided with a temporary enclosure, the
26 operating means must be by constant pressure push-button or
27 lever-type switch. The car may not exceed the minimum safe
28 operating speed of the elevator, and the governor tripping
29 speed must be set in accordance with the operating speed of
30 the elevator.

31

1 (b) Temporary use is authorized only when a
2 satisfactory temporary operation inspection report, completed
3 within the last 30 days, by a certified elevator inspector,
4 and a notice prescribed by the department, bearing a statement
5 that the elevator has not been finally approved by a certified
6 elevator inspector, are conspicuously posted in the elevator.

7 Section 9. Section 399.049, Florida Statutes, is
8 amended to read:

9 399.049 Disciplinary action ~~Certificate of~~
10 ~~competency.--~~

11 (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~
12 ~~OF COMPETENCY.--~~The department may suspend or revoke an
13 elevator inspector certification, an elevator company
14 registration, an elevator ~~a license or~~ certificate of
15 competency, or an elevator certificate of operation issued
16 under this chapter or impose an administrative penalty of up
17 to \$1,000 per violation upon any registered elevator company
18 ~~licensee~~ or certificateholder who commits any one or more of
19 the following violations:

20 (a) Any false statement as to a material matter in an
21 the application for registration, certification, or any permit
22 or certificate issued under this chapter.

23 (b) Fraud, misrepresentation, or bribery in the
24 practice of the profession ~~securing a license or certificate~~
25 ~~of competency.~~

26 (c) Failure by a certified elevator inspector to
27 provide to notify the department and the certificate of
28 operation holder with a copy of the inspection report within 5
29 days after the date of any inspection performed after the
30 initial certificate of operation is issued ~~of a conveyance~~
31 ~~covered by this chapter that is not in compliance with the~~

1 ~~provisions of the elevator safety code incorporated into the~~
2 ~~Florida Building Code.~~

3 (d) Violation of any provision of this chapter.

4 (2) ~~DISCIPLINARY ACTION.~~--Any disciplinary action
5 taken under this chapter must comply with chapter 120 and any
6 rules adopted thereunder.

7 Section 10. Section 399.061, Florida Statutes, is
8 amended to read:

9 399.061 Inspections; service maintenance contracts;
10 correction of deficiencies.--

11 (1)(a) All elevators or other conveyances subject to
12 this chapter must be annually inspected by a certified
13 elevator inspector ~~through a third-party inspection service,~~
14 or by a municipality or county under contract with the
15 division, pursuant to s. 399.13. If the elevator ~~or other~~
16 conveyance is maintained pursuant to a service maintenance
17 contract continuously in force, it shall be inspected at least
18 once every 2 years by a certified elevator inspector who is
19 not employed by or otherwise associated with the maintenance
20 company; however, if the elevator is not an escalator or a
21 dumbwaiter, serves only two adjacent floors, and is covered by
22 a service maintenance contract, an inspection is not required
23 so long as the service contract remains in effect. ~~A statement~~
24 ~~verifying the existence, performance, and cancellation of each~~
25 ~~service maintenance contract must be filed annually with the~~
26 ~~division as prescribed by rule.~~

27 (b) A statement verifying the existence and
28 performance of each service maintenance contract must be filed
29 at least annually with the division and as prescribed by rule.
30 Cancellation of a service maintenance contract must be
31 reported to the division as prescribed by rule.~~The division~~

1 ~~may inspect an elevator whenever necessary to ensure its safe~~
2 ~~operation or when a third-party inspection service is not~~
3 ~~available for a routine inspection.~~

4 (2) The division may employ state elevator inspectors
5 to inspect an elevator whenever necessary to ensure its safe
6 operation.The division may also employ state elevator
7 inspectors to conduct any ~~the~~ inspections ~~as~~ required by this
8 chapter subsection (1)and may charge a ~~an inspection~~ fee for
9 each inspection in an amount sufficient to cover the costs of
10 that inspection, as provided by rule, when a private certified
11 elevator inspector is not available. Each state elevator
12 inspector shall be properly qualified as a certified elevator
13 inspector ~~hold a certificate of competency issued by the~~
14 ~~division.~~

15 (3) Whenever the division determines from the results
16 of any inspection that, in the interest of the public safety,
17 an elevator is in an unsafe condition, the division may seal
18 the elevator or order the discontinuance of the use of the
19 elevator until the division determines by inspection that such
20 elevator has been satisfactorily repaired or replaced so that
21 the elevator may be operated in a safe manner.

22 (4) When the division determines that an elevator is
23 in violation of this chapter or the Florida Building Code, the
24 division may issue an order to the elevator owner requiring
25 correction of the violation and reinspection of the elevator
26 evidencing the correction.

27 Section 11. Section 399.07, Florida Statutes, is
28 amended to read:

29 399.07 Certificates of operation; ~~temporary operation~~
30 ~~permits; fees.--~~

31

1 ~~(1)(a) A certificate of operation may not be issued~~
2 ~~until the elevator company supervisor signs an affidavit~~
3 ~~stating that the elevator company supervisor directly~~
4 ~~supervised construction or installation of the elevator.~~

5 (1)(b) The certificate of operation is valid for a
6 period not to exceed 2 years and shall expire at the end of
7 the period of 1 year unless sooner suspended or revoked. The
8 department may adopt rules establishing a procedure for
9 certificate renewal. Certificates of operation may be renewed
10 only for vertical conveyances having a current satisfactory
11 inspection. The owner of an elevator operating with an expired
12 certificate of operation is in violation of this chapter.
13 Certificate of operation renewal applications received by the
14 department after the date of expiration of the last current
15 certificate must be accompanied by a late fee of \$50 in
16 addition to the renewal fee and any other fees required by
17 law. The department shall adopt by rule a fee schedule for the
18 renewal of certificates of operation. The fees must be
19 deposited into the Hotel and Restaurant Trust Fund.~~The~~
20 ~~department shall by rule adopt a fee schedule for the renewal~~
21 ~~of certificates of operation. The renewal period commences on~~
22 ~~August 1 of each year.~~

23 (2)(c) The certificate of operation must be posted in
24 a conspicuous location on the elevator and must be framed with
25 a transparent cover.

26 ~~(d) The department shall charge an annual fee for~~
27 ~~issuance of a certificate of operation in an amount to be set~~
28 ~~by rule. However, a renewal application for a certificate of~~
29 ~~operation filed with the department after expiration date of~~
30 ~~the certificate must be accompanied by a delinquency fee of~~
31 ~~\$50 in addition to the annual renewal fee and any other fees~~

1 ~~required by law. The fees must be deposited into the Hotel and~~
2 ~~Restaurant Trust Fund.~~

3 ~~(2)(a) The department may issue a temporary operation~~
4 ~~permit authorizing the temporary use of an elevator during~~
5 ~~installation or alteration to an elevator company or general~~
6 ~~contractor acting as a general agent of an elevator company. A~~
7 ~~temporary operation permit may not be issued until the~~
8 ~~elevator has been inspected by a state elevator inspector and~~
9 ~~tested under contract load; the hoistway is fully enclosed;~~
10 ~~the hoistway doors and interlocks are installed; the car is~~
11 ~~completely enclosed, including door or gate and top; all~~
12 ~~electrical safety devices are installed and properly~~
13 ~~functioning; and terminal stopping equipment is in place for a~~
14 ~~safe runby and proper clearance. When a car is provided with a~~
15 ~~temporary enclosure, the operating means must be by constant~~
16 ~~pressure push-button or lever-type switch. The car may not~~
17 ~~exceed the minimum safe operating speed of the elevator, and~~
18 ~~the governor tripping speed must be set in accordance with the~~
19 ~~operating speed of the elevator.~~

20 ~~(b) A temporary operation permit must be issued for a~~
21 ~~period not to exceed 30 days. The permit may be renewed at~~
22 ~~the discretion of the department.~~

23 ~~(c) When a temporary operation permit is issued, the~~
24 ~~permit, together with a notice bearing a statement that the~~
25 ~~elevator has not been finally approved by a state elevator~~
26 ~~inspector, must be conspicuously posted in the elevator.~~

27 ~~(d) The department shall charge a fee, set by rule in~~
28 ~~an amount not greater than \$100, for each temporary operation~~
29 ~~permit. The fee must be deposited in the Hotel and Restaurant~~
30 ~~Trust Fund.~~

31

1 (3) The certificate of operation shall contain the
2 text of s. 823.12, relating to the prohibition against smoking
3 in elevators.

4 (4) In addition to subsection (3), the designation "NO
5 SMOKING" along with the international symbol for no smoking
6 shall be conspicuously displayed within the interior of the
7 elevator in the plain view of the public.

8 (5) Except for ~~as authorized by a~~ temporary use
9 authorized by this chapter operation permit, the operation or
10 use of any newly installed, relocated, or altered elevator is
11 prohibited until the elevator has passed the tests and
12 inspections required by this chapter and a certificate of
13 operation has been issued.

14 (6) The department may suspend any certificate of
15 operation if it finds that the elevator is not in compliance
16 with this chapter or of rules adopted under this chapter. The
17 suspension remains in effect until the department receives
18 satisfactory results of an inspection performed by a certified
19 elevator inspector indicating ~~determines, by inspection,~~ that
20 the elevator has been brought into compliance.

21 Section 12. Section 399.105, Florida Statutes, is
22 amended to read:

23 399.105 Administrative fines.--

24 (1) Any person who fails to comply with the reporting
25 requirements of this chapter ~~s. 399.02~~ or with the reasonable
26 requests of the department to determine whether the provisions
27 of a service maintenance contract and its implementation
28 ensure ~~assure~~ safe elevator operation is subject to an
29 administrative fine not greater than \$1,000 in addition to any
30 other penalty provided by law.

31

1 (2) Any person who commences the operation,
2 installation, relocation, or alteration of any elevator for
3 which a permit or certificate is required by this chapter
4 without having obtained from the department the permit or
5 certificate is subject to an administrative fine not greater
6 than \$1,000 in addition to any other penalty provided by law.
7 ~~No fine may be imposed under this subsection for commencing~~
8 ~~installation without a construction permit if such permit is~~
9 ~~issued within 60 days after the actual commencement of~~
10 ~~installation.~~

11 (3) An elevator owner who continues to operate an
12 elevator after notice to discontinue its use or after it has
13 been sealed by the department is subject to an administrative
14 fine not greater than \$1,000 for each day the elevator has
15 been operated after the service of the notice or sealing by
16 the department, in addition to any other penalty provided by
17 law.

18 (4) An elevator owner who fails to comply with an
19 order to correct issued under s. 399.061(4) within 30 ~~60~~ days
20 after its issuance is subject, in addition to any other
21 penalty provided by law, to an administrative fine ~~set by the~~
22 ~~department~~ in an amount not to exceed \$1,000.

23 (5) All administrative fines collected shall be
24 deposited into the Hotel and Restaurant Trust Fund.

25 Section 13. Subsection (2) of section 399.106, Florida
26 Statutes, is amended to read:

27 399.106 Elevator Safety Technical Advisory
28 Committee.--

29 (2) The committee members shall serve staggered terms
30 of 4 years to be set by rule without salary, but may receive
31

1 from the state expenses for per diem and travel. The committee
2 ~~commission~~ shall appoint one of the members to serve as chair.

3 Section 14. Section 399.125, Florida Statutes, is
4 amended to read:

5 399.125 Reporting of elevator accidents ~~or incidents~~;
6 penalties.--Within 5 working days after any accident ~~or~~
7 ~~incident~~ occurring in or upon any elevator, the certificate of
8 operation holder shall report the accident ~~or incident~~ to the
9 division on a form prescribed by the division. Failure to
10 timely file this report is a violation of this chapter and
11 will subject the certificate of operation holder to an
12 administrative fine, to be imposed by the division, in an
13 amount not to exceed \$1,000.

14 Section 15. Section 399.13, Florida Statutes, is
15 amended to read:

16 399.13 Delegation of authority to municipalities or
17 counties.--

18 (1) The department may enter into contracts with
19 municipalities or counties under which such municipalities or
20 counties will issue construction permits, ~~temporary operation~~
21 ~~permits~~, and certificates of operation; will provide for
22 inspection of elevators, including temporary operation
23 inspections; and will enforce the applicable provisions of the
24 Florida Building Code, as required by this chapter. The
25 municipality or county may choose to require inspections to be
26 performed by its own inspectors or by private certified
27 elevator inspectors. Each such agreement shall include a
28 provision that the municipality or county shall maintain for
29 inspection by the department copies of all applications for
30 permits issued, a copy of each inspection report issued, and
31 proper records showing the number of certificates of operation

1 issued; shall include a provision that each required
2 inspection be conducted by a certified elevator inspector ~~the~~
3 ~~holder of a certificate of competency issued by the~~
4 ~~department~~; and may include such other provisions as the
5 department deems necessary.

6 (2) The department may make inspections of elevators
7 in such municipality or county for the purpose of determining
8 that the provisions of this chapter are being met and may
9 cancel the contract with any municipality or county which the
10 department finds has failed to comply with such contract or
11 the provisions of this chapter. The amendments to chapter 399
12 by this act shall apply only to the installation, relocation,
13 or alteration of an elevator for which a permit has been
14 issued after October 1, 1990.

15 Section 16. Section 473.3125, Florida Statutes, is
16 created to read:

17 473.3125 Peer review.--

18 (1) The board shall require, by rule, each licensee to
19 undergo a peer review at least once every 3 years as a
20 condition of license renewal. The peer review must be
21 conducted in a manner prescribed by the board. A satisfactory
22 result for a peer review means that the firm has undergone the
23 entire peer-review process and the report on the peer review
24 indicates that the firm maintains acceptable standards of
25 competence, as prescribed by the board. The review must
26 include a verification that individuals in the firm who are
27 responsible for supervising the attest and compilation
28 services and who sign, or authorize another to sign, an
29 accountant's report of a financial statement on behalf of the
30 firm meet the competency requirements set forth in the

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1 professional standards for such services. Rules governing
2 professional standards must:

3 (a) Include reasonable provision for compliance by a
4 firm showing that the firm has, within the preceding 3 years,
5 undergone a peer review that is a satisfactory equivalent to
6 the peer review required under this section and provide
7 documentation that a satisfactory result was received.

8 (b) Require that the peer review be subject to
9 oversight by an oversight body that is established or
10 sanctioned by board rule, which body shall periodically report
11 to the board on the effectiveness of the review program under
12 its charge and provide to the board a listing of firms that
13 have participated in a peer-review program that is
14 satisfactory to the board.

15 (c) Require that the peer-review process be operated
16 and documents maintained in a manner designed to preserve
17 confidentiality and ensure that the board or a third party,
18 other than the oversight body, does not have access to
19 documents furnished or generated during the course of the peer
20 review.

21 (2)(a) A certified public accountant who serves on a
22 review committee is immune from liability with respect to any
23 action taken by the accountant in good faith as a member of
24 the review committee.

25 (b) A certified public accountant or any other
26 individual appointed or authorized to perform administrative
27 services for a review committee is immune from liability for
28 furnishing information, data, reports, or records to any
29 review committee or for damages resulting from any decision,
30 opinion, action, or proceeding rendered, entered, or acted
31 upon by the review committee which is undertaken or performed

1 within the scope or function of the duties of the review
2 committee, if made or taken in good faith, without malice, and
3 on the basis of facts reasonably known or reasonably believed
4 to exist.

5 Section 17. Paragraph (n) is added to subsection (1)
6 of section 473.323, Florida Statutes, to read:

7 473.323 Disciplinary proceedings.--

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

10 (n) Failing to provide to the board documentation of a
11 satisfactory peer review.

12 Section 18. Section 471.003, Florida Statutes, is
13 amended to read:

14 471.003 Qualifications for practice; exemptions.--

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

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

24 (a) Any person practicing engineering for the
25 improvement of, or otherwise affecting, property legally owned
26 by her or him, unless such practice involves a public utility
27 or the public health, safety, or welfare or the safety or
28 health of employees. This paragraph shall not be construed as
29 authorizing the practice of engineering through an agent or
30 employee who is not duly licensed ~~registered~~ under the
31 provisions of this chapter.

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

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

10 (c) Regular full-time employees of a corporation not
11 engaged in the practice of engineering as such, whose practice
12 of engineering for such corporation is limited to the design
13 or fabrication of manufactured products and servicing of such
14 products.

15 (d) Regular full-time employees of a public utility or
16 other entity subject to regulation by the Florida Public
17 Service Commission, Federal Energy Regulatory Commission, or
18 Federal Communications Commission.

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

22 (f) Any person as contractor in the execution of work
23 designed by a professional engineer or in the supervision of
24 the construction of work as a foreman or superintendent.

25 (g) A licensed ~~registered~~ surveyor and mapper who
26 takes, or contracts for, professional engineering services
27 incidental to her or his practice of surveying and mapping and
28 who delegates such engineering services to a licensed
29 ~~registered~~ professional engineer qualified within her or his
30 firm or contracts for such professional engineering services
31

1 to be performed by others who are licensed ~~registered~~
2 professional engineers under the provisions of this chapter.

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

10 1. Requires an electrical or plumbing or
11 air-conditioning and refrigeration system with a value of
12 \$50,000 or less; and

13 2.a. Requires an aggregate service capacity of 600
14 amperes (240 volts) or less on a residential electrical system
15 or 800 amperes (240 volts) or less on a commercial or
16 industrial electrical system;

17 b. Requires a plumbing system with fewer than 250
18 fixture units; or

19 c. Requires a heating, ventilation, and
20 air-conditioning system not to exceed a 15-ton-per-system
21 capacity, or if the project is designed to accommodate 100 or
22 fewer persons.

23 (i) Any general contractor, certified or registered
24 pursuant to the provisions of chapter 489, when negotiating or
25 performing services under a design-build contract as long as
26 the engineering services offered or rendered in connection
27 with the contract are offered and rendered by an engineer
28 licensed ~~or registered~~ in accordance with this chapter.

29 (3) Notwithstanding the provisions of this chapter or
30 of any other law, no licensed ~~registered~~ engineer whose
31 principal practice is civil or structural engineering, or

1 employee or subordinate under the responsible supervision or
2 control of the engineer, is precluded from performing
3 architectural services which are purely incidental to her or
4 his engineering practice, nor is any licensed ~~registered~~
5 architect, or employee or subordinate under the responsible
6 supervision or control of the architect, precluded from
7 performing engineering services which are purely incidental to
8 her or his architectural practice. However, no engineer shall
9 practice architecture or use the designation "architect" or
10 any term derived therefrom, and no architect shall practice
11 engineering or use the designation "engineer" or any term
12 derived therefrom.

13 Section 19. Section 471.0035, Florida Statutes, is
14 amended to read:

15 471.0035 Instructors in postsecondary educational
16 institutions; exemption from licensure ~~registration~~
17 requirement.--For the sole purpose of teaching the principles
18 and methods of engineering design, notwithstanding the
19 provisions of s. 471.005(7), a person employed by a public
20 postsecondary educational institution, or by an independent
21 postsecondary educational institution licensed or exempt from
22 licensure pursuant to the provisions of chapter 246, is not
23 required to be licensed ~~register~~ under the provisions of this
24 chapter as a professional ~~registered~~ engineer.

25 Section 20. Subsections (5), (6), (7), and (8) of
26 section 471.005, Florida Statutes, are amended to read:

27 471.005 Definitions.--As used in this chapter, the
28 term:

29 (5) "Engineer" includes the terms "professional
30 engineer" and "licensed ~~registered~~ engineer" and means a
31

1 person who is licensed ~~registered~~ to engage in the practice of
2 engineering under this chapter.

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

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

1 title, implies that he or she is an engineer or that he or she
2 is licensed ~~registered~~ under this chapter; or who holds
3 himself or herself out as able to perform, or does perform,
4 any engineering service or work or any other service
5 designated by the practitioner which is recognized as
6 engineering shall be construed to practice or offer to
7 practice engineering within the meaning and intent of this
8 chapter.

9 (8) "License" means the licensing ~~registration~~ of
10 engineers or certification of businesses to practice
11 engineering in this state.

12 Section 21. Section 471.007, Florida Statutes, is
13 amended to read:

14 471.007 Board of Professional Engineers.--There is
15 created in the department the Board of Professional Engineers.
16 The board shall consist of nine members, seven of whom shall
17 be licensed ~~registered~~ engineers and two of whom shall be
18 laypersons who are not and have never been engineers or
19 members of any closely related profession or occupation. Of
20 the members who are licensed ~~registered~~ engineers, three shall
21 be civil engineers, one shall be either an electrical or
22 electronic engineer, one shall be a mechanical engineer, one
23 shall be an engineering educator, and one shall be from any
24 discipline of engineering other than civil engineering.
25 Members shall be appointed by the Governor for terms of 4
26 years each.

27 Section 22. Paragraph (a) of subsection (2) of section
28 471.013, Florida Statutes, is amended to read:

29 471.013 Examinations; prerequisites.--
30
31

1 (2)(a) The board may refuse to certify an applicant
2 for failure to satisfy the requirement of good moral character
3 only if:

4 1. There is a substantial connection between the lack
5 of good moral character of the applicant and the professional
6 responsibilities of a licensed ~~registered~~ engineer; and

7 2. The finding by the board of lack of good moral
8 character is supported by clear and convincing evidence.

9 Section 23. Paragraph (a) of subsection (3) and
10 subsection (5) of section 471.015, Florida Statutes, are
11 amended to read:

12 471.015 Licensure.--

13 (3) The board shall certify as qualified for a license
14 by endorsement an applicant who:

15 (a) Qualifies to take the examination as set forth in
16 s. 471.013, has passed a United States national, regional,
17 state, or territorial ~~or foreign national~~ licensing
18 examination that is substantially equivalent to the
19 examination required by s. 471.013, and has satisfied the
20 experience requirements set forth in s. 471.013; or

21 (5)(a) The board shall deem that an applicant who
22 seeks licensure by endorsement has passed an examination
23 substantially equivalent to part I of the engineering
24 examination when such applicant:

25 1. Has held a valid professional engineer's license
26 ~~registration~~ in another state for 15 years and has had 20
27 years of continuous professional-level engineering experience;

28 2. Has received a doctorate degree in engineering from
29 an institution that has an undergraduate engineering degree
30 program which is accredited by the Accreditation Board for
31 Engineering Technology; or

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

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

11 Section 24. Section 471.019, Florida Statutes, is
12 amended to read:

13 471.019 Reactivation.--The board shall prescribe by
14 rule continuing education requirements for reactivating a
15 license. The continuing education requirements for
16 reactivating a license for a licensed ~~registered~~ engineer may
17 not exceed 12 classroom hours for each year the license was
18 inactive.

19 Section 25. Section 471.0195, Florida Statutes, is
20 amended to read:

21 471.0195 Florida Building Code training for
22 engineers.--~~Effective January 1, 2000,~~All licensees actively
23 participating in the design of engineering works or systems in
24 connection with buildings, structures, or facilities and
25 systems covered by the Florida Building Code shall take
26 continuing education courses and submit proof to the board, at
27 such times and in such manner as established by the board by
28 rule, that the licensee has completed the core curriculum
29 courses and any specialized or advanced courses on any portion
30 of the Florida Building Code applicable to the licensee's area
31 of practice or has passed the appropriate equivalency test of

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

12 Section 26. Subsections (1) and (2) of section
13 471.021, Florida Statutes, are amended to read:

14 471.021 Engineers and firms of other states; temporary
15 certificates to practice in Florida.--

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

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

1 ~~license certificate of registration~~ in accordance with
2 subsection (1).

3 Section 27. Section 471.023, Florida Statutes, is
4 amended to read:

5 471.023 Certification of partnerships and
6 corporations.--

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

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

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

15 (3) The fact that a licensed ~~registered~~ engineer
16 practices through a corporation or partnership shall not
17 relieve the licensee ~~registrant~~ from personal liability for
18 negligence, misconduct, or wrongful acts committed by him or
19 her. Partnerships and all partners shall be jointly and
20 severally liable for the negligence, misconduct, or wrongful
21 acts committed by their agents, employees, or partners while
22 acting in a professional capacity. Any officer, agent, or
23 employee of a corporation shall be personally liable and
24 accountable only for negligent acts, wrongful acts, or
25 misconduct committed by him or her or committed by any person
26 under his or her direct supervision and control, while
27 rendering professional services on behalf of the corporation.
28 The personal liability of a shareholder of a corporation, in
29 his or her capacity as shareholder, shall be no greater than
30 that of a shareholder-employee of a corporation incorporated
31 under chapter 607. The corporation shall be liable up to the

1 full value of its property for any negligent acts, wrongful
2 acts, or misconduct committed by any of its officers, agents,
3 or employees while they are engaged on behalf of the
4 corporation in the rendering of professional services.

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

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

14 Section 28. Section 471.025, Florida Statutes, is
15 amended to read:

16 471.025 Seals.--

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

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

5 (2) It is unlawful for any person to ~~stamp, seal, or~~
6 digitally sign any document with a seal or digital signature
7 after his or her license ~~certificate of registration~~ has
8 expired or been revoked or suspended, unless such license
9 ~~certificate of registration~~ has been reinstated or reissued.

10 When an engineer's license ~~the certificate of registration of~~
11 ~~a registrant~~ has been revoked or suspended by the board, the
12 licensee ~~it shall be mandatory that the registrant~~, within a
13 period of 30 days after the revocation or suspension has
14 become effective, surrender his or her seal to the executive
15 director ~~secretary~~ of the board and confirm to the executive
16 director ~~secretary~~ the cancellation of the licensee's
17 ~~registrant's~~ digital signature in accordance with ss.
18 668.001-668.006. In the event the engineer's license
19 ~~registrant's certificate~~ has been suspended for a period of
20 time, his or her seal shall be returned to him or her upon
21 expiration of the suspension period.

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

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

30 471.027 Engineers authorized to enter lands of third
31 parties under certain conditions.--Engineers are hereby

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

13 Section 30. Subsection (1) of section 471.031, Florida
14 Statutes, is amended to read:

15 471.031 Prohibitions; penalties.--

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

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

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

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

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

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

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

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

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

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

16 Section 31. Paragraph (e) of subsection (1) and
17 paragraph (c) of subsection (3) of section 471.033, Florida
18 Statutes, are amended to read:

19 471.033 Disciplinary proceedings.--

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

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

29 (3) When the board finds any person guilty of any of
30 the grounds set forth in subsection (1), it may enter an order
31 imposing one or more of the following penalties:

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

5 Section 32. Subsection (1) of section 471.037, Florida
6 Statutes, is amended to read:

7 471.037 Effect of chapter locally.--

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

14 Section 33. Subsection (1) of section 509.036, Florida
15 Statutes, is amended to read:

16 509.036 Public food service inspector
17 standardization.--

18 (1) Any person performing required inspections of
19 licensed public food service establishments for the division
20 or its agent must:

21 (a) Be standardized by a food service evaluation
22 officer certified by the federal Food and Drug Administration;

23 (b) Pass an approved ~~the~~ food protection practices
24 test as prescribed by s. 509.039; and

25 (c) Pass a written examination to demonstrate
26 knowledge of the laws and rules which regulate public food
27 service establishments.

28 Section 34. This act shall take effect upon becoming a
29 law.

30
31