

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; amending
4 ss. 471.003, 471.0035, 471.005, 471.007,
5 471.013, 471.015, 471.019, 471.0195, 471.021,
6 471.023, 471.025, 471.027, 471.031, 471.033,
7 471.037, F.S.; revising provisions applying to
8 registered professional engineers to apply to
9 licensed professional engineers; amending s.
10 210.08, F.S.; providing methods other than a
11 bond for dealers, agents, or distributing
12 agents to guarantee tax payment to the Division
13 of Alcoholic Beverages and Tobacco of the
14 Department of Business and Professional
15 Regulation; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (a) of subsection (2) and
20 paragraph (c) of subsection (3) of section 509.032, Florida
21 Statutes, are amended to read:

22 509.032 Duties.--

23 (2) INSPECTION OF PREMISES.--

24 (a) The division has responsibility and jurisdiction
25 for all inspections required by this chapter. The division
26 has responsibility for quality assurance. Each licensed
27 establishment shall be inspected at least biannually, except
28 for transient and nontransient apartments, which shall be
29 inspected at least annually, and shall be inspected at such
30 other times as the division determines is necessary to ensure
31 the public's health, safety, and welfare. The division shall

1 establish a system to determine inspection frequency. Public
2 lodging units classified as resort condominiums or resort
3 dwellings are not subject to this requirement, but shall be
4 made available to the division upon request. If, during the
5 inspection of a public lodging establishment classified for
6 renting to transient or nontransient tenants, an inspector
7 identifies vulnerable adults who appear to be victims of
8 neglect, as defined in s. 415.102, or, in the case of a
9 building that is not equipped with automatic sprinkler
10 systems, tenants or clients who may be unable to self-preserve
11 in an emergency, the division shall convene meetings with the
12 following agencies as appropriate to the individual situation:
13 the Department of Health, the Department of Elderly Affairs,
14 the area agency on aging, the local fire marshal, the landlord
15 and affected tenants and clients, and other relevant
16 organizations, to develop a plan which improves the prospects
17 for safety of affected residents and, if necessary, identifies
18 alternative living arrangements such as facilities licensed
19 under part II or part III of chapter 400.

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

22 (c) Administer a public notification process for
23 temporary food service events and distribute educational
24 materials that address safe food storage, preparation, and
25 service procedures.

26 1. Sponsors of temporary food service events shall
27 notify the division not less than 3 days prior to the
28 scheduled event of the type of food service proposed, the time
29 and location of the event, a complete list of food service
30 vendors ~~vendor owners and operators~~ participating in the each
31 event, the number of individual food service facilities each

1 vendor will operate at the event, and the identification
2 number of each food service vendor's current license as a
3 ~~numbers of all public food service establishment or temporary~~
4 food service event licensee establishments participating in
5 ~~each event.~~ Notification may be completed orally, by
6 telephone, in person, or in writing. A public food service
7 establishment or food service vendor may not use this
8 notification process to circumvent the license requirements of
9 this chapter.

10 2. The division shall keep a record of all
11 notifications received for proposed temporary food service
12 events and shall provide appropriate educational materials to
13 the event sponsors, including the food-recovery brochure
14 developed under s. 570.0725.

15 3.a. A public food service establishment or other food
16 service vendor must obtain one of the following classes of a
17 license from the division: an individual license, for a fee of
18 no more than \$105, for each temporary food service event in
19 which it participates; or an annual license, for a fee of no
20 more than \$1,000, that entitles the licensee to participate in
21 an unlimited number of food service events during the license
22 period. The division shall establish license fees, by rule,
23 and may limit the number of food service facilities a licensee
24 may operate at a particular temporary food service event under
25 a single license.

26 b. Public food service establishments holding current
27 licenses from the division may operate under the regulations
28 of such a license at temporary food service events of 3 days
29 or less in duration.

30 Section 2. Section 509.039, Florida Statutes, is
31 amended to read:

1 509.039 Food service manager certification.--It is the
2 duty of the division to adopt, by rule, food safety protection
3 standards for the training and certification of all food
4 service managers who are responsible for the storage,
5 preparation, display, or serving of foods to the public in
6 establishments regulated under this chapter. The standards
7 adopted by the division shall be consistent with the Standards
8 for Accreditation of Food Protection Manager Certification
9 Programs adopted by the Conference for Food Protection.These
10 standards are to be adopted by the division to ensure that,
11 upon successfully passing a test, approved by the Conference
12 for Food Protection,a manager of a food service establishment
13 shall have demonstrated a knowledge of basic food protection
14 practices. The division may contract with an organization
15 offering a training and certification program that complies
16 with division standards and results in a certification
17 recognized by the Conference for Food Protection ~~These~~
18 ~~standards shall also provide for a certification program which~~
19 ~~authorizes private or public agencies to conduct an approved~~
20 ~~test and certify all test the results of those tests to the~~
21 ~~division. Other organizations offering programs that meet the~~
22 ~~same requirements may also conduct approved tests and certify~~
23 ~~all test results to the division. The division may charge the~~
24 ~~organization it contracts with a fee of not more than \$5 per~~
25 ~~certified test to cover the administrative costs of the~~
26 ~~division for the food service manager training and~~
27 ~~certification program.~~The fee for the test shall not exceed
28 ~~\$50.~~ All managers employed by a food service establishment
29 must have passed an approved ~~this~~ test and received a
30 certificate attesting thereto. Managers have a period of 90
31 days after employment to pass the required test. The ranking

1 of food service establishments is also preempted to the state;
2 provided, however, that any local ordinances establishing a
3 ranking system in existence prior to October 1, 1988, may
4 remain in effect.

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

7 509.251 License fees.--

8 (1) The division shall adopt, by rule, a schedule of
9 fees to be paid by each public lodging establishment as a
10 prerequisite to issuance or renewal of a license. Such fees
11 shall be based on the number of rental units in the
12 establishment. The aggregate fee per establishment charged any
13 public lodging establishment ~~but~~ shall not exceed \$1,000;
14 however, the fees described in paragraphs (a) and (b) may not
15 be included as part of the aggregate fee subject to this cap.
16 Resort condominium units within separate buildings or at
17 separate locations but managed by one licensed agent may be
18 combined in a single license application, and the division
19 shall charge a license fee as if all units in the application
20 are in a single licensed establishment. Resort dwelling units
21 may be licensed in the same manner as condominium units. The
22 fee schedule shall require an establishment which applies for
23 an initial license to pay the full license fee if application
24 is made during the annual renewal period or more than 6 months
25 prior to the next such renewal period and one-half of the fee
26 if application is made 6 months or less prior to such period.
27 The fee schedule shall include fees collected for the purpose
28 of funding the Hospitality Education Program, pursuant to s.
29 509.302, which are payable in full for each application
30 regardless of when the application is submitted.

31

1 (a) Upon making initial application or an application
2 for change of ownership, the applicant shall pay to the
3 division a fee as prescribed by rule, not to exceed \$50, in
4 addition to any other fees required by law, which shall cover
5 all costs associated with initiating regulation of the
6 establishment.

7 (b) A license renewal filed with the division within
8 30 days after the expiration date shall be accompanied by a
9 delinquent fee as prescribed by rule, not to exceed \$50, in
10 addition to the renewal fee and any other fees required by
11 law. A license renewal filed with the division more than 30
12 but not more than 60 days after the expiration date shall be
13 accompanied by a delinquent fee as prescribed by rule, not to
14 exceed \$100, in addition to the renewal fee and any other fees
15 required by law.

16 (2) The division shall adopt, by rule, a schedule of
17 fees to be paid by each public food service establishment as a
18 prerequisite to issuance or renewal of a license. The fee
19 schedule shall prescribe a basic fee and additional fees based
20 on seating capacity and services offered. The aggregate fee
21 per establishment charged any public food service
22 establishment may not exceed \$400; however, the fees described
23 in paragraphs (a) and (b) may not be included as part of the
24 aggregate fee subject to this cap. The fee schedule shall
25 require an establishment which applies for an initial license
26 to pay the full license fee if application is made during the
27 annual renewal period or more than 6 months prior to the next
28 such renewal period and one-half of the fee if application is
29 made 6 months or less prior to such period. The fee schedule
30 shall include fees collected for the purpose of funding the
31 Hospitality Education Program, pursuant to s. 509.302, which

1 are payable in full for each application regardless of when
2 the application is submitted.

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4 for change of ownership, the applicant shall pay to the
5 division a fee as prescribed by rule, not to exceed \$50, in
6 addition to any other fees required by law, which shall cover
7 all costs associated with initiating regulation of the
8 establishment.

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10 30 days after the expiration date shall be accompanied by a
11 delinquent fee as prescribed by rule, not to exceed \$50, in
12 addition to the renewal fee and any other fees required by
13 law. A license renewal filed with the division more than 30
14 but not more than 60 days after the expiration date shall be
15 accompanied by a delinquent fee as prescribed by rule, not to
16 exceed \$100, in addition to the renewal fee and any other fees
17 required by law.

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

21 509.291 Advisory council.--

22 (2) The purpose of the advisory council is to promote
23 better relations, understanding, and cooperation between such
24 industries and the division; to suggest means of better
25 protecting the health, welfare, and safety of persons using
26 the services offered by such industries; to give the division
27 the benefit of its knowledge and experience concerning the
28 industries and individual businesses affected by the laws and
29 rules administered by the division; ~~and~~ to promote and
30 coordinate the development of programs to educate and train
31

1 personnel for such industries; and to perform such other
2 duties as prescribed by law.

3 (5) The secretary and the division shall periodically
4 review with the advisory council the division's budget and
5 financial status for the purpose of maintaining the financial
6 stability of the division. The council shall make
7 recommendations, when it deems appropriate, to the secretary
8 and the division to ensure that adequate funding levels from
9 fees, penalties, and other costs assessed by the division and
10 paid by the industries it regulates are maintained.

11 (6) The division shall provide to the advisory council
12 each year an annual internal audit of the financial records of
13 the Hospitality Education Program for the purpose of
14 permitting the advisory council to determine compliance with
15 the provisions of s. 509.072(2).

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

18 509.302 Director of education, personnel, employment
19 duties, compensation.--

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

25 Section 6. Section 399.01, Florida Statutes, is
26 amended to read:

27 399.01 Definitions.--As used in this chapter, the
28 term:

29 (1) "Alteration" means any change or addition to the
30 vertical conveyance other than maintenance, repair, or
31 replacement.

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

5 (2)~~(3)~~ "Certificate of operation" means a document
6 issued by the department which indicates that the conveyance
7 has had the required safety inspection and tests and that fees
8 have been paid as provided in this chapter.

9 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
10 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
11 chairlift.

12 (4)~~(5)~~ "Department" means the Department of Business
13 and Professional Regulation.

14 (5)~~(6)~~ "Division" means the Division of Hotels and
15 Restaurants of the Department of Business and Professional
16 Regulation.

17 (6)~~(7)~~ "Elevator" means one of the following
18 mechanical devices:

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

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

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

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

31

1 (e) An inclined stairway chairlift, which is a device
2 used to transport physically handicapped persons over
3 architectural barriers.

4 (f) An inclined or vertical wheelchair lift, which is
5 a device used to transport wheelchair handicapped persons over
6 architectural barriers.

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

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

12 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
13 means the committee appointed by the secretary of the
14 Department of Business and Professional Regulation.

15 (9)~~(11)~~ "Private residence" means a separate dwelling
16 or a separate apartment in a multiple dwelling which is
17 occupied by members of a single-family unit.

18 (10)~~(12)~~ "Service maintenance contract" means a
19 contract that provides for routine examination, lubrication,
20 cleaning, adjustment, replacement of parts, and performance of
21 applicable code-required safety tests such as on a traction
22 elevator and annual relief pressure test on a hydraulic
23 elevator and any other service, repair, and maintenance
24 sufficient to ensure the safe operation of the elevator. A
25 service maintenance contract shall be made available upon
26 request of the department for purposes of oversight and
27 monitoring.

28 (11)~~(13)~~ "Temporarily dormant conveyance" means a
29 conveyance whose power supply has been disconnected by
30 removing fuses and placing a padlock on the mainline
31 disconnect switch in the "OFF" position. The car is parked,

1 and the hoistway doors are in the closed and latched position.
2 A wire seal is installed on the mainline disconnect switch by
3 a certified ~~certificate of competency~~ elevator inspector. This
4 conveyance installation may not be used again until it has
5 been put in safe running order and is in condition for use.
6 Annual inspections shall continue for the duration of the
7 temporarily dormant status by a certified ~~certificate of~~
8 ~~competency~~ elevator inspector. The temporarily dormant status
9 is renewable on an annual basis and may not exceed a 5-year
10 period. The inspector shall file a report with the department
11 ~~chief elevator inspector~~ describing the current conditions.
12 The wire seal and padlock may not be removed for any purpose
13 without permission from the department ~~elevator inspector~~.

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

19 (13)~~(15)~~ "Registered elevator company" means an entity
20 registered with and authorized by the division employing
21 persons to construct, install, inspect, maintain, or repair
22 any vertical conveyance. Each registered elevator company must
23 annually register with the division and maintain general
24 liability insurance coverage in the minimum amounts set by
25 rule ~~the division~~.

26 (14)~~(16)~~ "Certified elevator inspector" is a natural
27 person registered with and authorized by the division to
28 construct, install, inspect, maintain, or repair any vertical
29 conveyance, after having properly acquired the qualified
30 elevator inspector credential as prescribed by the American
31 Society of Mechanical Engineers. Each certified elevator

1 inspector must annually register with the division and provide
2 ~~from the National Association of Elevator Safety Authorities.~~
3 ~~Such person shall remain so authorized by the division only~~
4 ~~upon providing annual proof of completion of 8 hours of~~
5 ~~continuing education, proof that and the qualified elevator~~
6 ~~inspector credential remains in good standing, and proof of~~
7 ~~with the National Association of Elevator Safety Authorities.~~
8 ~~A licensed mechanical engineer whose license is in good~~
9 ~~standing may be authorized as a certified elevator inspector~~
10 ~~by the division. Each certified elevator inspector must~~
11 ~~annually register with the division and maintain general~~
12 ~~liability insurance coverage in the minimum amounts set by the~~
13 ~~division.~~

14 (15)~~(17)~~ "Certified elevator technician" means a
15 natural person authorized by the division to construct,
16 install, maintain, or repair any vertical conveyance, after
17 having been issued an elevator certificate of competency by
18 the division. Each certified elevator technician must annually
19 register with the division and be covered by ~~maintain~~ general
20 liability insurance coverage in the minimum amounts set by the
21 division.

22 (16)~~(18)~~ "Elevator helper" means a natural person
23 performing work under the direct supervision of an elevator
24 certificate of competency holder ~~a certified elevator~~
25 ~~inspector or an elevator technician~~ to construct, install,
26 maintain, or repair any vertical conveyance.

27 (17)~~(19)~~ "Elevator certificate of competency" means a
28 credential issued by the division to any individual natural
29 person successfully completing an examination as prescribed by
30 rule and paying a nonrefundable fee of \$50. Such credential
31 shall be valid for and expire at the end of 1 year, and may be

1 renewed by the division when the division receives proof of
2 the elevator certificate of competency holder's completion of
3 8 hours of continuing education from a provider approved by
4 the department and a nonrefundable renewal fee of \$50. The
5 department shall adopt by rule criteria for providing approval
6 and procedures for continuing education reporting.

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

9 1. Four years' work experience in the construction,
10 maintenance, service, and repair of conveyances covered by
11 this chapter. This experience shall be verified by current or
12 previously registered elevator companies as required by the
13 division.

14 2. One of the following:

15 a. Proof of completion and successful passage of a
16 written examination administered by the division or a provider
17 approved by the division under standards it adopted by rule.

18 b. Proof of completion of an apprenticeship program
19 for elevator mechanics which has standards substantially
20 equivalent to those found in a national training program for
21 elevator mechanics and is registered with the Bureau of
22 Apprenticeship and Training of the United States Department of
23 Labor or a state apprenticeship authority.

24 c. Proof of licensure or certification by a state or
25 local jurisdiction in the United States having standards
26 substantially equal to or more stringent than those of this
27 chapter.

28 (b) A licensed mechanical engineer whose license is in
29 good standing may be granted an elevator certificate of
30 competency.

31

1 All other building transportation terms are defined in the
2 current Florida Building Code.

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

5 399.02 General requirements.--

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

11 (5)(a) The construction permitholder is responsible
12 for the correction of violations and deficiencies until the
13 elevator has been inspected and a certificate of operation has
14 been issued by the department. The construction permitholder
15 is responsible for all tests of new and altered equipment
16 until the elevator has been inspected and a certificate of
17 operation has been issued by the department.

18 (b) The elevator owner is responsible for the safe
19 operation, and proper maintenance, and inspection and
20 correction of code deficiencies of the elevator after ~~it has~~
21 ~~been inspected and~~ a certificate of operation has been issued
22 by the department. The responsibilities of the elevator owner
23 may be assigned by lease.

24 ~~(c) The elevator owner shall report to the department~~
25 ~~60 days before the expiration of the certificate of operation~~
26 ~~whether there exists a service maintenance contract, with whom~~
27 ~~the contract exists, and the details concerning the provisions~~
28 ~~and implementation of the contract which the department~~
29 ~~requires. The department shall keep the names of companies~~
30 ~~with whom the contract exists confidential pursuant to the~~
31 ~~public records exemption provided in s. 119.14(4)(b)3. This~~

1 ~~annual contract report must be made on forms supplied by the~~
2 ~~department. The elevator owner must report any material~~
3 ~~change in the service maintenance contract no fewer than 30~~
4 ~~days before the effective date of the change. The department~~
5 ~~shall determine whether the provisions of the service~~
6 ~~maintenance contract and its implementation ensure the safe~~
7 ~~operation of the elevator.~~

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

10 399.03 Design, installation, and alteration of
11 conveyances.--

12 (1) A conveyance covered by this chapter may not be
13 erected, constructed, installed, or altered within buildings
14 or structures until unless a permit has been obtained from the
15 department ~~before the work is commenced.~~ Permits must be
16 applied for by a registered elevator company and may only be
17 granted upon receipt and approval of an application to be made
18 on a form prescribed by the department, accompanied by proper
19 fees and a sworn statement from an agent of the registered
20 elevator company that the plans meet all applicable elevator
21 safety and building codes. Permits may be granted only to
22 registered elevator companies in good standing.When any
23 material alteration is made, the alteration device must
24 conform to applicable requirements of the Florida Building
25 Code and the provisions of this chapter for the alteration. ~~A~~
26 ~~permit required hereunder may not be issued except to a~~
27 ~~person, firm, or corporation holding a current elevator~~
28 ~~contractor's license issued under this chapter.~~ A copy of the
29 permit and plans must be kept at the construction site at all
30 times while the work is in progress and until a certificate of
31 operation is issued.

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

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

4 (a) There are any false statements or
5 misrepresentations as to the material facts in the
6 application, plans, or specifications on which the permit was
7 based.

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

10 (c) The work detailed under the permit is not being
11 performed in accordance with the provisions of the
12 application, plans, or specifications or with the code or
13 conditions of the permit.

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

16 (4) A permit expires if:

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

21 (b) The work is suspended or abandoned for a period of
22 60 days, or such shorter period of time as the department may
23 specify at the time the permit is issued, after the work has
24 been started. For good cause, the department may allow a
25 discretionary extension for the foregoing period.

26 (5) All new conveyance installations must be performed
27 by a registered elevator company ~~person to whom a license to~~
28 ~~install or service a conveyance has been issued. Subsequent to~~
29 ~~installation, the licensed person, firm, or company must~~
30 ~~certify compliance with the applicable sections of this~~
31 ~~chapter and the Florida Building Code.~~ Before any vertical

1 conveyance is used, except those in a private residence, it
2 must be inspected by a certified elevator ~~licensed~~ inspector
3 not employed, ~~or associated,~~ or having a conflict of interest
4 with the elevator construction permitholder or elevator owner
5 and certified as meeting the safety provisions of the Florida
6 Building Code, including the performance of all required
7 safety tests. The certified elevator inspector shall provide
8 the original copy of the inspection report to the department
9 within 5 days after the inspection. A certificate of operation
10 may not be issued until the permitholder provides an affidavit
11 signed by the construction supervisor attesting that the
12 supervisor directly supervised the construction or
13 installation of the elevator. ~~Upon successful inspection, the~~
14 ~~owner or lessee must apply to the department for a certificate~~
15 ~~of operation from the department. A fee as prescribed in this~~
16 ~~chapter must be paid for the certificate of operation. It is~~
17 ~~the responsibility of the licensed elevator construction~~
18 ~~permitholder to complete and submit a first-time registration~~
19 ~~for a new installation.~~ Vertical conveyances, including
20 stairway chairlifts, and inclined or vertical wheelchair lifts
21 located in private residences are not required to obtain a
22 certificate of operation under this chapter.

23 ~~(6) A certificate of operation expires July 31 of each~~
24 ~~year and must be renewed prior to continued use of the~~
25 ~~conveyance. A certificate of operation must be clearly~~
26 ~~displayed on or in each conveyance or in the machine room for~~
27 ~~use by and for the benefit of inspectors and code enforcement~~
28 ~~personnel. Certificates of operation may only be renewed for~~
29 ~~vertical conveyances having a current satisfactory inspection.~~

30 (6)(7) At the department's request, and to facilitate
31 oversight and monitoring, the permitholder shall notify the

1 department of the scheduled final inspection date and time for
2 purposes of acquiring a certificate of inspection, in writing,
3 ~~at least 7 days before completion of the work and shall, in~~
4 ~~the presence of a licensed elevator inspector not associated~~
5 ~~with or employed by the installing company or contractor,~~
6 ~~subject the newly installed, relocated, or altered portions of~~
7 ~~the elevator to tests required to show that the elevator meets~~
8 ~~the applicable provisions of the Florida Building Code.~~

9 ~~(7)(8)~~ Each elevator shall comply with the edition of
10 the Florida Building Code or Elevator Safety Code that was in
11 effect at the time of receipt of application for the
12 construction permit for the elevator.

13 ~~(8)(9)~~ Each alteration to, or relocation of, an
14 elevator shall comply with the edition of the Florida Building
15 Code or Elevator Safety Code that was in effect at the time of
16 receipt of the application for the construction permit for the
17 alteration or relocation.

18 ~~(9)(10)~~ When any change is made in the classification
19 of an elevator, the elevator shall comply with all of the
20 requirements of the version of the Florida Building Code or
21 Elevator Safety Code that were in effect at the time of
22 receipt of the application for the construction permit for the
23 change in classification.

24 ~~(10)(a)~~ The temporary use of an elevator during
25 installation or alteration is authorized for a period of 30
26 days after the completion of a satisfactory temporary
27 operation inspection. An additional 30-day period of temporary
28 use is authorized from the date of completion of each
29 additional satisfactory temporary operation inspection. A
30 satisfactory temporary operation inspection must satisfy the
31 following criteria: the elevator is tested under contract

1 load; the hoistway is fully enclosed; the hoistway doors and
2 interlocks are installed; the car is completely enclosed,
3 including door or gate and top; all electrical safety devices
4 are installed and properly functioning; and terminal stopping
5 equipment is in place for a safe runby and proper clearance.
6 When a car is provided with a temporary enclosure, the
7 operating means must be by constant pressure push-button or
8 lever-type switch. The car may not exceed the minimum safe
9 operating speed of the elevator, and the governor tripping
10 speed must be set in accordance with the operating speed of
11 the elevator.

12 (b) Temporary use is authorized only when a
13 satisfactory temporary operation inspection report, completed
14 within the last 30 days, by a certified elevator inspector,
15 and a notice prescribed by the department, bearing a statement
16 that the elevator has not been finally approved by a certified
17 elevator inspector, are conspicuously posted in the elevator.

18 Section 9. Section 399.049, Florida Statutes, is
19 amended to read:

20 399.049 Disciplinary action ~~Certificate of~~
21 ~~competency.--~~

22 (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~
23 ~~OF COMPETENCY.--~~The department may suspend or revoke an
24 elevator inspector certification, an elevator company
25 registration, an elevator ~~a license or~~ certificate of
26 competency, or an elevator certificate of operation issued
27 under this chapter or impose an administrative penalty of up
28 to \$1,000 per violation upon any registered elevator company
29 ~~licensee~~ or certificateholder who commits any one or more of
30 the following violations:

31

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

4 (b) Fraud, misrepresentation, or bribery in the
5 practice of the profession ~~securing a license or certificate~~
6 ~~of competency.~~

7 (c) Failure by a certified elevator inspector to
8 provide to notify the department and the certificate of
9 operation holder with a copy of the inspection report within 5
10 days after the date of any inspection performed after the
11 initial certificate of operation is issued ~~of a conveyance~~
12 ~~covered by this chapter that is not in compliance with the~~
13 ~~provisions of the elevator safety code incorporated into the~~
14 ~~Florida Building Code.~~

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

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

19 Section 10. Section 399.061, Florida Statutes, is
20 amended to read:

21 399.061 Inspections; service maintenance contracts;
22 ~~correction of deficiencies.--~~

23 (1)(a) All elevators or other conveyances subject to
24 this chapter must be annually inspected by a certified
25 elevator inspector ~~through a third-party inspection service,~~
26 or by a municipality or county under contract with the
27 division, pursuant to s. 399.13. If the elevator ~~or other~~
28 ~~conveyance is maintained pursuant to a service maintenance~~
29 ~~contract continuously in force, it shall be inspected at least~~
30 ~~once every 2 years by a certified elevator inspector who is~~
31 ~~not employed by or otherwise associated with the maintenance~~

1 ~~company; however, if the elevator~~ is not an escalator or a
2 dumbwaiter, serves only two adjacent floors, and is covered by
3 a service maintenance contract, an inspection is not required
4 so long as the service contract remains in effect. ~~A statement~~
5 ~~verifying the existence, performance, and cancellation of each~~
6 ~~service maintenance contract must be filed annually with the~~
7 ~~division as prescribed by rule.~~

8 (b) A statement verifying the existence and
9 performance of each service maintenance contract must be filed
10 at least annually with the division and as prescribed by rule.
11 Cancellation of a service maintenance contract must be
12 reported to the division as prescribed by rule.~~The division~~
13 ~~may inspect an elevator whenever necessary to ensure its safe~~
14 ~~operation or when a third-party inspection service is not~~
15 ~~available for a routine inspection.~~

16 (2) The division may employ state elevator inspectors
17 to inspect an elevator whenever necessary to ensure its safe
18 operation.~~The division may also employ state elevator~~
19 ~~inspectors to conduct any the inspections as required by this~~
20 ~~chapter subsection (1) and may charge a an inspection fee for~~
21 ~~each inspection in an amount sufficient to cover the costs of~~
22 ~~that inspection, as provided by rule, when a private certified~~
23 ~~elevator inspector is not available.~~ Each state elevator
24 inspector shall be properly qualified as a certified elevator
25 inspector ~~hold a certificate of competency issued by the~~
26 ~~division.~~

27 (3) Whenever the division determines from the results
28 of any inspection that, in the interest of the public safety,
29 an elevator is in an unsafe condition, the division may seal
30 the elevator or order the discontinuance of the use of the
31 elevator until the division determines by inspection that such

1 elevator has been satisfactorily repaired or replaced so that
2 the elevator may be operated in a safe manner.

3 (4) When the division determines that an elevator is
4 in violation of this chapter or the Florida Building Code, the
5 division may issue an order to the elevator owner requiring
6 correction of the violation and reinspection of the elevator
7 evidencing the correction.

8 Section 11. Section 399.07, Florida Statutes, is
9 amended to read:

10 399.07 Certificates of operation; ~~temporary operation~~
11 ~~permits/fees.--~~

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

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

1 ~~of certificates of operation. The renewal period commences on~~
2 ~~August 1 of each year.~~

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

6 ~~(d) The department shall charge an annual fee for~~
7 ~~issuance of a certificate of operation in an amount to be set~~
8 ~~by rule. However, a renewal application for a certificate of~~
9 ~~operation filed with the department after expiration date of~~
10 ~~the certificate must be accompanied by a delinquency fee of~~
11 ~~\$50 in addition to the annual renewal fee and any other fees~~
12 ~~required by law. The fees must be deposited into the Hotel and~~
13 ~~Restaurant Trust Fund.~~

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

31

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

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

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

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

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

19 (5) Except for as authorized by a temporary use
20 authorized by this chapter operation permit, the operation or
21 use of any newly installed, relocated, or altered elevator is
22 prohibited until the elevator has passed the tests and
23 inspections required by this chapter and a certificate of
24 operation has been issued.

25 (6) The department may suspend any certificate of
26 operation if it finds that the elevator is not in compliance
27 with this chapter or of rules adopted under this chapter. The
28 suspension remains in effect until the department receives
29 satisfactory results of an inspection performed by a certified
30 elevator inspector indicating ~~determines, by inspection,~~ that
31 the elevator has been brought into compliance.

1 Section 12. Section 399.105, Florida Statutes, is
2 amended to read:

3 399.105 Administrative fines.--

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

11 (2) Any person who commences the operation,
12 installation, relocation, or alteration of any elevator for
13 which a permit or certificate is required by this chapter
14 without having obtained from the department the permit or
15 certificate is subject to an administrative fine not greater
16 than \$1,000 in addition to any other penalty provided by law.
17 ~~No fine may be imposed under this subsection for commencing~~
18 ~~installation without a construction permit if such permit is~~
19 ~~issued within 60 days after the actual commencement of~~
20 ~~installation.~~

21 (3) An elevator owner who continues to operate an
22 elevator after notice to discontinue its use or after it has
23 been sealed by the department is subject to an administrative
24 fine not greater than \$1,000 for each day the elevator has
25 been operated after the service of the notice or sealing by
26 the department, in addition to any other penalty provided by
27 law.

28 (4) An elevator owner who fails to comply with an
29 order to correct issued under s. 399.061(4) within 30 ~~60~~ days
30 after its issuance is subject, in addition to any other
31

1 penalty provided by law, to an administrative fine ~~set by the~~
2 ~~department~~ in an amount not to exceed \$1,000.

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

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

7 399.106 Elevator Safety Technical Advisory
8 Committee.--

9 (2) The committee members shall serve staggered terms
10 of 4 years to be set by rule without salary, but may receive
11 from the state expenses for per diem and travel. The committee
12 ~~commission~~ shall appoint one of the members to serve as chair.

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

15 399.125 Reporting of elevator accidents ~~or incidents~~;
16 penalties.--Within 5 working days after any accident ~~or~~
17 ~~incident~~ occurring in or upon any elevator, the certificate of
18 operation holder shall report the accident ~~or incident~~ to the
19 division on a form prescribed by the division. Failure to
20 timely file this report is a violation of this chapter and
21 will subject the certificate of operation holder to an
22 administrative fine, to be imposed by the division, in an
23 amount not to exceed \$1,000.

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

26 399.13 Delegation of authority to municipalities or
27 counties.--

28 (1) The department may enter into contracts with
29 municipalities or counties under which such municipalities or
30 counties will issue construction permits, ~~temporary operation~~
31 ~~permits~~, and certificates of operation; will provide for

1 inspection of elevators, including temporary operation
2 inspections; and will enforce the applicable provisions of the
3 Florida Building Code, as required by this chapter. The
4 municipality or county may choose to require inspections to be
5 performed by its own inspectors or by private certified
6 elevator inspectors. Each such agreement shall include a
7 provision that the municipality or county shall maintain for
8 inspection by the department copies of all applications for
9 permits issued, a copy of each inspection report issued, and
10 proper records showing the number of certificates of operation
11 issued; shall include a provision that each required
12 inspection be conducted by a certified elevator inspector ~~the~~
13 ~~holder of a certificate of competency issued by the~~
14 ~~department~~; and may include such other provisions as the
15 department deems necessary.

16 (2) The department may make inspections of elevators
17 in such municipality or county for the purpose of determining
18 that the provisions of this chapter are being met and may
19 cancel the contract with any municipality or county which the
20 department finds has failed to comply with such contract or
21 the provisions of this chapter. The amendments to chapter 399
22 by this act shall apply only to the installation, relocation,
23 or alteration of an elevator for which a permit has been
24 issued after October 1, 1990.

25 Section 16. Section 471.003, Florida Statutes, is
26 amended to read:

27 471.003 Qualifications for practice; exemptions.--

28 (1) No person other than a duly licensed ~~registered~~
29 engineer shall practice engineering or use the name or title
30 of "licensed ~~registered~~ engineer," "professional engineer," or
31 any other title, designation, words, letters, abbreviations,

1 or device tending to indicate that such person holds an active
2 license ~~registration~~ as an engineer in this state.

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

6 (a) Any person practicing engineering for the
7 improvement of, or otherwise affecting, property legally owned
8 by her or him, unless such practice involves a public utility
9 or the public health, safety, or welfare or the safety or
10 health of employees. This paragraph shall not be construed as
11 authorizing the practice of engineering through an agent or
12 employee who is not duly licensed ~~registered~~ under the
13 provisions of this chapter.

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

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

23 (c) Regular full-time employees of a corporation not
24 engaged in the practice of engineering as such, whose practice
25 of engineering for such corporation is limited to the design
26 or fabrication of manufactured products and servicing of such
27 products.

28 (d) Regular full-time employees of a public utility or
29 other entity subject to regulation by the Florida Public
30 Service Commission, Federal Energy Regulatory Commission, or
31 Federal Communications Commission.

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

4 (f) Any person as contractor in the execution of work
5 designed by a professional engineer or in the supervision of
6 the construction of work as a foreman or superintendent.

7 (g) A licensed ~~registered~~ surveyor and mapper who
8 takes, or contracts for, professional engineering services
9 incidental to her or his practice of surveying and mapping and
10 who delegates such engineering services to a licensed
11 ~~registered~~ professional engineer qualified within her or his
12 firm or contracts for such professional engineering services
13 to be performed by others who are licensed ~~registered~~
14 professional engineers under the provisions of this chapter.

15 (h) Any electrical, plumbing, air-conditioning, or
16 mechanical contractor whose practice includes the design and
17 fabrication of electrical, plumbing, air-conditioning, or
18 mechanical systems, respectively, which she or he installs by
19 virtue of a license issued under chapter 489, under part I of
20 chapter 553, or under any special act or ordinance when
21 working on any construction project which:

22 1. Requires an electrical or plumbing or
23 air-conditioning and refrigeration system with a value of
24 \$50,000 or less; and

25 2.a. Requires an aggregate service capacity of 600
26 amperes (240 volts) or less on a residential electrical system
27 or 800 amperes (240 volts) or less on a commercial or
28 industrial electrical system;

29 b. Requires a plumbing system with fewer than 250
30 fixture units; or

31

1 c. Requires a heating, ventilation, and
2 air-conditioning system not to exceed a 15-ton-per-system
3 capacity, or if the project is designed to accommodate 100 or
4 fewer persons.

5 (i) Any general contractor, certified or registered
6 pursuant to the provisions of chapter 489, when negotiating or
7 performing services under a design-build contract as long as
8 the engineering services offered or rendered in connection
9 with the contract are offered and rendered by an engineer
10 licensed ~~or registered~~ in accordance with this chapter.

11 (3) Notwithstanding the provisions of this chapter or
12 of any other law, no licensed ~~registered~~ engineer whose
13 principal practice is civil or structural engineering, or
14 employee or subordinate under the responsible supervision or
15 control of the engineer, is precluded from performing
16 architectural services which are purely incidental to her or
17 his engineering practice, nor is any licensed ~~registered~~
18 architect, or employee or subordinate under the responsible
19 supervision or control of the architect, precluded from
20 performing engineering services which are purely incidental to
21 her or his architectural practice. However, no engineer shall
22 practice architecture or use the designation "architect" or
23 any term derived therefrom, and no architect shall practice
24 engineering or use the designation "engineer" or any term
25 derived therefrom.

26 Section 17. Section 471.0035, Florida Statutes, is
27 amended to read:

28 471.0035 Instructors in postsecondary educational
29 institutions; exemption from licensure ~~registration~~
30 requirement.--For the sole purpose of teaching the principles
31 and methods of engineering design, notwithstanding the

1 provisions of s. 471.005(7), a person employed by a public
2 postsecondary educational institution, or by an independent
3 postsecondary educational institution licensed or exempt from
4 licensure pursuant to the provisions of chapter 246, is not
5 required to be licensed ~~register~~ under the provisions of this
6 chapter as a professional ~~registered~~ engineer.

7 Section 18. Subsections (5), (6), (7), and (8) of
8 section 471.005, Florida Statutes, are amended to read:

9 471.005 Definitions.--As used in this chapter, the
10 term:

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

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

20 (7) "Engineering" includes the term "professional
21 engineering" and means any service or creative work, the
22 adequate performance of which requires engineering education,
23 training, and experience in the application of special
24 knowledge of the mathematical, physical, and engineering
25 sciences to such services or creative work as consultation,
26 investigation, evaluation, planning, and design of engineering
27 works and systems, planning the use of land and water,
28 teaching of the principles and methods of engineering design,
29 engineering surveys, and the inspection of construction for
30 the purpose of determining in general if the work is
31 proceeding in compliance with drawings and specifications, any

1 of which embraces such services or work, either public or
2 private, in connection with any utilities, structures,
3 buildings, machines, equipment, processes, work systems,
4 projects, and industrial or consumer products or equipment of
5 a mechanical, electrical, hydraulic, pneumatic, or thermal
6 nature, insofar as they involve safeguarding life, health, or
7 property; and includes such other professional services as may
8 be necessary to the planning, progress, and completion of any
9 engineering services. A person who practices any branch of
10 engineering; who, by verbal claim, sign, advertisement,
11 letterhead, or card, or in any other way, represents himself
12 or herself to be an engineer or, through the use of some other
13 title, implies that he or she is an engineer or that he or she
14 is licensed ~~registered~~ under this chapter; or who holds
15 himself or herself out as able to perform, or does perform,
16 any engineering service or work or any other service
17 designated by the practitioner which is recognized as
18 engineering shall be construed to practice or offer to
19 practice engineering within the meaning and intent of this
20 chapter.

21 (8) "License" means the licensing ~~registration~~ of
22 engineers or certification of businesses to practice
23 engineering in this state.

24 Section 19. Section 471.007, Florida Statutes, is
25 amended to read:

26 471.007 Board of Professional Engineers.--There is
27 created in the department the Board of Professional Engineers.
28 The board shall consist of nine members, seven of whom shall
29 be licensed ~~registered~~ engineers and two of whom shall be
30 laypersons who are not and have never been engineers or
31 members of any closely related profession or occupation. Of

1 the members who are licensed ~~registered~~ engineers, three shall
2 be civil engineers, one shall be either an electrical or
3 electronic engineer, one shall be a mechanical engineer, one
4 shall be an engineering educator, and one shall be from any
5 discipline of engineering other than civil engineering.
6 Members shall be appointed by the Governor for terms of 4
7 years each.

8 Section 20. Paragraph (a) of subsection (2) of section
9 471.013, Florida Statutes, is amended to read:

10 471.013 Examinations; prerequisites.--

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

14 1. There is a substantial connection between the lack
15 of good moral character of the applicant and the professional
16 responsibilities of a licensed ~~registered~~ engineer; and

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

19 Section 21. Paragraph (a) of subsection (3) and
20 subsection (5) of section 471.015, Florida Statutes, are
21 amended to read:

22 471.015 Licensure.--

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

25 (a) Qualifies to take the examination as set forth in
26 s. 471.013, has passed a United States national, regional,
27 state, or territorial ~~or foreign national~~ licensing
28 examination that is substantially equivalent to the
29 examination required by s. 471.013, and has satisfied the
30 experience requirements set forth in s. 471.013; or

31

1 (5)(a) The board shall deem that an applicant who
2 seeks licensure by endorsement has passed an examination
3 substantially equivalent to part I of the engineering
4 examination when such applicant:

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

8 2. Has received a doctorate degree in engineering from
9 an institution that has an undergraduate engineering degree
10 program which is accredited by the Accreditation Board for
11 Engineering Technology; or

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

15 (b) The board shall deem that an applicant who seeks
16 licensure by endorsement has passed an examination
17 substantially equivalent to part I and part II of the
18 engineering examination when such applicant has held a valid
19 professional engineer's license ~~registration~~ in another state
20 for 25 years and has had 30 years of continuous
21 professional-level engineering experience.

22 Section 22. Section 471.019, Florida Statutes, is
23 amended to read:

24 471.019 Reactivation.--The board shall prescribe by
25 rule continuing education requirements for reactivating a
26 license. The continuing education requirements for
27 reactivating a license for a licensed ~~registered~~ engineer may
28 not exceed 12 classroom hours for each year the license was
29 inactive.

30 Section 23. Section 471.0195, Florida Statutes, is
31 amended to read:

1 471.0195 Florida Building Code training for
2 engineers.--~~Effective January 1, 2000,~~All licensees actively
3 participating in the design of engineering works or systems in
4 connection with buildings, structures, or facilities and
5 systems covered by the Florida Building Code shall take
6 continuing education courses and submit proof to the board, at
7 such times and in such manner as established by the board by
8 rule, that the licensee has completed the core curriculum
9 courses and any specialized or advanced courses on any portion
10 of the Florida Building Code applicable to the licensee's area
11 of practice or has passed the appropriate equivalency test of
12 the Building Code Training Program as required ~~established~~ by
13 s. 553.841. The board shall record reported continuing
14 education courses on a system easily accessed by code
15 enforcement jurisdictions for evaluation when determining
16 license status for purposes of processing design documents.
17 Local jurisdictions shall be responsible for notifying the
18 board when design documents are submitted for building
19 construction permits by persons who are not in compliance with
20 this section. The board shall take appropriate action as
21 provided by its rules when such noncompliance is determined to
22 exist.

23 Section 24. Subsections (1) and (2) of section
24 471.021, Florida Statutes, are amended to read:

25 471.021 Engineers and firms of other states; temporary
26 certificates to practice in Florida.--

27 (1) Upon approval of the board and payment of the fee
28 set in s. 471.011, the management corporation shall issue a
29 temporary license ~~registration~~ for work on one specified
30 project in this state for a period not to exceed 1 year to an
31 engineer holding a certificate to practice in another state,

1 provided Florida licensees ~~registrants~~ are similarly permitted
2 to engage in work in such state and provided that the engineer
3 be qualified for licensure by endorsement.

4 (2) Upon approval by the board and payment of the fee
5 set in s. 471.011, the management corporation shall issue a
6 temporary certificate of authorization for work on one
7 specified project in this state for a period not to exceed 1
8 year to an out-of-state corporation, partnership, or firm,
9 provided one of the principal officers of the corporation, one
10 of the partners of the partnership, or one of the principals
11 in the fictitiously named firm has obtained a temporary
12 license ~~certificate of registration~~ in accordance with
13 subsection (1).

14 Section 25. Section 471.023, Florida Statutes, is
15 amended to read:

16 471.023 Certification of partnerships and
17 corporations.--

18 (1) The practice of, or the offer to practice,
19 engineering by licensees ~~registrants~~ through a corporation or
20 partnership offering engineering services to the public or by
21 a corporation or partnership offering said services to the
22 public through licensees ~~registrants~~ under this chapter as
23 agents, employees, officers, or partners is permitted only if
24 the firm possesses a certification issued by the management
25 corporation pursuant to qualification by the board, subject to
26 the provisions of this chapter. One or more of the principal
27 officers of the corporation or one or more partners of the
28 partnership and all personnel of the corporation or
29 partnership who act in its behalf as engineers in this state
30 shall be licensed ~~registered~~ as provided by this chapter. All
31 final drawings, specifications, plans, reports, or documents

1 involving practices licensed ~~registered~~ under this chapter
2 which are prepared or approved for the use of the corporation
3 or partnership or for public record within the state shall be
4 dated and shall bear the signature and seal of the licensee
5 ~~registrant~~ who prepared or approved them. Nothing in this
6 section shall be construed to mean that a license ~~certificate~~
7 ~~of registration~~ to practice engineering shall be held by a
8 corporation. Nothing herein prohibits corporations and
9 partnerships from joining together to offer engineering
10 services to the public, provided each corporation or
11 partnership otherwise meets the requirements of this section.
12 No corporation or partnership shall be relieved of
13 responsibility for the conduct or acts of its agents,
14 employees, or officers by reason of its compliance with this
15 section, nor shall any individual practicing engineering be
16 relieved of responsibility for professional services performed
17 by reason of his or her employment or relationship with a
18 corporation or partnership.

19 (2) For the purposes of this section, a certificate of
20 authorization shall be required for a corporation,
21 partnership, association, or person practicing under a
22 fictitious name, offering engineering services to the public.
23 However, when an individual is practicing engineering in his
24 or her own given name, he or she shall not be required to be
25 licensed ~~register~~ under this section.

26 (3) The fact that a licensed ~~registered~~ engineer
27 practices through a corporation or partnership shall not
28 relieve the licensee ~~registrant~~ from personal liability for
29 negligence, misconduct, or wrongful acts committed by him or
30 her. Partnerships and all partners shall be jointly and
31 severally liable for the negligence, misconduct, or wrongful

1 acts committed by their agents, employees, or partners while
2 acting in a professional capacity. Any officer, agent, or
3 employee of a corporation shall be personally liable and
4 accountable only for negligent acts, wrongful acts, or
5 misconduct committed by him or her or committed by any person
6 under his or her direct supervision and control, while
7 rendering professional services on behalf of the corporation.
8 The personal liability of a shareholder of a corporation, in
9 his or her capacity as shareholder, shall be no greater than
10 that of a shareholder-employee of a corporation incorporated
11 under chapter 607. The corporation shall be liable up to the
12 full value of its property for any negligent acts, wrongful
13 acts, or misconduct committed by any of its officers, agents,
14 or employees while they are engaged on behalf of the
15 corporation in the rendering of professional services.

16 (4) Each certification of authorization shall be
17 renewed every 2 years. Each partnership and corporation
18 certified under this section shall notify the board within 1
19 month of any change in the information contained in the
20 application upon which the certification is based.

21 (5) Disciplinary action against a corporation or
22 partnership shall be administered in the same manner and on
23 the same grounds as disciplinary action against a licensed
24 ~~registered~~ engineer.

25 Section 26. Section 471.025, Florida Statutes, is
26 amended to read:

27 471.025 Seals.--

28 (1) The board shall prescribe, by rule, one or more
29 forms ~~a form~~ of seal to be used by licensees ~~registrants~~
30 ~~holding valid certificates of registration~~. Each licensee
31 ~~registrant~~ shall obtain at least one ~~an impression-type metal~~

1 seal in the form approved by rule of the board ~~aforsaid~~ and
2 may, in addition, register his or her seal electronically in
3 accordance with ss. 668.001-668.006. All final drawings,
4 specifications, plans, reports, or documents prepared or
5 issued by the licensee ~~registrant~~ and being filed for public
6 record and all final ~~bid~~ documents provided to the owner or
7 the owner's representative shall be signed by the licensee
8 ~~registrant~~, dated, and sealed ~~stamped~~ with said seal. Such
9 signature, date, and seal shall be evidence of the
10 authenticity of that to which they are affixed. Drawings,
11 specifications, plans, reports, final ~~bid~~ documents, or
12 documents prepared or issued by a licensee ~~registrant~~ may be
13 transmitted electronically and may be signed by the licensee
14 ~~registrant~~, dated, and sealed ~~stamped~~ electronically with said
15 seal in accordance with ss. 668.001-668.006.

16 (2) It is unlawful for any person to ~~stamp, seal, or~~
17 digitally sign any document with a seal or digital signature
18 after his or her license ~~certificate of registration~~ has
19 expired or been revoked or suspended, unless such license
20 ~~certificate of registration~~ has been reinstated or reissued.
21 When an engineer's license ~~the certificate of registration of~~
22 ~~a registrant~~ has been revoked or suspended by the board, the
23 licensee ~~it shall be mandatory that the registrant~~, within a
24 period of 30 days after the revocation or suspension has
25 become effective, surrender his or her seal to the executive
26 director ~~secretary~~ of the board and confirm to the executive
27 director ~~secretary~~ the cancellation of the licensee's
28 ~~registrant's~~ digital signature in accordance with ss.
29 668.001-668.006. In the event the engineer's license
30 ~~registrant's certificate~~ has been suspended for a period of
31

1 time, his or her seal shall be returned to him or her upon
2 expiration of the suspension period.

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

9 Section 27. Section 471.027, Florida Statutes, is
10 amended to read:

11 471.027 Engineers authorized to enter lands of third
12 parties under certain conditions.--Engineers are hereby
13 granted permission and authority to go on, over, and upon the
14 lands of others when necessary to make engineering surveys
15 and, in so doing, to carry with them their agents and
16 employees necessary for that purpose. Entry under the right
17 hereby granted shall not constitute trespass, and engineers
18 and their duly authorized agents or employees so entering
19 shall not be liable to arrest or a civil action by reason of
20 such entry; however, nothing in this section shall be
21 construed as giving authority to said licensees ~~registrants~~,
22 agents, or employees to destroy, injure, damage, or move
23 anything on lands of another without the written permission of
24 the landowner.

25 Section 28. Subsection (1) of section 471.031, Florida
26 Statutes, is amended to read:

27 471.031 Prohibitions; penalties.--

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

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

31

- 1 (b) Use the name or title "professional ~~registered~~
2 engineer" or any other title, designation, words, letters,
3 abbreviations, or device tending to indicate that such person
4 holds an active license ~~registration~~ as an engineer when the
5 person is not licensed ~~registered~~ under this chapter,
6 including, but not limited to, the following titles:
7 "agricultural engineer," "air-conditioning engineer,"
8 "architectural engineer," "building engineer," "chemical
9 engineer," "civil engineer," "control systems engineer,"
10 "electrical engineer," "environmental engineer," "fire
11 protection engineer," "industrial engineer," "manufacturing
12 engineer," "mechanical engineer," "metallurgical engineer,"
13 "mining engineer," "minerals engineer," "marine engineer,"
14 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
15 "structural engineer," "transportation engineer," "software
16 engineer," "computer hardware engineer," or "systems
17 engineer";
- 18 (c) Present as his or her own the license ~~registration~~
19 of another;
- 20 (d) Give false or forged evidence to the board or a
21 member thereof;
- 22 (e) Use or attempt to use a license ~~registration~~ that
23 has been suspended, revoked, or placed on inactive or
24 delinquent status;
- 25 (f) Employ unlicensed persons to practice engineering;
26 or
- 27 (g) Conceal information relative to violations of this
28 chapter.
- 29 Section 29. Paragraph (e) of subsection (1) and
30 paragraph (c) of subsection (3) of section 471.033, Florida
31 Statutes, are amended to read:

1 471.033 Disciplinary proceedings.--

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

4 (e) Making or filing a report or record that the
5 licensee knows to be false, willfully failing to file a report
6 or record required by state or federal law, willfully impeding
7 or obstructing such filing, or inducing another person to
8 impede or obstruct such filing. Such reports or records
9 include only those that are signed in the capacity of a
10 licensed ~~registered~~ engineer.

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

14 (c) Imposition of an administrative fine not to exceed
15 \$1,000 for each count or separate offense ~~and a fine of up to~~
16 ~~\$5,000 for matters pertaining to a material violation of the~~
17 ~~Florida Building Code as reported by a local jurisdiction.~~

18 Section 30. Subsection (1) of section 471.037, Florida
19 Statutes, is amended to read:

20 471.037 Effect of chapter locally.--

21 (1) Nothing contained in this chapter shall be
22 construed to repeal, amend, limit, or otherwise affect any
23 local building code or zoning law or ordinance, now or
24 hereafter enacted, which is more restrictive with respect to
25 the services of licensed ~~registered~~ engineers than the
26 provisions of this chapter.

27 Section 31. Subsection (1) of section 509.036, Florida
28 Statutes, is amended to read:

29 509.036 Public food service inspector
30 standardization.--

31

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

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

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

8 (c) Pass a written examination to demonstrate
9 knowledge of the laws and rules which regulate public food
10 service establishments.

11 Section 32. Section 210.08, Florida Statutes, is
12 amended to read:

13 210.08 Bond for payment of taxes.--Each dealer, agent,
14 or distributing agent shall file with the division a surety
15 bond, certificate of deposit, or irrevocable letter of credit
16 acceptable to the division in the sum of \$10,000 as surety for
17 the payment of all taxes; provided, however, that where in the
18 discretion of the division the amount of business done by the
19 dealer, agent, or distributing agent is of such volume that a
20 bond, certificate of deposit, or irrevocable letter of credit
21 of less than \$10,000 will be adequate to secure the payment of
22 all taxes assessed as authorized by the cigarette tax law, the
23 division may accept a bond, certificate of deposit, or
24 irrevocable letter of credit in a lesser sum than \$10,000, but
25 in no event shall it accept a bond, certificate of deposit, or
26 irrevocable letter of credit of less than \$1,000, and it may
27 at any time in its discretion require any bond, certificate of
28 deposit, or irrevocable letter of credit in an amount less
29 than \$10,000 to be increased not to exceed \$10,000.

30 Section 33. This act shall take effect upon becoming a
31 law.