



790514

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SA1/C
04/22/2015 10:40 AM	.	04/24/2015 05:42 PM
	.	

Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1) and (2) of section 471.003,
Florida Statutes, are amended to read:

471.003 Qualifications for practice; exemptions.—

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



790514

12 device tending to indicate that such person holds an active
13 license as an engineer in this state.

14 (b) Beginning March 1, 2017, no person other than a duly
15 licensed structural engineer shall practice structural
16 engineering or use the name or title of "licensed structural
17 engineer," "professional structural engineer," "registered
18 structural engineer," "structural engineer," or any other title,
19 designation, words, letters, abbreviations, or device tending to
20 indicate that such person holds an active license as a
21 structural engineer in this state.

22 (2) The following persons are not required to be licensed
23 under the provisions of this chapter as a licensed engineer or
24 structural engineer:

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

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

36 2. Persons who are employees of any state, county,
37 municipal, or other governmental unit of this state and who are
38 the subordinates of a person in responsible charge licensed
39 under this chapter, to the extent that the supervision meets
40 standards adopted by rule of the board.



790514

41 (c) Regular full-time employees of a corporation not
42 engaged in the practice of engineering as such, whose practice
43 of engineering for such corporation is limited to the design or
44 fabrication of manufactured products and servicing of such
45 products.

46 (d) Regular full-time employees of a public utility or
47 other entity subject to regulation by the Florida Public Service
48 Commission, Federal Energy Regulatory Commission, or Federal
49 Communications Commission.

50 (e) Employees of a firm, corporation, or partnership who
51 are the subordinates of a person in responsible charge, licensed
52 under this chapter.

53 (f) Any person as contractor in the execution of work
54 designed by a professional engineer or structural engineer or in
55 the supervision of the construction of work as a foreman or
56 superintendent.

57 (g) A licensed surveyor and mapper who takes, or contracts
58 for, professional engineering services incidental to her or his
59 practice of surveying and mapping and who delegates such
60 engineering services to a licensed professional engineer
61 qualified within her or his firm or contracts for such
62 professional engineering services to be performed by others who
63 are licensed professional engineers under the provisions of this
64 chapter.

65 (h) Any electrical, plumbing, air-conditioning, or
66 mechanical contractor whose practice includes the design and
67 fabrication of electrical, plumbing, air-conditioning, or
68 mechanical systems, respectively, which she or he installs by
69 virtue of a license issued under chapter 489, under part I of



790514

70 chapter 553, or under any special act or ordinance when working
71 on any construction project which:

72 1. Requires an electrical or plumbing or air-conditioning
73 and refrigeration system with a value of \$125,000 or less; and

74 2.a. Requires an aggregate service capacity of 600 amperes
75 (240 volts) or less on a residential electrical system or 800
76 amperes (240 volts) or less on a commercial or industrial
77 electrical system;

78 b. Requires a plumbing system with fewer than 250 fixture
79 units; or

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

83 (i) Any general contractor, certified or registered
84 pursuant to the provisions of chapter 489, when negotiating or
85 performing services under a design-build contract as long as the
86 engineering services offered or rendered in connection with the
87 contract are offered and rendered by an engineer or structural
88 engineer licensed in accordance with this chapter.

89 (j) Any defense, space, or aerospace company, whether a
90 sole proprietorship, firm, limited liability company,
91 partnership, joint venture, joint stock association,
92 corporation, or other business entity, subsidiary, or affiliate,
93 or any employee, contract worker, subcontractor, or independent
94 contractor of the defense, space, or aerospace company who
95 provides engineering for aircraft, space launch vehicles, launch
96 services, satellites, satellite services, or other defense,
97 space, or aerospace-related product or services, or components
98 thereof.



790514

99 Section 2. Subsections (14) and (15) are added to section
100 471.005, Florida Statutes, to read:

101 471.005 Definitions.—As used in this chapter, the term:

102 (14) "Licensed structural engineer," "professional
103 structural engineer," "registered structural engineer," or
104 "structural engineer" means a person who is licensed to engage
105 in the practice of structural engineering under this chapter.

106 (15) "Structural engineering" means an engineering service
107 or creative work that includes the structural analysis and
108 design of structural components or systems for threshold
109 buildings as defined in s. 553.71. The term includes
110 engineering, as defined in subsection (7), which requires
111 significant structural engineering education, training,
112 experience, and examination, as determined by the board.

113 Section 3. Subsections (1) and (6) of section 471.011,
114 Florida Statutes, are amended to read:

115 471.011 Fees.—

116 (1) The board by rule may establish fees to be paid for
117 applications, examination, reexamination, licensing and renewal,
118 inactive status application and reactivation of inactive
119 licenses, and recordmaking and recordkeeping. The board may also
120 establish by rule a delinquency fee. The board shall establish
121 fees that are adequate to ensure the continued operation of the
122 board. Fees shall be based on department estimates of the
123 revenue required to implement this chapter and the provisions of
124 law with respect to the regulation of engineers and structural
125 engineers.

126 (6) The fee for a temporary registration or certificate to
127 practice engineering or structural engineering shall not exceed



790514

128 \$25 for an individual or \$50 for a business firm.

129 Section 4. Paragraph (a) of subsection (2) of section
130 471.013, Florida Statutes, is amended to read:

131 471.013 Examinations; prerequisites.—

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

135 1. There is a substantial connection between the lack of
136 good moral character of the applicant and the professional
137 responsibilities of a licensed engineer or structural engineer;
138 and

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

141 Section 5. Present subsections (3) through (7) of section
142 471.015, Florida Statutes, are redesignated as subsections (4)
143 through (8), respectively, present subsection (3) is amended,
144 and a new subsection (3) is added to that section, to read:

145 471.015 Licensure.—

146 (3) (a) The management corporation shall issue a structural
147 engineer license to any applicant who the board certifies as
148 qualified to practice structural engineering and who:

149 1. Is licensed under this chapter as an engineer or is
150 qualified for licensure as an engineer.

151 2. Submits an application in the format prescribed by the
152 board.

153 3. Pays a fee established by the board under s. 471.011.

154 4. Provides satisfactory evidence of good moral character,
155 as defined by the board.

156 5. Provides a record of 4 years of active structural



790514

157 engineering experience, as defined by the board, under the
158 supervision of a licensed professional engineer.

159 6. Has successfully passed the National Council of
160 Examiners for Engineering and Surveying Structural Engineering
161 examination.

162 (b) Before September 1, 2016, an applicant who satisfies
163 subparagraphs (a)1.-4. may satisfy subparagraphs (a)5. and 6.
164 by:

165 1. Submitting a signed affidavit in the format prescribed
166 by the board which states that the applicant is currently a
167 licensed engineer in the state and has been engaged in the
168 practice of structural engineering with a record of at least 4
169 years of active structural engineering design experience;

170 2. Possessing a current professional engineering license
171 and filing the necessary documentation as required by the board,
172 or possessing a current threshold inspector license; and

173 3. Agreeing to meet with the board or a representative of
174 the board, upon the board's request, for the purpose of
175 evaluating the applicant's qualifications for licensure.

176 (c) An applicant who is qualified for licensure as an
177 engineer under s. 471.013 may simultaneously apply for licensure
178 as a structural engineer if all requirements of s. 471.013 and
179 this subsection are met.

180 (4)~~(3)~~ The board shall certify as qualified for a license
181 by endorsement an applicant who:

182 (a) In engineering, by endorsement, an applicant who
183 qualifies to take the fundamentals examination and the
184 principles and practice examination as set forth in s. 471.013,
185 has passed a United States national, regional, state, or



790514

186 territorial licensing examination that is substantially
187 equivalent to the fundamentals examination and principles and
188 practice examination required by s. 471.013, and has satisfied
189 the experience requirements set forth in s. 471.013; ~~or~~

190 (b) In engineering or structural engineering, by
191 endorsement, an applicant who holds a valid license to practice
192 engineering, or, for structural engineering, an applicant who
193 holds a valid license to practice structural engineering, issued
194 by another state or territory of the United States, if the
195 criteria for issuance of the license were substantially the same
196 as the licensure criteria that existed in this state at the time
197 the license was issued; or

198 (c) In structural engineering, by endorsement, an applicant
199 who holds a valid license to practice structural engineering
200 issued by another state or territory of the United States and
201 who has successfully passed one of the following 16-hour
202 examination combinations:

203 1. The 8-hour National Council of Examiners for Engineering
204 and Surveying Structural Engineering I examination and the 8-
205 hour National Council of Examiners for Engineering and Surveying
206 Structural Engineering II examination.

207 2. The 8-hour National Council of Examiners for Engineering
208 and Surveying Structural Engineering II examination and the 8-
209 hour National Council of Examiners for Engineering and Surveying
210 Civil: Structural examination or the 8-hour National Council of
211 Examiners for Engineering and Surveying Architectural
212 Engineering examination.

213 3. The 16-hour Western States Structural Engineering
214 examination.



790514

215 4. The 8-hour National Council of Examiners for Engineering
216 Structural Engineering II examination and the 8-hour California
217 Structural Engineering Seismic III examination or the 8-hour
218 Washington Structural Engineering III examination.

219 Section 6. Section 471.019, Florida Statutes, is amended to
220 read:

221 471.019 Reactivation.—The board shall prescribe by rule
222 continuing education requirements for reactivating a license.
223 The continuing education requirements for reactivating a license
224 for a licensed engineer or structural engineer may not exceed 12
225 classroom hours for each year the license was inactive.

226 Section 7. Subsection (2) of section 471.025, Florida
227 Statutes, is amended to read:

228 471.025 Seals.—

229 (2) It is unlawful for any person to seal or digitally sign
230 any document with a seal or digital signature after his or her
231 license has expired or been revoked or suspended, unless such
232 license is ~~has been~~ reinstated or reissued. When an engineer's
233 or structural engineer's license is ~~has been~~ revoked or
234 suspended by the board, the licensee shall, within a period of
235 30 days after the revocation or suspension has become effective,
236 surrender his or her seal to the executive director of the board
237 and confirm to the executive director the cancellation of the
238 licensee's digital signature in accordance with ss. 668.001-
239 668.006. In the event the engineer's license has been suspended
240 for a period of time, his or her seal shall be returned to him
241 or her upon expiration of the suspension period.

242 Section 8. Present paragraphs (b) through (g) of subsection
243 (1) of section 471.031, Florida Statutes, are redesignated as



790514

244 paragraphs (c) through (h), respectively, present paragraph (b)
245 of that subsection is amended, and a new paragraph (b) is added
246 to that subsection, to read:

247 471.031 Prohibitions; penalties.-

248 (1) A person may not:

249 (b) Beginning March 1, 2017, practice structural
250 engineering unless the person is licensed as a structural
251 engineer or exempt from licensure under this chapter.

252 (c) ~~(b)~~1. Except as provided in subparagraph 2. or
253 subparagraph 3., use the name or title "professional engineer"
254 or any other title, designation, words, letters, abbreviations,
255 or device tending to indicate that such person holds an active
256 license as an engineer when the person is not licensed under
257 this chapter, including, but not limited to, the following
258 titles: "agricultural engineer," "air-conditioning engineer,"
259 "architectural engineer," "building engineer," "chemical
260 engineer," "civil engineer," "control systems engineer,"
261 "electrical engineer," "environmental engineer," "fire
262 protection engineer," "industrial engineer," "manufacturing
263 engineer," "mechanical engineer," "metallurgical engineer,"
264 "mining engineer," "minerals engineer," "marine engineer,"
265 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
266 "structural engineer," "transportation engineer," "software
267 engineer," "computer hardware engineer," or "systems engineer."

268 2. Any person who is exempt from licensure under s.
269 471.003(2)(j) may use the title or personnel classification of
270 "engineer" in the scope of his or her work under that exemption
271 if the title does not include or connote the term "licensed
272 engineer," "professional engineer," "registered engineer,"



790514

273 "licensed professional engineer," ~~"licensed engineer,"~~
274 "registered professional engineer," "licensed structural
275 engineer," "professional structural engineer," "registered
276 structural engineer," or "structural engineer." ~~or "licensed~~
277 ~~professional engineer."~~

278 3. Any person who is exempt from licensure under s.
279 471.003(2)(c) or (e) may use the title or personnel
280 classification of "engineer" in the scope of his or her work
281 under that exemption if the title does not include or connote
282 the term "licensed engineer," "professional engineer,"
283 "registered engineer," "licensed professional engineer,"
284 ~~"licensed engineer,"~~ "registered professional engineer,"
285 "licensed structural engineer," "professional structural
286 engineer," "registered structural engineer," or "structural
287 engineer," ~~or "licensed professional engineer"~~ and if that
288 person is a graduate from an approved engineering curriculum of
289 4 years or more in a school, college, or university which has
290 been approved by the board.

291 Section 9. Paragraphs (b) through (e) and (g) of subsection
292 (1) and subsection (4) of section 471.033, Florida Statutes, are
293 amended to read:

294 471.033 Disciplinary proceedings.—

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

297 (b) Attempting to procure a license to practice engineering
298 or structural engineering by bribery or fraudulent
299 misrepresentations.

300 (c) Having a license to practice engineering or structural
301 engineering revoked, suspended, or otherwise acted against,



790514

302 including the denial of licensure, by the licensing authority of
303 another state, territory, or country, for any act that would
304 constitute a violation of this chapter or chapter 455.

305 (d) Being convicted or found guilty of, or entering a plea
306 of nolo contendere to, regardless of adjudication, a crime in
307 any jurisdiction which directly relates to the practice of
308 engineering, structural engineering, or the ability to practice
309 engineering or structural engineering.

310 (e) Making or filing a report or record that the licensee
311 knows to be false, willfully failing to file a report or record
312 required by state or federal law, willfully impeding or
313 obstructing such filing, or inducing another person to impede or
314 obstruct such filing. Such reports or records include only those
315 which ~~that~~ are signed in the capacity of a licensed engineer or
316 licensed structural engineer.

317 (g) Engaging in fraud or deceit, negligence, incompetence,
318 or misconduct, in the practice of engineering or structural
319 engineering.

320 (4) The management corporation shall reissue the license of
321 a disciplined engineer, structural engineer, or business upon
322 certification by the board that the disciplined person has
323 complied with all of the terms and conditions set forth in the
324 final order.

325 Section 10. Subsection (1) of section 471.037, Florida
326 Statutes, is amended to read:

327 471.037 Effect of chapter locally.—

328 (1) Nothing contained in this chapter shall be construed to
329 repeal, amend, limit, or otherwise affect any local building
330 code or zoning law or ordinance, now or hereafter enacted, which



790514

331 is more restrictive with respect to the services of licensed
332 engineers or structural engineers than the provisions of this
333 chapter.

334 Section 11. This act shall take effect July 1, 2015.

335

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

337 And the title is amended as follows:

338 Delete everything before the enacting clause
339 and insert:

340 A bill to be entitled
341 An act relating to engineers; amending s. 471.003,
342 F.S.; prohibiting a person who is not licensed as an
343 engineer or a structural engineer from using specified
344 names and titles or practicing engineering or
345 structural engineering; exempting certain persons from
346 the licensing requirements; amending s. 471.005, F.S.;
347 providing definitions; amending s. 471.011, F.S.;
348 establishing various fees for the examination and
349 licensure of structural engineers; amending s.
350 471.013, F.S.; revising provisions authorizing the
351 Board of Professional Engineers to refuse to certify
352 an applicant due to lack of good moral character to
353 include structural engineer licensure applicants, to
354 conform; amending s. 471.015, F.S.; providing
355 licensure and application requirements for a
356 structural engineer license; exempting, under certain
357 conditions, a structural engineer who applies for
358 licensure before a specified date from passage of a
359 certain national examination; requiring the board to



790514

360 certify certain applicants for licensure by
361 endorsement; amending ss. 471.019 and 471.025, F.S.;
362 revising continuing education requirements for
363 reactivation of a license and provisions requiring an
364 engineer with a revoked or suspended license to
365 surrender his or her seal, respectively, to include
366 structural engineers, to conform; amending s. 471.031,
367 F.S.; prohibiting specified persons from using
368 specified names and titles; amending s. 471.033, F.S.;
369 providing various acts which constitute grounds for
370 disciplinary action against a structural engineer, to
371 which penalties apply; amending s. 471.037, F.S.;
372 revising applicability, to conform to changes made by
373 the act; providing an effective date.