

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 217 Engineers

SPONSOR(S): Regulatory Affairs Committee; Business & Professions Subcommittee; Van Zant and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 338

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Anstead	Luczynski
2) Regulatory Affairs Committee	17 Y, 0 N, As CS	Anstead	Hamon

SUMMARY ANALYSIS

The bill amends current engineering law to create a license type for “structural engineers.”

The bill modifies current law related to the licensing and regulation of engineers to include structural engineers. Structural engineers will be licensed and regulated similar to licensed engineers.

Beginning March 1, 2019, the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering, and from using the name or title of “licensed structural engineer” or any other similar title.

The bill defines structural engineering as a service or creative work that includes the structural analysis and design of threshold buildings.

The bill modifies the current law to include qualifications for applicants for a structural engineer license. In order to qualify for licensure as a structural engineer, an applicant must meet the current qualifications to become an engineer, but have four years of structural engineering experience instead of general engineering experience, and must pass a structural engineering examination – the National Council of Examiners for Engineering and Surveying Structural Engineering Examination.

The bill provides for the simultaneous application for both an engineer and a structural engineer license.

The bill provides a “grandfathering” provision for applicants prior to February 28, 2019. It provides applicants with an exemption from taking the National Council of Examiners for Engineering and Surveying Structural Engineering Examination if the applicant is licensed as an engineer in Florida and has four years of experience in structural engineering.

The bill does not appear to have a fiscal impact on state or local government.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law requires certain qualifications for the practice of engineering. Only licensed engineers can practice engineering and only licensed engineers can use the name or title of "licensed engineer," or any related title indicating active licensure in this state.

Florida Board of Professional Engineers

The Florida Legislature created the Florida Board of Professional Engineers in the interest of public health and safety to regulate the practice of engineering in the State of Florida, creating ch. 471, F.S., making the board responsible for reviewing applications, administering exams, licensing qualified applicants, and regulating and enforcing the proper practice of engineering in the state. The board is comprised of 11 members appointed by the Governor and meets six times a year.¹ Administrative, investigative and prosecutorial services are provided to the Florida Board of Professional Engineers by the Florida Engineers Management Corporation (FEMC).² FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation.

Licensure

Current law requires that applicants have certain qualifications in order to become licensed as an engineer, including passing a fundamentals examination and a principles and practice examination, having good moral character, obtaining a degree from a four year engineering curriculum, and having four years of engineering experience.³

Reasons for additional licensure type for structural engineers⁴

The Florida Board of Professional Engineers, the Florida Engineering Society, the Florida Institute of Consulting Engineers, and the Florida Structural Engineers Association all support the creation of an additional licensure type for structural engineers in Florida due to the technical nature of the profession, evolving technology, increased consumer expectations and other emerging issues, including state hurricane wind-force requirements.⁵

These organizations have called attention to how important the adequate practice of engineering is to the general public health and safety and the maintenance of the integrity of the design of buildings. They believe it is imperative to ensure that engineers are adequately educated and trained in the specific area of structural engineering. In addition, Structural Engineers International, the Council of American Structural Engineers, the National Council of Structural Engineers Associations, and the National Council of Examiners for Engineering and Surveying all support separate licensure for structural engineers.⁶

¹ The Florida Board of Professional Engineers, <http://www.fbpe.org/about-fbpe> (last visited Feb. 2, 2015).

² The Florida Board of Professional Engineers, *The Florida Engineers Management Corporation*, <http://www.fbpe.org/about-femc> (last visited Feb. 2, 2015).

³ s. 471.015, F.S.

⁴ s. 455.201, F.S., provides that regulation of a profession is appropriate when it is the least restrictive means available for the preservation of the health, safety, and welfare of the public. This bill is necessary to ensure the health, safety, and welfare of the public.

⁵ Florida Structural Engineering Association, <http://www.flsea.com/> (last visited Feb. 6, 2015).

⁶ *Id.*

Effect of the Bill

The bill adds the title “registered engineers” to the current list of titles prohibited from being used by anyone other than a licensed engineer.

The bill prohibits any person other than a duly licensed structural engineer from practicing structural engineering and from using the title “licensed structural engineer,” or any other title tending to indicate licensure as a structural engineer in this state, beginning March 1, 2019.

The bill defines a structural engineer as a person licensed to practice structural engineering and defines “structural engineering” as a service or creative work that includes the structural analysis and design of threshold buildings. The definition includes “engineering,” as currently defined in the chapter. Threshold buildings are defined in current law as any building which is greater than three stories or 50 feet in height, or which has an occupancy which exceeds 5,000 square feet and an occupant content of greater than 500 persons.⁷

The bill incorporates “structural engineer” throughout ch. 471, F.S., related to the licensing and regulation of engineers. In those parts of the chapter where “structural engineer” is not used or specifically named, current law would automatically include them by the use of generic terms like “applicant,” “application,” “person,” “license,” and “licensee.” By creating the license type of “structural engineer,” it appears that all applicants and licensees will be treated similarly, including, but not limited to, the parts of the chapter related to exemptions, qualifications, fees, examinations, licensure, reactivation, use of seals, prohibitions, disciplinary proceedings, and other general provisions.

The bill requires structural engineers to meet certain qualifications prior to licensure. A structural engineer applicant must have good moral character, must be certified by the board as qualified to practice structural engineering and meet the following criteria:

1. Hold a license under this chapter as an engineer or qualify for licensure as an engineer;
2. Submit an application in the format prescribed by the board;
3. Pay a fee established by the board under s. 471.011, F.S.;
4. Provide satisfactory evidence of good moral character, as defined by the board;
5. Provide a record of 4 years of active structural engineering experience, as defined by the board, under the supervision of a licensed professional engineer; and
6. Pass the National Council of Examiners for Engineering and Surveying Structural Engineering Examination.

The bill provides for a “grandfathering” provision or an exception to the examination requirement to those applicants who, before February 28, 2019, satisfy requirements 1-4 above and submit a signed affidavit in the format prescribed by the board indicating the applicant is currently a licensed engineer in the state and has been engaged in the practice of structural engineering with a record of at least 4 years of active structural engineering experience. It also requires the applicant to attest that they are willing to meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

The bill allows for simultaneous application for both an engineer license and a structural engineer license. An applicant who is qualified for licensure as an engineer under the chapter's licensing and qualifications provisions may simultaneously apply for licensure as a structural engineer if all requirements of s. 471.013, F.S., and s. 471.015(3), F.S., are met.

The bill includes structural engineering in the provisions that provide for licensure of applicants currently licensed in other states.

⁷ s. 553.71, F.S.

The bill modifies the section that exempts certain persons working for certain corporations that manufacture products and certain defense and aerospace companies from the prohibition related to the use of the title "engineer." The bill would allow those persons to use the title engineer but prohibits those persons from using titles that would indicate licensure as an engineer or structural engineer. Those added titles include: "licensed engineer," "licensed professional engineer," "licensed structural engineer," "professional structural engineer," "registered structural engineer," and "structural engineer."

B. SECTION DIRECTORY:

Section 1 amends s. 471.003, F.S.:

- Adds "registered engineer" to titles prohibited from use by unlicensed persons;
- Creates additional license type for "structural engineers" to practice structural engineering;
- Prohibits anyone other than a licensed structural engineer from practicing structural engineering and from using certain titles effective March 1, 2019; and
- Adds "structural engineer" to certain exemptions for persons permitted to use the title "engineer."

Section 2 amends s. 471.0005, F.S., creating a definition for "licensed structural engineer," and "structural engineering."

Section 3 amends s. 471.011, F.S., to include structural engineers and structural engineering in the current fee structure for the regulation of engineering.

Section 4 amends s. 471.013, F.S., to include structural engineers in current examination prerequisites.

Section 5 amends s. 471.015, F.S., to create requirements for licensure as a structural engineer.

Section 6 amends s. 471.019, F.S., to include structural engineer into current reactivation requirements.

Section 7 amends s. 471.025, F.S., to include structural engineers in the prohibitions related to the use of the seal when a license is suspended or revoked.

Section 8 amends s. 471.031, F.S., to include structural engineers in the prohibitions and penalty section, prohibiting anyone from practicing structural engineering or using such title unless licensed, effective March 1, 2019.

Section 9 amends s. 471.033, F.S., to include structural engineers in the disciplinary provisions currently established for engineers.

Section 10 amends s. 471.037, F.S., to include structural engineers in the provision allowing local building codes to be more restrictive than state law.

Section 11 provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Minimal. The Florida Board of Professional Engineers does not expect the number of applications to dramatically increase.⁸

2. Expenditures:

Minimal. The Florida Board of Professional Engineers has indicated that no additional resources will be required.⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill gives rule making authority to the Florida Board of Professional Engineers to implement licensing and regulatory provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

⁸ Email from Thomas Grogan, Licensure Committee Chairman, the Florida Structural Engineering Association, FW: FW: SE Licensure discussions with Business and Professions Subcommittee (Jan. 27, 2015).

⁹ Email from Thomas Grogan, Licensure Committee Chairman, the Florida Structural Engineering Association, FW: FW: SE Licensure discussions with Business and Professions Subcommittee (Jan. 27, 2015).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 10, 2015, the Business & Professions Subcommittee considered a strike-all amendment and reported the bill favorably as a committee substitute. The adopted strike-all amendment made the following changes to the filed version of the bill:

- Provides an effective date of March 1, 2019, for the prohibition against anyone other than a licensed structural engineer from practicing structural engineering and using certain titles;
- Changes the definition of “structural engineering;”
- Includes structural engineers in current law for engineers throughout the chapter, including, but not limited to, examination prerequisites, exemptions, reactivation requirements, prohibitions related to the use of the seal, disciplinary provisions and local building code restrictions; and
- Changes the deadline for applying under the “grandfathering” provision to February 28, 2019.

On March 5, 2015, the Regulatory Affairs Committee adopted two amendments and reported the bill favorably as a committee substitute. The adopted amendments made the following changes:

- Clarified that current engineers practicing structural engineering can meet certain licensing requirements for a structural engineer license by filing an affidavit indicating the required experience, corrected numbering references, and clarified the licensure by endorsement process for out of state applicants.
- Added “structural engineers” and “structural engineering” to the disciplinary section.

The staff analysis is drafted to reflect the committee substitute.