

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 338

INTRODUCER: Regulated Industries Committee and Senator Altman

SUBJECT: Engineers

DATE: March 12, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Fav/CS
2.			AGG	
3.			FP	

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 338 amends existing law regulating engineers to specifically address the practice of structural engineering. Structural engineering, which is the analysis and design of threshold buildings and other structures of a certain height, size, or occupancy, is currently regulated as an aspect of engineering. Additional and more detailed regulation is deemed to be warranted, in view of the size and capacity of those structures, because significant injuries and loss of human life occur when a structure fails (collapses).

II. Present Situation:

Regulation of the practice of engineering was mandated by the Legislature in 1979.¹ Professional engineers are regulated by the Board of Professional Engineers (FBPE) within the Department of Business and Professional Regulation (department), which enforces and administers the provisions of ch. 471, F.S. The Florida Engineers Management Corporation (FEMC) provides administrative, investigative, and prosecutorial services to the FBPE pursuant to ch. 455, F.S., and ch. 471, F.S.² The contract between the Department of Professional Regulation and FEMC for Fiscal Years 2013-2017 provides that FEMC's services apply to all licensees under the jurisdiction of the FBPE.³

¹ See ch. 471, F.S., and ch. 79-243, L.O.F.

² See s. 471.038, F.S.

³ See <http://www.fbpe.org/index.php/2014-12-08-17-12-31/corporate-contract/send/51-corporate-contracts/165-contract-2012-2013-dbpr-femc> (last visited Mar. 9, 2015).

According to industry representatives, there is a need to specifically license the practice of structural engineering as a separate component of engineering. The Florida Structural Engineers Association supports the creation of an additional license requirement for structural engineers in the state due to the increasingly technical nature of the work, and decreasing redundancies and safety measures in project design resulting from the effort to reduce construction costs.⁴ In the event of failure of a threshold building, its mere size and capacity create a significant potential for injuries and loss of human life.⁵

III. Effect of Proposed Changes:

CS/SB 338 defines “structural engineering” as service or creative work that includes analysis and design of threshold structures.⁶ The term includes services and work defined as “engineering.”⁷

Beginning March 1, 2019, no person other than a licensed structural engineer shall practice structural engineering or use the title of structural engineer, or variations prefaced by the terms “licensed,” “professional,” “registered,” or any other term indicating that a person is actively licensed as a structural engineer. Similar to licensed engineers, structural engineers are required to pay fees, be of good moral character, and meet requirements for continuing education and the use of seals.

The requirements for licensure are set forth in **Section 5** of the bill. Section 471.015, F.S., is amended to direct the Florida Engineers Management Corporation to issue a structural engineer license to applicants certified by the Florida Board of Engineers, who must:

- Be licensed as an engineer or be qualified for licensure as an engineer in Florida;
- Submit an application with the required fee;
- Provide evidence of good moral character as defined by the FBPE board;⁸
- Provides a record of 4 years of active structural engineering experience, as defined by the FBPE board, under the supervision of a licensed engineer; and

⁴ See <http://www.flsea.com/Structural-Engineering-Licensure> (last visited Mar. 9, 2015).

⁵ *Id.*

⁶ The committee substitute references “threshold buildings” in lieu of “significant buildings” for which structural analysis and design must be performed by a licensed structural engineer beginning March 1, 2019. A threshold building is defined in s. 553.71, F.S., law as one that is greater than three stories or 50 feet in height, or has occupancy measurements exceeding 5,000 square feet or 500 persons.

⁷ Section 471.005(7), F.S., provides the following lengthy definition of “engineering:” any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

⁸ Section 471.005(1), F.S., provides that a reference to “board” means the Board of Professional Engineers, as contrasted with the term “board of directors,” which is defined in s. 471.005(2), F.S., as the board of directors of the Florida Engineers Management Corporation (FEMC).

- Has passed the structural examination offered by the National Council of Examiners for Engineering and Surveying.

In addition, the bill provides for a “grandfather” period through February 28, 2019, to allow licensure as a structural engineer if a licensed engineer applicant pays the required fee, evidences good moral character, submits an affidavit attesting to at least 4 years of active structural engineering experience, and indicates a willingness to meet with the Florida Board of Professional Engineers or its representative, upon request, for the purpose of evaluating the applicant’s qualifications for licensure as a structural engineer.

The bill amends s. 471.031(1), F.S., to prohibit the practice of structural engineering by any person beginning March 1, 2019, unless the person is licensed as a structural engineer, or exempt from licensure. With respect to exemption from licensure as a structural engineer, the bill amends s. 471.031(1)(b)2., F.S. First, it adds additional terms to the listing of those terms that may not be used by persons legally exempt from licensure as an engineer in Florida, such as certain defense, space, or aerospace employees.⁹ In addition to those terms already prohibited to be used by exempt persons, the terms “licensed engineer,” “licensed professional engineer,” “licensed structural engineer,” “professional structural engineer,” “registered structural engineer,” and “structural engineer” may not be used by those exempted from licensure as engineers under Florida law. Second, those terms may also not be used by those persons exempted from licensure who work for a manufacturer on a full-time basis on the design or fabrication of products, or are employees working in a company under the supervision of a licensed person.¹⁰

The bill also provides that licensed structural engineers are subject to the same disciplinary proceedings and consequences as exist for engineers in current law. It includes the services of structural engineers to those services subject to local building codes, zoning codes, or ordinances, which are more restrictive than the provisions of ch. 471, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ See s. 471.003(2)(j), F.S.

¹⁰ See s. 471.003(2)(c) and (e), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

According to the Florida Engineers Management Corporation (FEMC), which provides administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers pursuant to ch. 455, F.S., and ch. 471, F.S., the bill will restrict the performance of structural engineering to those licensed professional engineers who obtain licenses to perform structural engineering. In addition, the bill provides for a “grandfather” period through February 28, 2019, to allow some licensed engineers to qualify for licensure as a structural engineer.

C. Government Sector Impact:

According to the FEMC, there is no impact other than minor modifications to technology systems that can be made using existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 471.003, 471.005, 471.011, 471.013, 471.015, 471.019, 471.025, 471.031, 471.033, and 471.037.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on March 11, 2015:

CS/SB 338 mandates that beginning March 1, 2019, no person other than a licensed structural engineer shall practice structural engineering or use the title of structural engineer, or variations prefaced by the terms “licensed,” “professional,” “registered,” or any other term indicating that a person is actively licensed as a structural engineer.

The committee substitute references “threshold buildings,” which are greater than three stories or 50 feet in height, or have occupancy measurements exceeding 5,000 square feet or 500 persons, for which structural analysis and design must be performed by a licensed structural engineer beginning March 1, 2019.

The committee substitute provides that structural engineering education, training, experience and examination will be defined by the Board of Professional Engineers. It provides for fees, licensure by endorsement, use of seals, licensure beginning March 1, 2019, discipline, and applicability of local ordinances to licensed structural engineers. The committee substitute allows certain applicants for licensure as structural engineers prior to February 28, 2019 to be licensed based on their prior experience and evaluation by the Board of Professional Engineers or its designee.

B. Amendments:

None.