

By the Committee on Regulated Industries; and Senator Altman

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1 A bill to be entitled
2 An act relating to engineers; amending s. 471.003,
3 F.S.; prohibiting a person who is not licensed as an
4 engineer or a structural engineer from using specified
5 names and titles or practicing engineering or
6 structural engineering; exempting certain persons from
7 the licensing requirements; amending s. 471.005, F.S.;
8 providing definitions; amending s. 471.011, F.S.;
9 establishing various fees for the examination and
10 licensure of structural engineers; amending s.
11 471.013, F.S.; revising provisions authorizing the
12 Board of Professional Engineers to refuse to certify
13 an applicant due to lack of good moral character to
14 include structural engineer licensure applicants, to
15 conform; amending s. 471.015, F.S.; providing
16 licensure and application requirements for a
17 structural engineer license; exempting under certain
18 conditions a structural engineer who applies for
19 licensure before a specified date from passage of a
20 certain national examination; requiring the board to
21 certify certain applicants for licensure by
22 endorsement; amending ss. 471.019 and 471.025, F.S.;
23 revising continuing education requirements for
24 reactivation of a license and provisions requiring an
25 engineer with a revoked or suspended license to
26 surrender his or her seal, respectively, to include
27 structural engineers, to conform; amending s. 471.031,
28 F.S.; prohibiting specified persons from using
29 specified names and titles; amending s. 471.033, F.S.;

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30 providing various acts which constitute grounds for
31 disciplinary action against a structural engineer, to
32 which penalties apply; amending s. 471.037, F.S.;
33 revising applicability, to conform to changes made by
34 the act; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsection (1) and paragraphs (f) and (i) of
39 subsection (2) of section 471.003, Florida Statutes, are amended
40 to read:

41 471.003 Qualifications for practice; exemptions.—

42 (1) (a) No person other than a duly licensed engineer shall
43 practice engineering or use the name or title of "licensed
44 engineer," "professional engineer," "registered engineer," or
45 any other title, designation, words, letters, abbreviations, or
46 device tending to indicate that such person holds an active
47 license as an engineer in this state.

48 (b) Beginning March 1, 2019, no person other than a duly
49 licensed structural engineer shall practice structural
50 engineering or use the name or title of "licensed structural
51 engineer," "professional structural engineer," "registered
52 structural engineer," "structural engineer," or any other title,
53 designation, words, letters, abbreviations, or device tending to
54 indicate that such person holds an active license as a
55 structural engineer in this state.

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

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59 (a) Any person practicing engineering for the improvement
60 of, or otherwise affecting, property legally owned by her or
61 him, unless such practice involves a public utility or the
62 public health, safety, or welfare or the safety or health of
63 employees. This paragraph shall not be construed as authorizing
64 the practice of engineering through an agent or employee who is
65 not duly licensed under the provisions of this chapter.

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

70 2. Persons who are employees of any state, county,
71 municipal, or other governmental unit of this state and who are
72 the subordinates of a person in responsible charge licensed
73 under this chapter, to the extent that the supervision meets
74 standards adopted by rule of the board.

75 (c) Regular full-time employees of a corporation not
76 engaged in the practice of engineering as such, whose practice
77 of engineering for such corporation is limited to the design or
78 fabrication of manufactured products and servicing of such
79 products.

80 (d) Regular full-time employees of a public utility or
81 other entity subject to regulation by the Florida Public Service
82 Commission, Federal Energy Regulatory Commission, or Federal
83 Communications Commission.

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

87 (f) Any person as contractor in the execution of work

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88 designed by a professional engineer or structural engineer or in
89 the supervision of the construction of work as a foreman or
90 superintendent.

91 (g) A licensed surveyor and mapper who takes, or contracts
92 for, professional engineering services incidental to her or his
93 practice of surveying and mapping and who delegates such
94 engineering services to a licensed professional engineer
95 qualified within her or his firm or contracts for such
96 professional engineering services to be performed by others who
97 are licensed professional engineers under the provisions of this
98 chapter.

99 (h) Any electrical, plumbing, air-conditioning, or
100 mechanical contractor whose practice includes the design and
101 fabrication of electrical, plumbing, air-conditioning, or
102 mechanical systems, respectively, which she or he installs by
103 virtue of a license issued under chapter 489, under part I of
104 chapter 553, or under any special act or ordinance when working
105 on any construction project which:

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

108 2.a. Requires an aggregate service capacity of 600 amperes
109 (240 volts) or less on a residential electrical system or 800
110 amperes (240 volts) or less on a commercial or industrial
111 electrical system;

112 b. Requires a plumbing system with fewer than 250 fixture
113 units; or

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

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117 (i) Any general contractor, certified or registered
118 pursuant to the provisions of chapter 489, when negotiating or
119 performing services under a design-build contract as long as the
120 engineering services offered or rendered in connection with the
121 contract are offered and rendered by an engineer or structural
122 engineer licensed in accordance with this chapter.

123 (j) Any defense, space, or aerospace company, whether a
124 sole proprietorship, firm, limited liability company,
125 partnership, joint venture, joint stock association,
126 corporation, or other business entity, subsidiary, or affiliate,
127 or any employee, contract worker, subcontractor, or independent
128 contractor of the defense, space, or aerospace company who
129 provides engineering for aircraft, space launch vehicles, launch
130 services, satellites, satellite services, or other defense,
131 space, or aerospace-related product or services, or components
132 thereof.

133 Section 2. Subsections (14) and (15) are added to section
134 471.005, Florida Statutes, to read:

135 471.005 Definitions.—As used in this chapter, the term:

136 (14) "Licensed structural engineer," "professional
137 structural engineer," "registered structural engineer," or
138 "structural engineer" means a person who is licensed to engage
139 in the practice of structural engineering under this chapter.

140 (15) "Structural engineering" means an engineering service
141 or creative work that includes the structural analysis and
142 design of structural components or systems for threshold
143 buildings as defined in s. 553.71. The term includes
144 engineering, as defined in subsection (7), that requires
145 significant structural engineering education, training,

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146 experience, and examination, as defined by the board.

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

149 471.011 Fees.—

150 (1) The board by rule may establish fees to be paid for
151 applications, examination, reexamination, licensing and renewal,
152 inactive status application and reactivation of inactive
153 licenses, and recordmaking and recordkeeping. The board may also
154 establish by rule a delinquency fee. The board shall establish
155 fees that are adequate to ensure the continued operation of the
156 board. Fees shall be based on department estimates of the
157 revenue required to implement this chapter and the provisions of
158 law with respect to the regulation of engineers and structural
159 engineers.

160 (6) The fee for a temporary registration or certificate to
161 practice engineering or structural engineering shall not exceed
162 \$25 for an individual or \$50 for a business firm.

163 Section 4. Paragraph (a) of subsection (2) of section
164 471.013, Florida Statutes, is amended to read:

165 471.013 Examinations; prerequisites.—

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

169 1. There is a substantial connection between the lack of
170 good moral character of the applicant and the professional
171 responsibilities of a licensed engineer or structural engineer;
172 and

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

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175 Section 5. Subsections (3) through (7) of section 471.015,
176 Florida Statutes, are redesignated as subsections (4) through
177 (8), respectively, present subsection (3) is amended, and a new
178 subsection (3) is added to that section, to read:

179 471.015 Licensure.—

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

183 1. Is licensed under this chapter as an engineer or is
184 qualified for licensure as an engineer.

185 2. Submits an application in the format prescribed by the
186 board.

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

188 4. Provides satisfactory evidence of good moral character,
189 as defined by the board.

190 5. Provides a record of 4 years of active structural
191 engineering experience, as defined by the board, under the
192 supervision of a licensed professional engineer.

193 6. Has successfully passed the National Council of
194 Examiners for Engineering and Surveying structural engineering
195 examination.

196 (b) Before February 28, 2019, an applicant who satisfies
197 subparagraphs (a)1.-5. may satisfy subparagraph (a)6. by
198 submitting a signed affidavit in the format prescribed by the
199 board that states:

200 1. The applicant is currently a licensed engineer in this
201 state and has been engaged in the practice of structural
202 engineering with a record of at least 4 years of active
203 structural engineering experience.

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204 2. The applicant is willing to meet with the board or a
205 representative of the board, upon its request, for the purpose
206 of evaluating the applicant's qualifications for licensure.

207 (c) An applicant who is qualified for licensure as an
208 engineer under s. 471.013 may simultaneously apply for licensure
209 as a structural engineer if all requirements of s. 471.013 and
210 this subsection are met.

211 ~~(4)(3)~~ The board shall certify as qualified for a license
212 by endorsement an applicant who:

213 (a) Qualifies to take the fundamentals examination and the
214 principles and practice examination as set forth in s. 471.013,
215 has passed a United States national, regional, state, or
216 territorial licensing examination that is substantially
217 equivalent to the fundamentals examination and principles and
218 practice examination required by s. 471.013, and has satisfied
219 the experience requirements set forth in s. 471.013; or

220 (b) Holds a valid license to practice engineering or, for
221 structural engineer applicants, a license to practice structural
222 engineering issued by another state or territory of the United
223 States, if the criteria for issuance of the license were
224 substantially the same as the licensure criteria that existed in
225 this state at the time the license was issued.

226 Section 6. Section 471.019, Florida Statutes, is amended to
227 read:

228 471.019 Reactivation.—The board shall prescribe by rule
229 continuing education requirements for reactivating a license.
230 The continuing education requirements for reactivating a license
231 for a licensed engineer or structural engineer may not exceed 12
232 classroom hours for each year the license was inactive.

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

235 471.025 Seals.—

236 (2) It is unlawful for any person to seal or digitally sign
237 any document with a seal or digital signature after his or her
238 license has expired or been revoked or suspended, unless such
239 license is ~~has been~~ reinstated or reissued. When an engineer's
240 or structural engineer's license is ~~has been~~ revoked or
241 suspended by the board, the licensee shall, within a period of
242 30 days after the revocation or suspension has become effective,
243 surrender his or her seal to the executive director of the board
244 and confirm to the executive director the cancellation of the
245 licensee's digital signature in accordance with ss. 668.001-
246 668.006. In the event the engineer's license has been suspended
247 for a period of time, his or her seal shall be returned to him
248 or her upon expiration of the suspension period.

249 Section 8. Paragraphs (b) through (g) of subsection (1) of
250 section 471.031, Florida Statutes, are redesignated as
251 paragraphs (c) through (h), respectively, present paragraph (b)
252 is amended, and a new paragraph (b) is added to that subsection,
253 to read:

254 471.031 Prohibitions; penalties.—

255 (1) A person may not:

256 (b) Beginning March 1, 2019, practice structural
257 engineering unless the person is licensed as a structural
258 engineer or exempt from licensure under this chapter.

259 (c) ~~(b)~~1. Except as provided in subparagraph 2. or
260 subparagraph 3., use the name or title "professional engineer"
261 or any other title, designation, words, letters, abbreviations,

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262 or device tending to indicate that such person holds an active
263 license as an engineer when the person is not licensed under
264 this chapter, including, but not limited to, the following
265 titles: "agricultural engineer," "air-conditioning engineer,"
266 "architectural engineer," "building engineer," "chemical
267 engineer," "civil engineer," "control systems engineer,"
268 "electrical engineer," "environmental engineer," "fire
269 protection engineer," "industrial engineer," "manufacturing
270 engineer," "mechanical engineer," "metallurgical engineer,"
271 "mining engineer," "minerals engineer," "marine engineer,"
272 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
273 "structural engineer," "transportation engineer," "software
274 engineer," "computer hardware engineer," or "systems engineer."

275 2. Any person who is exempt from licensure under s.
276 471.003(2)(j) may use the title or personnel classification of
277 "engineer" in the scope of his or her work under that exemption
278 if the title does not include or connote the term "licensed
279 engineer," "professional engineer," "registered engineer,"
280 "licensed professional engineer," ~~"licensed engineer,"~~
281 "registered professional engineer," "licensed structural
282 engineer," "professional structural engineer," "registered
283 structural engineer," or "structural engineer." ~~or "licensed~~
284 ~~professional engineer."~~

285 3. Any person who is exempt from licensure under s.
286 471.003(2)(c) or (e) may use the title or personnel
287 classification of "engineer" in the scope of his or her work
288 under that exemption if the title does not include or connote
289 the term "licensed engineer," "professional engineer,"
290 "registered engineer," "licensed professional engineer,"

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291 ~~"licensed engineer,"~~ "registered professional engineer,"
292 "licensed structural engineer," "professional structural
293 engineer," "registered structural engineer," or "structural
294 engineer," ~~or "licensed professional engineer"~~ and if that
295 person is a graduate from an approved engineering curriculum of
296 4 years or more in a school, college, or university which has
297 been approved by the board.

298 Section 9. Paragraph (e) of subsection (1) and subsection
299 (4) of section 471.033, Florida Statutes, are amended to read:

300 471.033 Disciplinary proceedings.—

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

303 (e) Making or filing a report or record that the licensee
304 knows to be false, willfully failing to file a report or record
305 required by state or federal law, willfully impeding or
306 obstructing such filing, or inducing another person to impede or
307 obstruct such filing. Such reports or records include only those
308 that are signed in the capacity of a licensed engineer or
309 structural engineer.

310 (4) The management corporation shall reissue the license of
311 a disciplined engineer, structural engineer, or business upon
312 certification by the board that the disciplined person has
313 complied with all of the terms and conditions set forth in the
314 final order.

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

317 471.037 Effect of chapter locally.—

318 (1) Nothing contained in this chapter shall be construed to
319 repeal, amend, limit, or otherwise affect any local building

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320 code or zoning law or ordinance, now or hereafter enacted, which
321 is more restrictive with respect to the services of licensed
322 engineers or structural engineers than the provisions of this
323 chapter.

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