

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 Innovation, Industry, and Technology

BILL: SB 616

INTRODUCER: Senator Perry

SUBJECT: Engineering

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer/Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 616 authorizes the Florida Board of Professional Engineers (board) to establish minimum standards of practice for the profession of engineering and to establish responsibility rules for the profession of engineering. The bill revises the licensure requirements for professional engineers by permitting a license applicant to complete the required four years of work experience after sitting for the license examination. Currently, an applicant must satisfy the experience work requirement before sitting for the examination. The bill increases the required experience for a person who graduated with a four-year degree from a State University System school prior to July 1, 1979, from four years to six years of work experience.

The bill repeals right of an applicant who does not have the required education, to qualify to sit for the license examination if the person was engaged in 10 years or more of active engineering work experience on July 1, 1981. The bill also:

- Requires an engineer license applicant to be at least 18 years of age;
- Tolls the 90-day period within which the board must grant or deny an application when an applicant is required to make a personal appearance before the board.
- Specifies the stages of construction during which a special inspector must perform structural inspections on a threshold building, which is a building greater than three stories or 50 feet in height, or which has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupancy of greater than 500 persons;
- Authorizes the board to establish by rule ongoing post-certification training or education requirements for the qualified representative of special inspector of a threshold building;
- Authorizes a successor engineer to independently re-create and seal documents that were previously created and sealed by the original engineer, and delineates the obligations of the successor and original engineer.

The bill provides an effective date of October 1, 2019.

II. Present Situation:

Florida Board of Professional Engineers

The practice of engineering is regulated by the board. Unlike most Department of Business and Professional Regulation (DBPR) professions, administrative, investigative, and prosecutorial services for the board are not provided by DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.¹

Section 471.008, F.S., authorizes the board to adopt rules to implement the provisions of ch. 471, F.S., and ch. 455, F.S., which provides the general licensing procedures for professional licensing by the DBPR and its professional licensing boards.

The board has adopted responsibility rules for the profession of engineering.² The responsibility rules address a variety of issues, including minimum requirements for engineering documents,³ and requirements for the retention of engineering documents.⁴

There were 64,219 licensed professional engineers in the 2017-2018 fiscal year.⁵

Professional Engineer License Qualifications

Section 471.013, F.S., provides the license qualifications for a professional engineer. In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must have:

- Graduated from an approved engineering curriculum of four years or more in a board-approved school, college, or university, and
 - Have a record of four years of active engineering experience of a character indicating competence to be in responsible charge of engineering;⁶
- Graduated from an approved engineering technology curriculum of four years or more in an board-approved school, college, or university within the State University System, having been enrolled or graduated before July 1, 1979; and
 - Have a record of four years of active engineering experience of a character indicating competence to be in responsible charge of engineering.⁷

Alternatively, if an applicant does not have the required education, the applicant may qualify for an engineer license with work experience consisting of 10 years or more of active engineering

¹ Section 471.038(3), F.S.

² The responsibility rules are contained in Fla. Admin. Code Chs. 61G15-30, 61G15-31, 61G15-32, and 61G15-33 (2019).

³ Fla. Admin. Code R. 61G15-30.003 (2019).

⁴ Fla. Admin. Code R. 61G15-30.009 (2019).

⁵ There were 526 inactive professional licenses during that fiscal year. See *Annual Report, Division of Professions, Division of Certified Public Accounting, Division of Real Estate, and Division of Regulation, Fiscal Year 2017-2018*, at p. 19, available at <http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf> (last visited Mar. 24, 2019).

⁶ Section 471.013, F.S.

⁷ Section 471.013, F.S.

work of a character indicating the applicant is competent to be placed in responsible charge of engineering. To qualify for licensure based solely on satisfying the experience requirement, the applicant must have notified the DBPR before July 1, 1984, that she or he was engaged in such work on July 1, 1981.

Licensing Procedure – Appearing Before the Board

Section 471.015(2), F.S., requires the board to certify for licensure any applicant who satisfies the requirements of s. 471.013, F.S.

The board may require personal appearance by any applicant for licensure. The board must give the applicant adequate notice of the time and place of the appearance and provide the applicant a statement of the purpose of and reasons requiring the appearance.⁸

Special Inspectors of Threshold Buildings

Section 471.015(7), F.S., authorizes the board to establish by rule the qualifications for certification of licensees as inspectors of threshold buildings. A “threshold building” is “any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.”⁹

The board is also authorized to establish minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector. Current law does not authorize the board to establish minimum training or education requirements for maintaining a certification or qualification as a special inspector.

The agency charged with enforcing the building code (enforcing agency)¹⁰ must require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record.¹¹

Use of Engineer Seals

Section 471.025(1), F.S., authorizes the board to prescribe, by rule, one or more forms of seal to be used by licensed engineers. Each licensee must obtain at least one seal. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and filed for public record and all final documents provided to the owner or the owner’s representative must be signed by the licensee, dated, and sealed with the seal. The signature, date, and seal are evidence of the authenticity of the document to which they are affixed.

⁸ Section 471.015(6), F.S.

⁹ See s. 553.71(12), F.S.

¹⁰ See s. 553.71(5), F.S., defining the term “local enforcement agency.”

¹¹ Section 553.79(5)(a), F.S.

A licensee may not affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty.¹²

Current law does not authorize a successor engineer to independently re-create and seal documents that were previously created and sealed by the original engineer, or delineate the obligations of the successor or original engineer in regards to prior work and documents assumed by the successor engineer.

III. Effect of Proposed Changes:

Rulemaking Authority

The bill amends s. 471.008, F.S., to authorize the board to establish minimum standards of practice for the profession of engineering and to establish responsibility rules for the profession of engineering.

License Qualifications

The bill amends s. 471.013(1)(a), F.S., to delete the requirement that engineer license applicant have four or more years of active engineering experience before the applicant may sit for the fundamentals examination.

The current educational requirement for taking the fundamentals examination is a 4-year degree in engineering. A 4-year engineering technology degree is accepted only if the applicant was enrolled in or graduated from such a program within the State (Florida) University System prior to July 1, 1979.

The bill repeals the provision in s. 471.013(1)(a)3., F.S., which permits an applicant who does not have the required education, to qualify to sit for the fundamentals examination if the person was engaged in 10 years or more of active engineering work experience on July 1, 1981, and notified the DBPR before July 1, 1984, that she or he was engaged in such work.

The bill revises the educational requirements in s. 471.013(1)(a)1., F.S., to require a four-year degree in engineering science instead of a 4-year degree in engineering.

The bill amends s. 471.015(2)(a), F.S., to revise the licensure requirements by permitting a license applicant to complete the required experience after sitting for the license examination. Currently, an applicant must satisfy the experience requirement before sitting for the examination. Under the bill, a graduate from an approved four-year “engineering science” curriculum must have a record of four years of active engineering experience of a character indicating competence to be in responsible charge of engineering before the person may qualify for a license. This is the same experience currently required to sit for the license examination.

¹² Section 471.025(3), F.S.

However, the bill increases the required experience for a person who graduated with a four-year degree in engineering technology from a State University System school prior to July 1, 1979, from four years to six years of work experience.

The bill also requires license applicants to provide proof to the board that he or she is at least 18 years of age. Current law does not provide a minimum age requirement.

Licensing Procedure – Appearing Before the Board

The bill amends s. 471.015(7), F.S., to provide that the period within which an application must be granted or denied is tolled until such time as the applicant appears when required to make a personal appearance before the board. The board must grant or deny a license within 90 days of submission of a completed license application.¹³

Special Inspectors of Threshold Buildings

The bill amends s. 471.015(7), F.S., to authorize the board to establish by rule ongoing training or education requirements for qualified representatives of the special inspector of a threshold building to maintain their certification or qualification.

The bill also amends s. 553.79, F.S., relating to building construction permits, to provide that the authority of an enforcement agency to require a special inspector to perform structural inspections on the threshold building applies during new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified.

Use of Engineer Seals

The bill amends s. 471.025, F.S., to authorize a successor engineer to independently re-create and seal documents that were previously created and sealed by the original engineer.

A successor engineer assumes full professional and legal responsibility by signing and affixing his or her seal to the assumed documents, which must be treated as though they were the successor engineer's original product. The original engineer is released from any professional responsibility or civil liability for prior work assumed by the successor engineer.

Effective Date

The bill provides an effective date of October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹³ Section 120.60(1), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The sponsor may wish to consider an amendment to clarify:

- The rulemaking authority granted to the board (*see* lines 45-48); and
- With respect to threshold buildings, that new construction, or repair or restoration of a threshold building in which the structural system or structural loading is being modified, a structural inspection plan is required not only for initial construction, but also for repair or restoration of such a building (*see* lines 161-169).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 471.008, 471.013, 471.015, 471.025, and 553.79.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
