

By the Committee on Innovation, Industry, and Technology; and
Senators Perry and Hutson

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1 A bill to be entitled
2 An act relating to engineering; amending s. 455.271,
3 F.S.; deleting a provision requiring a delinquent
4 status licensee to apply for active or inactive
5 status; requiring rulemaking to authorize licensees
6 whose licenses are void to apply for reinstatement;
7 amending s. 471.005, F.S.; revising definitions;
8 amending s. 471.008, F.S.; revising the Board of
9 Professional Engineers' rulemaking authority; amending
10 s. 471.011, F.S.; conforming provisions to changes
11 made by the act; amending s. 471.013, F.S.; revising
12 the prerequisites for a person to take an examination
13 that determines whether she or he is qualified to
14 practice in this state as an engineer; deleting an
15 obsolete provision; amending s. 471.015, F.S.;
16 revising licensure certification requirements to
17 include active engineering experience and a minimum
18 age; revising requirements for licensure by
19 endorsement by the board; providing that the time
20 period in which a licensure application must be
21 granted or denied is tolled if an applicant is
22 required to make a personal appearance before the
23 board; authorizing the board to deny a license if such
24 an applicant fails to appear before the board within a
25 specified timeframe; amending s. 471.019, F.S.;
26 requiring the board to adopt rules relating to a
27 reinstatement process for void licenses; revising
28 continuing education requirements for reactivating a
29 license; amending s. 471.021, F.S.; requiring that

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30 temporary registrations be issued for certain work
31 rather than certificates of authorization; amending s.
32 471.023, F.S.; conforming provisions to changes made
33 by the act; providing requirements for qualifying
34 agents who terminate an affiliation with or cease
35 employment with qualified business organizations;
36 amending s. 471.025, F.S.; requiring a successor
37 engineer to be able to independently re-create certain
38 work when seeking to reuse certain documents;
39 specifying that a successor engineer assumes full
40 professional and legal responsibility by signing or
41 affixing his or her seal to assumed documents;
42 releasing the engineer who previously sealed the
43 documents from any professional responsibility or
44 civil liability for her or his work that is assumed by
45 a successor engineer; defining the term "successor
46 engineer"; amending s. 553.79, F.S.; requiring that
47 structural inspections on a threshold building be
48 performed during new construction or during certain
49 repair or restoration projects; amending s. 553.791,
50 F.S.; revising notice requirements for certain
51 building code inspection services by private
52 providers; decreasing the amount of time a local
53 building official has to take certain actions after
54 receiving a permit application and affidavit from a
55 private provider; prohibiting a local building
56 official from prohibiting a private provider from
57 performing any inspection outside the local building
58 official's normal operating hours; providing an

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59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Paragraph (a) of subsection (6) of section
64 455.271, Florida Statutes, is amended to read:

65 455.271 Inactive and delinquent status.—

66 (6) (a) ~~A delinquent status licensee must affirmatively~~
67 ~~apply with a complete application, as defined by rule of the~~
68 ~~board, or the department if there is no board, for active or~~
69 ~~inactive status during the licensure cycle in which a licensee~~
70 ~~becomes delinquent.~~ Failure by a delinquent status licensee to
71 become active or inactive before the expiration of the current
72 licensure cycle shall render the license void without any
73 further action by the board or the department. The board, or the
74 department if there is no board, shall adopt rules allowing a
75 licensee whose license is void to apply for reinstatement.

76
77 This subsection does not apply to individuals subject to
78 regulation under chapter 473.

79 Section 2. Subsections (13) of section 471.005, Florida
80 Statutes, is redesignated as subsection (3), and present
81 subsection (3) and subsection (8) of that section are amended,
82 to read:

83 471.005 Definitions.—As used in this chapter, the term:

84 ~~(3) "Certificate of authorization" means a license to~~
85 ~~practice engineering issued by the management corporation to a~~
86 ~~corporation or partnership.~~

87 (8) "License" means the licensing of engineers ~~or~~

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88 ~~certification of businesses~~ to practice engineering in this
89 state.

90 Section 3. Section 471.008, Florida Statutes, is amended to
91 read:

92 471.008 Rulemaking authority.—The board has authority to
93 adopt rules pursuant to ss. 120.536(1) and 120.54 to:

94 (1) Implement provisions of this chapter or chapter 455
95 which confer ~~conferring~~ duties upon it.

96 (2) Ensure competence in the practice of engineering.

97 (3) Ensure accuracy, completeness, and quality in the
98 engineering products provided.

99 Section 4. Subsection (4) of section 471.011, Florida
100 Statutes, is amended to read:

101 471.011 Fees.—

102 ~~(4) The fee for a certificate of authorization shall not~~
103 ~~exceed \$125.~~

104 Section 5. Paragraph (a) of subsection (1) of section
105 471.013, Florida Statutes, is amended to read:

106 471.013 Examinations; prerequisites.—

107 (1)(a) A person shall be entitled to take an examination
108 for the purpose of determining whether she or he is qualified to
109 practice in this state as an engineer if the person is of good
110 moral character and:

111 1. Is a graduate from an approved engineering curriculum of
112 4 years or more in a school, college, or university which has
113 been approved by the board ~~and has a record of 4 years of active~~
114 ~~engineering experience of a character indicating competence to~~
115 ~~be in responsible charge of engineering; or~~

116 2. Is a graduate of an approved engineering technology

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117 curriculum of 4 years or more in a school, college, or
118 university which has been approved by the board ~~within the State~~
119 ~~University System, having been enrolled or having graduated~~
120 ~~prior to July 1, 1979, and has a record of 4 years of active~~
121 ~~engineering experience of a character indicating competence to~~
122 ~~be in responsible charge of engineering; or~~

123 3. ~~Has, in lieu of such education and experience~~
124 ~~requirements, 10 years or more of active engineering work of a~~
125 ~~character indicating that the applicant is competent to be~~
126 ~~placed in responsible charge of engineering. However, this~~
127 ~~subparagraph does not apply unless such person notifies the~~
128 ~~department before July 1, 1984, that she or he was engaged in~~
129 ~~such work on July 1, 1981.~~

130
131 The board shall adopt rules providing for the review and
132 approval of schools or colleges and the courses of study in
133 engineering in such schools and colleges. The rules must ~~shall~~
134 be based on the educational requirements for engineering as
135 defined in s. 471.005. The board may adopt rules providing for
136 the acceptance of the approval and accreditation of schools and
137 courses of study by a nationally accepted accreditation
138 organization.

139 Section 6. Subsections (2), (3), (5), and (6) of section
140 471.015, Florida Statutes, are amended to read:

141 471.015 Licensure.—

142 (2) (a) The board shall certify for licensure any applicant
143 who has submitted proof satisfactory to the board that he or she
144 is at least 18 years of age and who:

145 1. Satisfies the requirements of s. 471.013(1)(a)1. and has

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146 a record of 4 years of active engineering experience of a
147 character indicating competence to be in responsible charge of
148 engineering; or

149 2. Satisfies the requirements of s. 471.013(1)(a)2. and has
150 a record of 6 years of active engineering experience of a
151 character indicating competence to be in responsible charge of
152 engineering s. 471.013.

153 (b) The board may refuse to certify any applicant who has
154 violated any of the provisions of s. 471.031.

155 (3) The board shall certify as qualified for a license by
156 endorsement an applicant who:

157 (a) Qualifies to take the fundamentals examination and the
158 principles and practice examination as set forth in s. 471.013,
159 has passed a United States national, regional, state, or
160 territorial licensing examination that is substantially
161 equivalent to the fundamentals examination and principles and
162 practice examination required by s. 471.013, and has satisfied
163 the experience requirements set forth in paragraph (2)(a) and s.
164 471.013; or

165 (b) Holds a valid license to practice engineering issued by
166 another state or territory of the United States, if the criteria
167 for issuance of the license were substantially the same as the
168 licensure criteria that existed in this state at the time the
169 license was issued.

170 (5) (a) The board shall deem that an applicant who seeks
171 licensure by endorsement has passed an examination substantially
172 equivalent to the fundamentals examination when such applicant
173 has held a valid professional engineer's license in another
174 state for 10 ~~15~~ years and has had 15 ~~20~~ years of continuous

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175 professional-level engineering experience.

176 (b) The board shall deem that an applicant who seeks
177 licensure by endorsement has passed an examination substantially
178 equivalent to the fundamentals examination and the principles
179 and practices examination when such applicant has held a valid
180 professional engineer's license in another state for 20 ~~25~~ years
181 and has had 25 ~~30~~ years of continuous professional-level
182 engineering experience.

183 (6) The board may require a personal appearance by any
184 applicant for licensure under this chapter. Any applicant of
185 whom a personal appearance is required must be given adequate
186 notice of the time and place of the appearance and provided with
187 a statement of the purpose of and reasons requiring the
188 appearance. If an applicant is required to appear, the time
189 period within which a licensure application must be granted or
190 denied is tolled until such time as the applicant appears.
191 However, if the applicant fails to appear before the board at
192 either of the next two regularly scheduled board meetings, the
193 application for licensure may be denied.

194 Section 7. Section 471.019, Florida Statutes, is amended to
195 read:

196 471.019 Reactivation.—The board shall prescribe by rule a
197 reinstatement process for void licenses which includes
198 establishing appropriate continuing education requirements for
199 reactivating a license. The continuing education requirements
200 for reactivating a license for a licensed engineer may not
201 exceed the continuing education requirements prescribed pursuant
202 to s. 471.017 ~~12 classroom hours~~ for each year the license was
203 inactive.

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204 Section 8. Section 471.021, Florida Statutes, is amended to
205 read:

206 471.021 Engineers and firms of other states; temporary
207 registration ~~certificates~~ to practice in Florida.—

208 (1) Upon approval of the board and payment of the fee set
209 in s. 471.011, the management corporation shall issue a
210 temporary license for work on one specified project in this
211 state for a period not to exceed 1 year to an engineer holding a
212 certificate to practice in another state, provided Florida
213 licensees are similarly permitted to engage in work in such
214 state and provided that the engineer be qualified for licensure
215 by endorsement.

216 (2) Upon approval by the board and payment of the fee set
217 in s. 471.011, the management corporation shall issue a
218 temporary registration ~~certificate of authorization~~ for work on
219 one specified project in this state for a period not to exceed 1
220 year to an out-of-state corporation, partnership, or firm,
221 provided one of the principal officers of the corporation, one
222 of the partners of the partnership, or one of the principals in
223 the fictitiously named firm has obtained a temporary license in
224 accordance with subsection (1).

225 (3) The application for a temporary license shall require
226 the ~~constitute~~ appointment of the Department of State as an
227 agent of the applicant for service of process in any action or
228 proceeding against the applicant arising out of any transaction
229 or operation connected with or incidental to the practice of
230 engineering for which the temporary license was issued.

231 Section 9. Section 471.023, Florida Statutes, is amended to
232 read:

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233 471.023 Registration ~~Certification~~ of business
234 organizations.—

235 (1) The practice of, or the offer to practice, engineering
236 by licensees or offering engineering services to the public
237 through a business organization, including a partnership,
238 corporation, business trust, or other legal entity or by a
239 business organization, including a corporation, partnership,
240 business trust, or other legal entity offering such services to
241 the public through licensees under this chapter as agents,
242 employees, officers, or partners is permitted only if the
243 business organization is registered with ~~possesses a~~
244 ~~certification issued by~~ the management corporation pursuant to
245 qualification by the board, subject to the provisions of this
246 chapter. One or more of the principal officers of the business
247 organization or one or more partners of the partnership and all
248 personnel of the business organization who act in its behalf as
249 engineers in this state shall be licensed as provided by this
250 chapter. All final drawings, specifications, plans, reports, or
251 documents involving practices licensed under this chapter which
252 are prepared or approved for the use of the business
253 organization or for public record within the state shall be
254 dated and shall bear the signature and seal of the licensee who
255 prepared or approved them. Nothing in this section shall be
256 construed to mean that a license to practice engineering shall
257 be held by a business organization. Nothing herein prohibits
258 business organizations from joining together to offer
259 engineering services to the public, if each business
260 organization otherwise meets the requirements of this section.
261 No business organization shall be relieved of responsibility for

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262 the conduct or acts of its agents, employees, or officers by
263 reason of its compliance with this section, nor shall any
264 individual practicing engineering be relieved of responsibility
265 for professional services performed by reason of his or her
266 employment or relationship with a business organization.

267 (2) For the purposes of this section, registration with the
268 management corporation ~~a certificate of authorization~~ shall be
269 required for any business organization or other person
270 practicing under a fictitious name, offering engineering
271 services to the public. However, when an individual is
272 practicing engineering in his or her own given name, he or she
273 shall not be required to be registered ~~licensed~~ under this
274 section.

275 (3) Except as provided in s. 558.0035, the fact that a
276 licensed engineer practices through a business organization does
277 not relieve the licensee from personal liability for negligence,
278 misconduct, or wrongful acts committed by him or her.
279 Partnerships and all partners shall be jointly and severally
280 liable for the negligence, misconduct, or wrongful acts
281 committed by their agents, employees, or partners while acting
282 in a professional capacity. Any officer, agent, or employee of a
283 business organization other than a partnership shall be
284 personally liable and accountable only for negligent acts,
285 wrongful acts, or misconduct committed by him or her or
286 committed by any person under his or her direct supervision and
287 control, while rendering professional services on behalf of the
288 business organization. The personal liability of a shareholder
289 or owner of a business organization, in his or her capacity as
290 shareholder or owner, shall be no greater than that of a

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291 shareholder-employee of a corporation incorporated under chapter
292 607. The business organization shall be liable up to the full
293 value of its property for any negligent acts, wrongful acts, or
294 misconduct committed by any of its officers, agents, or
295 employees while they are engaged on its behalf in the rendering
296 of professional services.

297 ~~(4) Each certification of authorization shall be renewed~~
298 ~~every 2 years.~~ Each business organization registered ~~certified~~
299 under this section must notify the board within 1 month after
300 any change in the information contained in the application upon
301 which the registration ~~certification~~ is based.

302 (a) A qualifying agent who terminates an affiliation with a
303 qualified business organization must notify the board, by a
304 process established by rule, of such termination within 24 hours
305 after the termination. If such qualifying agent is the only
306 qualifying agent for that business organization, the business
307 organization must be qualified by another qualifying agent
308 within 60 days after the termination. Except as provided in
309 paragraph (b), the business organization may not engage in the
310 practice of engineering until it is qualified by another
311 qualifying agent.

312 (b) In the event a qualifying agent ceases employment with
313 a qualified business organization and such qualifying agent is
314 the only licensed individual affiliated with the business
315 organization, the board may authorize another licensee employed
316 by the business organization to temporarily serve as its
317 qualifying agent for a period of not more than 60 days to
318 proceed with incomplete contracts. The business organization may
319 not operate beyond such period under this chapter absent

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320 replacement of the qualifying agent.

321 (c) A qualifying agent shall notify the board, by a process
322 established by rule, before engaging in the practice of
323 engineering in affiliation with a different business
324 organization.

325 (5) Disciplinary action against a business organization
326 shall be administered in the same manner and on the same grounds
327 as disciplinary action against a licensed engineer.

328 Section 10. Subsection (4) is added to section 471.025,
329 Florida Statutes, to read:

330 471.025 Seals.—

331 (4) A successor engineer seeking to reuse documents
332 previously sealed by another engineer must be able to
333 independently re-create all of the work done by the original
334 engineer. A successor engineer assumes full professional and
335 legal responsibility by signing and affixing his or her seal to
336 the assumed documents. Such documents must be treated as though
337 they were the successor engineer's original product, and the
338 original engineer is released from any professional
339 responsibility or civil liability for prior work assumed by the
340 successor engineer. For the purposes of this subsection, the
341 term "successor engineer" means an engineer who is using or
342 relying upon the work, findings, or recommendations of the
343 engineer who previously sealed the pertinent documents.

344 Section 11. Paragraph (a) of subsection (5) of section
345 553.79, Florida Statutes, is amended to read:

346 553.79 Permits; applications; issuance; inspections.—

347 (5) (a) During new construction or during repair or
348 restoration projects in which the structural system or

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349 structural loading of a threshold building is being modified,
350 the enforcing agency shall require a special inspector to
351 perform structural inspections on the ~~a~~ threshold building
352 pursuant to a structural inspection plan prepared by the
353 engineer or architect of record. The structural inspection plan
354 must be submitted to and approved by the enforcing agency before
355 the issuance of a building permit for the construction, repair,
356 or restoration of a threshold building. The purpose of the
357 structural inspection plan is to provide specific inspection
358 procedures and schedules so that the building can be adequately
359 inspected for compliance with the permitted documents. The
360 special inspector may not serve as a surrogate in carrying out
361 the responsibilities of the building official, the architect, or
362 the engineer of record. The contractor's contractual or
363 statutory obligations are not relieved by any action of the
364 special inspector. The special inspector shall determine that a
365 professional engineer who specializes in shoring design has
366 inspected the shoring and reshoring for conformance with the
367 shoring and reshoring plans submitted to the enforcing agency. A
368 fee simple title owner of a building, which does not meet the
369 minimum size, height, occupancy, occupancy classification, or
370 number-of-stories criteria which would result in classification
371 as a threshold building under s. 553.71(12), may designate such
372 building as a threshold building, subject to more than the
373 minimum number of inspections required by the Florida Building
374 Code.

375 Section 12. Subsections (4) and (5), paragraphs (a), (b),
376 and (c) of subsection (7), and subsection (9) of section
377 553.791, Florida Statutes, are amended to read:

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378 553.791 Alternative plans review and inspection.—

379 (4) A fee owner or the fee owner's contractor using a
380 private provider to provide building code inspection services
381 shall notify the local building official at the time of permit
382 application, or no later than 2 p.m. of the business day before
383 ~~less than 7 business days prior to~~ the first scheduled
384 inspection by the local building official or building code
385 enforcement agency for a private provider performing required
386 inspections of construction under this section, on a form to be
387 adopted by the commission. This notice shall include the
388 following information:

389 (a) The services to be performed by the private provider.

390 (b) The name, firm, address, telephone number, and
391 facsimile number of each private provider who is performing or
392 will perform such services, his or her professional license or
393 certification number, qualification statements or resumes, and,
394 if required by the local building official, a certificate of
395 insurance demonstrating that professional liability insurance
396 coverage is in place for the private provider's firm, the
397 private provider, and any duly authorized representative in the
398 amounts required by this section.

399 (c) An acknowledgment from the fee owner in substantially
400 the following form:

401

402 I have elected to use one or more private providers to
403 provide building code plans review and/or inspection
404 services on the building or structure that is the
405 subject of the enclosed permit application, as
406 authorized by s. 553.791, Florida Statutes. I

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407 understand that the local building official may not
408 review the plans submitted or perform the required
409 building inspections to determine compliance with the
410 applicable codes, except to the extent specified in
411 said law. Instead, plans review and/or required
412 building inspections will be performed by licensed or
413 certified personnel identified in the application. The
414 law requires minimum insurance requirements for such
415 personnel, but I understand that I may require more
416 insurance to protect my interests. By executing this
417 form, I acknowledge that I have made inquiry regarding
418 the competence of the licensed or certified personnel
419 and the level of their insurance and am satisfied that
420 my interests are adequately protected. I agree to
421 indemnify, defend, and hold harmless the local
422 government, the local building official, and their
423 building code enforcement personnel from any and all
424 claims arising from my use of these licensed or
425 certified personnel to perform building code
426 inspection services with respect to the building or
427 structure that is the subject of the enclosed permit
428 application.

429
430 If the fee owner or the fee owner's contractor makes any changes
431 to the listed private providers or the services to be provided
432 by those private providers, the fee owner or the fee owner's
433 contractor shall, within 1 business day after any change, update
434 the notice to reflect such changes. A change of a duly
435 authorized representative named in the permit application does

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436 not require a revision of the permit, and the building code
437 enforcement agency shall not charge a fee for making the change.
438 In addition, the fee owner or the fee owner's contractor shall
439 post at the project site, prior to the commencement of
440 construction and updated within 1 business day after any change,
441 on a form to be adopted by the commission, the name, firm,
442 address, telephone number, and facsimile number of each private
443 provider who is performing or will perform building code
444 inspection services, the type of service being performed, and
445 similar information for the primary contact of the private
446 provider on the project.

447 (5) After construction has commenced and if the local
448 building official is unable to provide inspection services in a
449 timely manner, the fee owner or the fee owner's contractor may
450 elect to use a private provider to provide inspection services
451 by notifying the local building official of the owner's or
452 contractor's intention to do so no later than 2 p.m. of the
453 business day before ~~less than 7 business days prior to~~ the next
454 scheduled inspection using the notice provided for in paragraphs
455 (4) (a) - (c).

456 (7) (a) No more than 15 ~~30~~ business days after receipt of a
457 permit application and the affidavit from the private provider
458 required pursuant to subsection (6), the local building official
459 shall issue the requested permit or provide a written notice to
460 the permit applicant identifying the specific plan features that
461 do not comply with the applicable codes, as well as the specific
462 code chapters and sections. If the local building official does
463 not provide a written notice of the plan deficiencies within the
464 prescribed 15-day ~~30-day~~ period, the permit application shall be

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465 deemed approved as a matter of law, and the permit shall be
466 issued by the local building official on the next business day.

467 (b) If the local building official provides a written
468 notice of plan deficiencies to the permit applicant within the
469 prescribed 15-day ~~30-day~~ period, the 15-day ~~30-day~~ period shall
470 be tolled pending resolution of the matter. To resolve the plan
471 deficiencies, the permit applicant may elect to dispute the
472 deficiencies pursuant to subsection (13) or to submit revisions
473 to correct the deficiencies.

474 (c) If the permit applicant submits revisions, the local
475 building official has the remainder of the tolled 15-day ~~30-day~~
476 period plus 5 business days to issue the requested permit or to
477 provide a second written notice to the permit applicant stating
478 which of the previously identified plan features remain in
479 noncompliance with the applicable codes, with specific reference
480 to the relevant code chapters and sections. If the local
481 building official does not provide the second written notice
482 within the prescribed time period, the permit shall be issued by
483 the local building official on the next business day.

484 (9) A private provider performing required inspections
485 under this section shall provide notice to the local building
486 official of the date and approximate time of any such inspection
487 no later than the prior business day by 2 p.m. local time or by
488 any later time permitted by the local building official in that
489 jurisdiction. The local building official may not prohibit the
490 private provider from performing any inspection outside of the
491 local building official's normal operating hours, including
492 before and after normal business hours, on weekends, or on
493 holidays. The local building official may visit the building

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494 site as often as necessary to verify that the private provider
495 is performing all required inspections. A deficiency notice must
496 be posted at the job site by the private provider, the duly
497 authorized representative of the private provider, or the
498 building department whenever a noncomplying item related to the
499 building code or the permitted documents is found. After
500 corrections are made, the item must be reinspected by the
501 private provider or representative before being concealed.
502 Reinspection or reaudit fees shall not be charged by the local
503 jurisdiction as a result of the local jurisdiction's audit
504 inspection occurring before the performance of the private
505 provider's inspection or for any other administrative matter not
506 involving the detection of a violation of the building code or a
507 permit requirement.

508 Section 13. This act shall take effect October 1, 2019.