

**By** the Committees on Rules; Community Affairs; and 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. 471.008, F.S.; revising the Board of  
8       Professional Engineers' rulemaking authority; amending  
9       s. 471.013, F.S.; revising the prerequisites for a  
10      person to take an examination that determines whether  
11      she or he is qualified to practice in this state as an  
12      engineer; deleting an obsolete provision; amending s.  
13      471.015, F.S.; revising licensure certification  
14      requirements to include active engineering experience  
15      and a minimum age; revising requirements for licensure  
16      by endorsement by the board; providing that the time  
17      period in which a licensure application must be  
18      granted or denied is tolled if an applicant is  
19      required to make a personal appearance before the  
20      board; authorizing the board to deny a license if such  
21      an applicant fails to appear before the board within a  
22      specified timeframe; amending s. 471.019, F.S.;  
23      requiring the board to adopt rules relating to a  
24      reinstatement process for void licenses; revising  
25      continuing education requirements for reactivating a  
26      license; amending s. 471.025, F.S.; requiring a  
27      successor engineer to be able to independently re-  
28      create certain work when seeking to reuse certain  
29      documents; specifying that a successor engineer

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30 assumes full professional and legal responsibility by  
31 signing or affixing his or her seal to assumed  
32 documents; releasing the engineer who previously  
33 sealed the documents from any professional  
34 responsibility or civil liability for her or his work  
35 that is assumed by a successor engineer; defining the  
36 term "successor engineer"; amending s. 553.79, F.S.;  
37 requiring that structural inspections on a threshold  
38 building be performed during new construction or  
39 during certain repair or restoration projects;  
40 amending s. 553.791, F.S.; revising notice  
41 requirements for certain building code inspection  
42 services by private providers; decreasing the amount  
43 of time a local building official has to take certain  
44 actions after receiving a permit application and  
45 affidavit from a private provider; prohibiting a local  
46 building official from prohibiting a private provider  
47 from performing any inspection outside the local  
48 building official's normal operating hours; providing  
49 an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Paragraph (a) of subsection (6) of section  
54 455.271, Florida Statutes, is amended to read:

55 455.271 Inactive and delinquent status.—

56 (6) (a) ~~A delinquent status licensee must affirmatively~~  
57 ~~apply with a complete application, as defined by rule of the~~  
58 ~~board, or the department if there is no board, for active or~~

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59 ~~inactive status during the licensure cycle in which a licensee~~  
60 ~~becomes delinquent.~~ Failure by a delinquent status licensee to  
61 become active or inactive before the expiration of the current  
62 licensure cycle shall render the license void without any  
63 further action by the board or the department. The board, or the  
64 department if there is no board, shall adopt rules allowing a  
65 licensee whose license is void to apply for reinstatement.

66  
67 This subsection does not apply to individuals subject to  
68 regulation under chapter 473.

69 Section 2. Section 471.008, Florida Statutes, is amended to  
70 read:

71 471.008 Rulemaking authority.—The board has authority to  
72 adopt rules pursuant to ss. 120.536(1) and 120.54 to:

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

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

76 (3) Ensure accuracy, completeness, and quality in the  
77 engineering products provided.

78 Section 3. Paragraph (a) of subsection (1) of section  
79 471.013, Florida Statutes, is amended to read:

80 471.013 Examinations; prerequisites.—

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

85 1. Is a graduate from an approved engineering curriculum of  
86 4 years or more in a school, college, or university which has  
87 been approved by the board ~~and has a record of 4 years of active~~

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88 ~~engineering experience of a character indicating competence to~~  
89 ~~be in responsible charge of engineering; or~~

90 2. Is a graduate of an approved engineering technology  
91 curriculum of 4 years or more in a school, college, or  
92 university which has been approved by the board ~~within the State~~  
93 ~~University System, having been enrolled or having graduated~~  
94 ~~prior to July 1, 1979, and has a record of 4 years of active~~  
95 ~~engineering experience of a character indicating competence to~~  
96 ~~be in responsible charge of engineering; or~~

97 ~~3. Has, in lieu of such education and experience~~  
98 ~~requirements, 10 years or more of active engineering work of a~~  
99 ~~character indicating that the applicant is competent to be~~  
100 ~~placed in responsible charge of engineering. However, this~~  
101 ~~subparagraph does not apply unless such person notifies the~~  
102 ~~department before July 1, 1984, that she or he was engaged in~~  
103 ~~such work on July 1, 1981.~~

104

105 The board shall adopt rules providing for the review and  
106 approval of schools or colleges and the courses of study in  
107 engineering in such schools and colleges. The rules must ~~shall~~  
108 be based on the educational requirements for engineering as  
109 defined in s. 471.005. The board may adopt rules providing for  
110 the acceptance of the approval and accreditation of schools and  
111 courses of study by a nationally accepted accreditation  
112 organization.

113 Section 4. Subsections (2), (3), and (6) of section  
114 471.015, Florida Statutes, are amended to read:

115 471.015 Licensure.—

116 (2) (a) The board shall certify for licensure any applicant

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117 who has submitted proof satisfactory to the board that he or she  
118 is at least 18 years of age and who:

119 1. Satisfies the requirements of s. 471.013(1)(a)1. and has  
120 a record of 4 years of active engineering experience of a  
121 character indicating competence to be in responsible charge of  
122 engineering; or

123 2. Satisfies the requirements of s. 471.013(1)(a)2. and has  
124 a record of 6 years of active engineering experience of a  
125 character indicating competence to be in responsible charge of  
126 engineering s. 471.013.

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

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

131 (a) Qualifies to take the fundamentals examination and the  
132 principles and practice examination as set forth in s. 471.013,  
133 has passed a United States national, regional, state, or  
134 territorial licensing examination that is substantially  
135 equivalent to the fundamentals examination and principles and  
136 practice examination required by s. 471.013, and has satisfied  
137 the experience requirements set forth in paragraph (2)(a) and s.  
138 471.013; or

139 (b) Holds a valid license to practice engineering issued by  
140 another state or territory of the United States, if the criteria  
141 for issuance of the license were substantially the same as the  
142 licensure criteria that existed in this state at the time the  
143 license was issued.

144 (6) The board may require a personal appearance by any  
145 applicant for licensure under this chapter. Any applicant of

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146 whom a personal appearance is required must be given adequate  
147 notice of the time and place of the appearance and provided with  
148 a statement of the purpose of and reasons requiring the  
149 appearance. If an applicant is required to appear, the time  
150 period within which a licensure application must be granted or  
151 denied is tolled until such time as the applicant appears.  
152 However, if the applicant fails to appear before the board at  
153 either of the next two regularly scheduled board meetings, the  
154 application for licensure may be denied.

155 Section 5. Section 471.019, Florida Statutes, is amended to  
156 read:

157 471.019 Reactivation.—The board shall prescribe by rule a  
158 reinstatement process for void licenses which includes  
159 establishing appropriate continuing education requirements for  
160 reactivating a license. The continuing education requirements  
161 for reactivating a license for a licensed engineer may not  
162 exceed the continuing education requirements prescribed pursuant  
163 to s. 471.017 ~~12 classroom hours~~ for each year the license was  
164 inactive.

165 Section 6. Subsection (4) is added to section 471.025,  
166 Florida Statutes, to read:

167 471.025 Seals.—

168 (4) A successor engineer seeking to reuse documents  
169 previously sealed by another engineer must be able to  
170 independently re-create all of the work done by the original  
171 engineer. A successor engineer assumes full professional and  
172 legal responsibility by signing and affixing his or her seal to  
173 the assumed documents. Such documents must be treated as though  
174 they were the successor engineer's original product, and the

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175 original engineer is released from any professional  
176 responsibility or civil liability for prior work assumed by the  
177 successor engineer. For the purposes of this subsection, the  
178 term "successor engineer" means an engineer who is using or  
179 relying upon the work, findings, or recommendations of the  
180 engineer who previously sealed the pertinent documents.

181 Section 7. Paragraph (a) of subsection (5) of section  
182 553.79, Florida Statutes, is amended to read:

183 553.79 Permits; applications; issuance; inspections.-

184 (5) (a) During new construction or during repair or  
185 restoration projects in which the structural system or  
186 structural loading of a threshold building is being modified,  
187 the enforcing agency shall require a special inspector to  
188 perform structural inspections on the ~~a~~ threshold building  
189 pursuant to a structural inspection plan prepared by the  
190 engineer or architect of record. The structural inspection plan  
191 must be submitted to and approved by the enforcing agency before  
192 the issuance of a building permit for the construction, repair,  
193 or restoration of a threshold building. The purpose of the  
194 structural inspection plan is to provide specific inspection  
195 procedures and schedules so that the building can be adequately  
196 inspected for compliance with the permitted documents. The  
197 special inspector may not serve as a surrogate in carrying out  
198 the responsibilities of the building official, the architect, or  
199 the engineer of record. The contractor's contractual or  
200 statutory obligations are not relieved by any action of the  
201 special inspector. The special inspector shall determine that a  
202 professional engineer who specializes in shoring design has  
203 inspected the shoring and reshoring for conformance with the

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204 shoring and reshoring plans submitted to the enforcing agency. A  
205 fee simple title owner of a building, which does not meet the  
206 minimum size, height, occupancy, occupancy classification, or  
207 number-of-stories criteria which would result in classification  
208 as a threshold building under s. 553.71(12), may designate such  
209 building as a threshold building, subject to more than the  
210 minimum number of inspections required by the Florida Building  
211 Code.

212 Section 8. Subsections (4) and (5), paragraphs (a), (b),  
213 and (c) of subsection (7), and subsection (9) of section  
214 553.791, Florida Statutes, are amended to read:

215 553.791 Alternative plans review and inspection.—

216 (4) A fee owner or the fee owner's contractor using a  
217 private provider to provide building code inspection services  
218 shall notify the local building official at the time of permit  
219 application, or by 2 p.m. local time, ~~no less than 7~~ business  
220 days prior to the first scheduled inspection by the local  
221 building official or building code enforcement agency for a  
222 private provider performing required inspections of construction  
223 under this section, on a form to be adopted by the commission.  
224 This notice shall include the following information:

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

226 (b) The name, firm, address, telephone number, and  
227 facsimile number of each private provider who is performing or  
228 will perform such services, his or her professional license or  
229 certification number, qualification statements or resumes, and,  
230 if required by the local building official, a certificate of  
231 insurance demonstrating that professional liability insurance  
232 coverage is in place for the private provider's firm, the



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233 private provider, and any duly authorized representative in the  
234 amounts required by this section.

235 (c) An acknowledgment from the fee owner in substantially  
236 the following form:

237

238 I have elected to use one or more private providers to  
239 provide building code plans review and/or inspection  
240 services on the building or structure that is the  
241 subject of the enclosed permit application, as  
242 authorized by s. 553.791, Florida Statutes. I  
243 understand that the local building official may not  
244 review the plans submitted or perform the required  
245 building inspections to determine compliance with the  
246 applicable codes, except to the extent specified in  
247 said law. Instead, plans review and/or required  
248 building inspections will be performed by licensed or  
249 certified personnel identified in the application. The  
250 law requires minimum insurance requirements for such  
251 personnel, but I understand that I may require more  
252 insurance to protect my interests. By executing this  
253 form, I acknowledge that I have made inquiry regarding  
254 the competence of the licensed or certified personnel  
255 and the level of their insurance and am satisfied that  
256 my interests are adequately protected. I agree to  
257 indemnify, defend, and hold harmless the local  
258 government, the local building official, and their  
259 building code enforcement personnel from any and all  
260 claims arising from my use of these licensed or  
261 certified personnel to perform building code

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262 inspection services with respect to the building or  
263 structure that is the subject of the enclosed permit  
264 application.

265  
266 If the fee owner or the fee owner's contractor makes any changes  
267 to the listed private providers or the services to be provided  
268 by those private providers, the fee owner or the fee owner's  
269 contractor shall, within 1 business day after any change, update  
270 the notice to reflect such changes. A change of a duly  
271 authorized representative named in the permit application does  
272 not require a revision of the permit, and the building code  
273 enforcement agency shall not charge a fee for making the change.  
274 In addition, the fee owner or the fee owner's contractor shall  
275 post at the project site, prior to the commencement of  
276 construction and updated within 1 business day after any change,  
277 on a form to be adopted by the commission, the name, firm,  
278 address, telephone number, and facsimile number of each private  
279 provider who is performing or will perform building code  
280 inspection services, the type of service being performed, and  
281 similar information for the primary contact of the private  
282 provider on the project.

283 (5) After construction has commenced and if the local  
284 building official is unable to provide inspection services in a  
285 timely manner, the fee owner or the fee owner's contractor may  
286 elect to use a private provider to provide inspection services  
287 by notifying the local building official of the owner's or  
288 contractor's intention to do so by 2 p.m. local time, 2 no less  
289 ~~than 7~~ business days prior to the next scheduled inspection  
290 using the notice provided for in paragraphs (4) (a)-(c).

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291 (7) (a) No more than 20 ~~30~~ business days after receipt of a  
292 permit application and the affidavit from the private provider  
293 required pursuant to subsection (6), the local building official  
294 shall issue the requested permit or provide a written notice to  
295 the permit applicant identifying the specific plan features that  
296 do not comply with the applicable codes, as well as the specific  
297 code chapters and sections. If the local building official does  
298 not provide a written notice of the plan deficiencies within the  
299 prescribed 20-day ~~30-day~~ period, the permit application shall be  
300 deemed approved as a matter of law, and the permit shall be  
301 issued by the local building official on the next business day.

302 (b) If the local building official provides a written  
303 notice of plan deficiencies to the permit applicant within the  
304 prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall  
305 be tolled pending resolution of the matter. To resolve the plan  
306 deficiencies, the permit applicant may elect to dispute the  
307 deficiencies pursuant to subsection (13) or to submit revisions  
308 to correct the deficiencies.

309 (c) If the permit applicant submits revisions, the local  
310 building official has the remainder of the tolled 20-day ~~30-day~~  
311 period plus 5 business days to issue the requested permit or to  
312 provide a second written notice to the permit applicant stating  
313 which of the previously identified plan features remain in  
314 noncompliance with the applicable codes, with specific reference  
315 to the relevant code chapters and sections. If the local  
316 building official does not provide the second written notice  
317 within the prescribed time period, the permit shall be issued by  
318 the local building official on the next business day.

319 (9) A private provider performing required inspections

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320 under this section shall provide notice to the local building  
321 official of the date and approximate time of any such inspection  
322 no later than the prior business day by 2 p.m. local time or by  
323 any later time permitted by the local building official in that  
324 jurisdiction. The local building official may not prohibit the  
325 private provider from performing any inspection outside of the  
326 local building official's normal operating hours, including  
327 before and after normal business hours, on weekends, or on  
328 holidays. The local building official may visit the building  
329 site as often as necessary to verify that the private provider  
330 is performing all required inspections. A deficiency notice must  
331 be posted at the job site by the private provider, the duly  
332 authorized representative of the private provider, or the  
333 building department whenever a noncomplying item related to the  
334 building code or the permitted documents is found. After  
335 corrections are made, the item must be reinspected by the  
336 private provider or representative before being concealed.  
337 Reinspection or reaudit fees shall not be charged by the local  
338 jurisdiction as a result of the local jurisdiction's audit  
339 inspection occurring before the performance of the private  
340 provider's inspection or for any other administrative matter not  
341 involving the detection of a violation of the building code or a  
342 permit requirement.

343 Section 9. This act shall take effect October 1, 2019.