

1 A bill to be entitled
2 An act relating to engineering; amending s. 334.044,
3 F.S.; prohibiting a department district or the Florida
4 Turnpike Enterprise from contracting with certain
5 entities; amending s. 455.271, F.S.; conforming a
6 provision to changes made by the act; requiring the
7 board, or the department if there is no board, to
8 establish by rule a reinstatement process for void
9 licenses; amending s. 471.005, F.S.; revising
10 definitions; amending s. 471.011, F.S.; conforming a
11 provision to changes made by the act; amending s.
12 471.013, F.S.; revising the prerequisites for
13 examination; deleting an obsolete provision; amending
14 s. 471.015, F.S.; revising licensure certification
15 requirements to include active engineering experience
16 and a minimum age; providing that the time period in
17 which a licensure application must be granted or
18 denied is tolled if an applicant is required to make a
19 personal appearance before the board; authorizing the
20 board to deny a license if such an applicant fails to
21 appear before the board within a specified timeframe;
22 amending s. 471.019, F.S.; requiring the board to
23 establish by rule a reinstatement process for void
24 licenses; amending s. 471.021, F.S.; conforming
25 provisions to changes made by the act; amending s.

26 | 471.023, F.S.; providing requirements for
27 | qualification of a business organization; providing
28 | requirements for a qualifying agent; deleting the
29 | administration of disciplinary action against a
30 | business organization; amending s. 471.025, F.S.;
31 | requiring a successor engineer to be able to
32 | independently re-create certain work when seeking to
33 | reuse certain documents; specifying that a successor
34 | engineer assumes full professional and legal
35 | responsibility by signing or affixing his or her seal
36 | to assumed documents; releasing the engineer who
37 | previously sealed the documents from any professional
38 | responsibility or civil liability for her or his work
39 | that is assumed by a successor engineer; defining the
40 | term "successor engineer"; amending s. 553.79, F.S.;
41 | requiring that structural inspections on a threshold
42 | building be performed during new construction or
43 | during certain repair or restoration projects;
44 | amending s. 553.791, F.S.; revising the timeframes in
45 | which a fee owner or the fee owner's contractor using
46 | a private provider to provide building code inspection
47 | services must notify the local building official;
48 | revising the timeframe in which the local building
49 | official shall issue the permit or provide notice to
50 | the permit applicant identifying noncompliant plan

51 features; providing that a local building official may
 52 not prohibit a private provider from performing
 53 required inspections outside of normal operating
 54 hours; providing an effective date.

55

56 Be It Enacted by the Legislature of the State of Florida:

57

58 Section 1. Subsection (7) of section 334.044, Florida
 59 Statutes, is amended to read:

60 334.044 Powers and duties of the department.—The
 61 department shall have the following general powers and duties:

62 (7) To enter into contracts and agreements.

63 Notwithstanding any other provision of law to the contrary, a
 64 department district or the Florida Turnpike Enterprise may not
 65 contract with an entity for design services and construction
 66 engineering and inspection services for the same project.

67 Section 2. Paragraph (a) of subsection (6) of section
 68 455.271, Florida Statutes, is amended to read:

69 455.271 Inactive and delinquent status.—

70 (6) (a) ~~A delinquent status licensee must affirmatively~~
 71 ~~apply with a complete application, as defined by rule of the~~
 72 ~~board, or the department if there is no board, for active or~~
 73 ~~inactive status during the licensure cycle in which a licensee~~
 74 ~~becomes delinquent.~~ Failure by a delinquent status licensee to
 75 become active or inactive before the expiration of the current

76 licensure cycle shall render the license void without any
77 further action by the board or the department. The board, or the
78 department if there is no board, shall, by rule, establish a
79 reinstatement process for void licenses.

80

81 This subsection does not apply to individuals subject to
82 regulation under chapter 473.

83 Section 3. Subsection (13) of section 471.005, Florida
84 Statutes, is renumbered as subsection (3), and present
85 subsection (3) and subsection (8) of that section are amended,
86 to read:

87 471.005 Definitions.—As used in this chapter, the term:

88 ~~(3) "Certificate of authorization" means a license to~~
89 ~~practice engineering issued by the management corporation to a~~
90 ~~corporation or partnership.~~

91 (8) "License" means the licensing of engineers or
92 ~~certification of businesses~~ to practice engineering in this
93 state.

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

96 471.011 Fees.—

97 (4) Qualification of a business organization under s.
98 471.023 shall not require payment of a fee ~~The fee for a~~
99 ~~certificate of authorization shall not exceed \$125.~~

100 Section 5. Paragraph (a) of subsection (1) of section

101 471.013, Florida Statutes, is amended to read:

102 471.013 Examinations; prerequisites.—

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

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

113 2. Is a graduate of an approved engineering technology
114 curriculum of 4 years or more in a school, college, or
115 university which has been approved by the board ~~within the State~~
116 ~~University System, having been enrolled or having graduated~~
117 ~~prior to July 1, 1979, and has a record of 4 years of active~~
118 ~~engineering experience of a character indicating competence to~~
119 ~~be in responsible charge of engineering; or~~

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

126 ~~such work on July 1, 1981.~~

127

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

136 Section 6. Subsections (2), (3), and (6) of section
137 471.015, Florida Statutes, are amended to read:

138 471.015 Licensure.—

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

142 1. Satisfies the requirements of s. 471.013(1)(a)1. and
143 has a record of at least 4 years of active engineering
144 experience of a character indicating competence to be in
145 responsible charge of engineering; or

146 2. Satisfies the requirements of s. 471.013(1)(a)2. and
147 has a record of at least 6 years of active engineering
148 experience of a character indicating competence to be in
149 responsible charge of engineering s. 471.013.

150 (b) The board may refuse to certify any applicant who has

151 | violated ~~any of the provisions of~~ s. 471.031.

152 | (3) The board shall certify as qualified for a license by
153 | endorsement an applicant who:

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

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

167 | (6) The board may require a personal appearance by any
168 | applicant for licensure under this chapter. Any applicant of
169 | whom a personal appearance is required must be given adequate
170 | notice of the time and place of the appearance and provided with
171 | a statement of the purpose of and reasons requiring the
172 | appearance. If an applicant is required to appear, the time
173 | period within which a licensure application must be granted or
174 | denied is tolled until such time as the applicant appears.
175 | However, if the applicant fails to appear before the board at

176 either of the next two regularly scheduled board meetings, the
 177 application for licensure may be denied.

178 Section 7. Section 471.019, Florida Statutes, is amended
 179 to read:

180 471.019 Reactivation.—The board shall establish by rule a
 181 reinstatement process for void licenses. The rule board shall
 182 prescribe appropriate ~~by rule~~ continuing education requirements
 183 for reactivating a license. The continuing education
 184 requirements for reactivating a license for a licensed engineer
 185 may not exceed the continuing education requirements prescribed
 186 pursuant to 471.017 ~~12-classroom hours~~ for each year the license
 187 was inactive.

188 Section 8. Section 471.021, Florida Statutes, is amended
 189 to read:

190 471.021 Engineers and firms of other states; temporary
 191 registration certificates to practice in Florida.—

192 (1) Upon approval of the board and payment of the fee set
 193 in s. 471.011, the management corporation shall issue a
 194 temporary registration license for work on one specified project
 195 in this state for a period not to exceed 1 year to an engineer
 196 holding a certificate to practice in another state, provided
 197 Florida licensees are similarly permitted to engage in work in
 198 such state and provided that the engineer be qualified for
 199 licensure by endorsement.

200 (2) Upon approval by the board and payment of the fee set

201 in s. 471.011, the management corporation shall issue a
 202 temporary registration ~~certificate of authorization~~ for work on
 203 one specified project in this state for a period not to exceed 1
 204 year to an out-of-state corporation, partnership, or firm,
 205 provided one of the principal officers of the corporation, one
 206 of the partners of the partnership, or one of the principals in
 207 the fictitiously named firm has obtained a temporary
 208 registration ~~license~~ in accordance with subsection (1).

209 (3) The application for a temporary registration ~~license~~
 210 shall require ~~constitute~~ appointment of the Department of State
 211 as an agent of the applicant for service of process in any
 212 action or proceeding against the applicant arising out of any
 213 transaction or operation connected with or incidental to the
 214 practice of engineering for which the temporary registration
 215 ~~license~~ was issued.

216 Section 9. Section 471.023, Florida Statutes, is amended
 217 to read:

218 471.023 Qualification ~~Certification~~ of business
 219 organizations.—

220 (1) The practice of, or the offer to practice, engineering
 221 by licensees or offering engineering services to the public
 222 through a business organization, including a partnership,
 223 corporation, business trust, or other legal entity or by a
 224 business organization, including a corporation, partnership,
 225 business trust, or other legal entity offering such services to

226 | the public through licensees under this chapter as agents,
227 | employees, officers, or partners is permitted only if the
228 | business organization is qualified by an engineer licensed under
229 | this chapter ~~possesses a certification issued by the management~~
230 | ~~corporation pursuant to qualification by the board,~~ subject to
231 | the provisions of this chapter. One or more of the principal
232 | officers of the business organization or one or more partners of
233 | the partnership and all personnel of the business organization
234 | who act in its behalf as engineers in this state shall be
235 | licensed as provided by this chapter. All final drawings,
236 | specifications, plans, reports, or documents involving practices
237 | licensed under this chapter which are prepared or approved for
238 | the use of the business organization or for public record within
239 | the state shall be dated and shall bear the signature and seal
240 | of the licensee who prepared or approved them. Nothing in this
241 | section shall be construed to mean that a license to practice
242 | engineering shall be held by a business organization. Nothing
243 | herein prohibits business organizations from joining together to
244 | offer engineering services to the public, if each business
245 | organization otherwise meets the requirements of this section.
246 | No business organization shall be relieved of responsibility for
247 | the conduct or acts of its agents, employees, or officers by
248 | reason of its compliance with this section, nor shall any
249 | individual practicing engineering be relieved of responsibility
250 | for professional services performed by reason of his or her

251 employment or relationship with a business organization.

252 (2) For the purposes of this section, a ~~certificate of~~
253 ~~authorization shall be required for any~~ business organization or
254 other person practicing under a fictitious name, offering
255 engineering services to the public must be qualified by an
256 engineer licensed under this chapter. ~~However, when an~~
257 ~~individual is practicing engineering in his or her own given~~
258 ~~name, he or she shall not be required to be licensed under this~~
259 ~~section.~~

260 (3) Except as provided in s. 558.0035, the fact that a
261 licensed engineer practices through a business organization does
262 not relieve the licensee from personal liability for negligence,
263 misconduct, or wrongful acts committed by him or her.
264 Partnerships and all partners shall be jointly and severally
265 liable for the negligence, misconduct, or wrongful acts
266 committed by their agents, employees, or partners while acting
267 in a professional capacity. Any officer, agent, or employee of a
268 business organization other than a partnership shall be
269 personally liable and accountable only for negligent acts,
270 wrongful acts, or misconduct committed by him or her or
271 committed by any person under his or her direct supervision and
272 control, while rendering professional services on behalf of the
273 business organization. The personal liability of a shareholder
274 or owner of a business organization, in his or her capacity as
275 shareholder or owner, shall be no greater than that of a

276 shareholder-employee of a corporation incorporated under chapter
277 607. The business organization shall be liable up to the full
278 value of its property for any negligent acts, wrongful acts, or
279 misconduct committed by any of its officers, agents, or
280 employees while they are engaged on its behalf in the rendering
281 of professional services.

282 ~~(4) Each certification of authorization shall be renewed~~
283 ~~every 2 years.~~ Each qualifying agent of a business organization
284 qualified ~~certified~~ under this section must notify the board
285 within 30 days ~~1 month~~ after any change in the information
286 contained in the application upon which the qualification
287 ~~certification~~ is based.

288 (a) A qualifying agent who terminates an affiliation with
289 a qualified business organization shall notify the management
290 corporation of such termination within 24 hours. If such
291 qualifying agent is the only qualifying agent for that business
292 organization, the business organization must be qualified by
293 another qualifying agent within 60 days after the termination.
294 Except as provided in paragraph (b), the business organization
295 may not engage in the practice of engineering until it is
296 qualified by another qualifying agent.

297 (b) In the event a qualifying agent ceases employment with
298 a qualified business organization and the qualifying agent is
299 the only licensed individual affiliated with the business
300 organization, the executive director of the management

301 corporation or the chair of the board may authorize another
302 licensee employed by the business organization to temporarily
303 serve as its qualifying agent for a period of no more than 60
304 days to proceed with incomplete contracts. The business
305 organization is not authorized to operate beyond such period
306 under this chapter absent replacement of the qualifying agent.

307 (c) A qualifying agent shall notify the department in
308 writing before engaging in the practice of engineering in the
309 licensee's name or in affiliation with a different business
310 organization.

311 ~~(5) Disciplinary action against a business organization~~
312 ~~shall be administered in the same manner and on the same grounds~~
313 ~~as disciplinary action against a licensed engineer.~~

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

316 471.025 Seals.—

317 (4) A successor engineer seeking to reuse documents
318 previously sealed by another engineer must be able to
319 independently re-create all of the work done by the original
320 engineer. A successor engineer assumes full professional and
321 legal responsibility by signing and affixing his or her seal to
322 the assumed documents. Such documents must be treated as though
323 they were the successor engineer's original product, and the
324 original engineer is released from any professional
325 responsibility or civil liability for prior work assumed by the

326 successor engineer. For the purposes of this subsection, the
327 term "successor engineer" means an engineer who is using or
328 relying upon the work, findings, or recommendations of the
329 engineer who previously sealed the pertinent documents.

330 Section 11. Paragraph (a) of subsection (5) of section
331 553.79, Florida Statutes, is amended to read:

332 553.79 Permits; applications; issuance; inspections.—

333 (5) (a) During new construction or during repair or
334 restoration projects in which the structural system or
335 structural loading of a building is being modified, the
336 enforcing agency shall require a special inspector to perform
337 structural inspections on a threshold building pursuant to a
338 structural inspection plan prepared by the engineer or architect
339 of record. The structural inspection plan must be submitted to
340 and approved by the enforcing agency before the issuance of a
341 building permit for the construction of a threshold building.
342 The purpose of the structural inspection plan is to provide
343 specific inspection procedures and schedules so that the
344 building can be adequately inspected for compliance with the
345 permitted documents. The special inspector may not serve as a
346 surrogate in carrying out the responsibilities of the building
347 official, the architect, or the engineer of record. The
348 contractor's contractual or statutory obligations are not
349 relieved by any action of the special inspector. The special
350 inspector shall determine that a professional engineer who

351 specializes in shoring design has inspected the shoring and
352 reshoring for conformance with the shoring and reshoring plans
353 submitted to the enforcing agency. A fee simple title owner of a
354 building, which does not meet the minimum size, height,
355 occupancy, occupancy classification, or number-of-stories
356 criteria which would result in classification as a threshold
357 building under s. 553.71(12), may designate such building as a
358 threshold building, subject to more than the minimum number of
359 inspections required by the Florida Building Code.

360 Section 12. Subsections (4) and (5), paragraphs (a), (b),
361 and (c) of subsection (7), and subsection (9) of section
362 553.791, Florida Statutes, are amended to read:

363 553.791 Alternative plans review and inspection.—

364 (4) A fee owner or the fee owner's contractor using a
365 private provider to provide building code inspection services
366 shall notify the local building official at the time of permit
367 application, or by 2 p.m. local time, 2 ~~no less than 7~~ business
368 days before ~~days prior to~~ the first scheduled inspection by the
369 local building official or building code enforcement agency for
370 a private provider performing required inspections of
371 construction under this section, on a form to be adopted by the
372 commission. This notice shall include the following information:

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

374 (b) The name, firm, address, telephone number, and
375 facsimile number of each private provider who is performing or

376 will perform such services, his or her professional license or
377 certification number, qualification statements or resumes, and,
378 if required by the local building official, a certificate of
379 insurance demonstrating that professional liability insurance
380 coverage is in place for the private provider's firm, the
381 private provider, and any duly authorized representative in the
382 amounts required by this section.

383 (c) An acknowledgment from the fee owner in substantially
384 the following form:

385 I have elected to use one or more private providers to provide
386 building code plans review and/or inspection services on the
387 building or structure that is the subject of the enclosed permit
388 application, as authorized by s. 553.791, Florida Statutes. I
389 understand that the local building official may not review the
390 plans submitted or perform the required building inspections to
391 determine compliance with the applicable codes, except to the
392 extent specified in said law. Instead, plans review and/or
393 required building inspections will be performed by licensed or
394 certified personnel identified in the application. The law
395 requires minimum insurance requirements for such personnel, but
396 I understand that I may require more insurance to protect my
397 interests. By executing this form, I acknowledge that I have
398 made inquiry regarding the competence of the licensed or
399 certified personnel and the level of their insurance and am
400 satisfied that my interests are adequately protected. I agree to

401 indemnify, defend, and hold harmless the local government, the
402 local building official, and their building code enforcement
403 personnel from any and all claims arising from my use of these
404 licensed or certified personnel to perform building code
405 inspection services with respect to the building or structure
406 that is the subject of the enclosed permit application.
407 If the fee owner or the fee owner's contractor makes any changes
408 to the listed private providers or the services to be provided
409 by those private providers, the fee owner or the fee owner's
410 contractor shall, within 1 business day after any change, update
411 the notice to reflect such changes. A change of a duly
412 authorized representative named in the permit application does
413 not require a revision of the permit, and the building code
414 enforcement agency shall not charge a fee for making the change.
415 In addition, the fee owner or the fee owner's contractor shall
416 post at the project site, prior to the commencement of
417 construction and updated within 1 business day after any change,
418 on a form to be adopted by the commission, the name, firm,
419 address, telephone number, and facsimile number of each private
420 provider who is performing or will perform building code
421 inspection services, the type of service being performed, and
422 similar information for the primary contact of the private
423 provider on the project.

424 (5) After construction has commenced and if the local
425 building official is unable to provide inspection services in a

426 | timely manner, the fee owner or the fee owner's contractor may
427 | elect to use a private provider to provide inspection services
428 | by notifying the local building official of the owner's or
429 | contractor's intention to do so by 2 p.m. local time, 2 ~~no less~~
430 | ~~than 7~~ business days before ~~days prior to~~ the next scheduled
431 | inspection using the notice provided for in paragraphs (4) (a)-
432 | (c).

433 | (7) (a) No more than 20 ~~30~~ business days after receipt of a
434 | permit application and the affidavit from the private provider
435 | required pursuant to subsection (6), the local building official
436 | shall issue the requested permit or provide a written notice to
437 | the permit applicant identifying the specific plan features that
438 | do not comply with the applicable codes, as well as the specific
439 | code chapters and sections. If the local building official does
440 | not provide a written notice of the plan deficiencies within the
441 | prescribed 20-day ~~30-day~~ period, the permit application shall be
442 | deemed approved as a matter of law, and the permit shall be
443 | issued by the local building official on the next business day.

444 | (b) If the local building official provides a written
445 | notice of plan deficiencies to the permit applicant within the
446 | prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall
447 | be tolled pending resolution of the matter. To resolve the plan
448 | deficiencies, the permit applicant may elect to dispute the
449 | deficiencies pursuant to subsection (13) or to submit revisions
450 | to correct the deficiencies.

451 (c) If the permit applicant submits revisions, the local
452 building official has the remainder of the tolled 20-day ~~30-day~~
453 period plus 5 business days to issue the requested permit or to
454 provide a second written notice to the permit applicant stating
455 which of the previously identified plan features remain in
456 noncompliance with the applicable codes, with specific reference
457 to the relevant code chapters and sections. If the local
458 building official does not provide the second written notice
459 within the prescribed time period, the permit shall be issued by
460 the local building official on the next business day.

461 (9) A private provider performing required inspections
462 under this section shall provide notice to the local building
463 official of the date and approximate time of any such inspection
464 no later than the prior business day by 2 p.m. local time or by
465 any later time permitted by the local building official in that
466 jurisdiction. The local building official may not prohibit the
467 private provider from performing any inspection outside the
468 local building official's normal operating hours, including
469 after hours, weekends, or holidays. The local building official
470 may visit the building site as often as necessary to verify that
471 the private provider is performing all required inspections. A
472 deficiency notice must be posted at the job site by the private
473 provider, the duly authorized representative of the private
474 provider, or the building department whenever a noncomplying
475 item related to the building code or the permitted documents is

476 found. After corrections are made, the item must be reinspected
477 by the private provider or representative before being
478 concealed. Reinspection or reaudit fees shall not be charged by
479 the local jurisdiction as a result of the local jurisdiction's
480 audit inspection occurring before the performance of the private
481 provider's inspection or for any other administrative matter not
482 involving the detection of a violation of the building code or a
483 permit requirement.

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