

1 A bill to be entitled
2 An act relating to engineering; amending s. 337.14,
3 F.S.; prohibiting specified services to the department
4 for a project that is wholly or partially funded by
5 the department and administered by a local
6 governmental entity from being performed by the same
7 entity; amending s. 455.271, F.S.; conforming a
8 provision to changes made by the act; requiring the
9 board, or the department if there is no board, to
10 establish by rule a reinstatement process for void
11 licenses; amending s. 471.005, F.S.; revising
12 definitions; amending s. 471.011, F.S.; conforming a
13 provision to changes made by the act; amending s.
14 471.013, F.S.; revising the prerequisites for
15 examination; deleting an obsolete provision; amending
16 s. 471.015, F.S.; revising licensure certification
17 requirements to include active engineering experience
18 and a minimum age; providing that the time period in
19 which a licensure application must be granted or
20 denied is tolled if an applicant is required to make a
21 personal appearance before the board; authorizing the
22 board to deny a license if such an applicant fails to
23 appear before the board within a specified timeframe;
24 amending s. 471.019, F.S.; requiring the board to
25 establish by rule a reinstatement process for void

26 licenses; amending s. 471.021, F.S.; conforming
27 provisions to changes made by the act; amending s.
28 471.023, F.S.; providing requirements for
29 qualification of a business organization; providing
30 requirements for a qualifying agent; deleting the
31 administration of disciplinary action against a
32 business organization; amending s. 471.025, F.S.;
33 requiring a successor engineer to be able to
34 independently re-create certain work when seeking to
35 reuse certain documents; specifying that a successor
36 engineer assumes full professional and legal
37 responsibility by signing or affixing his or her seal
38 to assumed documents; releasing the engineer who
39 previously sealed the documents from any professional
40 responsibility or civil liability for her or his work
41 that is assumed by a successor engineer; defining the
42 term "successor engineer"; amending s. 553.79, F.S.;
43 requiring that structural inspections on a threshold
44 building be performed during new construction or
45 during certain repair or restoration projects;
46 amending s. 553.791, F.S.; revising the timeframes in
47 which a fee owner or the fee owner's contractor using
48 a private provider to provide building code inspection
49 services must notify the local building official;
50 revising the timeframe in which the local building

51 official shall issue the permit or provide notice to
52 the permit applicant identifying noncompliant plan
53 features; providing that a local building official may
54 not prohibit a private provider from performing
55 required inspections outside of normal operating
56 hours; providing an effective date.

57

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

59

60 Section 1. Subsection (7) of section 337.14, Florida
61 Statutes, is amended to read:

62 337.14 Application for qualification; certificate of
63 qualification; restrictions; request for hearing.—

64 (7) A "contractor" as defined in s. 337.165(1)(d) or his
65 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
66 the department under this section may not also qualify under s.
67 287.055 or s. 337.105 to provide testing services, construction,
68 engineering, and inspection services to the department. This
69 limitation does not apply to any design-build prequalification
70 under s. 337.11(7) and does not apply when the department
71 otherwise determines by written order entered at least 30 days
72 before advertisement that the limitation is not in the best
73 interests of the public with respect to a particular contract
74 for testing services, construction, engineering, and inspection
75 services. This subsection does not authorize a contractor to

76 provide testing services, or provide construction, engineering,
77 and inspection services, to the department in connection with a
78 construction contract under which the contractor is performing
79 any work. Notwithstanding any other provision of law to the
80 contrary, for a project that is wholly or partially funded by
81 the department and administered by a local governmental entity,
82 the design services and construction engineering and inspection
83 services may not be performed by the same entity.

84 Section 2. Paragraph (a) of subsection (6) of section
85 455.271, Florida Statutes, is amended to read:

86 455.271 Inactive and delinquent status.—

87 (6) (a) ~~A delinquent status licensee must affirmatively~~
88 ~~apply with a complete application, as defined by rule of the~~
89 ~~board, or the department if there is no board, for active or~~
90 ~~inactive status during the licensure cycle in which a licensee~~
91 ~~becomes delinquent.~~ Failure by a delinquent status licensee to
92 become active or inactive before the expiration of the current
93 licensure cycle shall render the license void without any
94 further action by the board or the department. The board, or the
95 department if there is no board, shall, by rule, establish a
96 reinstatement process for void licenses.

97
98 This subsection does not apply to individuals subject to
99 regulation under chapter 473.

100 Section 3. Subsection (13) of section 471.005, Florida

101 Statutes, is renumbered as subsection (3), and present
 102 subsection (3) and subsection (8) of that section are amended,
 103 to read:

104 471.005 Definitions.—As used in this chapter, the term:

105 ~~(3) "Certificate of authorization" means a license to~~
 106 ~~practice engineering issued by the management corporation to a~~
 107 ~~corporation or partnership.~~

108 (8) "License" means the licensing of engineers or
 109 ~~certification of businesses~~ to practice engineering in this
 110 state.

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

113 471.011 Fees.—

114 (4) Qualification of a business organization under s.
 115 471.023 shall not require payment of a fee ~~The fee for a~~
 116 ~~certificate of authorization shall not exceed \$125.~~

117 Section 5. Paragraph (a) of subsection (1) of section
 118 471.013, Florida Statutes, is amended to read:

119 471.013 Examinations; prerequisites.—

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

124 1. Is a graduate from an approved engineering science
 125 curriculum of 4 years or more in a school, college, or

126 | university which has been approved by the board; or ~~and has a~~
127 | ~~record of 4 years of active engineering experience of a~~
128 | ~~character indicating competence to be in responsible charge of~~
129 | ~~engineering;~~

130 | 2. Is a graduate of an approved engineering technology
131 | curriculum of 4 years or more in a school, college, or
132 | university which has been approved by the board ~~within the State~~
133 | ~~University System, having been enrolled or having graduated~~
134 | ~~prior to July 1, 1979, and has a record of 4 years of active~~
135 | ~~engineering experience of a character indicating competence to~~
136 | ~~be in responsible charge of engineering; or~~

137 | 3. ~~Has, in lieu of such education and experience~~
138 | ~~requirements, 10 years or more of active engineering work of a~~
139 | ~~character indicating that the applicant is competent to be~~
140 | ~~placed in responsible charge of engineering. However, this~~
141 | ~~subparagraph does not apply unless such person notifies the~~
142 | ~~department before July 1, 1984, that she or he was engaged in~~
143 | ~~such work on July 1, 1981.~~

144 |
145 | The board shall adopt rules providing for the review and
146 | approval of schools or colleges and the courses of study in
147 | engineering in such schools and colleges. The rules shall be
148 | based on the educational requirements for engineering as defined
149 | in s. 471.005. The board may adopt rules providing for the
150 | acceptance of the approval and accreditation of schools and

151 courses of study by a nationally accepted accreditation
152 organization.

153 Section 6. Subsections (2), (3), and (6) of section
154 471.015, Florida Statutes, are amended to read:

155 471.015 Licensure.—

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

159 1. Satisfies the requirements of s. 471.013(1)(a)1. and
160 has a record of at least 4 years of active engineering
161 experience of a character indicating competence to be in
162 responsible charge of engineering; or

163 2. Satisfies the requirements of s. 471.013(1)(a)2. and
164 has a record of at least 6 years of active engineering
165 experience of a character indicating competence to be in
166 responsible charge of engineering ~~s. 471.013.~~

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

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

171 (a) Qualifies to take the fundamentals examination and the
172 principles and practice examination as set forth in s. 471.013,
173 has passed a United States national, regional, state, or
174 territorial licensing examination that is substantially
175 equivalent to the fundamentals examination and principles and

176 practice examination required by s. 471.013, and has satisfied
177 the experience requirements set forth in paragraph (2)(a) and s.
178 471.013; or

179 (b) Holds a valid license to practice engineering issued
180 by another state or territory of the United States, if the
181 criteria for issuance of the license were substantially the same
182 as the licensure criteria that existed in this state at the time
183 the license was issued.

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

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

197 471.019 Reactivation.—The board shall establish by rule a
198 reinstatement process for void licenses. The rule ~~board~~ shall
199 prescribe appropriate ~~by rule~~ continuing education requirements
200 for reactivating a license. The continuing education

201 requirements for reactivating a license for a licensed engineer
202 may not exceed the continuing education requirements prescribed
203 pursuant to 471.017 ~~12-classroom hours~~ for each year the license
204 was inactive.

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

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

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

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

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

233 Section 9. Section 471.023, Florida Statutes, is amended
234 to read:

235 471.023 Qualification ~~Certification~~ of business
236 organizations.—

237 (1) The practice of, or the offer to practice, engineering
238 by licensees or offering engineering services to the public
239 through a business organization, including a partnership,
240 corporation, business trust, or other legal entity or by a
241 business organization, including a corporation, partnership,
242 business trust, or other legal entity offering such services to
243 the public through licensees under this chapter as agents,
244 employees, officers, or partners is permitted only if the
245 business organization is qualified by an engineer licensed under
246 this chapter ~~possesses a certification issued by the management~~
247 ~~corporation pursuant to qualification by the board~~, subject to
248 the provisions of this chapter. One or more of the principal
249 officers of the business organization or one or more partners of
250 the partnership and all personnel of the business organization

251 | who act in its behalf as engineers in this state shall be
252 | licensed as provided by this chapter. All final drawings,
253 | specifications, plans, reports, or documents involving practices
254 | licensed under this chapter which are prepared or approved for
255 | the use of the business organization or for public record within
256 | the state shall be dated and shall bear the signature and seal
257 | of the licensee who prepared or approved them. Nothing in this
258 | section shall be construed to mean that a license to practice
259 | engineering shall be held by a business organization. Nothing
260 | herein prohibits business organizations from joining together to
261 | offer engineering services to the public, if each business
262 | organization otherwise meets the requirements of this section.
263 | No business organization shall be relieved of responsibility for
264 | the conduct or acts of its agents, employees, or officers by
265 | reason of its compliance with this section, nor shall any
266 | individual practicing engineering be relieved of responsibility
267 | for professional services performed by reason of his or her
268 | employment or relationship with a business organization.

269 | (2) For the purposes of this section, a ~~certificate of~~
270 | ~~authorization shall be required for any~~ business organization or
271 | other person practicing under a fictitious name, offering
272 | engineering services to the public must be qualified by an
273 | engineer licensed under this chapter. ~~However, when an~~
274 | ~~individual is practicing engineering in his or her own given~~
275 | ~~name, he or she shall not be required to be licensed under this~~

276 ~~section.~~

277 (3) Except as provided in s. 558.0035, the fact that a
278 licensed engineer practices through a business organization does
279 not relieve the licensee from personal liability for negligence,
280 misconduct, or wrongful acts committed by him or her.
281 Partnerships and all partners shall be jointly and severally
282 liable for the negligence, misconduct, or wrongful acts
283 committed by their agents, employees, or partners while acting
284 in a professional capacity. Any officer, agent, or employee of a
285 business organization other than a partnership shall be
286 personally liable and accountable only for negligent acts,
287 wrongful acts, or misconduct committed by him or her or
288 committed by any person under his or her direct supervision and
289 control, while rendering professional services on behalf of the
290 business organization. The personal liability of a shareholder
291 or owner of a business organization, in his or her capacity as
292 shareholder or owner, shall be no greater than that of a
293 shareholder-employee of a corporation incorporated under chapter
294 607. The business organization shall be liable up to the full
295 value of its property for any negligent acts, wrongful acts, or
296 misconduct committed by any of its officers, agents, or
297 employees while they are engaged on its behalf in the rendering
298 of professional services.

299 (4) ~~Each certification of authorization shall be renewed~~
300 ~~every 2 years.~~ Each qualifying agent of a business organization

301 qualified ~~certified~~ under this section must notify the board
302 within 30 days ~~1 month~~ after any change in the information
303 contained in the application upon which the qualification
304 ~~certification~~ is based.

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

314 (b) In the event a qualifying agent ceases employment with
315 a qualified business organization and the qualifying agent is
316 the only licensed individual affiliated with the business
317 organization, the executive director of the management
318 corporation or the chair of the board may authorize another
319 licensee employed by the business organization to temporarily
320 serve as its qualifying agent for a period of no more than 60
321 days to proceed with incomplete contracts. The business
322 organization is not authorized to operate beyond such period
323 under this chapter absent replacement of the qualifying agent.

324 (c) A qualifying agent shall notify the department in
325 writing before engaging in the practice of engineering in the

326 licensee's name or in affiliation with a different business
327 organization.

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

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

333 471.025 Seals.—

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

347 Section 11. Paragraph (a) of subsection (5) of section
348 553.79, Florida Statutes, is amended to read:

349 553.79 Permits; applications; issuance; inspections.—

350 (5) (a) During new construction or during repair or

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

376 inspections required by the Florida Building Code.

377 Section 12. Subsections (4) and (5), paragraphs (a), (b),
378 and (c) of subsection (7), and subsection (9) of section
379 553.791, Florida Statutes, are amended to read:

380 553.791 Alternative plans review and inspection.—

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

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

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

400 (c) An acknowledgment from the fee owner in substantially

401 the following form:

402 I have elected to use one or more private providers to provide
403 building code plans review and/or inspection services on the
404 building or structure that is the subject of the enclosed permit
405 application, as authorized by s. 553.791, Florida Statutes. I
406 understand that the local building official may not review the
407 plans submitted or perform the required building inspections to
408 determine compliance with the applicable codes, except to the
409 extent specified in said law. Instead, plans review and/or
410 required building inspections will be performed by licensed or
411 certified personnel identified in the application. The law
412 requires minimum insurance requirements for such personnel, but
413 I understand that I may require more insurance to protect my
414 interests. By executing this form, I acknowledge that I have
415 made inquiry regarding the competence of the licensed or
416 certified personnel and the level of their insurance and am
417 satisfied that my interests are adequately protected. I agree to
418 indemnify, defend, and hold harmless the local government, the
419 local building official, and their building code enforcement
420 personnel from any and all claims arising from my use of these
421 licensed or certified personnel to perform building code
422 inspection services with respect to the building or structure
423 that is the subject of the enclosed permit application.
424 If the fee owner or the fee owner's contractor makes any changes
425 to the listed private providers or the services to be provided

426 by those private providers, the fee owner or the fee owner's
427 contractor shall, within 1 business day after any change, update
428 the notice to reflect such changes. A change of a duly
429 authorized representative named in the permit application does
430 not require a revision of the permit, and the building code
431 enforcement agency shall not charge a fee for making the change.
432 In addition, the fee owner or the fee owner's contractor shall
433 post at the project site, prior to the commencement of
434 construction and updated within 1 business day after any change,
435 on a form to be adopted by the commission, the name, firm,
436 address, telephone number, and facsimile number of each private
437 provider who is performing or will perform building code
438 inspection services, the type of service being performed, and
439 similar information for the primary contact of the private
440 provider on the project.

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

450 (7) (a) No more than 20 ~~30~~ business days after receipt of a

451 permit application and the affidavit from the private provider
452 required pursuant to subsection (6), the local building official
453 shall issue the requested permit or provide a written notice to
454 the permit applicant identifying the specific plan features that
455 do not comply with the applicable codes, as well as the specific
456 code chapters and sections. If the local building official does
457 not provide a written notice of the plan deficiencies within the
458 prescribed 20-day ~~30-day~~ period, the permit application shall be
459 deemed approved as a matter of law, and the permit shall be
460 issued by the local building official on the next business day.

461 (b) If the local building official provides a written
462 notice of plan deficiencies to the permit applicant within the
463 prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall
464 be tolled pending resolution of the matter. To resolve the plan
465 deficiencies, the permit applicant may elect to dispute the
466 deficiencies pursuant to subsection (13) or to submit revisions
467 to correct the deficiencies.

468 (c) If the permit applicant submits revisions, the local
469 building official has the remainder of the tolled 20-day ~~30-day~~
470 period plus 5 business days to issue the requested permit or to
471 provide a second written notice to the permit applicant stating
472 which of the previously identified plan features remain in
473 noncompliance with the applicable codes, with specific reference
474 to the relevant code chapters and sections. If the local
475 building official does not provide the second written notice

476 within the prescribed time period, the permit shall be issued by
477 the local building official on the next business day.

478 (9) A private provider performing required inspections
479 under this section shall provide notice to the local building
480 official of the date and approximate time of any such inspection
481 no later than the prior business day by 2 p.m. local time or by
482 any later time permitted by the local building official in that
483 jurisdiction. The local building official may not prohibit the
484 private provider from performing any inspection outside the
485 local building official's normal operating hours, including
486 after hours, weekends, or holidays. The local building official
487 may visit the building site as often as necessary to verify that
488 the private provider is performing all required inspections. A
489 deficiency notice must be posted at the job site by the private
490 provider, the duly authorized representative of the private
491 provider, or the building department whenever a noncomplying
492 item related to the building code or the permitted documents is
493 found. After corrections are made, the item must be reinspected
494 by the private provider or representative before being
495 concealed. Reinspection or reaudit fees shall not be charged by
496 the local jurisdiction as a result of the local jurisdiction's
497 audit inspection occurring before the performance of the private
498 provider's inspection or for any other administrative matter not
499 involving the detection of a violation of the building code or a
500 permit requirement.

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