

1                   A bill to be entitled  
2           An act relating to engineers; amending s. 471.003,  
3           F.S.; prohibiting a person who is not licensed as an  
4           engineer from using a specified name or title;  
5           prohibiting a person who is not a licensed structural  
6           engineer from using specified names and titles or  
7           practicing structural engineering, after a specified  
8           date; exempting certain persons from licensing  
9           requirements; amending s. 471.005, F.S.; defining  
10          terms; revising definitions; amending s. 471.011,  
11          F.S.; authorizing the Board of Professional Engineers  
12          to establish fees relating to structural engineering  
13          licensing; amending s. 471.013, F.S.; authorizing the  
14          board to refuse to certify an applicant for a  
15          structural engineering license for certain reasons;  
16          amending s. 471.015, F.S.; providing licensure and  
17          application requirements for a structural engineer  
18          license; exempting a structural engineer who applies  
19          for licensure before a specified date from passage of  
20          a certain national examination, under certain  
21          conditions; requiring the board to certify certain  
22          applicants for licensure by endorsement; amending ss.  
23          471.019 and 471.025, F.S.; conforming provisions to  
24          changes made by the act; amending s. 471.031, F.S.;  
25          prohibiting certain persons from practicing structural

26 engineering after a specified date; prohibiting  
27 specified persons from using specified names and  
28 titles; amending s. 471.033, F.S.; providing acts that  
29 constitute grounds for disciplinary action, including  
30 civil penalties, against a structural engineer;  
31 amending ss. 471.037 and 471.0385, F.S.; conforming  
32 provisions to changes made by the act; providing an  
33 effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Subsections (1) and (2) of section 471.003,  
38 Florida Statutes, are amended to read:

39 471.003 Qualifications for practice; exemptions.—

40 (1) (a) No person other than a duly licensed engineer shall  
41 practice engineering or use the name or title of "licensed  
42 engineer," "professional engineer," or "registered engineer" or  
43 any other title, designation, words, letters, abbreviations, or  
44 device tending to indicate that such person holds an active  
45 license as an engineer in this state.

46 (b) Effective March 1, 2022, no person other than a duly  
47 licensed structural engineer shall engage in the practice of  
48 structural engineering or use the name or title of "licensed  
49 structural engineer," "professional structural engineer," or  
50 "registered structural engineer" or any other title,

51 designation, words, letters, abbreviations, or device tending to  
52 indicate that such person holds an active license as a  
53 structural engineer in this state.

54 (2) The following persons are not required to be licensed  
55 under the provisions of this chapter as a licensed engineer or a  
56 licensed structural engineer:

57 (a) Any person practicing engineering for the improvement  
58 of, or otherwise affecting, property legally owned by her or  
59 him, unless such practice involves a public utility or the  
60 public health, safety, or welfare or the safety or health of  
61 employees. This paragraph shall not be construed as authorizing  
62 the practice of engineering through an agent or employee who is  
63 not duly licensed under the provisions of this chapter.

64 (b)1. A person acting as a public officer employed by any  
65 state, county, municipal, or other governmental unit of this  
66 state when working on any project the total estimated cost of  
67 which is \$10,000 or less.

68 2. Persons who are employees of any state, county,  
69 municipal, or other governmental unit of this state and who are  
70 the subordinates of a person in responsible charge licensed  
71 under this chapter, to the extent that the supervision meets  
72 standards adopted by rule of the board.

73 (c) Regular full-time employees of a corporation not  
74 engaged in the practice of engineering as such, whose practice  
75 of engineering for such corporation is limited to the design or

76 fabrication of manufactured products and servicing of such  
77 products.

78 (d) Regular full-time employees of a public utility or  
79 other entity subject to regulation by the Florida Public Service  
80 Commission, Federal Energy Regulatory Commission, or Federal  
81 Communications Commission.

82 (e) Employees of a firm, corporation, or partnership who  
83 are the subordinates of a person in responsible charge, licensed  
84 under this chapter.

85 (f) Any person as contractor in the execution of work  
86 designed by a professional engineer or a professional structural  
87 engineer or in the supervision of the construction of work as a  
88 foreman or superintendent.

89 (g) A licensed surveyor and mapper who takes, or contracts  
90 for, professional engineering services incidental to her or his  
91 practice of surveying and mapping and who delegates such  
92 engineering services to a licensed professional engineer  
93 qualified within her or his firm or contracts for such  
94 professional engineering services to be performed by others who  
95 are licensed professional engineers under the provisions of this  
96 chapter.

97 (h) Any electrical, plumbing, air-conditioning, or  
98 mechanical contractor whose practice includes the design and  
99 fabrication of electrical, plumbing, air-conditioning, or  
100 mechanical systems, respectively, which she or he installs by

101 virtue of a license issued under chapter 489, under former part  
102 I of chapter 553, Florida Statutes 2001, or under any special  
103 act or ordinance when working on any construction project which:

104 1. Requires an electrical or plumbing or air-conditioning  
105 and refrigeration system with a value of \$125,000 or less; and

106 2.a. Requires an aggregate service capacity of 600 amperes  
107 (240 volts) or less on a residential electrical system or 800  
108 amperes (240 volts) or less on a commercial or industrial  
109 electrical system;

110 b. Requires a plumbing system with fewer than 250 fixture  
111 units; or

112 c. Requires a heating, ventilation, and air-conditioning  
113 system not to exceed a 15-ton-per-system capacity, or if the  
114 project is designed to accommodate 100 or fewer persons.

115 (i) Any general contractor, certified or registered  
116 pursuant to the provisions of chapter 489, when negotiating or  
117 performing services under a design-build contract as long as the  
118 engineering services offered or rendered in connection with the  
119 contract are offered and rendered by an engineer or structural  
120 engineer licensed in accordance with this chapter.

121 (j) Any defense, space, or aerospace company, whether a  
122 sole proprietorship, firm, limited liability company,  
123 partnership, joint venture, joint stock association,  
124 corporation, or other business entity, subsidiary, or affiliate,  
125 or any employee, contract worker, subcontractor, or independent

126 contractor of the defense, space, or aerospace company who  
127 provides engineering for aircraft, space launch vehicles, launch  
128 services, satellites, satellite services, or other defense,  
129 space, or aerospace-related product or services, or components  
130 thereof.

131 Section 2. Present subsections (9) through (12) of section  
132 471.005, Florida Statutes, are redesignated as subsections (11)  
133 through (14), respectively, new subsections (9) and (10) are  
134 added to that section, and present subsection (10) of that  
135 section is amended, to read:

136 471.005 Definitions.—As used in this chapter, the term:

137 (9) "Licensed structural engineer" includes the terms  
138 "professional structural engineer" and "registered structural  
139 engineer" and means a person who is licensed or registered to  
140 engage in the practice of structural engineering under this  
141 chapter.

142 (10) "Structural engineering" means a service or creative  
143 work that includes the structural analysis and design of  
144 structural components or systems for threshold buildings as  
145 defined in s. 553.71. The term includes engineering, as defined  
146 in subsection (7), which requires significant structural  
147 engineering education, training, experience, and examination, as  
148 determined by the board.

149 (12)~~(10)~~ "Retired professional engineer," or "professional  
150 engineer, retired," "retired professional structural engineer,"

151 or "professional structural engineer, retired" means a person  
152 who has been duly licensed as a professional engineer by the  
153 board and who chooses to relinquish or not to renew his or her  
154 license and applies to and is approved by the board to be  
155 granted the title "Professional Engineer, Retired" or  
156 "Professional Structural Engineer, Retired."

157 Section 3. Subsections (1) and (6) of section 471.011,  
158 Florida Statutes, are amended to read:

159 471.011 Fees.—

160 (1) The board by rule may establish fees to be paid for  
161 applications, examination, reexamination, licensing and renewal,  
162 inactive status application and reactivation of inactive  
163 licenses, and recordmaking and recordkeeping. The board may also  
164 establish by rule a delinquency fee. The board shall establish  
165 fees that are adequate to ensure the continued operation of the  
166 board. Fees shall be based on department estimates of the  
167 revenue required to implement this chapter and the provisions of  
168 law with respect to the regulation of engineers and structural  
169 engineers.

170 (6) The fee for a temporary registration or certificate to  
171 practice engineering or structural engineering shall not exceed  
172 \$25 for an individual or \$50 for a business firm.

173 Section 4. Paragraph (a) of subsection (2) of section  
174 471.013, Florida Statutes, is amended to read:

175 471.013 Examinations; prerequisites.—

176 (2) (a) The board may refuse to certify an applicant for  
 177 failure to satisfy the requirement of good moral character only  
 178 if:

179 1. There is a substantial connection between the lack of  
 180 good moral character of the applicant and the professional  
 181 responsibilities of a licensed engineer or licensed structural  
 182 engineer; and

183 2. The finding by the board of lack of good moral  
 184 character is supported by clear and convincing evidence.

185 Section 5. Present subsections (3) through (7) of section  
 186 471.015, Florida Statutes, are redesignated as subsections (4)  
 187 through (8), respectively, a new subsection (3) is added to that  
 188 section, and present subsection (3) of that section is amended,  
 189 to read:

190 471.015 Licensure.—

191 (3) (a) The management corporation shall issue a structural  
 192 engineer license to any applicant who the board certifies as  
 193 qualified to practice structural engineering and who meets all  
 194 of the following requirements:

195 1. Is licensed under this chapter as an engineer or is  
 196 qualified for licensure as an engineer.

197 2. Submits an application in the format prescribed by the  
 198 board.

199 3. Pays a fee established by the board under s. 471.011.

200 4. Provides satisfactory evidence of good moral character,

201 as defined by the board.

202 5. Provides a record of 4 years of active structural  
203 engineering experience, as defined by the board, under the  
204 supervision of a licensed professional engineer.

205 6. Has successfully passed the 16-hour National Council of  
206 Examiners for Engineering and Surveying Structural Engineering  
207 examination.

208 (b) Before March 1, 2022, an applicant who satisfies the  
209 requirements of subparagraphs (a)1.-4. may satisfy subparagraphs  
210 (a)5. and 6. by:

211 1. Submitting a signed affidavit in the format prescribed  
212 by the board which states that the applicant is currently a  
213 licensed engineer in this state and has been engaged in the  
214 practice of structural engineering with a record of at least 4  
215 years of active structural engineering design experience;

216 2. Possessing a current professional engineering license  
217 and filing the necessary documentation as required by the board,  
218 or possessing a current threshold inspector license; and

219 3. Agreeing to meet with the board or a representative of  
220 the board, upon the board's request, for the purpose of  
221 evaluating the applicant's qualifications for licensure.

222 (c) An applicant who is qualified for licensure as an  
223 engineer under s. 471.013 may simultaneously apply for licensure  
224 as a structural engineer if all requirements of s. 471.013 and  
225 this subsection are met.

226        ~~(4)(3)~~ The board shall certify as qualified for a license  
227        ~~by endorsement an applicant who:~~

228        (a) In engineering, by endorsement, an applicant who  
229        qualifies to take the fundamentals examination and the  
230        principles and practice examination as set forth in s. 471.013,  
231        has passed a United States national, regional, state, or  
232        territorial licensing examination that is substantially  
233        equivalent to the fundamentals examination and principles and  
234        practice examination required by s. 471.013, and has satisfied  
235        the experience requirements set forth in paragraph (2)(a) and s.  
236        471.013; ~~or~~

237        (b) In engineering or structural engineering, by  
238        endorsement, an applicant who holds a valid license to practice  
239        engineering, or, for structural engineering, an applicant who  
240        holds a valid license to practice structural engineering, issued  
241        by another state or territory of the United States, if the  
242        criteria for issuance of the license were substantially the same  
243        as the licensure criteria that existed in this state at the time  
244        the license was issued; or

245        (c) In structural engineering, by endorsement, an  
246        applicant who holds a valid license to practice structural  
247        engineering issued by another state or territory of the United  
248        States and who has successfully passed one of the following 16-  
249        hour examination combinations:

250        1. The 8-hour National Council of Examiners for

251 Engineering and Surveying Structural Engineering I examination  
252 and the 8-hour National Council of Examiners for Engineering and  
253 Surveying Structural Engineering II examination.

254 2. The 8-hour National Council of Examiners for  
255 Engineering and Surveying Structural Engineering II examination  
256 and either the 8-hour National Council of Examiners for  
257 Engineering and Surveying Civil: Structural examination or the  
258 8-hour National Council of Examiners for Engineering and  
259 Surveying Architectural Engineering examination.

260 3. The 16-hour Western States Structural Engineering  
261 examination.

262 4. The 8-hour National Council of Examiners for  
263 Engineering and Surveying Structural Engineering II examination  
264 and either the 8-hour California Structural Engineering Seismic  
265 III examination or the 8-hour Washington Structural Engineering  
266 III examination.

267 Section 6. Section 471.019, Florida Statutes, is amended  
268 to read:

269 471.019 Reactivation.—The board shall establish by rule a  
270 reinstatement process for void licenses. The rule shall  
271 prescribe appropriate continuing education requirements for  
272 reactivating a license. The continuing education requirements  
273 for reactivating a license for a licensed engineer or a licensed  
274 structural engineer may not exceed the continuing education  
275 requirements prescribed pursuant to s. 471.017 for each year the

276 | license was inactive.

277 |       Section 7. Subsection (2) of section 471.025, Florida  
278 | Statutes, is amended to read:

279 |       471.025 Seals.—

280 |       (2) It is unlawful for any person to seal or digitally  
281 | sign any document with a seal or digital signature after his or  
282 | her license has expired or been revoked or suspended, unless  
283 | such license is ~~has been~~ reinstated or reissued. When an  
284 | engineer's or structural engineer's license is ~~has been~~ revoked  
285 | or suspended by the board, the licensee shall, within a period  
286 | of 30 days after the revocation or suspension has become  
287 | effective, surrender his or her seal to the executive director  
288 | of the board and confirm to the executive director the  
289 | cancellation of the licensee's digital signature in accordance  
290 | with ss. 668.001-668.006. In the event the engineer's license  
291 | has been suspended for a period of time, his or her seal shall  
292 | be returned to him or her upon expiration of the suspension  
293 | period.

294 |       Section 8. Present paragraphs (b) through (g) of  
295 | subsection (1) of section 471.031, Florida Statutes, are  
296 | redesignated as paragraphs (c) through (h), respectively, a new  
297 | paragraph (b) is added to that subsection, and present paragraph  
298 | (b) of that subsection is amended, to read:

299 |       471.031 Prohibitions; penalties.—

300 |       (1) A person may not:

301           (b) Beginning March 1, 2022, practice structural  
302 engineering unless the person is licensed as a structural  
303 engineer or exempt from licensure under this chapter.

304           (c)~~(b)~~1. Except as provided in subparagraph 2. or  
305 subparagraph 3., use the name or title "professional engineer"  
306 or any other title, designation, words, letters, abbreviations,  
307 or device tending to indicate that such person holds an active  
308 license as an engineer when the person is not licensed under  
309 this chapter, including, but not limited to, the following  
310 titles: "agricultural engineer," "air-conditioning engineer,"  
311 "architectural engineer," "building engineer," "chemical  
312 engineer," "civil engineer," "control systems engineer,"  
313 "electrical engineer," "environmental engineer," "fire  
314 protection engineer," "industrial engineer," "manufacturing  
315 engineer," "mechanical engineer," "metallurgical engineer,"  
316 "mining engineer," "minerals engineer," "marine engineer,"  
317 "nuclear engineer," "petroleum engineer," "plumbing engineer,"  
318 "structural engineer," "transportation engineer," "software  
319 engineer," "computer hardware engineer," or "systems engineer."

320           2. Any person who is exempt from licensure under s.  
321 471.003(2)(j) may use the title or personnel classification of  
322 "engineer" in the scope of his or her work under that exemption  
323 if the title does not include or connote the term "licensed  
324 engineer," "professional engineer," "registered engineer,"  
325 "licensed professional engineer," ~~"licensed engineer,"~~

326 "registered professional engineer," "licensed structural  
327 engineer," "professional structural engineer," or "registered  
328 structural engineer ~~or "licensed professional engineer."~~

329 3. Any person who is exempt from licensure under s.  
330 471.003(2)(c) or (e) may use the title or personnel  
331 classification of "engineer" in the scope of his or her work  
332 under that exemption if the title does not include or connote  
333 the term "licensed engineer," "professional engineer,"  
334 "registered engineer," "licensed professional engineer,"  
335 ~~"licensed engineer," "registered professional engineer,"~~  
336 "licensed structural engineer," "professional structural  
337 engineer," "registered structural engineer," or "structural  
338 engineer," ~~or "licensed professional engineer"~~ and if that  
339 person is a graduate from an approved engineering curriculum of  
340 4 years or more in a school, college, or university which has  
341 been approved by the board.

342 Section 9. Paragraphs (b) through (e) and (g) of  
343 subsection (1) and subsection (4) of section 471.033, Florida  
344 Statutes, are amended to read:

345 471.033 Disciplinary proceedings.—

346 (1) The following acts constitute grounds for which the  
347 disciplinary actions in subsection (3) may be taken:

348 (b) Attempting to procure a license to practice  
349 engineering or structural engineering by bribery or fraudulent  
350 misrepresentations.

351 (c) Having a license to practice engineering or structural  
352 engineering revoked, suspended, or otherwise acted against,  
353 including the denial of licensure, by the licensing authority of  
354 another state, territory, or country, for any act that would  
355 constitute a violation of this chapter or chapter 455.

356 (d) Being convicted or found guilty of, or entering a plea  
357 of nolo contendere to, regardless of adjudication, a crime in  
358 any jurisdiction which directly relates to the practice of  
359 engineering, structural engineering, or the ability to practice  
360 engineering or structural engineering.

361 (e) Making or filing a report or record that the licensee  
362 knows to be false, willfully failing to file a report or record  
363 required by state or federal law, willfully impeding or  
364 obstructing such filing, or inducing another person to impede or  
365 obstruct such filing. Such reports or records include only those  
366 which ~~that~~ are signed in the capacity of a licensed engineer or  
367 licensed structural engineer.

368 (g) Engaging in fraud or deceit, negligence, incompetence,  
369 or misconduct, in the practice of engineering or structural  
370 engineering.

371 (4) The management corporation shall reissue the license  
372 of a disciplined engineer, structural engineer, or business upon  
373 certification by the board that the disciplined person has  
374 complied with all of the terms and conditions set forth in the  
375 final order.

376 Section 10. Subsection (1) of section 471.037, Florida  
 377 Statutes, is amended to read:

378 471.037 Effect of chapter locally.—

379 (1) Nothing contained in this chapter shall be construed  
 380 to repeal, amend, limit, or otherwise affect any local building  
 381 code or zoning law or ordinance, now or hereafter enacted, which  
 382 is more restrictive with respect to the services of licensed  
 383 engineers or structural engineers than the provisions of this  
 384 chapter.

385 Section 11. Subsection (3) of section 471.0385, Florida  
 386 Statutes, is amended to read:

387 471.0385 Court action; effect.—If any provision of s.  
 388 471.038 is held to be unconstitutional or is held to violate the  
 389 state or federal antitrust laws, the following shall occur:

390 (3) The Executive Office of the Governor, notwithstanding  
 391 chapter 216, is authorized to reestablish positions, budget  
 392 authority, and salary rate necessary to carry out the  
 393 department's responsibilities related to the regulation of  
 394 professional engineers and professional structural engineers.

395 Section 12. This act shall take effect July 1, 2020.