



939264

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
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The Committee on Innovation, Industry, and Technology (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 47 - 382

and insert:

licensed professional structural engineer shall engage in the practice of professional structural engineering or use the name or title of "licensed structural engineer," "professional structural engineer," or "registered structural engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active



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11 license as a professional structural engineer in this state.

12 (2) The following persons are not required to be licensed  
13 under the provisions of this chapter as a licensed engineer or a  
14 licensed professional structural engineer:

15 (a) Any person practicing engineering for the improvement  
16 of, or otherwise affecting, property legally owned by her or  
17 him, unless such practice involves a public utility or the  
18 public health, safety, or welfare or the safety or health of  
19 employees. This paragraph shall not be construed as authorizing  
20 the practice of engineering through an agent or employee who is  
21 not duly licensed under the provisions of this chapter.

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

26 2. Persons who are employees of any state, county,  
27 municipal, or other governmental unit of this state and who are  
28 the subordinates of a person in responsible charge licensed  
29 under this chapter, to the extent that the supervision meets  
30 standards adopted by rule of the board.

31 (c) Regular full-time employees of a corporation not  
32 engaged in the practice of engineering as such, whose practice  
33 of engineering for such corporation is limited to the design or  
34 fabrication of manufactured products and servicing of such  
35 products.

36 (d) Regular full-time employees of a public utility or  
37 other entity subject to regulation by the Florida Public Service  
38 Commission, Federal Energy Regulatory Commission, or Federal  
39 Communications Commission.



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

43 (f) Any person as contractor in the execution of work  
44 designed by a professional engineer or a professional structural  
45 engineer or in the supervision of the construction of work as a  
46 foreman or superintendent.

47 (g) A licensed surveyor and mapper who takes, or contracts  
48 for, professional engineering services incidental to her or his  
49 practice of surveying and mapping and who delegates such  
50 engineering services to a licensed professional engineer  
51 qualified within her or his firm or contracts for such  
52 professional engineering services to be performed by others who  
53 are licensed professional engineers under the provisions of this  
54 chapter.

55 (h) Any electrical, plumbing, air-conditioning, or  
56 mechanical contractor whose practice includes the design and  
57 fabrication of electrical, plumbing, air-conditioning, or  
58 mechanical systems, respectively, which she or he installs by  
59 virtue of a license issued under chapter 489, under former part  
60 I of chapter 553, Florida Statutes 2001, or under any special  
61 act or ordinance when working on any construction project which:

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

64 2.a. Requires an aggregate service capacity of 600 amperes  
65 (240 volts) or less on a residential electrical system or 800  
66 amperes (240 volts) or less on a commercial or industrial  
67 electrical system;

68 b. Requires a plumbing system with fewer than 250 fixture



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69 units; or

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

73 (i) Any general contractor, certified or registered  
74 pursuant to the provisions of chapter 489, when negotiating or  
75 performing services under a design-build contract as long as the  
76 engineering services offered or rendered in connection with the  
77 contract are offered and rendered by an engineer or professional  
78 structural engineer licensed in accordance with this chapter.

79 (j) Any defense, space, or aerospace company, whether a  
80 sole proprietorship, firm, limited liability company,  
81 partnership, joint venture, joint stock association,  
82 corporation, or other business entity, subsidiary, or affiliate,  
83 or any employee, contract worker, subcontractor, or independent  
84 contractor of the defense, space, or aerospace company who  
85 provides engineering for aircraft, space launch vehicles, launch  
86 services, satellites, satellite services, or other defense,  
87 space, or aerospace-related product or services, or components  
88 thereof.

89 Section 2. Present subsections (9) through (12) of section  
90 471.005, Florida Statutes, are redesignated as subsections (11)  
91 through (14), respectively, new subsections (9) and (10) are  
92 added to that section, and present subsection (10) of that  
93 section is amended, to read:

94 471.005 Definitions.—As used in this chapter, the term:

95 (9) "Professional structural engineer" means a person who  
96 is licensed to engage in the practice of professional structural  
97 engineering under this chapter.



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98           (10) "Professional structural engineering" means a service  
99 or creative work that includes the structural analysis and  
100 design of structural components or systems for threshold  
101 buildings as defined in s. 553.71. The term includes  
102 engineering, as defined in subsection (7), which requires  
103 significant structural engineering education, training,  
104 experience, and examination, as determined by the board.

105           ~~(12)-(10)~~ "Retired professional engineer," ~~or~~ "professional  
106 engineer, retired," "retired professional structural engineer,"  
107 or "professional structural engineer, retired" means a person  
108 who has been duly licensed as a professional engineer by the  
109 board and who chooses to relinquish or not to renew his or her  
110 license and applies to and is approved by the board to be  
111 granted the title "Professional Engineer, Retired" or  
112 "Professional Structural Engineer, Retired."

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

115           471.011 Fees.—

116           (1) The board by rule may establish fees to be paid for  
117 applications, examination, reexamination, licensing and renewal,  
118 inactive status application and reactivation of inactive  
119 licenses, and recordmaking and recordkeeping. The board may also  
120 establish by rule a delinquency fee. The board shall establish  
121 fees that are adequate to ensure the continued operation of the  
122 board. Fees shall be based on department estimates of the  
123 revenue required to implement this chapter and the provisions of  
124 law with respect to the regulation of engineers and professional  
125 structural engineers.

126           (6) The fee for a temporary registration or certificate to



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127 practice engineering or professional structural engineering  
128 shall not exceed \$25 for an individual or \$50 for a business  
129 firm.

130 Section 4. Paragraph (a) of subsection (2) of section  
131 471.013, Florida Statutes, is amended to read:

132 471.013 Examinations; prerequisites.—

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

136 1. There is a substantial connection between the lack of  
137 good moral character of the applicant and the professional  
138 responsibilities of a licensed engineer or licensed professional  
139 structural engineer; and

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

142 Section 5. Present subsections (3) through (7) of section  
143 471.015, Florida Statutes, are redesignated as subsections (4)  
144 through (8), respectively, a new subsection (3) is added to that  
145 section, and present subsection (3) of that section is amended,  
146 to read:

147 471.015 Licensure.—

148 (3) (a) The management corporation shall issue a  
149 professional structural engineer license to any applicant who  
150 the board certifies as qualified to practice professional  
151 structural engineering and who meets all of the following  
152 requirements:

153 1. Is licensed under this chapter as an engineer or is  
154 qualified for licensure as an engineer.

155 2. Submits an application in the format prescribed by the



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156 board.  
157 3. Pays a fee established by the board under s. 471.011.  
158 4. Provides satisfactory evidence of good moral character,  
159 as defined by the board.  
160 5. Provides a record of 4 years of active professional  
161 structural engineering experience, as defined by the board,  
162 under the supervision of a licensed professional engineer.  
163 6. Has successfully passed the 16-hour National Council of  
164 Examiners for Engineering and Surveying Structural Engineering  
165 examination.  
166 (b) Before March 1, 2022, an applicant who satisfies the  
167 requirements of subparagraphs (a)1.-4. may satisfy subparagraphs  
168 (a)5. and 6. by:  
169 1. Submitting a signed affidavit in the format prescribed  
170 by the board which states that the applicant is currently a  
171 licensed engineer in this state and has been engaged in the  
172 practice of professional structural engineering with a record of  
173 at least 4 years of active professional structural engineering  
174 design experience;  
175 2. Possessing a current professional engineering license  
176 and filing the necessary documentation as required by the board,  
177 or possessing a current threshold inspector license; and  
178 3. Agreeing to meet with the board or a representative of  
179 the board, upon the board's request, for the purpose of  
180 evaluating the applicant's qualifications for licensure.  
181 (c) An applicant who is qualified for licensure as an  
182 engineer under s. 471.013 may simultaneously apply for licensure  
183 as a professional structural engineer if all requirements of s.  
184 471.013 and this subsection are met.



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185        (4)~~(3)~~ The board shall certify as qualified for a license  
186 ~~by endorsement an applicant who:~~

187        (a) In engineering, by endorsement, an applicant who  
188 qualifies to take the fundamentals examination and the  
189 principles and practice examination as set forth in s. 471.013,  
190 has passed a United States national, regional, state, or  
191 territorial licensing examination that is substantially  
192 equivalent to the fundamentals examination and principles and  
193 practice examination required by s. 471.013, and has satisfied  
194 the experience requirements set forth in paragraph (2)(a) and s.  
195 471.013; ~~or~~

196        (b) In engineering or professional structural engineering,  
197 by endorsement, an applicant who holds a valid license to  
198 practice engineering, or, for professional structural  
199 engineering, an applicant who holds a valid license to practice  
200 professional structural engineering, issued by another state or  
201 territory of the United States, if the criteria for issuance of  
202 the license were substantially the same as the licensure  
203 criteria that existed in this state at the time the license was  
204 issued; or

205        (c) In professional structural engineering, by endorsement,  
206 an applicant who holds a valid license to practice professional  
207 structural engineering issued by another state or territory of  
208 the United States and who has successfully passed one of the  
209 following 16-hour examination combinations:

210        1. The 8-hour National Council of Examiners for Engineering  
211 and Surveying Structural Engineering I examination and the 8-  
212 hour National Council of Examiners for Engineering and Surveying  
213 Structural Engineering II examination.





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214           2. The 8-hour National Council of Examiners for Engineering  
215 and Surveying Structural Engineering II examination and either  
216 the 8-hour National Council of Examiners for Engineering and  
217 Surveying Civil: Structural examination or the 8-hour National  
218 Council of Examiners for Engineering and Surveying Architectural  
219 Engineering examination.

220           3. The 16-hour Western States Structural Engineering  
221 examination.

222           4. The 8-hour National Council of Examiners for Engineering  
223 and Surveying Structural Engineering II examination and either  
224 the 8-hour California Structural Engineering Seismic III  
225 examination or the 8-hour Washington Structural Engineering III  
226 examination.

227           Section 6. Section 471.019, Florida Statutes, is amended to  
228 read:

229           471.019 Reactivation.—The board shall establish by rule a  
230 reinstatement process for void licenses. The rule shall  
231 prescribe appropriate continuing education requirements for  
232 reactivating a license. The continuing education requirements  
233 for reactivating a license for a licensed engineer or a licensed  
234 professional structural engineer may not exceed the continuing  
235 education requirements prescribed pursuant to s. 471.017 for  
236 each year the license was inactive.

237           Section 7. Subsection (2) of section 471.025, Florida  
238 Statutes, is amended to read:

239           471.025 Seals.—

240           (2) It is unlawful for any person to seal or digitally sign  
241 any document with a seal or digital signature after his or her  
242 license has expired or been revoked or suspended, unless such



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243 license is ~~has been~~ reinstated or reissued. When an engineer's  
244 or professional structural engineer's license is ~~has been~~  
245 revoked or suspended by the board, the licensee shall, within a  
246 period of 30 days after the revocation or suspension has become  
247 effective, surrender his or her seal to the executive director  
248 of the board and confirm to the executive director the  
249 cancellation of the licensee's digital signature in accordance  
250 with ss. 668.001-668.006. In the event the engineer's license  
251 has been suspended for a period of time, his or her seal shall  
252 be returned to him or her upon expiration of the suspension  
253 period.

254 Section 8. Present paragraphs (b) through (g) of subsection  
255 (1) of section 471.031, Florida Statutes, are redesignated as  
256 paragraphs (c) through (h), respectively, a new paragraph (b) is  
257 added to that subsection, and present paragraph (b) of that  
258 subsection is amended, to read:

259 471.031 Prohibitions; penalties.-

260 (1) A person may not:

261 (b) Beginning March 1, 2022, practice professional  
262 structural engineering unless the person is licensed as a  
263 professional structural engineer or exempt from licensure under  
264 this chapter.

265 (c) ~~(b)~~1. Except as provided in subparagraph 2. or  
266 subparagraph 3., use the name or title "professional engineer"  
267 or any other title, designation, words, letters, abbreviations,  
268 or device tending to indicate that such person holds an active  
269 license as an engineer when the person is not licensed under  
270 this chapter, including, but not limited to, the following  
271 titles: "agricultural engineer," "air-conditioning engineer,"



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272 "architectural engineer," "building engineer," "chemical  
273 engineer," "civil engineer," "control systems engineer,"  
274 "electrical engineer," "environmental engineer," "fire  
275 protection engineer," "industrial engineer," "manufacturing  
276 engineer," "mechanical engineer," "metallurgical engineer,"  
277 "mining engineer," "minerals engineer," "marine engineer,"  
278 "nuclear engineer," "petroleum engineer," "plumbing engineer,"  
279 "structural engineer," "transportation engineer," "software  
280 engineer," "computer hardware engineer," or "systems engineer."

281 2. Any person who is exempt from licensure under s.  
282 471.003(2)(j) may use the title or personnel classification of  
283 "engineer" in the scope of his or her work under that exemption  
284 if the title does not include or connote the term "licensed  
285 engineer," "professional engineer," "registered engineer,"  
286 "licensed professional engineer," ~~"licensed engineer,"~~  
287 "registered professional engineer," "licensed structural  
288 engineer," "professional structural engineer," or "registered  
289 structural engineer ~~or "licensed professional engineer."~~

290 3. Any person who is exempt from licensure under s.  
291 471.003(2)(c) or (e) may use the title or personnel  
292 classification of "engineer" in the scope of his or her work  
293 under that exemption if the title does not include or connote  
294 the term "licensed engineer," "professional engineer,"  
295 "registered engineer," "licensed professional engineer,"  
296 ~~"licensed engineer,"~~ "registered professional engineer,"  
297 "licensed structural engineer," "professional structural  
298 engineer," "registered structural engineer," or "structural  
299 engineer," ~~or "licensed professional engineer"~~ and if that  
300 person is a graduate from an approved engineering curriculum of



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301 4 years or more in a school, college, or university which has  
302 been approved by the board.

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

306 471.033 Disciplinary proceedings.—

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

309 (b) Attempting to procure a license to practice engineering  
310 or professional structural engineering by bribery or fraudulent  
311 misrepresentations.

312 (c) Having a license to practice engineering or  
313 professional structural engineering revoked, suspended, or  
314 otherwise acted against, including the denial of licensure, by  
315 the licensing authority of another state, territory, or country,  
316 for any act that would constitute a violation of this chapter or  
317 chapter 455.

318 (d) Being convicted or found guilty of, or entering a plea  
319 of nolo contendere to, regardless of adjudication, a crime in  
320 any jurisdiction which directly relates to the practice of  
321 engineering, professional structural engineering, or the ability  
322 to practice engineering or professional structural engineering.

323 (e) Making or filing a report or record that the licensee  
324 knows to be false, willfully failing to file a report or record  
325 required by state or federal law, willfully impeding or  
326 obstructing such filing, or inducing another person to impede or  
327 obstruct such filing. Such reports or records include only those  
328 which ~~that~~ are signed in the capacity of a licensed engineer or  
329 licensed professional structural engineer.



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330 (g) Engaging in fraud or deceit, negligence, incompetence,  
331 or misconduct, in the practice of engineering or professional  
332 structural engineering.

333 (4) The management corporation shall reissue the license of  
334 a disciplined engineer, professional structural engineer, or  
335 business upon certification by the board that the disciplined  
336 person has complied with all of the terms and conditions set  
337 forth in the final order.

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

340 471.037 Effect of chapter locally.-

341 (1) Nothing contained in this chapter shall be construed to  
342 repeal, amend, limit, or otherwise affect any local building  
343 code or zoning law or ordinance, now or hereafter enacted, which  
344 is more restrictive with respect to the services of licensed  
345 engineers or licensed professional structural engineers than the  
346 provisions of this

347  
348 ===== T I T L E A M E N D M E N T =====

349 And the title is amended as follows:

350 Delete lines 5 - 30

351 and insert:

352 prohibiting a person who is not a licensed  
353 professional structural engineer from using specified  
354 names and titles or practicing professional structural  
355 engineering, after a specified date; exempting certain  
356 persons from licensing requirements; amending s.

357 471.005, F.S.; defining terms; revising definitions;

358 amending s. 471.011, F.S.; authorizing the Board of



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359 Professional Engineers to establish fees relating to  
360 professional structural engineering licensing;  
361 amending s. 471.013, F.S.; authorizing the board to  
362 refuse to certify an applicant for a professional  
363 structural engineering license for certain reasons;  
364 amending s. 471.015, F.S.; providing licensure and  
365 application requirements for a professional structural  
366 engineer license; exempting certain applicants who  
367 apply for licensure before a specified date from  
368 passage of a certain national examination, under  
369 certain conditions; requiring the board to certify  
370 certain applicants for licensure by endorsement;  
371 amending ss. 471.019 and 471.025, F.S.; conforming  
372 provisions to changes made by the act; amending s.  
373 471.031, F.S.; prohibiting certain persons from  
374 practicing professional structural engineering after a  
375 specified date; prohibiting specified persons from  
376 using specified names and titles; amending s. 471.033,  
377 F.S.; providing acts that constitute grounds for  
378 disciplinary action, including civil penalties,  
379 against a professional structural engineer;