

By Senator Baxley

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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

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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

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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

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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

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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

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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:

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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 character  
184 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

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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



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

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

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

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

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

267       Section 6. Section 471.019, Florida Statutes, is amended to  
268 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 sign  
281 any document with a seal or digital signature after his or her  
282 license has expired or been revoked or suspended, unless such  
283 license is ~~has been~~ reinstated or reissued. When an engineer's  
284 or structural engineer's license is ~~has been~~ revoked or  
285 suspended by the board, the licensee shall, within a period of  
286 30 days after the revocation or suspension has become effective,  
287 surrender his or her seal to the executive director of the board  
288 and confirm to the executive director the cancellation of the  
289 licensee's digital signature in accordance with ss. 668.001-  
290 668.006. In the event the engineer's license has been suspended

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291 for a period of time, his or her seal shall be returned to him  
292 or her upon expiration of the suspension period.

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

298 471.031 Prohibitions; penalties.—

299 (1) A person may not:

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

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

319 2. Any person who is exempt from licensure under s.

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320 471.003(2)(j) may use the title or personnel classification of  
321 "engineer" in the scope of his or her work under that exemption  
322 if the title does not include or connote the term "licensed  
323 engineer," "professional engineer," "registered engineer,"  
324 "licensed professional engineer," ~~"licensed engineer,"~~  
325 "registered professional engineer," "licensed structural  
326 engineer," "professional structural engineer," or "registered  
327 structural engineer ~~or "licensed professional engineer."~~

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

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

344 471.033 Disciplinary proceedings.—

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

347 (b) Attempting to procure a license to practice engineering  
348 or structural engineering by bribery or fraudulent

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349 misrepresentations.

350 (c) Having a license to practice engineering or structural  
351 engineering revoked, suspended, or otherwise acted against,  
352 including the denial of licensure, by the licensing authority of  
353 another state, territory, or country~~7~~ for any act that would  
354 constitute a violation of this chapter or chapter 455.

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

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

367 (g) Engaging in fraud or deceit, negligence, incompetence,  
368 or misconduct~~7~~ in the practice of engineering or structural  
369 engineering.

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

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

377 471.037 Effect of chapter locally.—

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

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

386 471.0385 Court action; effect.—If any provision of s.  
387 471.038 is held to be unconstitutional or is held to violate the  
388 state or federal antitrust laws, the following shall occur:

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

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