

By the Committee on Innovation, Industry, and Technology; and
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
6 professional structural engineer from using specified
7 names and titles or practicing professional structural
8 engineering, after a specified date; exempting certain
9 persons from licensing requirements; amending s.
10 471.005, F.S.; defining terms; revising definitions;
11 amending s. 471.011, F.S.; authorizing the Board of
12 Professional Engineers to establish fees relating to
13 professional structural engineering licensing;
14 amending s. 471.013, F.S.; authorizing the board to
15 refuse to certify an applicant for a professional
16 structural engineering license for certain reasons;
17 amending s. 471.015, F.S.; providing licensure and
18 application requirements for a professional structural
19 engineer license; exempting certain applicants who
20 apply for licensure before a specified date from
21 passage of a certain national examination, under
22 certain conditions; requiring the board to certify
23 certain applicants for licensure by endorsement;
24 amending ss. 471.019 and 471.025, F.S.; conforming
25 provisions to changes made by the act; amending s.
26 471.031, F.S.; prohibiting certain persons from
27 practicing professional structural engineering after a
28 specified date; prohibiting specified persons from
29 using specified names and titles; amending s. 471.033,

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30 F.S.; providing acts that constitute grounds for
31 disciplinary action, including civil penalties,
32 against a professional structural engineer; amending
33 ss. 471.037 and 471.0385, F.S.; conforming provisions
34 to changes made by the act; providing an effective
35 date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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

41 471.003 Qualifications for practice; exemptions.—

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

48 (b) Effective March 1, 2022, no person other than a duly
49 licensed professional structural engineer shall engage in the
50 practice of professional structural engineering or use the name
51 or title of "licensed structural engineer," "professional
52 structural engineer," or "registered structural engineer" or any
53 other title, designation, words, letters, abbreviations, or
54 device tending to indicate that such person holds an active
55 license as a professional structural engineer in this state.

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

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

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

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

75 (c) Regular full-time employees of a corporation not
76 engaged in the practice of engineering as such, whose practice
77 of engineering for such corporation is limited to the design or
78 fabrication of manufactured products and servicing of such
79 products.

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

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

87 (f) Any person as contractor in the execution of work

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88 designed by a professional engineer or a professional structural
89 engineer or in the supervision of the construction of work as a
90 foreman or superintendent.

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

99 (h) Any electrical, plumbing, air-conditioning, or
100 mechanical contractor whose practice includes the design and
101 fabrication of electrical, plumbing, air-conditioning, or
102 mechanical systems, respectively, which she or he installs by
103 virtue of a license issued under chapter 489, under former part
104 I of chapter 553, Florida Statutes 2001, or under any special
105 act or ordinance when working on any construction project which:

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

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

112 b. Requires a plumbing system with fewer than 250 fixture
113 units; or

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

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

123 (j) Any defense, space, or aerospace company, whether a
124 sole proprietorship, firm, limited liability company,
125 partnership, joint venture, joint stock association,
126 corporation, or other business entity, subsidiary, or affiliate,
127 or any employee, contract worker, subcontractor, or independent
128 contractor of the defense, space, or aerospace company who
129 provides engineering for aircraft, space launch vehicles, launch
130 services, satellites, satellite services, or other defense,
131 space, or aerospace-related product or services, or components
132 thereof.

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

138 471.005 Definitions.—As used in this chapter, the term:

139 (9) “Professional structural engineer” means a person who
140 is licensed to engage in the practice of professional structural
141 engineering under this chapter.

142 (10) “Professional structural engineering” means a service
143 or creative work that includes the structural analysis and
144 design of structural components or systems for threshold
145 buildings as defined in s. 553.71. The term includes

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146 engineering, as defined in subsection (7), which requires
147 significant structural engineering education, training,
148 experience, and examination, as 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 professional
169 structural engineers.

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

174 Section 4. Paragraph (a) of subsection (2) of section

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175 471.013, Florida Statutes, is amended to read:

176 471.013 Examinations; prerequisites.—

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

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

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

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

191 471.015 Licensure.—

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

197 1. Is licensed under this chapter as an engineer or is
198 qualified for licensure as an engineer.

199 2. Submits an application in the format prescribed by the
200 board.

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

202 4. Provides satisfactory evidence of good moral character,
203 as defined by the board.

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

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

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

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

219 2. Possessing a current professional engineering license
220 and filing the necessary documentation as required by the board,
221 or possessing a current threshold inspector license; and

222 3. Agreeing to meet with the board or a representative of
223 the board, upon the board's request, for the purpose of
224 evaluating the applicant's qualifications for licensure.

225 (c) An applicant who is qualified for licensure as an
226 engineer under s. 471.013 may simultaneously apply for licensure
227 as a professional structural engineer if all requirements of s.
228 471.013 and this subsection are met.

229 (4)~~(3)~~ The board shall certify as qualified for a license
230 by endorsement an applicant who:

231 (a) In engineering, by endorsement, an applicant who
232 qualifies to take the fundamentals examination and the

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233 principles and practice examination as set forth in s. 471.013,
234 has passed a United States national, regional, state, or
235 territorial licensing examination that is substantially
236 equivalent to the fundamentals examination and principles and
237 practice examination required by s. 471.013, and has satisfied
238 the experience requirements set forth in paragraph (2) (a) and s.
239 471.013; ~~or~~

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

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

254 1. The 8-hour National Council of Examiners for Engineering
255 and Surveying Structural Engineering I examination and the 8-
256 hour National Council of Examiners for Engineering and Surveying
257 Structural Engineering II examination.

258 2. The 8-hour National Council of Examiners for Engineering
259 and Surveying Structural Engineering II examination and either
260 the 8-hour National Council of Examiners for Engineering and
261 Surveying Civil: Structural examination or the 8-hour National

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262 Council of Examiners for Engineering and Surveying Architectural
263 Engineering examination.

264 3. The 16-hour Western States Structural Engineering
265 examination.

266 4. The 8-hour National Council of Examiners for Engineering
267 and Surveying Structural Engineering II examination and either
268 the 8-hour California Structural Engineering Seismic III
269 examination or the 8-hour Washington Structural Engineering III
270 examination.

271 Section 6. Section 471.019, Florida Statutes, is amended to
272 read:

273 471.019 Reactivation.—The board shall establish by rule a
274 reinstatement process for void licenses. The rule shall
275 prescribe appropriate continuing education requirements for
276 reactivating a license. The continuing education requirements
277 for reactivating a license for a licensed engineer or a licensed
278 professional structural engineer may not exceed the continuing
279 education requirements prescribed pursuant to s. 471.017 for
280 each year the license was inactive.

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

283 471.025 Seals.—

284 (2) It is unlawful for any person to seal or digitally sign
285 any document with a seal or digital signature after his or her
286 license has expired or been revoked or suspended, unless such
287 license is ~~has been~~ reinstated or reissued. When an engineer's
288 or professional structural engineer's license is ~~has been~~
289 revoked or suspended by the board, the licensee shall, within a
290 period of 30 days after the revocation or suspension has become

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291 effective, surrender his or her seal to the executive director
292 of the board and confirm to the executive director the
293 cancellation of the licensee's digital signature in accordance
294 with ss. 668.001-668.006. In the event the engineer's license
295 has been suspended for a period of time, his or her seal shall
296 be returned to him or her upon expiration of the suspension
297 period.

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

303 471.031 Prohibitions; penalties.—

304 (1) A person may not:

305 (b) Beginning March 1, 2022, practice professional
306 structural engineering unless the person is licensed as a
307 professional structural engineer or exempt from licensure under
308 this chapter.

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

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320 engineer," "mechanical engineer," "metallurgical engineer,"
 321 "mining engineer," "minerals engineer," "marine engineer,"
 322 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
 323 "structural engineer," "transportation engineer," "software
 324 engineer," "computer hardware engineer," or "systems engineer."

325 2. Any person who is exempt from licensure under s.
 326 471.003(2)(j) may use the title or personnel classification of
 327 "engineer" in the scope of his or her work under that exemption
 328 if the title does not include or connote the term "licensed
 329 engineer," "professional engineer," "registered engineer,"
 330 "licensed professional engineer," ~~"licensed engineer,"~~
 331 "registered professional engineer," "licensed structural
 332 engineer," "professional structural engineer," or "registered
 333 structural engineer or ~~"licensed professional engineer."~~

334 3. Any person who is exempt from licensure under s.
 335 471.003(2)(c) or (e) may use the title or personnel
 336 classification of "engineer" in the scope of his or her work
 337 under that exemption if the title does not include or connote
 338 the term "licensed engineer," "professional engineer,"
 339 "registered engineer," "licensed professional engineer,"
 340 ~~"licensed engineer,"~~ "registered professional engineer,"
 341 "licensed structural engineer," "professional structural
 342 engineer," "registered structural engineer," or "structural
 343 engineer," or ~~"licensed professional engineer"~~ and if that
 344 person is a graduate from an approved engineering curriculum of
 345 4 years or more in a school, college, or university which has
 346 been approved by the board.

347 Section 9. Paragraphs (b) through (e) and (g) of subsection
 348 (1) and subsection (4) of section 471.033, Florida Statutes, are

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349 amended to read:

350 471.033 Disciplinary proceedings.—

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

353 (b) Attempting to procure a license to practice engineering
354 or professional structural engineering by bribery or fraudulent
355 misrepresentations.

356 (c) Having a license to practice engineering or
357 professional structural engineering revoked, suspended, or
358 otherwise acted against, including the denial of licensure, by
359 the licensing authority of another state, territory, or country,
360 for any act that would constitute a violation of this chapter or
361 chapter 455.

362 (d) Being convicted or found guilty of, or entering a plea
363 of nolo contendere to, regardless of adjudication, a crime in
364 any jurisdiction which directly relates to the practice of
365 engineering, professional structural engineering, or the ability
366 to practice engineering or professional structural engineering.

367 (e) Making or filing a report or record that the licensee
368 knows to be false, willfully failing to file a report or record
369 required by state or federal law, willfully impeding or
370 obstructing such filing, or inducing another person to impede or
371 obstruct such filing. Such reports or records include only those
372 which ~~that~~ are signed in the capacity of a licensed engineer or
373 licensed professional structural engineer.

374 (g) Engaging in fraud or deceit, negligence, incompetence,
375 or misconduct, in the practice of engineering or professional
376 structural engineering.

377 (4) The management corporation shall reissue the license of

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378 a disciplined engineer, professional structural engineer, or
379 business upon certification by the board that the disciplined
380 person has complied with all of the terms and conditions set
381 forth in the final order.

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

384 471.037 Effect of chapter locally.—

385 (1) Nothing contained in this chapter shall be construed to
386 repeal, amend, limit, or otherwise affect any local building
387 code or zoning law or ordinance, now or hereafter enacted, which
388 is more restrictive with respect to the services of licensed
389 engineers or licensed professional structural engineers than the
390 provisions of this chapter.

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

393 471.0385 Court action; effect.—If any provision of s.
394 471.038 is held to be unconstitutional or is held to violate the
395 state or federal antitrust laws, the following shall occur:

396 (3) The Executive Office of the Governor, notwithstanding
397 chapter 216, is authorized to reestablish positions, budget
398 authority, and salary rate necessary to carry out the
399 department's responsibilities related to the regulation of
400 professional engineers and professional structural engineers.

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