

By Senator Baxley

12-00283C-21

2021572\_\_

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, after a specified date, a person who is  
6       not a licensed professional structural engineer from  
7       using specified names and titles or practicing  
8       professional structural engineering; exempting certain  
9       persons from licensing requirements; amending s.  
10      471.005, F.S.; defining terms; revising definitions;  
11      amending s. 471.013, F.S.; authorizing the Board of  
12      Professional Engineers to refuse to certify an  
13      applicant for a professional structural engineer  
14      license for certain reasons; amending s. 471.015,  
15      F.S.; providing licensure and application requirements  
16      for a professional structural engineer license;  
17      exempting certain applicants who apply for licensure  
18      before a specified date from having to pass a certain  
19      national examination, under certain conditions;  
20      requiring the board to certify certain applicants for  
21      licensure by endorsement; amending ss. 471.019 and  
22      471.025, F.S.; conforming provisions to changes made  
23      by the act; amending s. 471.031, F.S.; prohibiting  
24      certain persons from practicing professional  
25      structural engineering after a specified date;  
26      prohibiting specified persons from using specified  
27      names and titles; amending s. 471.033, F.S.;  
28      specifying acts that constitute grounds for  
29      disciplinary action, including civil penalties,

12-00283C-21

2021572\_\_

30 against a professional structural engineer; amending  
31 ss. 471.037 and 471.0385, F.S.; conforming provisions  
32 to changes made by the act; providing an effective  
33 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, 2023, no person other than a duly  
47 licensed professional structural engineer shall engage in the  
48 practice of professional structural engineering or use the name  
49 or title of "licensed structural engineer," "professional  
50 structural engineer," or "registered structural engineer" or any  
51 other title, designation, words, letters, abbreviations, or  
52 device tending to indicate that such person holds an active  
53 license as a professional 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 professional structural engineer:

57 (a) Any person practicing engineering for the improvement  
58 of, or otherwise affecting, property legally owned by her or

12-00283C-21

2021572\_\_

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

12-00283C-21

2021572\_\_

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

12-00283C-21

2021572\_\_

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 a  
120 professional structural engineer licensed in accordance with  
121 this chapter.

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

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

137 471.005 Definitions.—As used in this chapter, the term:

138 (10) "Professional structural engineer" means a person who  
139 is licensed to engage in the practice of professional structural  
140 engineering under this chapter.

141 (11) "Professional structural engineering" means a service  
142 or creative work that includes the structural analysis and  
143 design of structural components or systems for threshold  
144 buildings as defined in s. 553.71. The term includes  
145 engineering, as defined in subsection (7), which requires

12-00283C-21

2021572\_\_

146 significant structural engineering education, training,  
 147 experience, and examination, as determined by the board.

148 (12)~~(10)~~ "Retired professional engineer," ~~or~~ "professional  
 149 engineer, retired," "retired professional structural engineer,"  
 150 or "professional structural engineer, retired" means a person  
 151 who has been duly licensed as a professional engineer by the  
 152 board and who chooses to relinquish or not to renew his or her  
 153 license and applies to and is approved by the board to be  
 154 granted the title "Professional Engineer, Retired" or  
 155 "Professional Structural Engineer, Retired."

156 Section 3. Paragraph (a) of subsection (2) of section  
 157 471.013, Florida Statutes, is amended to read:

158 471.013 Examinations; prerequisites.—

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

162 1. There is a substantial connection between the lack of  
 163 good moral character of the applicant and the professional  
 164 responsibilities of a licensed engineer or licensed professional  
 165 structural engineer; and

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

168 Section 4. Present subsections (3) through (7) of section  
 169 471.015, Florida Statutes, are redesignated as subsections (4)  
 170 through (8), respectively, a new subsection (3) is added to that  
 171 section, and present subsection (3) of that section is amended,  
 172 to read:

173 471.015 Licensure.—

174 (3) (a) The management corporation shall issue a

12-00283C-21

2021572\_\_

175 professional structural engineer license to any applicant whom  
176 the board certifies as qualified to practice professional  
177 structural engineering and who meets all of the following  
178 requirements:

179 1. Is licensed under this chapter as an engineer or is  
180 qualified for licensure as an engineer.

181 2. Submits an application in the format prescribed by the  
182 board.

183 3. Provides satisfactory evidence of good moral character,  
184 as defined by the board.

185 4. Provides a record of 4 years of active structural  
186 engineering experience, as defined by the board, under the  
187 supervision of a licensed professional engineer.

188 5. Has successfully passed the 16-hour National Council of  
189 Examiners for Engineering and Surveying Structural Engineering  
190 examination.

191 (b) Before March 1, 2023, an applicant who satisfies the  
192 requirements of subparagraphs (a)1.-3. may satisfy subparagraphs  
193 (a)4. and 5. by:

194 1. Submitting a signed affidavit in the format prescribed  
195 by the board which states that the applicant is currently a  
196 licensed engineer in this state and has been engaged in the  
197 practice of professional structural engineering with a record of  
198 at least 4 years of active structural engineering design  
199 experience;

200 2. Possessing a current professional engineering license  
201 and filing the necessary documentation as required by the board,  
202 or possessing a current threshold inspector license; and

203 3. Agreeing to meet with the board or a representative of

12-00283C-21

2021572\_\_

204 the board, upon the board's request, for the purpose of  
205 evaluating the applicant's qualifications for licensure.

206 (c) An applicant who is qualified for licensure as an  
207 engineer under s. 471.013 may simultaneously apply for licensure  
208 as a professional structural engineer if all requirements of s.  
209 471.013 and this subsection are met.

210 (4)(3) The board shall certify as qualified for a license  
211 by endorsement an applicant who:

212 (a) In engineering, by endorsement, an applicant who  
213 qualifies to take the fundamentals examination and the  
214 principles and practice examination as set forth in s. 471.013,  
215 has passed a United States national, regional, state, or  
216 territorial licensing examination that is substantially  
217 equivalent to the fundamentals examination and principles and  
218 practice examination required by s. 471.013, and has satisfied  
219 the experience requirements set forth in paragraph (2)(a) and s.  
220 471.013; or

221 (b) In engineering or professional structural engineering,  
222 by endorsement, an applicant who holds a valid license to  
223 practice engineering, or, for professional structural  
224 engineering, an applicant who holds a valid license to practice  
225 professional structural engineering, issued by another state or  
226 territory of the United States, if the criteria for issuance of  
227 the license were substantially the same as the licensure  
228 criteria that existed in this state at the time the license was  
229 issued; or

230 (c) In professional structural engineering, by endorsement,  
231 an applicant who holds a valid license to practice professional  
232 structural engineering issued by another state or territory of



12-00283C-21

2021572\_\_

233 the United States and who has successfully passed one of the  
234 following 16-hour examination combinations:

235 1. The 8-hour National Council of Examiners for Engineering  
236 and Surveying Structural Engineering I examination and the 8-  
237 hour National Council of Examiners for Engineering and Surveying  
238 Structural Engineering II examination.

239 2. The 8-hour National Council of Examiners for Engineering  
240 and Surveying Structural Engineering II examination and either  
241 the 8-hour National Council of Examiners for Engineering and  
242 Surveying Civil: Structural examination or the 8-hour National  
243 Council of Examiners for Engineering and Surveying Architectural  
244 Engineering examination.

245 3. The 16-hour Western States Structural Engineering  
246 examination.

247 4. The 8-hour National Council of Examiners for Engineering  
248 and Surveying Structural Engineering II examination and either  
249 the 8-hour California Structural Engineering Seismic III  
250 examination or the 8-hour Washington Structural Engineering III  
251 examination.

252 Section 5. Section 471.019, Florida Statutes, is amended to  
253 read:

254 471.019 Reactivation.—The board shall establish by rule a  
255 reinstatement process for void licenses. The rule shall  
256 prescribe appropriate continuing education requirements for  
257 reactivating a license. The continuing education requirements  
258 for reactivating a license for a licensed engineer or a licensed  
259 professional structural engineer may not exceed the continuing  
260 education requirements prescribed pursuant to s. 471.017 for  
261 each year the license was inactive.

12-00283C-21

2021572\_\_

262 Section 6. Subsection (2) of section 471.025, Florida  
263 Statutes, is amended to read:

264 471.025 Seals.—

265 (2) It is unlawful for any person to seal or digitally sign  
266 any document with a seal or digital signature after his or her  
267 license has expired or been revoked or suspended, unless such  
268 license is ~~has been~~ reinstated or reissued. When an engineer's  
269 or a professional structural engineer's license is ~~has been~~  
270 revoked or suspended by the board, the licensee shall, within a  
271 period of 30 days after the revocation or suspension has become  
272 effective, surrender his or her seal to the executive director  
273 of the board and confirm to the executive director the  
274 cancellation of the licensee's digital signature in accordance  
275 with ss. 668.001-668.006. In the event the engineer's license  
276 has been suspended for a period of time, his or her seal shall  
277 be returned to him or her upon expiration of the suspension  
278 period.

279 Section 7. Present paragraphs (b) through (g) of subsection  
280 (1) of section 471.031, Florida Statutes, are redesignated as  
281 paragraphs (c) through (h), respectively, a new paragraph (b) is  
282 added to that subsection, and present paragraph (b) of that  
283 subsection is amended, to read:

284 471.031 Prohibitions; penalties.—

285 (1) A person may not:

286 (b) Beginning March 1, 2023, practice professional  
287 structural engineering unless the person is licensed as a  
288 professional structural engineer or is exempt from licensure  
289 under this chapter.

290 (c) ~~(b)~~1. Except as provided in subparagraph 2. or

12-00283C-21

2021572\_\_

291 subparagraph 3., use the name or title "professional engineer"  
292 or any other title, designation, words, letters, abbreviations,  
293 or device tending to indicate that such person holds an active  
294 license as an engineer when the person is not licensed under  
295 this chapter, including, but not limited to, the following  
296 titles: "agricultural engineer," "air-conditioning engineer,"  
297 "architectural engineer," "building engineer," "chemical  
298 engineer," "civil engineer," "control systems engineer,"  
299 "electrical engineer," "environmental engineer," "fire  
300 protection engineer," "industrial engineer," "manufacturing  
301 engineer," "mechanical engineer," "metallurgical engineer,"  
302 "mining engineer," "minerals engineer," "marine engineer,"  
303 "nuclear engineer," "petroleum engineer," "plumbing engineer,"  
304 "structural engineer," "transportation engineer," "software  
305 engineer," "computer hardware engineer," or "systems engineer."

306 2. Any person who is exempt from licensure under s.  
307 471.003(2)(j) may use the title or personnel classification of  
308 "engineer" in the scope of his or her work under that exemption  
309 if the title does not include or connote the term "licensed  
310 engineer," "professional engineer," "registered engineer,"  
311 "licensed professional engineer," ~~"licensed engineer,"~~  
312 "registered professional engineer," "licensed structural  
313 engineer," "professional structural engineer," or "registered  
314 structural engineer or ~~"licensed professional engineer."~~

315 3. Any person who is exempt from licensure under s.  
316 471.003(2)(c) or (e) may use the title or personnel  
317 classification of "engineer" in the scope of his or her work  
318 under that exemption if the title does not include or connote  
319 the term "licensed engineer," "professional engineer,"

12-00283C-21

2021572\_\_

320 "registered engineer," "licensed professional engineer,"  
321 ~~"licensed engineer,"~~ "registered professional engineer,"  
322 "licensed structural engineer," "professional structural  
323 engineer," "registered structural engineer," or "structural  
324 engineer," ~~or "licensed professional engineer"~~ and if that  
325 person is a graduate from an approved engineering curriculum of  
326 4 years or more in a school, college, or university which has  
327 been approved by the board.

328 Section 8. Paragraphs (b) through (e) and (g) of subsection  
329 (1) and subsection (4) of section 471.033, Florida Statutes, are  
330 amended to read:

331 471.033 Disciplinary proceedings.—

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

334 (b) Attempting to procure a license to practice engineering  
335 or professional structural engineering by bribery or fraudulent  
336 misrepresentations.

337 (c) Having a license to practice engineering or  
338 professional structural engineering revoked, suspended, or  
339 otherwise acted against, including the denial of licensure, by  
340 the licensing authority of another state, territory, or country,  
341 for any act that would constitute a violation of this chapter or  
342 chapter 455.

343 (d) Being convicted or found guilty of, or entering a plea  
344 of nolo contendere to, regardless of adjudication, a crime in  
345 any jurisdiction which directly relates to the practice of  
346 engineering, professional structural engineering, or the ability  
347 to practice engineering or professional structural engineering.

348 (e) Making or filing a report or record that the licensee

12-00283C-21

2021572\_\_

349 knows to be false, willfully failing to file a report or record  
350 required by state or federal law, willfully impeding or  
351 obstructing such filing, or inducing another person to impede or  
352 obstruct such filing. Such reports or records include only those  
353 which ~~that~~ are signed in the capacity of a licensed engineer or  
354 licensed professional structural engineer.

355 (g) Engaging in fraud or deceit, negligence, incompetence,  
356 or misconduct, ~~in the practice of engineering~~ or professional  
357 structural engineering.

358 (4) The management corporation shall reissue the license of  
359 a disciplined engineer, professional structural engineer, or  
360 business upon certification by the board that the disciplined  
361 person has complied with all of the terms and conditions set  
362 forth in the final order.

363 Section 9. Subsection (1) of section 471.037, Florida  
364 Statutes, is amended to read:

365 471.037 Effect of chapter locally.—

366 (1) Nothing contained in this chapter shall be construed to  
367 repeal, amend, limit, or otherwise affect any local building  
368 code or zoning law or ordinance, now or hereafter enacted, which  
369 is more restrictive with respect to the services of licensed  
370 engineers or licensed professional structural engineers than the  
371 provisions of this chapter.

372 Section 10. Subsection (3) of section 471.0385, Florida  
373 Statutes, is amended to read:

374 471.0385 Court action; effect.—If any provision of s.  
375 471.038 is held to be unconstitutional or is held to violate the  
376 state or federal antitrust laws, the following shall occur:

377 (3) The Executive Office of the Governor, notwithstanding

12-00283C-21

2021572\_\_

378 chapter 216, is authorized to reestablish positions, budget  
379 authority, and salary rate necessary to carry out the  
380 department's responsibilities related to the regulation of  
381 professional engineers and professional structural engineers.

382 Section 11. This act shall take effect July 1, 2021.