

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,
 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:

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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
59 him, unless such practice involves a public utility or the
60 public health, safety, or welfare or the safety or health of
61 employees. This paragraph shall not be construed as authorizing
62 the practice of engineering through an agent or employee who is
63 not duly licensed under the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 (i) Any general contractor, certified or registered
116 pursuant to the provisions of chapter 489, when negotiating or
117 performing services under a design-build contract as long as the
118 engineering services offered or rendered in connection with the
119 contract are offered and rendered by an engineer or 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
133 section 471.005, Florida Statutes, are redesignated as
134 subsections (12) through (14), respectively, new subsections
135 (10) and (11) are added to that section, and present subsection
136 (10) of that 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
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

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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
167 character 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
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.-4. may satisfy subparagraph
193 (a)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
 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
231 endorsement, an applicant who holds a valid license to practice
232 professional structural engineering issued by another state or
233 territory of the United States and who has successfully passed
234 one of the following 16-hour examination combinations:

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

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

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

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

251 III examination.

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

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
266 sign any document with a seal or digital signature after his or
267 her license has expired or been revoked or suspended, unless
268 such license is ~~has been~~ reinstated or reissued. When an
269 engineer's or a professional structural engineer's license is
270 ~~has been~~ revoked or suspended by the board, the licensee shall,
271 within a period of 30 days after the revocation or suspension
272 has become effective, surrender his or her seal to the executive
273 director 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
 280 | subsection (1) of section 471.031, Florida Statutes, are
 281 | redesignated as paragraphs (c) through (h), respectively, a new
 282 | paragraph (b) is added to that subsection, and present paragraph
 283 | (b) of that 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
 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,"
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
 329 | subsection (1) and subsection (4) of section 471.033, Florida
 330 | Statutes, are 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
 335 | engineering or professional structural engineering by bribery or
 336 | fraudulent 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
 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
 359 of 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
 367 to 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

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376 | state or federal antitrust laws, the following shall occur:

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