

By Senator Baxley

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1 A bill to be entitled
2 An act relating to professional structural engineers;
3 amending s. 471.003, F.S.; prohibiting a person who is
4 not licensed as an engineer from using a specified
5 name or title; prohibiting, after a date certain,
6 specified persons from using specified names and
7 titles or practicing professional structural
8 engineering; exempting certain persons from licensing
9 requirements; amending s. 471.005, F.S.; providing and
10 revising definitions; amending s. 471.013, F.S.;
11 authorizing the Board of Professional Engineers to
12 refuse to certify an applicant for a professional
13 structural engineer license for certain reasons;
14 amending s. 471.015, F.S.; providing licensure and
15 application requirements for a professional structural
16 engineer license; exempting certain applicants who
17 apply for licensure before a date certain from having
18 to pass a certain national examination, under certain
19 conditions; requiring the board to certify certain
20 applicants for licensure by endorsement; amending ss.
21 471.019 and 471.025, F.S.; conforming provisions to
22 changes made by the act; amending s. 471.031, F.S.;
23 prohibiting certain persons from practicing
24 professional structural engineering after a date
25 certain; prohibiting specified persons from using
26 specified names and titles; amending s. 471.033, F.S.;
27 specifying acts that constitute grounds for
28 disciplinary action, including civil penalties,
29 against a professional structural engineer; amending

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30 ss. 471.037 and 471.0385, F.S.; conforming provisions
31 to changes made by the act; providing an effective
32 date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Subsections (1) and (2) of section 471.003,
37 Florida Statutes, are amended to read:

38 471.003 Qualifications for practice; exemptions.-

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

45 (b) Effective March 1, 2024, only a person who is a duly
46 licensed professional structural engineer shall engage in the
47 practice of professional structural engineering or use the name
48 or title of "licensed structural engineer," "professional
49 structural engineer," or "registered structural engineer" or any
50 other title, designation, words, letters, abbreviations, or
51 device tending to indicate that such person holds an active
52 license as a professional structural engineer in this state.

53 (2) The following persons are not required to be licensed
54 under ~~the provisions of~~ this chapter as a licensed engineer or a
55 licensed professional structural engineer:

56 (a) Any person practicing engineering for the improvement
57 of, or otherwise affecting, property legally owned by her or
58 him, unless such practice involves a public utility or the

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59 public health, safety, or welfare or the safety or health of
60 employees. This paragraph may ~~shall~~ not be construed as
61 authorizing the practice of engineering through an agent or
62 employee who is not duly licensed under ~~the provisions of this~~
63 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 a
120 professional structural engineer licensed under ~~in accordance~~
121 ~~with~~ 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. Subsections (10) through (12) of section
133 471.005, Florida Statutes, are renumbered as subsections (12)
134 through (14), respectively, present subsection (10) is amended,
135 and new subsections (10) and (11) are added to that section, to
136 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 engineering
145 which requires significant structural engineering education,

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146 training, experience, and examination, as determined by the
147 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. Subsections (3) through (7) of section 471.015,
169 Florida Statutes, are renumbered as subsections (4) through (8),
170 respectively, present subsection (3) is amended, and a new
171 subsection (3) is added to that section, to read:

172 471.015 Licensure.—

173 (3) (a) The management corporation shall issue a
174 professional structural engineer license to any applicant whom

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175 the board certifies as qualified to practice professional
176 structural engineering and who meets all of the following
177 requirements:

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

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

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

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

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

190 (b) Before March 1, 2024, an applicant who satisfies the
191 requirements of subparagraphs (a)1.-4. may satisfy subparagraph
192 (a)5. by:

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

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

201 3. Agreeing to meet with the board or a representative of
202 the board, upon the board's request, for the purpose of
203 evaluating the applicant's qualifications for licensure.

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

208 (4)~~(3)~~ The board shall certify as qualified for a license
209 ~~by endorsement an applicant who:~~

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

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

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

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

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

243 3. The 16-hour Western States Structural Engineering
244 examination.

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

250 Section 5. Section 471.019, Florida Statutes, is amended to
251 read:

252 471.019 Reactivation.—The board shall establish by rule a
253 reinstatement process for void licenses. The rule shall
254 prescribe appropriate continuing education requirements for
255 reactivating a license. The continuing education requirements
256 for reactivating a license for a licensed engineer or a licensed
257 professional structural engineer may not exceed the continuing
258 education requirements prescribed pursuant to s. 471.017 for
259 each year the license was inactive.

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

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262 471.025 Seals.—

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

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

282 471.031 Prohibitions; penalties.—

283 (1) A person may not:

284 (b) Beginning March 1, 2024, practice professional
285 structural engineering unless the person is licensed as a
286 professional structural engineer or is exempt from licensure
287 under this chapter.

288 (c) ~~(b)~~1. Except as provided in subparagraph 2. or
289 subparagraph 3., use the name or title "professional engineer"
290 or any other title, designation, words, letters, abbreviations,

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

304 2. Any person who is exempt from licensure under s.
 305 471.003(2)(j) may use the title or personnel classification of
 306 "engineer" in the scope of his or her work under that exemption
 307 if the title does not include or connote the term "professional
 308 engineer," "registered engineer," "licensed engineer,"
 309 "registered professional engineer," ~~or~~ "licensed professional
 310 engineer," "licensed structural engineer," "professional
 311 structural engineer," or "registered structural engineer."

312 3. Any person who is exempt from licensure under s.
 313 471.003(2)(c) or (e) may use the title or personnel
 314 classification of "engineer" in the scope of his or her work
 315 under that exemption if the title does not include or connote
 316 the term "professional engineer," "registered engineer,"
 317 "licensed engineer," "registered professional engineer," ~~or~~
 318 "licensed professional engineer," "licensed structural
 319 engineer," "professional structural engineer," "registered

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

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

327 471.033 Disciplinary proceedings.—

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

330 (b) Attempting to procure a license to practice engineering
331 or professional structural engineering by bribery or fraudulent
332 misrepresentations.

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

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

344 (e) Making or filing a report or record that the licensee
345 knows to be false, willfully failing to file a report or record
346 required by state or federal law, willfully impeding or
347 obstructing such filing, or inducing another person to impede or
348 obstruct such filing. Such reports or records include only those

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349 that are signed in the capacity of a licensed engineer or
350 licensed professional structural engineer.

351 (g) Engaging in fraud or deceit, negligence, incompetence,
352 or misconduct, ~~7~~ in the practice of engineering or professional
353 structural engineering.

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

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

361 471.037 Effect of chapter locally.—

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

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

370 471.0385 Court action; effect.—If any provision of s.
371 471.038 is held to be unconstitutional or is held to violate the
372 state or federal antitrust laws, the following shall occur:

373 (3) The Executive Office of the Governor, notwithstanding
374 chapter 216, is authorized to reestablish positions, budget
375 authority, and salary rate necessary to carry out the
376 department's responsibilities related to the regulation of
377 professional engineers and professional structural engineers.

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Section 11. This act shall take effect July 1, 2022.