

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 or a structural engineer from using specified
5 names and titles or practicing engineering or
6 structural engineering; exempting certain persons from
7 the licensing requirements; amending s. 471.005, F.S.;
8 providing definitions; amending s. 471.011, F.S.;
9 establishing various fees for the examination and
10 licensure of structural engineers; amending s.
11 471.013, F.S.; revising provisions authorizing the
12 Board of Professional Engineers to refuse to certify
13 an applicant due to lack of good moral character to
14 include structural engineer licensure applicants, to
15 conform; amending s. 471.015, F.S.; providing
16 licensure and application requirements for a
17 structural engineer license; exempting under certain
18 conditions a structural engineer who applies for
19 licensure before a specified date from passage of a
20 certain national examination; requiring the board to
21 certify certain applicants for licensure by
22 endorsement; amending ss. 471.019 and 471.025, F.S.;
23 revising continuing education requirements for
24 reactivation of a license and provisions requiring an
25 engineer with a revoked or suspended license to
26 surrender his or her seal, respectively, to include

27 structural engineers, to conform; amending s. 471.031,
 28 F.S.; prohibiting specified persons from using
 29 specified names and titles; amending s. 471.033, F.S.;
 30 providing various acts which constitute grounds for
 31 disciplinary action against a structural engineer, to
 32 which penalties apply; amending s. 471.037, F.S.;
 33 revising applicability, to conform to changes made by
 34 the act; providing an effective date.

35

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

37

38 Section 1. Subsection (1) and paragraphs (f) and (i) of
 39 subsection (2) of section 471.003, Florida Statutes, are amended
 40 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," "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) Beginning March 1, 2019, no person other than a duly
 49 licensed structural engineer shall practice structural
 50 engineering or use the name or title of "licensed structural
 51 engineer," "professional structural engineer," "registered
 52 structural engineer," "structural engineer," or any other title,

53 designation, words, letters, abbreviations, or device tending to
54 indicate that such person holds an active license as a
55 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
58 structural engineer:

59 (f) Any person as contractor in the execution of work
60 designed by a professional engineer or structural engineer or in
61 the supervision of the construction of work as a foreman or
62 superintendent.

63 (i) Any general contractor, certified or registered
64 pursuant to the provisions of chapter 489, when negotiating or
65 performing services under a design-build contract as long as the
66 engineering services offered or rendered in connection with the
67 contract are offered and rendered by an engineer or structural
68 engineer licensed in accordance with this chapter.

69 Section 2. Subsections (14) and (15) are added to section
70 471.005, Florida Statutes, to read:

71 471.005 Definitions.—As used in this chapter, the term:

72 (14) "Licensed structural engineer," "professional
73 structural engineer," "registered structural engineer," or
74 "structural engineer" means a person who is licensed to engage
75 in the practice of structural engineering under this chapter.

76 (15) "Structural engineering" means an engineering service
77 or creative work that includes the structural analysis and
78 design of structural components or systems for threshold

79 buildings as defined in s. 553.71. The term includes
 80 engineering, as defined in subsection (7), that requires
 81 significant structural engineering education, training,
 82 experience, and examination, as defined by the board.

83 Section 3. Subsections (1) and (6) of section 471.011,
 84 Florida Statutes, are amended to read:

85 471.011 Fees.—

86 (1) The board by rule may establish fees to be paid for
 87 applications, examination, reexamination, licensing and renewal,
 88 inactive status application and reactivation of inactive
 89 licenses, and recordmaking and recordkeeping. The board may also
 90 establish by rule a delinquency fee. The board shall establish
 91 fees that are adequate to ensure the continued operation of the
 92 board. Fees shall be based on department estimates of the
 93 revenue required to implement this chapter and the provisions of
 94 law with respect to the regulation of engineers and structural
 95 engineers.

96 (6) The fee for a temporary registration or certificate to
 97 practice engineering or structural engineering shall not exceed
 98 \$25 for an individual or \$50 for a business firm.

99 Section 4. Paragraph (a) of subsection (2) of section
 100 471.013, Florida Statutes, is amended to read:

101 471.013 Examinations; prerequisites.—

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

105 1. There is a substantial connection between the lack of
 106 good moral character of the applicant and the professional
 107 responsibilities of a licensed engineer or structural engineer;
 108 and

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

111 Section 5. Subsections (3) through (7) of section 471.015,
 112 Florida Statutes, are renumbered as subsections (4) through (8),
 113 respectively, present subsection (3) is amended, and a new
 114 subsection (3) is added to that section to read:

115 471.015 Licensure.—

116 (3) (a) The management corporation shall issue a structural
 117 engineer license to any applicant who the board certifies as
 118 qualified to practice structural engineering and who:

119 1. Is licensed under this chapter as an engineer or is
 120 qualified for licensure as an engineer.

121 2. Submits an application in the format prescribed by the
 122 board.

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

124 4. Provides satisfactory evidence of good moral character,
 125 as defined by the board.

126 5. Provides a record of 4 years of active structural
 127 engineering experience, as defined by the board, under the
 128 supervision of a licensed professional engineer.

129 6. Has successfully passed the National Council of
 130 Examiners for Engineering and Surveying structural engineering

131 examination.

132 (b) Before February 28, 2019, an applicant who satisfies
133 subparagraphs (a)1.-4. may satisfy subparagraphs (a)5. and 6. by
134 submitting a signed affidavit in the format prescribed by the
135 board that states:

136 1. The applicant is currently a licensed engineer in the
137 state and has been engaged in the practice of structural
138 engineering with a record of at least 4 years of active
139 structural engineering experience.

140 2. The applicant is willing to meet with the board or a
141 representative of the board, upon its request, for the purpose
142 of evaluating the applicant's qualifications for licensure.

143 (c) An applicant who is qualified for licensure as an
144 engineer under s. 471.013 may simultaneously apply for licensure
145 as a structural engineer if all requirements of s. 471.013 and
146 this subsection are met.

147 ~~(4)-(3) The board shall certify as qualified for a license~~
148 ~~by endorsement an applicant who:~~

149 (a) The board shall certify as qualified for a license by
150 endorsement in engineering an applicant who qualifies to take
151 the fundamentals examination and the principles and practice
152 examination as set forth in s. 471.013, has passed a United
153 States national, regional, state, or territorial licensing
154 examination that is substantially equivalent to the fundamentals
155 examination and principles and practice examination required by
156 s. 471.013, and has satisfied the experience requirements set

157 | forth in s. 471.013; or

158 | (b) The board shall certify as qualified for a license by
159 | endorsement in engineering an applicant who holds a valid
160 | license to practice engineering or, for a license by endorsement
161 | in structural engineering, an applicant who holds a valid
162 | license to practice structural engineering issued by another
163 | state or territory of the United States, if the criteria for
164 | issuance of the license were substantially the same as the
165 | licensure criteria that existed in this state at the time the
166 | license was issued.

167 | Section 6. Section 471.019, Florida Statutes, is amended
168 | to read:

169 | 471.019 Reactivation.—The board shall prescribe by rule
170 | continuing education requirements for reactivating a license.
171 | The continuing education requirements for reactivating a license
172 | for a licensed engineer or structural engineer may not exceed 12
173 | classroom hours for each year the license was inactive.

174 | Section 7. Subsection (2) of section 471.025, Florida
175 | Statutes, is amended to read:

176 | 471.025 Seals.—

177 | (2) It is unlawful for any person to seal or digitally
178 | sign any document with a seal or digital signature after his or
179 | her license has expired or been revoked or suspended, unless
180 | such license is ~~has been~~ reinstated or reissued. When an
181 | engineer's or structural engineer's license is ~~has been~~ revoked
182 | or suspended by the board, the licensee shall, within a period

183 of 30 days after the revocation or suspension has become
 184 effective, surrender his or her seal to the executive director
 185 of the board and confirm to the executive director the
 186 cancellation of the licensee's digital signature in accordance
 187 with ss. 668.001-668.006. In the event the engineer's license
 188 has been suspended for a period of time, his or her seal shall
 189 be returned to him or her upon expiration of the suspension
 190 period.

191 Section 8. Paragraphs (b) through (g) of subsection (1) of
 192 section 471.031, Florida Statutes, are redesignated as
 193 paragraphs (c) through (h), respectively, present paragraph (b)
 194 is amended, and a new paragraph (b) is added to that subsection
 195 to read:

196 471.031 Prohibitions; penalties.—

197 (1) A person may not:

198 (b) Beginning March 1, 2019, practice structural
 199 engineering unless the person is licensed as a structural
 200 engineer or exempt from licensure under this chapter.

201 (c)~~(b)~~1. Except as provided in subparagraph 2. or
 202 subparagraph 3., use the name or title "professional engineer"
 203 or any other title, designation, words, letters, abbreviations,
 204 or device tending to indicate that such person holds an active
 205 license as an engineer when the person is not licensed under
 206 this chapter, including, but not limited to, the following
 207 titles: "agricultural engineer," "air-conditioning engineer,"
 208 "architectural engineer," "building engineer," "chemical

209 engineer," "civil engineer," "control systems engineer,"
 210 "electrical engineer," "environmental engineer," "fire
 211 protection engineer," "industrial engineer," "manufacturing
 212 engineer," "mechanical engineer," "metallurgical engineer,"
 213 "mining engineer," "minerals engineer," "marine engineer,"
 214 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
 215 "structural engineer," "transportation engineer," "software
 216 engineer," "computer hardware engineer," or "systems engineer."

217 2. Any person who is exempt from licensure under s.
 218 471.003(2)(j) may use the title or personnel classification of
 219 "engineer" in the scope of his or her work under that exemption
 220 if the title does not include or connote the term "licensed
 221 engineer," "professional engineer," "registered engineer,"
 222 "licensed professional engineer," ~~"licensed engineer,"~~
 223 "registered professional engineer," "licensed structural
 224 engineer," "professional structural engineer," "registered
 225 structural engineer," or "structural engineer." ~~or "licensed~~
 226 ~~professional engineer."~~

227 3. Any person who is exempt from licensure under s.
 228 471.003(2)(c) or (e) may use the title or personnel
 229 classification of "engineer" in the scope of his or her work
 230 under that exemption if the title does not include or connote
 231 the term "licensed engineer," "professional engineer,"
 232 "registered engineer," "licensed professional engineer,"
 233 ~~"licensed engineer,"~~ "registered professional engineer,"
 234 "licensed structural engineer," "professional structural

235 engineer," "registered structural engineer," or "structural
236 engineer," ~~or "licensed professional engineer"~~ and if that
237 person is a graduate from an approved engineering curriculum of
238 4 years or more in a school, college, or university which has
239 been approved by the board.

240 Section 9. Paragraphs (b), (c), (d), (e), and (g) of
241 subsection (1) and subsection (4) of section 471.033, Florida
242 Statutes, are amended to read:

243 471.033 Disciplinary proceedings.—

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

246 (b) Attempting to procure a license to practice
247 engineering or structural engineering by bribery or fraudulent
248 misrepresentations.

249 (c) Having a license to practice engineering or structural
250 engineering revoked, suspended, or otherwise acted against,
251 including the denial of licensure, by the licensing authority of
252 another state, territory, or country, for any act that would
253 constitute a violation of this chapter or chapter 455.

254 (d) Being convicted or found guilty of, or entering a plea
255 of nolo contendere to, regardless of adjudication, a crime in
256 any jurisdiction which directly relates to the practice of
257 engineering or structural engineering or the ability to practice
258 engineering or structural engineering.

259 (e) Making or filing a report or record that the licensee
260 knows to be false, willfully failing to file a report or record

261 required by state or federal law, willfully impeding or
262 obstructing such filing, or inducing another person to impede or
263 obstruct such filing. Such reports or records include only those
264 that are signed in the capacity of a licensed engineer or
265 licensed structural engineer.

266 (g) Engaging in fraud or deceit, negligence, incompetence,
267 or misconduct, in the practice of engineering or structural
268 engineering.

269 (4) The management corporation shall reissue the license
270 of a disciplined engineer, structural engineer, or business upon
271 certification by the board that the disciplined person has
272 complied with all of the terms and conditions set forth in the
273 final order.

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

276 471.037 Effect of chapter locally.—

277 (1) Nothing contained in this chapter shall be construed
278 to repeal, amend, limit, or otherwise affect any local building
279 code or zoning law or ordinance, now or hereafter enacted, which
280 is more restrictive with respect to the services of licensed
281 engineers or structural engineers than the provisions of this
282 chapter.

283 Section 11. This act shall take effect July 1, 2015.