

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professions
 2 Subcommittee

3 Representative Van Zant offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) and paragraphs (f) and (i) of
 8 subsection (2) of section 471.003, Florida Statutes, are amended
 9 to read:

10 471.003 Qualifications for practice; exemptions.—

11 (1) (a) No person other than a duly licensed engineer shall
 12 practice engineering or use the name or title of "licensed
 13 engineer," "professional engineer," "registered engineer," or
 14 any other title, designation, words, letters, abbreviations, or
 15 device tending to indicate that such person holds an active
 16 license as an engineer in this state.

17 (b) Beginning March 1, 2019, no person other than a duly

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18 licensed structural engineer shall practice structural
19 engineering as defined in s. 471.005(15), or use the name or
20 title of "licensed structural engineer," "professional
21 structural engineer," "registered structural engineer,"
22 "structural engineer," or any other title, designation, words,
23 letters, abbreviations, or device tending to indicate that such
24 person holds an active license as a structural engineer in this
25 state.

26 (2) The following persons are not required to be licensed
27 under the provisions of this chapter as a licensed engineer or
28 structural engineer:

29 (f) Any person as contractor in the execution of work
30 designed by a professional engineer or structural engineer or in
31 the supervision of the construction of work as a foreman or
32 superintendent.

33 (i) Any general contractor, certified or registered
34 pursuant to the provisions of chapter 489, when negotiating or
35 performing services under a design-build contract as long as the
36 engineering services offered or rendered in connection with the
37 contract are offered and rendered by an engineer or structural
38 engineer licensed in accordance with this chapter.

39 Section 2. Subsections (14) and (15) are added to section
40 471.005, Florida Statutes, to read:

41 471.005 Definitions.—As used in this chapter, the term:

42 (14) "Licensed structural engineer," "professional
43 structural engineer," "registered structural engineer," or

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44 "structural engineer" means a person who is licensed to engage
45 in the practice of structural engineering under this chapter.

46 (15) "Structural engineering", under this chapter, means
47 an engineering service or creative work that includes the
48 structural analysis and design of structural components or
49 systems for threshold buildings as defined in s. 553.71. The
50 term includes "engineering," as defined in subsection (7), that
51 requires significant structural engineering education, training,
52 experience and examination as defined by the board.

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

55 471.011 Fees.—

56 (1) The board by rule may establish fees to be paid for
57 applications, examination, reexamination, licensing and renewal,
58 inactive status application and reactivation of inactive
59 licenses, and recordmaking and recordkeeping. The board may also
60 establish by rule a delinquency fee. The board shall establish
61 fees that are adequate to ensure the continued operation of the
62 board. Fees shall be based on department estimates of the
63 revenue required to implement this chapter and the provisions of
64 law with respect to the regulation of engineers and structural
65 engineers.

66 (6) The fee for a temporary registration or certificate to
67 practice engineering or structural engineering shall not exceed
68 \$25 for an individual or \$50 for a business firm.

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

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70 471.013, Florida Statutes, is amended to read:

71 471.013 Examinations; prerequisites.—

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

75 1. There is a substantial connection between the lack of
76 good moral character of the applicant and the professional
77 responsibilities of a licensed engineer or structural engineer;
78 and

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

81 Section 5. Subsections (3) through (7) of section 471.015,
82 Florida Statutes, are renumbered as subsections (4) through (8),
83 respectively, new subsection (4) is amended, and a new
84 subsection (3) is added to that section to read:

85 471.015 Licensure.—

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

89 1. Is licensed under this chapter as an engineer or is
90 qualified for licensure as an engineer;

91 2. Submits an application in the format prescribed by the
92 board;

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

94 4. Provides satisfactory evidence of good moral character,
95 as defined by the board;

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96 5. Provides a record of 4 years of active structural
97 engineering experience, as defined by the board, under the
98 supervision of a licensed professional engineer; and

99 6. Has successfully passed the National Council of
100 Examiners for Engineering and Surveying structural engineering
101 examination.

102 (b) Before February 28, 2019, an applicant who satisfies
103 subparagraphs 1.-5. may satisfy subparagraph 6. by submitting a
104 signed affidavit in the format prescribed by the board that
105 states:

106 1. The applicant is currently a licensed engineer in the
107 state and has been engaged in the practice of structural
108 engineering with a record of at least 4 years of active
109 structural engineering experience; and

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

113 (c) An applicant who is qualified for licensure as an
114 engineer under s. 471.013 may simultaneously apply for licensure
115 as a structural engineer if all requirements of s. 471.013 and
116 this subsection are met.

117 (4)-(3) The board shall certify as qualified for a license
118 by endorsement an applicant who:

119 (a) Qualifies to take the fundamentals examination and the
120 principles and practice examination as set forth in s. 471.013,
121 has passed a United States national, regional, state, or

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122 territorial licensing examination that is substantially
123 equivalent to the fundamentals examination and principles and
124 practice examination required by s. 471.013, and has satisfied
125 the experience requirements set forth in s. 471.013; or

126 (b) Holds a valid license to practice engineering or
127 structural engineering, for structural engineer applicants,
128 issued by another state or territory of the United States, if
129 the criteria for issuance of the license were substantially the
130 same as the licensure criteria that existed in this state at the
131 time the license was issued.

132 Section 6. Section 471.019, Florida Statutes, is amended
133 to read:

134 471.019 Reactivation.—The board shall prescribe by rule
135 continuing education requirements for reactivating a license.
136 The continuing education requirements for reactivating a license
137 for a licensed engineer or structural engineer may not exceed 12
138 classroom hours for each year the license was inactive.

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

141 471.025 Seals.—

142 (2) It is unlawful for any person to seal or digitally
143 sign any document with a seal or digital signature after his or
144 her license has expired or been revoked or suspended, unless
145 such license has been reinstated or reissued. When an engineer's
146 or structural engineer's license has been revoked or suspended
147 by the board, the licensee shall, within a period of 30 days

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148 after the revocation or suspension has become effective,
149 surrender his or her seal to the executive director of the board
150 and confirm to the executive director the cancellation of the
151 licensee's digital signature in accordance with ss. 668.001-
152 668.006. In the event the engineer's license has been suspended
153 for a period of time, his or her seal shall be returned to him
154 or her upon expiration of the suspension period.

155 Section 8. Paragraphs (b) through (g) of subsection (1) of
156 section 471.031, Florida Statutes, are redesignated as
157 paragraphs (c) through (h), respectively, new paragraph (c) is
158 amended, and a new paragraph (b) is added to that subsection to
159 read:

160 471.031 Prohibitions; penalties.—

161 (1) A person may not:

162 (b) Beginning March 1, 2019, practice structural
163 engineering for those structures as defined unless the person is
164 licensed as a structural engineer or exempt from licensure under
165 this chapter.

166 (c)~~(b)~~1. Except as provided in subparagraph 2. or
167 subparagraph 3., use the name or title "professional engineer"
168 or any other title, designation, words, letters, abbreviations,
169 or device tending to indicate that such person holds an active
170 license as an engineer when the person is not licensed under
171 this chapter, including, but not limited to, the following
172 titles: "agricultural engineer," "air-conditioning engineer,"
173 "architectural engineer," "building engineer," "chemical

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174 engineer," "civil engineer," "control systems engineer,"
175 "electrical engineer," "environmental engineer," "fire
176 protection engineer," "industrial engineer," "manufacturing
177 engineer," "mechanical engineer," "metallurgical engineer,"
178 "mining engineer," "minerals engineer," "marine engineer,"
179 "nuclear engineer," "petroleum engineer," "plumbing engineer,"
180 "structural engineer," "transportation engineer," "software
181 engineer," "computer hardware engineer," or "systems engineer."

182 2. Any person who is exempt from licensure under s.
183 471.003(2) (j) may use the title or personnel classification of
184 "engineer" in the scope of his or her work under that exemption
185 if the title does not include or connote the term "licensed
186 engineer," "professional engineer," "registered engineer,"
187 "licensed professional engineer," ~~"licensed engineer,"~~
188 "registered professional engineer," or "licensed structural
189 engineer," "professional structural engineer," "registered
190 structural engineer," or "structural engineer"~~licensed~~
191 ~~professional engineer."~~

192 3. Any person who is exempt from licensure under s.
193 471.003(2) (c) or (e) may use the title or personnel
194 classification of "engineer" in the scope of his or her work
195 under that exemption if the title does not include or connote
196 the term "licensed engineer," "professional engineer,"
197 "registered engineer," "licensed professional engineer,"
198 ~~"licensed engineer,"~~ "registered professional engineer,"
199 "licensed structural engineer," "professional structural

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200 engineer," "registered structural engineer," or "structural
201 engineer or "licensed professional engineer," and if that person
202 is a graduate from an approved engineering curriculum of 4 years
203 or more in a school, college, or university which has been
204 approved by the board.

205 Section 9. Paragraph (e) of subsection (1) and subsection
206 (4) of section 471.033, Florida Statutes, is amended to read:

207 471.033 Disciplinary proceedings.—

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

210 (e) Making or filing a report or record that the licensee
211 knows to be false, willfully failing to file a report or record
212 required by state or federal law, willfully impeding or
213 obstructing such filing, or inducing another person to impede or
214 obstruct such filing. Such reports or records include only those
215 that are signed in the capacity of a licensed engineer or
216 structural engineer.

217 (4) The management corporation shall reissue the license
218 of a disciplined engineer, structural engineer or business upon
219 certification by the board that the disciplined person has
220 complied with all of the terms and conditions set forth in the
221 final order.

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

224 471.037 Effect of chapter locally.—

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225 (1) Nothing contained in this chapter shall be construed
226 to repeal, amend, limit, or otherwise affect any local building
227 code or zoning law or ordinance, now or hereafter enacted, which
228 is more restrictive with respect to the services of licensed
229 engineers or structural engineers than the provisions of this
230 chapter.

231 Section 11. This act shall take effect July 1, 2015.
232

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234 **T I T L E A M E N D M E N T**

235 Remove everything before the enacting clause and insert:

236 A bill to be entitled

237 An act relating to engineers; amending s. 471.003, F.S.;
238 prohibiting a person who is not licensed as an engineer or a
239 structural engineer from practicing engineering or structural
240 engineering or using specified names and titles; amending s.
241 471.005, F.S.; providing definitions; amending s. 471.011, F.S.;
242 including structural engineers; amending s. 471.013, F.S.;
243 including structural engineers in examination requirements;
244 amending s. 471.015, F.S.; providing licensure and application
245 requirements for a structural engineer license before and after
246 March 1, 2019; amending s. 471.019, F.S.; including structural
247 engineers in continuing education requirements; amending s.
248 471.025, F.S.; including structural engineers in requirement
249 that seal be surrendered upon suspension or revocation of
250 license; amending s. 471.031, F.S.; prohibiting specified

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 217 (2015)

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251 persons from using specified names and titles; amending s.
252 471.033, F.S.; including structural engineers; amending s.
253 471.037, F.S.; including structural engineers; providing an
254 effective date.