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2015 Legislature

1 An act relating to engineers; amending s. 471.003,
2 F.S.; prohibiting a person who is not licensed as an
3 engineer or a structural engineer from using specified
4 names and titles or practicing engineering or
5 structural engineering; exempting certain persons from
6 the licensing requirements; amending s. 471.005, F.S.;
7 providing definitions; amending s. 471.011, F.S.;
8 establishing various fees for the examination and
9 licensure of structural engineers; amending s.
10 471.013, F.S.; revising provisions authorizing the
11 Board of Professional Engineers to refuse to certify
12 an applicant due to lack of good moral character to
13 include structural engineer licensure applicants, to
14 conform; amending s. 471.015, F.S.; providing
15 licensure and application requirements for a
16 structural engineer license; exempting, under certain
17 conditions, a structural engineer who applies for
18 licensure before a specified date from passage of a
19 certain national examination; requiring the board to
20 certify certain applicants for licensure by
21 endorsement; amending ss. 471.019 and 471.025, F.S.;
22 revising continuing education requirements for
23 reactivation of a license and provisions requiring an
24 engineer with a revoked or suspended license to
25 surrender his or her seal, respectively, to include
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structural engineers, to conform; amending s. 471.031, F.S.; prohibiting specified persons from using specified names and titles; amending s. 471.033, F.S.; providing various acts which constitute grounds for disciplinary action against a structural engineer, to which penalties apply; amending s. 471.037, F.S.; revising applicability, to conform to changes made by the act; providing an effective date.

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

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

471.003 Qualifications for practice; exemptions.—

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

(b) Beginning March 1, 2017, no person other than a duly licensed structural engineer shall practice structural engineering or use the name or title of "licensed structural engineer," "professional structural engineer," "registered structural engineer," "structural engineer," or any other title, designation, words, letters, abbreviations, or device tending to



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53 indicate that such person holds an active license as a
54 structural engineer in this state.

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

58 (a) Any person practicing engineering for the improvement
59 of, or otherwise affecting, property legally owned by her or
60 him, unless such practice involves a public utility or the
61 public health, safety, or welfare or the safety or health of
62 employees. This paragraph shall not be construed as authorizing
63 the practice of engineering through an agent or employee who is
64 not duly licensed under the provisions of this chapter.

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

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

74 (c) Regular full-time employees of a corporation not
75 engaged in the practice of engineering as such, whose practice
76 of engineering for such corporation is limited to the design or
77 fabrication of manufactured products and servicing of such
78 products.



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

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

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

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

98 (h) Any electrical, plumbing, air-conditioning, or
99 mechanical contractor whose practice includes the design and
100 fabrication of electrical, plumbing, air-conditioning, or
101 mechanical systems, respectively, which she or he installs by
102 virtue of a license issued under chapter 489, under part I of
103 chapter 553, or under any special act or ordinance when working
104 on any construction project which:



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

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

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

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

116 (i) Any general contractor, certified or registered
117 pursuant to the provisions of chapter 489, when negotiating or
118 performing services under a design-build contract as long as the
119 engineering services offered or rendered in connection with the
120 contract are offered and rendered by an engineer or structural
121 engineer licensed in accordance 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



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thereof.

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

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

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

(15) "Structural engineering" means an engineering service or creative work that includes the structural analysis and design of structural components or systems for threshold buildings as defined in s. 553.71. The term includes engineering, as defined in subsection (7), which requires significant structural engineering education, training, experience, and examination, as determined by the board.

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

471.011 Fees.—

(1) The board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of



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law with respect to the regulation of engineers and structural engineers.

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

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

471.013 Examinations; prerequisites.—

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

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

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

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

471.015 Licensure.—

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

1. Is licensed under this chapter as an engineer or is



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183 qualified for licensure as an engineer.

184 2. Submits an application in the format prescribed by the
185 board.

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

187 4. Provides satisfactory evidence of good moral character,
188 as defined by the board.

189 5. Provides a record of 4 years of active structural
190 engineering experience, as defined by the board, under the
191 supervision of a licensed professional engineer.

192 6. Has successfully passed the National Council of
193 Examiners for Engineering and Surveying Structural Engineering
194 examination.

195 (b) Before September 1, 2016, an applicant who satisfies
196 subparagraphs (a)1.-4. may satisfy subparagraphs (a)5. and 6.
197 by:

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

203 2. Possessing a current professional engineering license
204 and filing the necessary documentation as required by the board,
205 or possessing a current threshold inspector license; and

206 3. Agreeing to meet with the board or a representative of
207 the board, upon the board's request, for the purpose of
208 evaluating the applicant's qualifications for licensure.



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

213 (4)(3) The board shall certify as qualified for a license
214 ~~by endorsement an applicant who:~~

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

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

231 (c) In structural engineering, by endorsement, an
232 applicant who holds a valid license to practice structural
233 engineering issued by another state or territory of the United
234 States and who has successfully passed one of the following 16-



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hour examination combinations:

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

2. The 8-hour National Council of Examiners for Engineering and Surveying Structural Engineering II examination and the 8-hour National Council of Examiners for Engineering and Surveying Civil: Structural examination or the 8-hour National Council of Examiners for Engineering and Surveying Architectural Engineering examination.

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

4. The 8-hour National Council of Examiners for Engineering Structural Engineering II examination and the 8-hour California Structural Engineering Seismic III examination or the 8-hour Washington Structural Engineering III examination.

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

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

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



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471.025 Seals.—

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

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

471.031 Prohibitions; penalties.—

(1) A person may not:

(b) Beginning March 1, 2017, practice structural engineering unless the person is licensed as a structural engineer or exempt from licensure under this chapter.

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



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

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

3. Any person who is exempt from licensure under s.



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471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "licensed engineer," "professional engineer," "registered engineer," "licensed professional engineer," ~~"licensed engineer,"~~ "registered professional engineer," "licensed structural engineer," "professional structural engineer," "registered structural engineer," or "structural engineer," ~~or "licensed professional engineer"~~ and if that person is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board.

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

471.033 Disciplinary proceedings.—

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

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

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



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

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

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

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

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

471.037 Effect of chapter locally.—

(1) Nothing contained in this chapter shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which



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365 | is more restrictive with respect to the services of licensed
366 | engineers or structural engineers than the provisions of this
367 | chapter.

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