

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 338

INTRODUCER: Senator Altman

SUBJECT: Engineers

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AGG</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 338 amends existing law regulating engineers to specifically address the practice of structural engineering. Structural engineering, which is the analysis and design of significant buildings and other structures, is currently regulated as an aspect of engineering. Additional and more detailed regulation is deemed to be warranted, in view of the size and capacity of those structures, because significant injuries and loss of human life occur when a structure fails (collapses).

II. Present Situation:

Regulation of the practice of engineering was mandated by the Legislature in 1979.¹ Professional engineers are regulated by the Board of Professional Engineers (FBPE) within the Department of Business and Professional Regulation (department), which enforces and administers the provisions of ch. 471, F.S. The Florida Engineers Management Corporation (FEMC) provides administrative, investigative, and prosecutorial services to the FBPE pursuant to ch. 455, F.S., and ch. 471, F.S.² The contract between the Department of Professional Regulation and FEMC for Fiscal Years 2013-2017 provides that FEMC's services apply to all licensees under the jurisdiction of the FBPE.³

According to industry representatives, there is a need to specifically license the practice of structural engineering as a separate component of engineering. The Florida Structural Engineers Association supports the creation of an additional license requirement for structural engineers in the state due to the increasingly technical nature of the work, and decreasing redundancies and safety measures in project design resulting from the effort to reduce construction costs.⁴ In the

¹ See ch. 471, F.S., and ch. 79-243, L.O.F.

² See s. 471.038, F.S.

³ See <http://www.fbpe.org/index.php/2014-12-08-17-12-31/corporate-contract/send/51-corporate-contracts/165-contract-2012-2013-dbpr-femc> (last visited Mar. 9, 2015).

⁴ See <http://www.flsea.com/Structural-Engineering-Licensure> (last visited Mar. 9, 2015).

event of failure of a threshold building, its mere size and capacity create a significant potential for injuries and loss of human life.⁵

III. Effect of Proposed Changes:

SB 338 defines “structural engineering” as service or creative work that includes analysis and design of significant structures defined by the board. The term includes services and work defined as “engineering.”⁶

The terms “licensed structural engineer,” “registered structural engineer,” and “structural engineer” are defined to mean a person licensed to engage in the practice of structural engineering under ch. 471, F.S.

The requirements for licensure are set forth in **Section 4** of the bill. Section 471.015, F.S., is amended to direct the Florida Engineers Management Corporation to issue a structural engineer license to applicants certified by the Florida Board of Engineers, who must:

- Be licensed as an engineer or be qualified for licensure as an engineer in Florida;
- Submit an application with the required fee;
- Provide evidence of good moral character as defined by the FBPE board;⁷
- Provides a record of 4 years of active structural engineering experience, as defined by the FBPE board, under the supervision of a licensed engineer; and
- Has passed the structural examination offered by the National Council of Examiners for Engineering and Surveying.

In addition, the bill provides for a “grandfather” period through February 28, 2020, to allow licensure as a structural engineer if a licensed engineer applicant pays the required fee, evidences good moral character, submits an affidavit attesting to at least 4 years of active structural engineering experience, and indicates a willingness to meet with the Florida Board of Professional Engineers or its representative, upon request, for the purpose of evaluating the applicant’s qualifications for licensure as a structural engineer.

Section 5 of the bill amends s. 471.031(1)(b)2., F.S., in two respects. First, it adds additional terms to the listing of those terms that may not be used by persons legally exempt from licensure

⁵ *Id.*

⁶ Section 471.005(7), F.S., provides the following lengthy definition of “engineering:” any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

⁷ Section 471.005(1), F.S., provides that a reference to “board” means the Board of Professional Engineers, as contrasted with the term “board of directors,” which is defined in s. 471.005(2), F.S., as the board of directors of the Florida Engineers Management Corporation (FEMC).

as an engineer in Florida, such as certain defense, space, or aerospace employees.⁸ In addition to those terms already prohibited to be used by exempt persons, the terms “licensed engineer,” “licensed professional engineer,” “licensed structural engineer,” “professional structural engineer,” “registered structural engineer,” and “structural engineer” may not be used by those exempted from licensure as engineers under Florida law. Second, those terms may also not be used by those persons exempted from licensure who work for a manufacturer on a full-time basis on the design or fabrication of products, or are employees working in a company under the supervision of a licensed person.⁹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the Florida Engineers Management Corporation (FEMC), which provides administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers pursuant to ch. 455, F.S., and ch. 471, F.S., the bill will restrict the performance of structural engineering to those licensed professional engineers who obtain licenses to perform structural engineering. In addition, the bill provides for a “grandfather” period through February 28, 2020, to allow some licensed engineers to qualify for licensure as a structural engineer.

C. Government Sector Impact:

According to the FEMC, there is no impact other than minor modifications to technology systems that can be made using existing resources.

⁸ See s. 471.003(2)(j), F.S.

⁹ See s. 471.003(2)(c) and (e), F.S.

VI. Technical Deficiencies:

Correction of a cross reference in **Section 2** of the bill is addressed in an amendment to be considered by the committee (barcode 224476).

VII. Related Issues:

The ambiguity of the phrase “significant structures defined by the board” is at issue, and is addressed in an amendment to be considered by the committee (barcode 224476) that substitutes the term “threshold buildings,” which is a defined term in existing law. A threshold building is one that is greater than three stories or 50 feet in height, or has occupancy measurements exceeding 5,000 square feet or 500 persons.¹⁰

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 471.003, 471.0035, 471.005, 471.015, and 471.031.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁰ See s. 553.71, F.S.