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LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (6) of section  
455.271, Florida Statutes, is amended to read:

455.271 Inactive and delinquent status.—

(6) (a) ~~A delinquent status licensee must affirmatively  
apply with a complete application, as defined by rule of the  
board, or the department if there is no board, for active or~~



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11 ~~inactive status during the licensure cycle in which a licensee~~  
12 ~~becomes delinquent.~~ Failure by a delinquent status licensee to  
13 become active or inactive before the expiration of the current  
14 licensure cycle shall render the license void without any  
15 further action by the board or the department. The board, or the  
16 department if there is no board, shall adopt rules allowing a  
17 licensee whose license is void to apply for reinstatement.

18

19 This subsection does not apply to individuals subject to  
20 regulation under chapter 473.

21 Section 2. Subsections (13) of section 471.005, Florida  
22 Statutes, is redesignated as subsection (3), and present  
23 subsection (3) and subsection (8) of that section are amended,  
24 to read:

25 471.005 Definitions.—As used in this chapter, the term:

26 ~~(3) "Certificate of authorization" means a license to~~  
27 ~~practice engineering issued by the management corporation to a~~  
28 ~~corporation or partnership.~~

29 (8) "License" means the licensing of engineers ~~or~~  
30 ~~certification of businesses~~ to practice engineering in this  
31 state.

32 Section 3. Section 471.008, Florida Statutes, is amended to  
33 read:

34 471.008 Rulemaking authority.—The board has authority to  
35 adopt rules pursuant to ss. 120.536(1) and 120.54 to:

36 (1) Implement provisions of this chapter or chapter 455  
37 which confer ~~conferring~~ duties upon it.

38 (2) Ensure competence in the practice of engineering.

39 (3) Ensure accuracy, completeness, and quality in the



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40 engineering products provided.

41 Section 4. Subsection (4) of section 471.011, Florida  
42 Statutes, is amended to read:

43 471.011 Fees.—

44 ~~(4) The fee for a certificate of authorization shall not~~  
45 ~~exceed \$125.~~

46 Section 5. Paragraph (a) of subsection (1) of section  
47 471.013, Florida Statutes, is amended to read:

48 471.013 Examinations; prerequisites.—

49 (1)(a) A person shall be entitled to take an examination  
50 for the purpose of determining whether she or he is qualified to  
51 practice in this state as an engineer if the person is of good  
52 moral character and:

53 1. Is a graduate from an approved engineering curriculum of  
54 4 years or more in a school, college, or university which has  
55 been approved by the board ~~and has a record of 4 years of active~~  
56 ~~engineering experience of a character indicating competence to~~  
57 ~~be in responsible charge of engineering; or~~

58 2. Is a graduate of an approved engineering technology  
59 curriculum of 4 years or more in a school, college, or  
60 university which has been approved by the board ~~within the State~~  
61 ~~University System, having been enrolled or having graduated~~  
62 ~~prior to July 1, 1979, and has a record of 4 years of active~~  
63 ~~engineering experience of a character indicating competence to~~  
64 ~~be in responsible charge of engineering; or~~

65 3. ~~Has, in lieu of such education and experience~~  
66 ~~requirements, 10 years or more of active engineering work of a~~  
67 ~~character indicating that the applicant is competent to be~~  
68 ~~placed in responsible charge of engineering. However, this~~



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69 ~~subparagraph does not apply unless such person notifies the~~  
70 ~~department before July 1, 1984, that she or he was engaged in~~  
71 ~~such work on July 1, 1981.~~

72  
73 The board shall adopt rules providing for the review and  
74 approval of schools or colleges and the courses of study in  
75 engineering in such schools and colleges. The rules must ~~shall~~  
76 be based on the educational requirements for engineering as  
77 defined in s. 471.005. The board may adopt rules providing for  
78 the acceptance of the approval and accreditation of schools and  
79 courses of study by a nationally accepted accreditation  
80 organization.

81 Section 6. Subsections (2), (3), (5), and (6) of section  
82 471.015, Florida Statutes, are amended to read:

83 471.015 Licensure.—

84 (2) (a) The board shall certify for licensure any applicant  
85 who has submitted proof satisfactory to the board that he or she  
86 is at least 18 years of age and who:

87 1. Satisfies the requirements of s. 471.013(1)(a)1. and has  
88 a record of 4 years of active engineering experience of a  
89 character indicating competence to be in responsible charge of  
90 engineering; or

91 2. Satisfies the requirements of s. 471.013(1)(a)2. and has  
92 a record of 6 years of active engineering experience of a  
93 character indicating competence to be in responsible charge of  
94 engineering ~~s. 471.013.~~

95 (b) The board may refuse to certify any applicant who has  
96 violated ~~any of the provisions of~~ s. 471.031.

97 (3) The board shall certify as qualified for a license by



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98 endorsement an applicant who:

99 (a) Qualifies to take the fundamentals examination and the  
100 principles and practice examination as set forth in s. 471.013,  
101 has passed a United States national, regional, state, or  
102 territorial licensing examination that is substantially  
103 equivalent to the fundamentals examination and principles and  
104 practice examination required by s. 471.013, and has satisfied  
105 the experience requirements set forth in paragraph (2) (a) and s.  
106 471.013; or

107 (b) Holds a valid license to practice engineering issued by  
108 another state or territory of the United States, if the criteria  
109 for issuance of the license were substantially the same as the  
110 licensure criteria that existed in this state at the time the  
111 license was issued.

112 (5) (a) The board shall deem that an applicant who seeks  
113 licensure by endorsement has passed an examination substantially  
114 equivalent to the fundamentals examination when such applicant  
115 has held a valid professional engineer's license in another  
116 state for 10 ~~15~~ years and has had 15 ~~20~~ years of continuous  
117 professional-level engineering experience.

118 (b) The board shall deem that an applicant who seeks  
119 licensure by endorsement has passed an examination substantially  
120 equivalent to the fundamentals examination and the principles  
121 and practices examination when such applicant has held a valid  
122 professional engineer's license in another state for 20 ~~25~~ years  
123 and has had 25 ~~30~~ years of continuous professional-level  
124 engineering experience.

125 (6) The board may require a personal appearance by any  
126 applicant for licensure under this chapter. Any applicant of



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127 whom a personal appearance is required must be given adequate  
128 notice of the time and place of the appearance and provided with  
129 a statement of the purpose of and reasons requiring the  
130 appearance. If an applicant is required to appear, the time  
131 period within which a licensure application must be granted or  
132 denied is tolled until such time as the applicant appears.  
133 However, if the applicant fails to appear before the board at  
134 either of the next two regularly scheduled board meetings, the  
135 application for licensure may be denied.

136 Section 7. Section 471.019, Florida Statutes, is amended to  
137 read:

138 471.019 Reactivation.—The board shall prescribe by rule a  
139 reinstatement process for void licenses which includes  
140 establishing appropriate continuing education requirements for  
141 reactivating a license. The continuing education requirements  
142 for reactivating a license for a licensed engineer may not  
143 exceed the continuing education requirements prescribed pursuant  
144 to s. 471.017 ~~12 classroom hours~~ for each year the license was  
145 inactive.

146 Section 8. Section 471.021, Florida Statutes, is amended to  
147 read:

148 471.021 Engineers and firms of other states; temporary  
149 registration certificates to practice in Florida.—

150 (1) Upon approval of the board and payment of the fee set  
151 in s. 471.011, the management corporation shall issue a  
152 temporary license for work on one specified project in this  
153 state for a period not to exceed 1 year to an engineer holding a  
154 certificate to practice in another state, provided Florida  
155 licensees are similarly permitted to engage in work in such



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156 state and provided that the engineer be qualified for licensure  
157 by endorsement.

158 (2) Upon approval by the board and payment of the fee set  
159 in s. 471.011, the management corporation shall issue a  
160 temporary registration ~~certificate of authorization~~ for work on  
161 one specified project in this state for a period not to exceed 1  
162 year to an out-of-state corporation, partnership, or firm,  
163 provided one of the principal officers of the corporation, one  
164 of the partners of the partnership, or one of the principals in  
165 the fictitiously named firm has obtained a temporary license in  
166 accordance with subsection (1).

167 (3) The application for a temporary license shall require  
168 the ~~constitute~~ appointment of the Department of State as an  
169 agent of the applicant for service of process in any action or  
170 proceeding against the applicant arising out of any transaction  
171 or operation connected with or incidental to the practice of  
172 engineering for which the temporary license was issued.

173 Section 9. Section 471.023, Florida Statutes, is amended to  
174 read:

175 471.023 Registration ~~Certification~~ of business  
176 organizations.—

177 (1) The practice of, or the offer to practice, engineering  
178 by licensees or offering engineering services to the public  
179 through a business organization, including a partnership,  
180 corporation, business trust, or other legal entity or by a  
181 business organization, including a corporation, partnership,  
182 business trust, or other legal entity offering such services to  
183 the public through licensees under this chapter as agents,  
184 employees, officers, or partners is permitted only if the



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185 business organization is registered with ~~possesses a~~  
186 ~~certification issued by~~ the management corporation pursuant to  
187 qualification by the board, subject to the provisions of this  
188 chapter. One or more of the principal officers of the business  
189 organization or one or more partners of the partnership and all  
190 personnel of the business organization who act in its behalf as  
191 engineers in this state shall be licensed as provided by this  
192 chapter. All final drawings, specifications, plans, reports, or  
193 documents involving practices licensed under this chapter which  
194 are prepared or approved for the use of the business  
195 organization or for public record within the state shall be  
196 dated and shall bear the signature and seal of the licensee who  
197 prepared or approved them. Nothing in this section shall be  
198 construed to mean that a license to practice engineering shall  
199 be held by a business organization. Nothing herein prohibits  
200 business organizations from joining together to offer  
201 engineering services to the public, if each business  
202 organization otherwise meets the requirements of this section.  
203 No business organization shall be relieved of responsibility for  
204 the conduct or acts of its agents, employees, or officers by  
205 reason of its compliance with this section, nor shall any  
206 individual practicing engineering be relieved of responsibility  
207 for professional services performed by reason of his or her  
208 employment or relationship with a business organization.

209 (2) For the purposes of this section, registration with the  
210 management corporation ~~a certificate of authorization~~ shall be  
211 required for any business organization or other person  
212 practicing under a fictitious name, offering engineering  
213 services to the public. However, when an individual is





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214 practicing engineering in his or her own given name, he or she  
215 shall not be required to be registered ~~licensed~~ under this  
216 section.

217 (3) Except as provided in s. 558.0035, the fact that a  
218 licensed engineer practices through a business organization does  
219 not relieve the licensee from personal liability for negligence,  
220 misconduct, or wrongful acts committed by him or her.

221 Partnerships and all partners shall be jointly and severally  
222 liable for the negligence, misconduct, or wrongful acts  
223 committed by their agents, employees, or partners while acting  
224 in a professional capacity. Any officer, agent, or employee of a  
225 business organization other than a partnership shall be  
226 personally liable and accountable only for negligent acts,  
227 wrongful acts, or misconduct committed by him or her or  
228 committed by any person under his or her direct supervision and  
229 control, while rendering professional services on behalf of the  
230 business organization. The personal liability of a shareholder  
231 or owner of a business organization, in his or her capacity as  
232 shareholder or owner, shall be no greater than that of a  
233 shareholder-employee of a corporation incorporated under chapter  
234 607. The business organization shall be liable up to the full  
235 value of its property for any negligent acts, wrongful acts, or  
236 misconduct committed by any of its officers, agents, or  
237 employees while they are engaged on its behalf in the rendering  
238 of professional services.

239 (4) ~~Each certification of authorization shall be renewed~~  
240 ~~every 2 years.~~ Each business organization registered ~~certified~~  
241 under this section must notify the board within 1 month after  
242 any change in the information contained in the application upon



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243 which the registration certification is based.

244 (a) A qualifying agent who terminates an affiliation with a  
245 qualified business organization must notify the board, by a  
246 process established by rule, of such termination within 24 hours  
247 after the termination. If such qualifying agent is the only  
248 qualifying agent for that business organization, the business  
249 organization must be qualified by another qualifying agent  
250 within 60 days after the termination. Except as provided in  
251 paragraph (b), the business organization may not engage in the  
252 practice of engineering until it is qualified by another  
253 qualifying agent.

254 (b) In the event a qualifying agent ceases employment with  
255 a qualified business organization and such qualifying agent is  
256 the only licensed individual affiliated with the business  
257 organization, the board may authorize another licensee employed  
258 by the business organization to temporarily serve as its  
259 qualifying agent for a period of not more than 60 days to  
260 proceed with incomplete contracts. The business organization may  
261 not operate beyond such period under this chapter absent  
262 replacement of the qualifying agent.

263 (c) A qualifying agent shall notify the board, by a process  
264 established by rule, before engaging in the practice of  
265 engineering in affiliation with a different business  
266 organization.

267 (5) Disciplinary action against a business organization  
268 shall be administered in the same manner and on the same grounds  
269 as disciplinary action against a licensed engineer.

270 Section 10. Subsection (4) is added to section 471.025,  
271 Florida Statutes, to read:



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272 471.025 Seals.-

273 (4) A successor engineer seeking to reuse documents  
274 previously sealed by another engineer must be able to  
275 independently re-create all of the work done by the original  
276 engineer. A successor engineer assumes full professional and  
277 legal responsibility by signing and affixing his or her seal to  
278 the assumed documents. Such documents must be treated as though  
279 they were the successor engineer's original product, and the  
280 original engineer is released from any professional  
281 responsibility or civil liability for prior work assumed by the  
282 successor engineer. For the purposes of this subsection, the  
283 term "successor engineer" means an engineer who is using or  
284 relying upon the work, findings, or recommendations of the  
285 engineer who previously sealed the pertinent documents.

286 Section 11. Paragraph (a) of subsection (5) of section  
287 553.79, Florida Statutes, is amended to read:

288 553.79 Permits; applications; issuance; inspections.-

289 (5) (a) During new construction or during repair or  
290 restoration projects in which the structural system or  
291 structural loading of a threshold building is being modified,  
292 the enforcing agency shall require a special inspector to  
293 perform structural inspections on the ~~a~~ threshold building  
294 pursuant to a structural inspection plan prepared by the  
295 engineer or architect of record. The structural inspection plan  
296 must be submitted to and approved by the enforcing agency before  
297 the issuance of a building permit for the construction, repair,  
298 or restoration of a threshold building. The purpose of the  
299 structural inspection plan is to provide specific inspection  
300 procedures and schedules so that the building can be adequately



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301 inspected for compliance with the permitted documents. The  
302 special inspector may not serve as a surrogate in carrying out  
303 the responsibilities of the building official, the architect, or  
304 the engineer of record. The contractor's contractual or  
305 statutory obligations are not relieved by any action of the  
306 special inspector. The special inspector shall determine that a  
307 professional engineer who specializes in shoring design has  
308 inspected the shoring and reshoring for conformance with the  
309 shoring and reshoring plans submitted to the enforcing agency. A  
310 fee simple title owner of a building, which does not meet the  
311 minimum size, height, occupancy, occupancy classification, or  
312 number-of-stories criteria which would result in classification  
313 as a threshold building under s. 553.71(12), may designate such  
314 building as a threshold building, subject to more than the  
315 minimum number of inspections required by the Florida Building  
316 Code.

317 Section 12. Subsections (4) and (5), paragraphs (a), (b),  
318 and (c) of subsection (7), and subsection (9) of section  
319 553.791, Florida Statutes, are amended to read:

320 553.791 Alternative plans review and inspection.—

321 (4) A fee owner or the fee owner's contractor using a  
322 private provider to provide building code inspection services  
323 shall notify the local building official at the time of permit  
324 application, or no later than 2 p.m. of the business day before  
325 ~~less than 7 business days prior to~~ the first scheduled  
326 inspection by the local building official or building code  
327 enforcement agency for a private provider performing required  
328 inspections of construction under this section, on a form to be  
329 adopted by the commission. This notice shall include the



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330 following information:

331 (a) The services to be performed by the private provider.

332 (b) The name, firm, address, telephone number, and  
333 facsimile number of each private provider who is performing or  
334 will perform such services, his or her professional license or  
335 certification number, qualification statements or resumes, and,  
336 if required by the local building official, a certificate of  
337 insurance demonstrating that professional liability insurance  
338 coverage is in place for the private provider's firm, the  
339 private provider, and any duly authorized representative in the  
340 amounts required by this section.

341 (c) An acknowledgment from the fee owner in substantially  
342 the following form:

343  
344 I have elected to use one or more private providers to  
345 provide building code plans review and/or inspection  
346 services on the building or structure that is the  
347 subject of the enclosed permit application, as  
348 authorized by s. 553.791, Florida Statutes. I  
349 understand that the local building official may not  
350 review the plans submitted or perform the required  
351 building inspections to determine compliance with the  
352 applicable codes, except to the extent specified in  
353 said law. Instead, plans review and/or required  
354 building inspections will be performed by licensed or  
355 certified personnel identified in the application. The  
356 law requires minimum insurance requirements for such  
357 personnel, but I understand that I may require more  
358 insurance to protect my interests. By executing this



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359 form, I acknowledge that I have made inquiry regarding  
360 the competence of the licensed or certified personnel  
361 and the level of their insurance and am satisfied that  
362 my interests are adequately protected. I agree to  
363 indemnify, defend, and hold harmless the local  
364 government, the local building official, and their  
365 building code enforcement personnel from any and all  
366 claims arising from my use of these licensed or  
367 certified personnel to perform building code  
368 inspection services with respect to the building or  
369 structure that is the subject of the enclosed permit  
370 application.

371  
372 If the fee owner or the fee owner's contractor makes any changes  
373 to the listed private providers or the services to be provided  
374 by those private providers, the fee owner or the fee owner's  
375 contractor shall, within 1 business day after any change, update  
376 the notice to reflect such changes. A change of a duly  
377 authorized representative named in the permit application does  
378 not require a revision of the permit, and the building code  
379 enforcement agency shall not charge a fee for making the change.  
380 In addition, the fee owner or the fee owner's contractor shall  
381 post at the project site, prior to the commencement of  
382 construction and updated within 1 business day after any change,  
383 on a form to be adopted by the commission, the name, firm,  
384 address, telephone number, and facsimile number of each private  
385 provider who is performing or will perform building code  
386 inspection services, the type of service being performed, and  
387 similar information for the primary contact of the private



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388 provider on the project.

389 (5) After construction has commenced and if the local  
390 building official is unable to provide inspection services in a  
391 timely manner, the fee owner or the fee owner's contractor may  
392 elect to use a private provider to provide inspection services  
393 by notifying the local building official of the owner's or  
394 contractor's intention to do so no later than 2 p.m. of the  
395 business day before ~~less than 7 business days prior to~~ the next  
396 scheduled inspection using the notice provided for in paragraphs  
397 (4) (a)-(c).

398 (7) (a) No more than 15 ~~30~~ business days after receipt of a  
399 permit application and the affidavit from the private provider  
400 required pursuant to subsection (6), the local building official  
401 shall issue the requested permit or provide a written notice to  
402 the permit applicant identifying the specific plan features that  
403 do not comply with the applicable codes, as well as the specific  
404 code chapters and sections. If the local building official does  
405 not provide a written notice of the plan deficiencies within the  
406 prescribed 15-day ~~30-day~~ period, the permit application shall be  
407 deemed approved as a matter of law, and the permit shall be  
408 issued by the local building official on the next business day.

409 (b) If the local building official provides a written  
410 notice of plan deficiencies to the permit applicant within the  
411 prescribed 15-day ~~30-day~~ period, the 15-day ~~30-day~~ period shall  
412 be tolled pending resolution of the matter. To resolve the plan  
413 deficiencies, the permit applicant may elect to dispute the  
414 deficiencies pursuant to subsection (13) or to submit revisions  
415 to correct the deficiencies.

416 (c) If the permit applicant submits revisions, the local



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417 building official has the remainder of the tolled 15-day ~~30-day~~  
418 period plus 5 business days to issue the requested permit or to  
419 provide a second written notice to the permit applicant stating  
420 which of the previously identified plan features remain in  
421 noncompliance with the applicable codes, with specific reference  
422 to the relevant code chapters and sections. If the local  
423 building official does not provide the second written notice  
424 within the prescribed time period, the permit shall be issued by  
425 the local building official on the next business day.

426 (9) A private provider performing required inspections  
427 under this section shall provide notice to the local building  
428 official of the date and approximate time of any such inspection  
429 no later than the prior business day by 2 p.m. local time or by  
430 any later time permitted by the local building official in that  
431 jurisdiction. The local building official may not prohibit the  
432 private provider from performing any inspection outside of the  
433 local building official's normal operating hours, including  
434 before and after normal business hours, on weekends, or on  
435 holidays. The local building official may visit the building  
436 site as often as necessary to verify that the private provider  
437 is performing all required inspections. A deficiency notice must  
438 be posted at the job site by the private provider, the duly  
439 authorized representative of the private provider, or the  
440 building department whenever a noncomplying item related to the  
441 building code or the permitted documents is found. After  
442 corrections are made, the item must be reinspected by the  
443 private provider or representative before being concealed.  
444 Reinspection or reaudit fees shall not be charged by the local  
445 jurisdiction as a result of the local jurisdiction's audit





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446 inspection occurring before the performance of the private  
447 provider's inspection or for any other administrative matter not  
448 involving the detection of a violation of the building code or a  
449 permit requirement.

450 Section 13. This act shall take effect October 1, 2019.

451  
452 ===== T I T L E A M E N D M E N T =====

453 And the title is amended as follows:

454 Delete everything before the enacting clause  
455 and insert:

456 A bill to be entitled  
457 An act relating to engineering; amending s. 455.271,  
458 F.S.; deleting a provision requiring a delinquent  
459 status licensee to apply for active or inactive  
460 status; requiring rulemaking to authorize licensees  
461 whose licenses are void to apply for reinstatement;  
462 amending s. 471.005, F.S.; revising definitions;  
463 amending s. 471.008, F.S.; revising the Board of  
464 Professional Engineers' rulemaking authority; amending  
465 s. 471.011, F.S.; conforming provisions to changes  
466 made by the act; amending s. 471.013, F.S.; revising  
467 the prerequisites for a person to take an examination  
468 that determines whether she or he is qualified to  
469 practice in this state as an engineer; deleting an  
470 obsolete provision; amending s. 471.015, F.S.;  
471 revising licensure certification requirements to  
472 include active engineering experience and a minimum  
473 age; revising requirements for licensure by  
474 endorsement by the board; providing that the time



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475 period in which a licensure application must be  
476 granted or denied is tolled if an applicant is  
477 required to make a personal appearance before the  
478 board; authorizing the board to deny a license if such  
479 an applicant fails to appear before the board within a  
480 specified timeframe; amending s. 471.019, F.S.;  
481 requiring the board to adopt rules relating to a  
482 reinstatement process for void licenses; revising  
483 continuing education requirements for reactivating a  
484 license; amending s. 471.021, F.S.; requiring that  
485 temporary registrations be issued for certain work  
486 rather than certificates of authorization; amending s.  
487 471.023, F.S.; conforming provisions to changes made  
488 by the act; providing requirements for qualifying  
489 agents who terminate an affiliation with or cease  
490 employment with qualified business organizations;  
491 amending s. 471.025, F.S.; requiring a successor  
492 engineer to be able to independently re-create certain  
493 work when seeking to reuse certain documents;  
494 specifying that a successor engineer assumes full  
495 professional and legal responsibility by signing or  
496 affixing his or her seal to assumed documents;  
497 releasing the engineer who previously sealed the  
498 documents from any professional responsibility or  
499 civil liability for her or his work that is assumed by  
500 a successor engineer; defining the term "successor  
501 engineer"; amending s. 553.79, F.S.; requiring that  
502 structural inspections on a threshold building be  
503 performed during new construction or during certain



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504 repair or restoration projects; amending s. 553.791,  
505 F.S.; revising notice requirements for certain  
506 building code inspection services by private  
507 providers; decreasing the amount of time a local  
508 building official has to take certain actions after  
509 receiving a permit application and affidavit from a  
510 private provider; prohibiting a local building  
511 official from prohibiting a private provider from  
512 performing any inspection outside the local building  
513 official's normal operating hours; providing an  
514 effective date.