

By the Committees on Community Affairs; and Innovation, Industry, and Technology; and Senators Perry and Hutson

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1 A bill to be entitled
2 An act relating to engineering; amending s. 455.271,
3 F.S.; deleting a provision requiring a delinquent
4 status licensee to apply for active or inactive
5 status; requiring rulemaking to authorize licensees
6 whose licenses are void to apply for reinstatement;
7 amending s. 471.008, F.S.; revising the Board of
8 Professional Engineers' rulemaking authority; amending
9 s. 471.013, F.S.; revising the prerequisites for a
10 person to take an examination that determines whether
11 she or he is qualified to practice in this state as an
12 engineer; deleting an obsolete provision; amending s.
13 471.015, F.S.; revising licensure certification
14 requirements to include active engineering experience
15 and a minimum age; revising requirements for licensure
16 by endorsement by the board; providing that the time
17 period in which a licensure application must be
18 granted or denied is tolled if an applicant is
19 required to make a personal appearance before the
20 board; authorizing the board to deny a license if such
21 an applicant fails to appear before the board within a
22 specified timeframe; amending s. 471.019, F.S.;
23 requiring the board to adopt rules relating to a
24 reinstatement process for void licenses; revising
25 continuing education requirements for reactivating a
26 license; amending s. 471.021, F.S.; requiring an
27 applicant to appoint the Department of State as an
28 agent of the applicant for service of process of
29 certain actions; amending s. 471.025, F.S.; requiring

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30 a successor engineer to be able to independently re-
31 create certain work when seeking to reuse certain
32 documents; specifying that a successor engineer
33 assumes full professional and legal responsibility by
34 signing or affixing his or her seal to assumed
35 documents; releasing the engineer who previously
36 sealed the documents from any professional
37 responsibility or civil liability for her or his work
38 that is assumed by a successor engineer; defining the
39 term "successor engineer"; amending s. 553.79, F.S.;
40 requiring that structural inspections on a threshold
41 building be performed during new construction or
42 during certain repair or restoration projects;
43 amending s. 553.791, F.S.; revising notice
44 requirements for certain building code inspection
45 services by private providers; decreasing the amount
46 of time a local building official has to take certain
47 actions after receiving a permit application and
48 affidavit from a private provider; prohibiting a local
49 building official from prohibiting a private provider
50 from performing any inspection outside the local
51 building official's normal operating hours; providing
52 an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraph (a) of subsection (6) of section
57 455.271, Florida Statutes, is amended to read:

58 455.271 Inactive and delinquent status.—

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59 (6) (a) ~~A delinquent status licensee must affirmatively~~
60 ~~apply with a complete application, as defined by rule of the~~
61 ~~board, or the department if there is no board, for active or~~
62 ~~inactive status during the licensure cycle in which a licensee~~
63 ~~becomes delinquent.~~ Failure by a delinquent status licensee to
64 become active or inactive before the expiration of the current
65 licensure cycle shall render the license void without any
66 further action by the board or the department. The board, or the
67 department if there is no board, shall adopt rules allowing a
68 licensee whose license is void to apply for reinstatement.

69
70 This subsection does not apply to individuals subject to
71 regulation under chapter 473.

72 Section 2. Section 471.008, Florida Statutes, is amended to
73 read:

74 471.008 Rulemaking authority.—The board has authority to
75 adopt rules pursuant to ss. 120.536(1) and 120.54 to:

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

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

79 (3) Ensure accuracy, completeness, and quality in the
80 engineering products provided.

81 Section 3. Paragraph (a) of subsection (1) of section
82 471.013, Florida Statutes, is amended to read:

83 471.013 Examinations; prerequisites.—

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

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88 1. Is a graduate from an approved engineering curriculum of
89 4 years or more in a school, college, or university which has
90 been approved by the board ~~and has a record of 4 years of active~~
91 ~~engineering experience of a character indicating competence to~~
92 ~~be in responsible charge of engineering; or~~

93 2. Is a graduate of an approved engineering technology
94 curriculum of 4 years or more in a school, college, or
95 university which has been approved by the board ~~within the State~~
96 ~~University System, having been enrolled or having graduated~~
97 ~~prior to July 1, 1979, and has a record of 4 years of active~~
98 ~~engineering experience of a character indicating competence to~~
99 ~~be in responsible charge of engineering; or~~

100 3. ~~Has, in lieu of such education and experience~~
101 ~~requirements, 10 years or more of active engineering work of a~~
102 ~~character indicating that the applicant is competent to be~~
103 ~~placed in responsible charge of engineering. However, this~~
104 ~~subparagraph does not apply unless such person notifies the~~
105 ~~department before July 1, 1984, that she or he was engaged in~~
106 ~~such work on July 1, 1981.~~

107
108 The board shall adopt rules providing for the review and
109 approval of schools or colleges and the courses of study in
110 engineering in such schools and colleges. The rules must ~~shall~~
111 be based on the educational requirements for engineering as
112 defined in s. 471.005. The board may adopt rules providing for
113 the acceptance of the approval and accreditation of schools and
114 courses of study by a nationally accepted accreditation
115 organization.

116 Section 4. Subsections (2), (3), (5), and (6) of section

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117 471.015, Florida Statutes, are amended to read:

118 471.015 Licensure.—

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

122 1. Satisfies the requirements of s. 471.013(1)(a)1. and has
123 a record of 4 years of active engineering experience of a
124 character indicating competence to be in responsible charge of
125 engineering; or

126 2. Satisfies the requirements of s. 471.013(1)(a)2. and has
127 a record of 6 years of active engineering experience of a
128 character indicating competence to be in responsible charge of
129 engineering ~~s. 471.013.~~

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

132 (3) The board shall certify as qualified for a license by
133 endorsement an applicant who:

134 (a) Qualifies to take the fundamentals examination and the
135 principles and practice examination as set forth in s. 471.013,
136 has passed a United States national, regional, state, or
137 territorial licensing examination that is substantially
138 equivalent to the fundamentals examination and principles and
139 practice examination required by s. 471.013, and has satisfied
140 the experience requirements set forth in paragraph (2)(a) and s.
141 471.013; or

142 (b) Holds a valid license to practice engineering issued by
143 another state or territory of the United States, if the criteria
144 for issuance of the license were substantially the same as the
145 licensure criteria that existed in this state at the time the

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146 license was issued.

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

153 (b) The board shall deem that an applicant who seeks
154 licensure by endorsement has passed an examination substantially
155 equivalent to the fundamentals examination and the principles
156 and practices examination when such applicant has held a valid
157 professional engineer's license in another state for 20 ~~25~~ years
158 and has had 25 ~~30~~ years of continuous professional-level
159 engineering experience.

160 (6) The board may require a personal appearance by any
161 applicant for licensure under this chapter. Any applicant of
162 whom a personal appearance is required must be given adequate
163 notice of the time and place of the appearance and provided with
164 a statement of the purpose of and reasons requiring the
165 appearance. If an applicant is required to appear, the time
166 period within which a licensure application must be granted or
167 denied is tolled until such time as the applicant appears.
168 However, if the applicant fails to appear before the board at
169 either of the next two regularly scheduled board meetings, the
170 application for licensure may be denied.

171 Section 5. Section 471.019, Florida Statutes, is amended to
172 read:

173 471.019 Reactivation.—The board shall prescribe by rule a
174 reinstatement process for void licenses which includes

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175 establishing appropriate continuing education requirements for
176 reactivating a license. The continuing education requirements
177 for reactivating a license for a licensed engineer may not
178 exceed the continuing education requirements prescribed pursuant
179 to s. 471.017 ~~12 classroom hours~~ for each year the license was
180 inactive.

181 Section 6. Subsection (3) of section 471.021, Florida
182 Statutes, is amended to read:

183 471.021 Engineers and firms of other states; temporary
184 certificates to practice in Florida.—

185 (3) The application for a temporary license shall require
186 the ~~constitute~~ appointment of the Department of State as an
187 agent of the applicant for service of process in any action or
188 proceeding against the applicant arising out of any transaction
189 or operation connected with or incidental to the practice of
190 engineering for which the temporary license was issued.

191 Section 7. Subsection (4) is added to section 471.025,
192 Florida Statutes, to read:

193 471.025 Seals.—

194 (4) A successor engineer seeking to reuse documents
195 previously sealed by another engineer must be able to
196 independently re-create all of the work done by the original
197 engineer. A successor engineer assumes full professional and
198 legal responsibility by signing and affixing his or her seal to
199 the assumed documents. Such documents must be treated as though
200 they were the successor engineer's original product, and the
201 original engineer is released from any professional
202 responsibility or civil liability for prior work assumed by the
203 successor engineer. For the purposes of this subsection, the

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204 term "successor engineer" means an engineer who is using or
205 relying upon the work, findings, or recommendations of the
206 engineer who previously sealed the pertinent documents.

207 Section 8. Paragraph (a) of subsection (5) of section
208 553.79, Florida Statutes, is amended to read:

209 553.79 Permits; applications; issuance; inspections.—

210 (5) (a) During new construction or during repair or
211 restoration projects in which the structural system or
212 structural loading of a threshold building is being modified,
213 the enforcing agency shall require a special inspector to
214 perform structural inspections on the ~~a~~ threshold building
215 pursuant to a structural inspection plan prepared by the
216 engineer or architect of record. The structural inspection plan
217 must be submitted to and approved by the enforcing agency before
218 the issuance of a building permit for the construction, repair,
219 or restoration of a threshold building. The purpose of the
220 structural inspection plan is to provide specific inspection
221 procedures and schedules so that the building can be adequately
222 inspected for compliance with the permitted documents. The
223 special inspector may not serve as a surrogate in carrying out
224 the responsibilities of the building official, the architect, or
225 the engineer of record. The contractor's contractual or
226 statutory obligations are not relieved by any action of the
227 special inspector. The special inspector shall determine that a
228 professional engineer who specializes in shoring design has
229 inspected the shoring and reshoring for conformance with the
230 shoring and reshoring plans submitted to the enforcing agency. A
231 fee simple title owner of a building, which does not meet the
232 minimum size, height, occupancy, occupancy classification, or

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233 number-of-stories criteria which would result in classification
234 as a threshold building under s. 553.71(12), may designate such
235 building as a threshold building, subject to more than the
236 minimum number of inspections required by the Florida Building
237 Code.

238 Section 9. Subsections (4) and (5), paragraphs (a), (b),
239 and (c) of subsection (7), and subsection (9) of section
240 553.791, Florida Statutes, are amended to read:

241 553.791 Alternative plans review and inspection.—

242 (4) A fee owner or the fee owner's contractor using a
243 private provider to provide building code inspection services
244 shall notify the local building official at the time of permit
245 application, or no later than 2 p.m. of the business day before
246 ~~less than 7 business days prior to~~ the first scheduled
247 inspection by the local building official or building code
248 enforcement agency for a private provider performing required
249 inspections of construction under this section, on a form to be
250 adopted by the commission. This notice shall include the
251 following information:

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

253 (b) The name, firm, address, telephone number, and
254 facsimile number of each private provider who is performing or
255 will perform such services, his or her professional license or
256 certification number, qualification statements or resumes, and,
257 if required by the local building official, a certificate of
258 insurance demonstrating that professional liability insurance
259 coverage is in place for the private provider's firm, the
260 private provider, and any duly authorized representative in the
261 amounts required by this section.

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262 (c) An acknowledgment from the fee owner in substantially
263 the following form:

264
265 I have elected to use one or more private providers to
266 provide building code plans review and/or inspection
267 services on the building or structure that is the
268 subject of the enclosed permit application, as
269 authorized by s. 553.791, Florida Statutes. I
270 understand that the local building official may not
271 review the plans submitted or perform the required
272 building inspections to determine compliance with the
273 applicable codes, except to the extent specified in
274 said law. Instead, plans review and/or required
275 building inspections will be performed by licensed or
276 certified personnel identified in the application. The
277 law requires minimum insurance requirements for such
278 personnel, but I understand that I may require more
279 insurance to protect my interests. By executing this
280 form, I acknowledge that I have made inquiry regarding
281 the competence of the licensed or certified personnel
282 and the level of their insurance and am satisfied that
283 my interests are adequately protected. I agree to
284 indemnify, defend, and hold harmless the local
285 government, the local building official, and their
286 building code enforcement personnel from any and all
287 claims arising from my use of these licensed or
288 certified personnel to perform building code
289 inspection services with respect to the building or
290 structure that is the subject of the enclosed permit

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291 application.

292

293 If the fee owner or the fee owner's contractor makes any changes
294 to the listed private providers or the services to be provided
295 by those private providers, the fee owner or the fee owner's
296 contractor shall, within 1 business day after any change, update
297 the notice to reflect such changes. A change of a duly
298 authorized representative named in the permit application does
299 not require a revision of the permit, and the building code
300 enforcement agency shall not charge a fee for making the change.
301 In addition, the fee owner or the fee owner's contractor shall
302 post at the project site, prior to the commencement of
303 construction and updated within 1 business day after any change,
304 on a form to be adopted by the commission, the name, firm,
305 address, telephone number, and facsimile number of each private
306 provider who is performing or will perform building code
307 inspection services, the type of service being performed, and
308 similar information for the primary contact of the private
309 provider on the project.

310 (5) After construction has commenced and if the local
311 building official is unable to provide inspection services in a
312 timely manner, the fee owner or the fee owner's contractor may
313 elect to use a private provider to provide inspection services
314 by notifying the local building official of the owner's or
315 contractor's intention to do so no later than 2 p.m. of the
316 business day before ~~less than 7 business days prior to~~ the next
317 scheduled inspection using the notice provided for in paragraphs
318 (4) (a) - (c).

319 (7) (a) No more than 15 ~~30~~ business days after receipt of a

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320 permit application and the affidavit from the private provider
321 required pursuant to subsection (6), the local building official
322 shall issue the requested permit or provide a written notice to
323 the permit applicant identifying the specific plan features that
324 do not comply with the applicable codes, as well as the specific
325 code chapters and sections. If the local building official does
326 not provide a written notice of the plan deficiencies within the
327 prescribed 15-day ~~30-day~~ period, the permit application shall be
328 deemed approved as a matter of law, and the permit shall be
329 issued by the local building official on the next business day.

330 (b) If the local building official provides a written
331 notice of plan deficiencies to the permit applicant within the
332 prescribed 15-day ~~30-day~~ period, the 15-day ~~30-day~~ period shall
333 be tolled pending resolution of the matter. To resolve the plan
334 deficiencies, the permit applicant may elect to dispute the
335 deficiencies pursuant to subsection (13) or to submit revisions
336 to correct the deficiencies.

337 (c) If the permit applicant submits revisions, the local
338 building official has the remainder of the tolled 15-day ~~30-day~~
339 period plus 5 business days to issue the requested permit or to
340 provide a second written notice to the permit applicant stating
341 which of the previously identified plan features remain in
342 noncompliance with the applicable codes, with specific reference
343 to the relevant code chapters and sections. If the local
344 building official does not provide the second written notice
345 within the prescribed time period, the permit shall be issued by
346 the local building official on the next business day.

347 (9) A private provider performing required inspections
348 under this section shall provide notice to the local building

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349 official of the date and approximate time of any such inspection
350 no later than the prior business day by 2 p.m. local time or by
351 any later time permitted by the local building official in that
352 jurisdiction. The local building official may not prohibit the
353 private provider from performing any inspection outside of the
354 local building official's normal operating hours, including
355 before and after normal business hours, on weekends, or on
356 holidays. The local building official may visit the building
357 site as often as necessary to verify that the private provider
358 is performing all required inspections. A deficiency notice must
359 be posted at the job site by the private provider, the duly
360 authorized representative of the private provider, or the
361 building department whenever a noncomplying item related to the
362 building code or the permitted documents is found. After
363 corrections are made, the item must be reinspected by the
364 private provider or representative before being concealed.
365 Reinspection or reaudit fees shall not be charged by the local
366 jurisdiction as a result of the local jurisdiction's audit
367 inspection occurring before the performance of the private
368 provider's inspection or for any other administrative matter not
369 involving the detection of a violation of the building code or a
370 permit requirement.

371 Section 10. This act shall take effect October 1, 2019.