

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 942

INTRODUCER: Senator Baxley

SUBJECT: Fees/Professional Structural Engineer Licensing

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SB 942 provides that the Board of Professional Engineers (board) may establish fees for licensing of professional structural engineers.

SB 940, relating to Professional Structural Engineers, is a linked bill that requires the board to determine whether applicants seeking to practice professional structural engineering are licensed or qualify for licensure as an engineer, have at least four years of active professional structural engineering experience under the supervision of a licensed professional engineer, have passed certain professional examinations, and meet other administrative requirements. The linked bill also addresses other issues related to professional structural engineers.

See Section V, Fiscal Impact Statement.

The bill is effective on the same date that SB 940 or similar legislation takes effect, if such legislation is adopted in the same legislative session or any extension and becomes a law.

II. Present Situation:

Linked Bill SB 940

This bill is linked to SB 940, relating to Professional Structural Engineers, which amends s. 471.015(3), F.S. Under the linked bill, the board is authorized to certify persons as qualified to practice professional structural engineering if they are licensed or qualify for licensure as an engineer, have at least four years of active professional structural engineering experience under the supervision of a licensed professional engineer, have passed certain professional examinations, and meet other administrative requirements.

In addition, the linked bill provides an applicant for licensure as a professional structural engineer must:

- Be licensed as an engineer, or qualify for licensure, under ch. 471, F.S.;
- Submit an application in the format prescribed by the board;
- Provide satisfactory evidence of good moral character, as defined by the board;
- Provide a record of four years of active professional structural engineering experience, as defined by the board, under the supervision of a licensed professional engineer; and
- Have successfully passed the 16-hour National Council of Examiners for Engineering and Surveying Structural Engineering examination. Section 471.011, F.S., authorizes the board by rule to establish fees to be paid for applications, examination, reexamination, licensing, renewal, reactivation, inactive status applications, and recordmaking and recordkeeping. It also provides that qualification of a business organization must not require payment of a fee.

Fees

Section 471.011, F.S., authorizes the board to establish fees, by rule, to be paid for applications, examination, reexamination, licensing, renewal, reactivation, inactive status applications, and recordmaking and recordkeeping. It also provides that qualification of a business organization must not require payment of a fee.

Current law provides fees for licensure may not exceed these amounts:

- Initial license - \$125;
- Biennial renewal - \$125;
- Temporary registration or certificate - \$25 for an individual or \$50 for a business firm;
- Licensure by endorsement - \$150; or
- Application for inactive status or for reactivation of an inactive license - \$150.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 471.011, F.S., relating to fees for license applications, temporary licenses, license renewals, inactive licenses, examinations, and records, to provide that such fees are also applicable to the regulation of professional structural engineers.

Section 2 of the bill amends subsection s. 471.015(3), F.S., as amended in linked bill SB 940, relating to Professional Structural Engineers, to require payment by applicants seeking licensure to practice professional structural engineering, of a fee to be established by the board.

Section 3 provides the bill takes effect on the same date that SB 940 or similar legislation takes effect, if such legislation is adopted in the same legislative session or any extension and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

For purposes of this limitation the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

This bill authorizes the Board of Professional Engineers (board) to adopt, by rule, fees for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping, as well as a delinquency, and for a temporary registration or certificate to practice professional structural engineering. Because the board does not have such authority for such fees for professional structural engineers or professional structural engineering under current law, the provisions of Section 19, Art. VII of the State Constitution appear to apply, requiring this legislation to be approved by a 2/3 vote of each house of the legislature.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill requires the board to establish a fee for licensure as a professional structural engineer, as authorized in s. 471.011, F.S.

B. Private Sector Impact:

Beginning March 1, 2024, persons who are licensed engineers in Florida and those who perform work that comes within the definition in SB 940 for “professional structural engineering” (i.e., work that includes structural analysis and design of structural components or systems for threshold buildings defined in s. 553.71, F.S.) will be required

to obtain additional licensing as a professional structural engineer to perform such work and pay the fee for such licensing established by the board.

C. Government Sector Impact:

Unlike most Department of Business and Professional Regulation (DBPR) professions, the administrative, investigative, and prosecutorial services for the board are not provided by the DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a nonprofit corporation, to provide such services.¹

The creation of an additional licensing and regulatory structure for professional structural engineers may result in a fiscal impact to the DBPR or the FEMC. To date, no analysis by the DBPR or the FEMC of the impact of the bill on their respective operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Staff has prepared the required technical amendment to insert the linked bill number into the bill. *See* lines 30 and 52 of the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 471.011 and 471.015.

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.

¹ The FEMC is a public-private nonprofit association that has contracted with the DBPR to handle administrative, investigative, and prosecutorial services for the Board of Professional Engineers *See* s. 471.038, F.S., the Florida Engineers Management Corporation Act, for the duties and authority of the FEMC.