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

A bill to be entitled
An act relating to engineering; amending s. 455.271, F.S.; deleting a provision requiring a delinquent status licensee to apply for active or inactive status; requiring rulemaking to authorize licensees whose licenses are void to apply for reinstatement; amending s. 471.008, F.S.; revising the Board of Professional Engineers’ rulemaking authority; amending s. 471.013, F.S.; revising the prerequisites for a person to take an examination that determines whether she or he is qualified to practice in this state as an engineer; deleting an obsolete provision; amending s. 471.015, F.S.; revising licensure certification requirements to include active engineering experience and a minimum age; revising requirements for licensure by endorsement by the board; providing that the time period in which a licensure application must be granted or denied is tolled if an applicant is required to make a personal appearance before the board; authorizing the board to deny a license if such an applicant fails to appear before the board within a specified timeframe; amending s. 471.019, F.S.; requiring the board to adopt rules relating to a reinstatement process for void licenses; revising continuing education requirements for reactivating a license; amending s. 471.025, F.S.; requiring a successor engineer to be able to independently re-create certain work when seeking to reuse certain documents; specifying that a successor engineer
assumes full professional and legal responsibility by
signing or affixing his or her seal to assumed
documents; releasing the engineer who previously
sealed the documents from any professional
responsibility or civil liability for her or his work
that is assumed by a successor engineer; defining the
term “successor engineer”; amending s. 553.79, F.S.;
requiring that structural inspections on a threshold
building be performed during new construction or
during certain repair or restoration projects;
amending s. 553.791, F.S.; revising notice
requirements for certain building code inspection
services by private providers; decreasing the amount
of time a local building official has to take certain
actions after receiving a permit application and
affidavit from a private provider; prohibiting a local
building official from prohibiting a private provider
from performing any inspection outside the local
building official’s normal operating hours; providing
an effective date.

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

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

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

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

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

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

(2) Ensure competence in the practice of engineering.

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

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

471.013 Examinations; prerequisites.—

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

1. 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 and has a record of 4 years of active
engineering experience of a character indicating competence to
be in responsible charge of engineering; or

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

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

The board shall adopt rules providing for the review and
approval of schools or colleges and the courses of study in
engineering in such schools and colleges. The rules must shall
be based on the educational requirements for engineering as
defined in s. 471.005. The board may adopt rules providing for
the acceptance of the approval and accreditation of schools and
courses of study by a nationally accepted accreditation
organization.

Section 4. Subsections (2), (3), and (6) of section
471.015, Florida Statutes, are amended to read:

471.015 Licensure.—

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

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

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

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

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

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

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

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

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

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

Section 6. Subsection (4) is added to section 471.025, Florida Statutes, to read:

471.025 Seals.—

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

Section 7. Paragraph (a) of subsection (5) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—
(5)(a) During new construction or during repair or restoration projects in which the structural system or structural loading of a threshold building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on the a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency before the issuance of a building permit for the construction, repair, or restoration of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor’s contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the
shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(12), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

Section 8. Subsections (4) and (5), paragraphs (a), (b), and (c) of subsection (7), and subsection (9) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

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

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

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

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

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

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner’s contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner’s or contractor’s intention to do so by 2 p.m. local time, 2 no less than 7 business days prior to the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).
(7) (a) No more than 20-30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day 30-day period, the 20-day 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 20-day 30-day period plus 5 business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be issued by the local building official on the next business day.

(9) A private provider performing required inspections
under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may not prohibit the private provider from performing any inspection outside of the local building official’s normal operating hours, including before and after normal business hours, on weekends, or on holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted at the job site by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. After corrections are made, the item must be reinspected by the private provider or representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction’s audit inspection occurring before the performance of the private provider’s inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

Section 9. This act shall take effect October 1, 2019.