

Committee Substitute for  
Committee Substitute for Senate Bill No. 990

An act relating to business regulation; amending s. 509.032, F.S.; providing for annual rather than biannual inspections of transient and nontransient apartments; revising notice and license requirements for temporary food service events; amending s. 509.039, F.S.; revising requirements for testing and certification of food service managers; amending s. 509.251, F.S.; excluding certain fees from the maximum aggregate license fee for public food service establishments; amending s. 509.291, F.S.; providing for increased coordination and consultation among the Secretary of Business and Professional Regulation, the Division of Hotels and Restaurants, and the advisory council; amending s. 509.302, F.S.; increasing the annual fee collected for the purpose of funding the Hospitality Education Program; amending s. 399.01, F.S.; revising and removing definitions; requiring that elevator service maintenance contracts be made available to the Department of Business and Professional Regulation upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections and correction of code deficiencies; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; revising requirements relating to the design, installation, and alteration of conveyances; providing additional requirements for issuance of elevator permits; revising reporting requirements; providing requirements for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating the requirement that annual inspections be conducted through third-party inspection services; revising reporting requirements relating to service maintenance contracts; revising requirements relating to the correction of violations; amending s. 399.07, F.S.; extending the period of validity of certificates of operation from 1 to 2 years; revising fee provisions to conform; amending s. 399.105, F.S.; providing administrative fines for violations relating to reporting, operating a sealed elevator, and complying with correction orders; eliminating a restriction on the issuance of an administrative fine relating to commencing installation without a construction permit; amending s. 399.106, F.S.; correcting a reference; amending s. 399.125, F.S.; eliminating the requirement to report elevator incidents; amending s. 399.13, F.S.; allowing municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections; amending s. 509.036, F.S.; conforming a reference; amending ss. 471.003, 471.0035, 471.005, 471.007, 471.013, 471.015, 471.019, 471.0195, 471.021, 471.023, 471.025, 471.027, 471.031, 471.033, 471.037, F.S.; revising provisions applying to registered professional engineers to apply to licensed professional engineers; amending s.

210.08, F.S.; providing methods other than a bond for dealers, agents, or distributing agents to guarantee tax payment to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) and paragraph (c) of subsection (3) of section 509.032, Florida Statutes, are amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually, and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors ~~vendor owners and operators~~ participating in the ~~each~~ event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a numbers of all public food service establishment or temporary food service event licensee establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A

public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food service vendor must obtain one of the following classes of a license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

Section 2. Section 509.039, Florida Statutes, is amended to read:

509.039 Food service manager certification.—It is the duty of the division to adopt, by rule, food safety protection standards for the training and certification of all food service managers who are responsible for the storage, preparation, display, or serving of foods to the public in establishments regulated under this chapter. The standards adopted by the division shall be consistent with the Standards for Accreditation of Food Protection Manager Certification Programs adopted by the Conference for Food Protection. These standards are to be adopted by the division to ensure that, upon successfully passing a test, approved by the Conference for Food Protection, a manager of a food service establishment shall have demonstrated a knowledge of basic food protection practices. The division may contract with an organization offering a training and certification program that complies with division standards and results in a certification recognized by the Conference for Food Protection ~~These standards shall also provide for a certification program which authorizes private or public agencies to conduct an approved test and certify all test the results of those tests to the division. Other organizations offering programs that meet the same requirements may also conduct approved tests and certify all test results to the division. The division may charge the organization it contracts with a fee of not more than \$5 per certified test to cover the administrative costs of the division for the food service manager training and certification program. The fee for the test shall not exceed \$50.~~ All managers employed by a food service establishment must have passed an approved ~~this~~ test and received a certificate attesting thereto. Managers have a period of 90 days after employment to pass the required test. The ranking of food service establishments is also preempted to the state; provided, however, that any local ordinances establishing a ranking system in existence prior to October 1, 1988, may remain in effect.

Section 3. Subsections (1) and (2) of section 509.251, Florida Statutes, are amended to read:

509.251 License fees.—

(1) The division shall adopt, by rule, a schedule of fees to be paid by each public lodging establishment as a prerequisite to issuance or renewal of a license. Such fees shall be based on the number of rental units in the establishment. The aggregate fee per establishment charged any public lodging establishment ~~but~~ shall not exceed \$1,000; however, the fees described in paragraphs (a) and (b) may not be included as part of the aggregate fee subject to this cap. Resort condominium units within separate buildings or at separate locations but managed by one licensed agent may be combined in a single license application, and the division shall charge a license fee as if all units in the application are in a single licensed establishment. Resort dwelling units may be licensed in the same manner as condominium units. The fee schedule shall require an establishment which applies for an initial license to pay the full license fee if application is made during the annual renewal period or more than 6 months prior to the next such renewal period and one-half of the fee if application is made 6 months or less prior to such period. The fee schedule shall include fees collected for the purpose of funding the Hospitality Education Program, pursuant to s. 509.302, which are payable in full for each application regardless of when the application is submitted.

(a) Upon making initial application or an application for change of ownership, the applicant shall pay to the division a fee as prescribed by rule, not to exceed \$50, in addition to any other fees required by law, which shall cover all costs associated with initiating regulation of the establishment.

(b) A license renewal filed with the division within 30 days after the expiration date shall be accompanied by a delinquent fee as prescribed by rule, not to exceed \$50, in addition to the renewal fee and any other fees required by law. A license renewal filed with the division more than 30 but not more than 60 days after the expiration date shall be accompanied by a delinquent fee as prescribed by rule, not to exceed \$100, in addition to the renewal fee and any other fees required by law.

(2) The division shall adopt, by rule, a schedule of fees to be paid by each public food service establishment as a prerequisite to issuance or renewal of a license. The fee schedule shall prescribe a basic fee and additional fees based on seating capacity and services offered. The aggregate fee per establishment charged any public food service establishment may not exceed \$400; however, the fees described in paragraphs (a) and (b) may not be included as part of the aggregate fee subject to this cap. The fee schedule shall require an establishment which applies for an initial license to pay the full license fee if application is made during the annual renewal period or more than 6 months prior to the next such renewal period and one-half of the fee if application is made 6 months or less prior to such period. The fee schedule shall include fees collected for the purpose of funding the Hospitality Education Program, pursuant to s. 509.302, which are payable in full for each application regardless of when the application is submitted.

(a) Upon making initial application or an application for change of ownership, the applicant shall pay to the division a fee as prescribed by rule, not to exceed \$50, in addition to any other fees required by law, which shall cover all costs associated with initiating regulation of the establishment.

(b) A license renewal filed with the division within 30 days after the expiration date shall be accompanied by a delinquent fee as prescribed by rule, not to exceed \$50, in addition to the renewal fee and any other fees required by law. A license renewal filed with the division more than 30 but not more than 60 days after the expiration date shall be accompanied by a delinquent fee as prescribed by rule, not to exceed \$100, in addition to the renewal fee and any other fees required by law.

Section 4. Subsection (2) of section 509.291, Florida Statutes, is amended, and subsections (5) and (6) are added to said section, to read:

509.291 Advisory council.—

(2) The purpose of the advisory council is to promote better relations, understanding, and cooperation between such industries and the division; to suggest means of better protecting the health, welfare, and safety of persons using the services offered by such industries; to give the division the benefit of its knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division; ~~and~~ to promote and coordinate the development of programs to educate and train personnel for such industries; ~~and to perform such other duties as prescribed by law.~~

(5) The secretary and the division shall periodically review with the advisory council the division's budget and financial status for the purpose of maintaining the financial stability of the division. The council shall make recommendations, when it deems appropriate, to the secretary and the division to ensure that adequate funding levels from fees, penalties, and other costs assessed by the division and paid by the industries it regulates are maintained.

(6) The division shall provide to the advisory council each year an annual internal audit of the financial records of the Hospitality Education Program for the purpose of permitting the advisory council to determine compliance with the provisions of s. 509.072(2).

Section 5. Subsection (3) of section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(3) All public lodging establishments and all public food service establishments licensed under this chapter shall pay an annual fee of no more than ~~\$10~~ ~~\$6~~ which shall be included in the annual license fee and which shall be used for the sole purpose of funding the Hospitality Education Program.

Section 6. Section 399.01, Florida Statutes, is amended to read:

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

(1) “Alteration” means any change or addition to the vertical conveyance other than maintenance, repair, or replacement.

~~(2) “Certificate of competency” means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any vertical conveyance.~~

~~(2)(3)~~ “Certificate of operation” means a document issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.

~~(3)(4)~~ “Conveyance” means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, or ~~and~~ stairway chairlift.

~~(4)(5)~~ “Department” means the Department of Business and Professional Regulation.

~~(5)(6)~~ “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

~~(6)(7)~~ “Elevator” means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

~~(8) “Escalator” means an installation defined as an escalator in the Florida Building Code.~~

~~(7)(9)~~ “Existing installation” means an installation defined as an “installation, existing” in the Florida Building Code.

~~(8)(10)~~ “Elevator Safety Technical Advisory Committee” means the committee appointed by the secretary of the Department of Business and Professional Regulation.

(9)(11) “Private residence” means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

(10)(12) “Service maintenance contract” means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests such as on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator. A service maintenance contract shall be made available upon request of the department for purposes of oversight and monitoring.

(11)(13) “Temporarily dormant conveyance” means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the “OFF” position. The car is parked, and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certified certificate of competency elevator inspector. This conveyance installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certified certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the department chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the department elevator inspector.

(12)(14) “Temporary operation inspection permit” means an inspection performed by a certified elevator inspector, the successful passage of a document issued by the department which permits the temporary use of a non-compliant vertical conveyance as provided by rule.

(13)(15) “Registered elevator company” means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by rule ~~the division~~.

(14)(16) “Certified elevator inspector” is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential as prescribed by the American Society of Mechanical Engineers. Each certified elevator inspector must annually register with the division and provide from the National Association of Elevator Safety Authorities. ~~Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education, proof that and the qualified elevator inspector credential remains in good standing, and proof of with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division.~~

~~Each certified elevator inspector must annually register with the division and maintain~~ general liability insurance coverage in the minimum amounts set by the division.

~~(15)~~(17) “Certified elevator technician” means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and be covered by ~~maintain~~ general liability insurance coverage in the minimum amounts set by the division.

~~(16)~~(18) “Elevator helper” means a natural person performing work under the direct supervision of an elevator certificate of competency holder ~~a certified elevator inspector or an elevator technician~~ to construct, install, maintain, or repair any vertical conveyance.

~~(17)~~(19) “Elevator certificate of competency” means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a nonrefundable fee of \$50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder’s completion of 8 hours of continuing education from a provider approved by the department and a nonrefundable renewal fee of \$50. The department shall adopt by rule criteria for providing approval and procedures for continuing education reporting.

(a) An elevator certificate of competency may be issued only if the applicant meets the following requirements:

1. Four years’ work experience in the construction, maintenance, service, and repair of conveyances covered by this chapter. This experience shall be verified by current or previously registered elevator companies as required by the division.

2. One of the following:

a. Proof of completion and successful passage of a written examination administered by the division or a provider approved by the division under standards it adopted by rule.

b. Proof of completion of an apprenticeship program for elevator mechanics which has standards substantially equivalent to those found in a national training program for elevator mechanics and is registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or a state apprenticeship authority.

c. Proof of licensure or certification by a state or local jurisdiction in the United States having standards substantially equal to or more stringent than those of this chapter.

(b) A licensed mechanical engineer whose license is in good standing may be granted an elevator certificate of competency.



All other building transportation terms are defined in the current Florida Building Code.

Section 7. Subsections (1) and (5) of section 399.02, Florida Statutes, are amended to read:

399.02 General requirements.—

(1) The Elevator Safety Technical Advisory Committee shall develop and submit to the Director of Hotels and Restaurants proposed ~~regarding~~ revisions to the elevator safety code so that it is the same as or similar to the latest editions ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

(5)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the department. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the department.

(b) The elevator owner is responsible for the safe operation, and proper maintenance, and inspection and correction of code deficiencies of the elevator after ~~it has been inspected and~~ a certificate of operation has been issued by the department. The responsibilities of the elevator owner may be assigned by lease.

~~(c) The elevator owner shall report to the department 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department requires. The department shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the department. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The department shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.~~

Section 8. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of conveyances.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures until unless a permit has been obtained from the department ~~before the work is commenced~~. Permits must be applied for by a registered elevator company and may only be granted upon receipt and approval of an application to be made on a form prescribed by the department, accompanied by proper fees and a sworn statement from an agent of the registered elevator company that the plans meet all applicable elevator safety and building codes. Permits may be granted only to registered elevator companies in good standing. When any material alteration is made, the alteration device ~~device~~ must conform to applicable requirements of the Florida Building Code and the provisions of this

chapter for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit and plans must be kept at the construction site at all times while the work is in progress and until a certificate of operation is issued.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop-work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a registered elevator company person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence, it must be inspected by a certified elevator licensed inspector not employed, or associated, or having a conflict of interest with the elevator construction permitholder or elevator owner and certified as meeting the safety provisions of the Florida Building Code, including the performance of all required safety tests. The certified elevator inspector shall provide the original copy of the inspection report to the department within 5 days after the inspection. A certificate of operation may not be issued until the permitholder provides an affidavit signed by the construction supervisor attesting that the supervisor directly supervised the construction or installation of the elevator. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for

the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

~~(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.~~

~~(6)(7) At the department's request, and to facilitate oversight and monitoring, the permitholder shall notify the department of the scheduled final inspection date and time for purposes of acquiring a certificate of inspection, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.~~

~~(7)(8) Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.~~

~~(8)(9) Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.~~

~~(9)(10) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code or Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.~~

(10)(a) The temporary use of an elevator during installation or alteration is authorized for a period of 30 days after the completion of a satisfactory temporary operation inspection. An additional 30-day period of temporary use is authorized from the date of completion of each additional satisfactory temporary operation inspection. A satisfactory temporary operation inspection must satisfy the following criteria: the elevator is tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) Temporary use is authorized only when a satisfactory temporary operation inspection report, completed within the last 30 days, by a certified elevator inspector, and a notice prescribed by the department, bearing a statement that the elevator has not been finally approved by a certified elevator inspector, are conspicuously posted in the elevator.

Section 9. Section 399.049, Florida Statutes, is amended to read:

399.049 Disciplinary action Certificate of competency.—

~~(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.~~—The department may suspend or revoke an elevator inspector certification, an elevator company registration, an elevator a license or certificate of competency, or an elevator certificate of operation issued under this chapter or impose an administrative penalty of up to \$1,000 per violation upon any registered elevator company licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in an the application for registration, certification, or any permit or certificate issued under this chapter.

(b) Fraud, misrepresentation, or bribery in the practice of the profession securing a license or certificate of competency.

(c) Failure by a certified elevator inspector to provide to notify the department and the certificate of operation holder with a copy of the inspection report within 5 days after the date of any inspection performed after the initial certificate of operation is issued of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) ~~DISCIPLINARY ACTION.~~—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 10. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; service maintenance contracts; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector ~~through a third-party inspection service,~~ or by a municipality or county under contract with the division, pursuant to s. 399.13. ~~If the elevator or other conveyance is maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each~~

~~service maintenance contract must be filed annually with the division as prescribed by rule.~~

~~(b) A statement verifying the existence and performance of each service maintenance contract must be filed at least annually with the division and as prescribed by rule. Cancellation of a service maintenance contract must be reported to the division as prescribed by rule. The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.~~

~~(2) The division may employ state elevator inspectors to inspect an elevator whenever necessary to ensure its safe operation. The division may also employ state elevator inspectors to conduct any the inspections as required by this chapter subsection (1) and may charge a an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule, when a private certified elevator inspector is not available. Each state elevator inspector shall be properly qualified as a certified elevator inspector hold a certificate of competency issued by the division.~~

~~(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.~~

~~(4) When the division determines that an elevator is in violation of this chapter or the Florida Building Code, the division may issue an order to the elevator owner requiring correction of the violation and reinspection of the elevator evidencing the correction.~~

Section 11. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; ~~temporary operation permits~~; fees.—

~~(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.~~

~~(1)(b) The certificate of operation is valid for a period not to exceed 2 years and shall expire at the end of the period of 1 year unless sooner suspended or revoked. The department may adopt rules establishing a procedure for certificate renewal. Certificates of operation may be renewed only for vertical conveyances having a current satisfactory inspection. The owner of an elevator operating with an expired certificate of operation is in violation of this chapter. Certificate of operation renewal applications received by the department after the date of expiration of the last current certificate must be accompanied by a late fee of \$50 in addition to the renewal fee and any other fees required by law. The department shall adopt by rule a fee schedule for the renewal of certificates of operation. The fees must be deposited into the Hotel and Restaurant Trust Fund. The department shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.~~

~~(2)(e)~~ The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

~~(d)~~ The department shall charge an annual fee for issuance of a certificate of operation in an amount to be set by rule. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

~~(2)(a)~~ The department may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

~~(b)~~ A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the department.

~~(c)~~ When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

~~(d)~~ The department shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except for as authorized by a temporary use authorized by this chapter operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The department may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted

under this chapter. The suspension remains in effect until the department receives satisfactory results of an inspection performed by a certified elevator inspector indicating ~~determines, by inspection,~~ that the elevator has been brought into compliance.

Section 12. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of ~~this chapter s. 399.02~~ or with the reasonable requests of the department to determine whether the provisions of a service maintenance contract and its implementation ensure ~~assure~~ safe elevator operation is subject to an administrative fine not greater than \$1,000 in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the department the permit or certificate is subject to an administrative fine not greater than \$1,000 in addition to any other penalty provided by law. ~~No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.~~

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use or after it has been sealed by the department is subject to an administrative fine not greater than \$1,000 for each day the elevator has been operated after the service of the notice or sealing by the department, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order to correct issued under s. 399.061(4) within 30 ~~60~~ days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine ~~set by the department~~ in an amount not to exceed \$1,000.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 13. Subsection (2) of section 399.106, Florida Statutes, is amended to read:

399.106 Elevator Safety Technical Advisory Committee.—

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The committee ~~commission~~ shall appoint one of the members to serve as chair.

Section 14. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents ~~or incidents~~; penalties.—Within 5 working days after any accident ~~or incident~~ occurring in or upon any

elevator, the certificate of operation holder shall report the accident or incident to the division on a form prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000.

Section 15. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The department may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, ~~temporary operation permits~~, and certificates of operation; will provide for inspection of elevators, including temporary operation inspections; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. The municipality or county may choose to require inspections to be performed by its own inspectors or by private certified elevator inspectors. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the department copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by a certified elevator inspector ~~the holder of a certificate of competency issued by the department~~; and may include such other provisions as the department deems necessary.

(2) The department may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the department finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 16. Section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(1) No person other than a duly licensed registered ~~registered~~ engineer shall practice engineering or use the name or title of “licensed registered engineer,” ~~“professional engineer,”~~ or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license registration ~~registration~~ as an engineer in this state.

(2) The following persons are not required to be licensed registered ~~be registered~~ under the provisions of this chapter as a licensed registered ~~registered~~ engineer:

(a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly licensed registered ~~registered~~ under the provisions of this chapter.



(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed ~~registered~~ under this chapter, to the extent that the supervision meets standards adopted by rule of the board.

(c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.

(d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

(e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, licensed ~~registered~~ under this chapter.

(f) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.

(g) A licensed ~~registered~~ surveyor and mapper who takes, or contracts for, professional engineering services incidental to her or his practice of surveying and mapping and who delegates such engineering services to a licensed ~~registered~~ professional engineer qualified within her or his firm or contracts for such professional engineering services to be performed by others who are licensed ~~registered~~ professional engineers under the provisions of this chapter.

(h) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$50,000 or less; and

2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;

b. Requires a plumbing system with fewer than 250 fixture units; or

c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons.

(i) Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed ~~or registered~~ in accordance with this chapter.

(3) Notwithstanding the provisions of this chapter or of any other law, no ~~licensed registered~~ engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any ~~licensed registered~~ architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived therefrom, and no architect shall practice engineering or use the designation “engineer” or any term derived therefrom.

Section 17. Section 471.0035, Florida Statutes, is amended to read:

471.0035 Instructors in postsecondary educational institutions; exemption from ~~licensure registration~~ requirement.—For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(7), a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 246, is not required to ~~be licensed register~~ under the provisions of this chapter as a ~~professional registered~~ engineer.

Section 18. Subsections (5), (6), (7), and (8) of section 471.005, Florida Statutes, are amended to read:

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

(5) “Engineer” includes the terms “professional engineer” and “~~licensed registered~~ engineer” and means a person who is licensed registered to engage in the practice of engineering under this chapter.

(6) “Engineer intern” means a person who has graduated from, ~~or is in the final year of,~~ an engineering curriculum approved by the board and has passed the fundamentals of engineering examination as provided by rules adopted by the board.

(7) “Engineering” includes the term “professional engineering” and means 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. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed registered under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter.

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

Section 19. Section 471.007, Florida Statutes, is amended to read:

471.007 Board of Professional Engineers.—There is created in the department the Board of Professional Engineers. The board shall consist of nine members, seven of whom shall be licensed registered engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are licensed registered engineers, three shall be civil engineers, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering. Members shall be appointed by the Governor for terms of 4 years each.

Section 20. Paragraph (a) of subsection (2) of section 471.013, Florida Statutes, is amended to read:

471.013 Examinations; prerequisites.—

(2)(a) The board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensed registered engineer; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

Section 21. Paragraph (a) of subsection (3) and subsection (5) of section 471.015, Florida Statutes, are amended to read:

471.015 Licensure.—

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

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

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to part I of the engineering examination when such applicant:

1. Has held a valid professional engineer's ~~license registration~~ in another state for 15 years and has had 20 years of continuous professional-level engineering experience;

2. Has received a doctorate degree in engineering from an institution that has an undergraduate engineering degree program which is accredited by the Accreditation Board for Engineering Technology; or

3. Has received a doctorate degree in engineering and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to part I and part II of the engineering examination when such applicant has held a valid professional engineer's ~~license registration~~ in another state for 25 years and has had 30 years of continuous professional-level engineering experience.

Section 22. Section 471.019, Florida Statutes, is amended to read:

471.019 Reactivation.—The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a licensed ~~registered~~ engineer may not exceed 12 classroom hours for each year the license was inactive.

Section 23. Section 471.0195, Florida Statutes, is amended to read:

471.0195 Florida Building Code training for engineers.—~~Effective January 1, 2000,~~ All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed the core curriculum courses and any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice or has passed the appropriate equivalency test of the Building Code Training Program as required ~~established~~ by s. 553.841. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be

responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

Section 24. Subsections (1) and (2) of section 471.021, Florida Statutes, are amended to read:

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

(1) Upon approval of the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary license registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida ~~licensees registrants~~ are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

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

Section 25. Section 471.023, Florida Statutes, is amended to read:

471.023 Certification of partnerships and corporations.—

(1) The practice of, or the offer to practice, engineering by licensees ~~registrants~~ through a corporation or partnership offering engineering services to the public or by a corporation or partnership offering said services to the public through licensees ~~registrants~~ under this chapter as agents, employees, officers, or partners is permitted only if the firm possesses a certification issued by the management corporation pursuant to qualification by the board, subject to the provisions of this chapter. One or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as engineers in this state shall be licensed ~~registered~~ as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed ~~registered~~ under this chapter which are prepared or approved for the use of the corporation or partnership or for public record within the state shall be dated and shall bear the signature and seal of the licensee ~~registrant~~ who prepared or approved them. Nothing in this section shall be construed to mean that a license certificate of registration to practice engineering shall be held by a corporation. Nothing herein prohibits corporations and partnerships from joining together to offer engineering services to the public, provided each corporation or partnership otherwise meets the requirements of this section. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its

compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name, offering engineering services to the public. However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed ~~register~~ under this section.

(3) The fact that a licensed ~~registered~~ engineer practices through a corporation or partnership shall not relieve the licensee ~~registrant~~ from personal liability for negligence, misconduct, or wrongful acts committed by him or her. Partnerships and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a corporation shall be personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by him or her or committed by any person under his or her direct supervision and control, while rendering professional services on behalf of the corporation. The personal liability of a shareholder of a corporation, in his or her capacity as shareholder, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The corporation shall be liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

(4) Each certification of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall notify the board within 1 month of any change in the information contained in the application upon which the certification is based.

(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a licensed ~~registered~~ engineer.

Section 26. Section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, one or more forms ~~a form~~ of seal to be used by licensees ~~registrants~~ holding valid certificates of registration. Each licensee ~~registrant~~ shall obtain at least one an impression-type metal seal in the form approved by rule of the board aforesaid and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee ~~registrant~~ and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the licensee ~~registrant~~, dated, and sealed ~~stamped~~ with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans,

reports, final ~~bid~~ documents, or documents prepared or issued by a licensee registrant may be transmitted electronically and may be signed by the licensee registrant, dated, and sealed stamped electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to ~~stamp~~, seal, or digitally sign any document with a seal or digital signature after his or her license certificate of registration has expired or been revoked or suspended, unless such license certificate of registration has been reinstated or reissued. When an engineer's license ~~the certificate of registration of a registrant~~ has been revoked or suspended by the board, the licensee it shall be mandatory that the ~~registrant~~, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director ~~secretary~~ of the board and confirm to the executive director ~~secretary~~ the cancellation of the licensee's registrant's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license ~~registrant's certificate~~ has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

(3) No licensee registrant shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 27. Section 471.027, Florida Statutes, is amended to read:

471.027 Engineers authorized to enter lands of third parties under certain conditions.—Engineers are hereby granted permission and authority to go on, over, and upon the lands of others when necessary to make engineering surveys and, in so doing, to carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted shall not constitute trespass, and engineers and their duly authorized agents or employees so entering shall not be liable to arrest or a civil action by reason of such entry; however, nothing in this section shall be construed as giving authority to said licensees ~~registrants~~, agents, or employees to destroy, injure, damage, or move anything on lands of another without the written permission of the landowner.

Section 28. Subsection (1) of section 471.031, Florida Statutes, is amended to read:

471.031 Prohibitions; penalties.—

(1) A person may not ~~knowingly~~:

(a) Practice engineering unless the person is licensed ~~registered~~ under this chapter;

(b) Use the name or title "professional ~~registered~~ engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license ~~registration~~ as an engineer when the person is not licensed ~~registered~~ under this chapter, including, but not

limited to, the following titles: “agricultural engineer,” “air-conditioning engineer,” “architectural engineer,” “building engineer,” “chemical engineer,” “civil engineer,” “control systems engineer,” “electrical engineer,” “environmental engineer,” “fire protection engineer,” “industrial engineer,” “manufacturing engineer,” “mechanical engineer,” “metallurgical engineer,” “mining engineer,” “minerals engineer,” “marine engineer,” “nuclear engineer,” “petroleum engineer,” “plumbing engineer,” “structural engineer,” “transportation engineer,” “software engineer,” “computer hardware engineer,” or “systems engineer”;

- (c) Present as his or her own the license registration of another;
- (d) Give false or forged evidence to the board or a member thereof;
- (e) Use or attempt to use a license registration that has been suspended, revoked, or placed on inactive or delinquent status;
- (f) Employ unlicensed persons to practice engineering; or
- (g) Conceal information relative to violations of this chapter.

Section 29. Paragraph (e) of subsection (1) and paragraph (c) of subsection (3) of section 471.033, Florida Statutes, are amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed registered engineer.

(3) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense ~~and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.~~

Section 30. Subsection (1) of section 471.037, Florida Statutes, is amended to read:

471.037 Effect of chapter locally.—

(1) Nothing contained in this chapter shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of licensed registered engineers than the provisions of this chapter.



Section 31. Subsection (1) of section 509.036, Florida Statutes, is amended to read:

509.036 Public food service inspector standardization.—

(1) Any person performing required inspections of licensed public food service establishments for the division or its agent must:

(a) Be standardized by a food service evaluation officer certified by the federal Food and Drug Administration;

(b) Pass an approved ~~the~~ food protection practices test as prescribed by s. 509.039; and

(c) Pass a written examination to demonstrate knowledge of the laws and rules which regulate public food service establishments.

Section 32. Section 210.08, Florida Statutes, is amended to read:

210.08 Bond for payment of taxes.—Each dealer, agent, or distributing agent shall file with the division a surety bond, certificate of deposit, or irrevocable letter of credit acceptable to the division in the sum of \$10,000 as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by the dealer, agent, or distributing agent is of such volume that a bond, certificate of deposit, or irrevocable letter of credit of less than \$10,000 will be adequate to secure the payment of all taxes assessed as authorized by the cigarette tax law, the division may accept a bond, certificate of deposit, or irrevocable letter of credit in a lesser sum than \$10,000, but in no event shall it accept a bond, certificate of deposit, or irrevocable letter of credit of less than \$1,000, and it may at any time in its discretion require any bond, certificate of deposit, or irrevocable letter of credit in an amount less than \$10,000 to be increased not to exceed \$10,000.

Section 33. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.