



### **Grandfathering in the Sunshine State ...**

Structural engineering (SE) groups have been actively working to enact SE licensure in many states for more than a decade. Their rationale typically includes:

- The significant potential for injuries and death, as well as massive economic loss, should a structure fail
- The increasing size and complexity of current projects, codes, standards, and materials, compared to decades past
- The decreasing redundancies and safety factors arising from well-intended efforts to reduce construction costs
- The reduction in engineering curriculum requirements in a field that has become increasingly specialized

All four national SE organizations support the NCEES 16-hour SE Exam (the SE Exam) as the best way to ensure the safety, health and welfare of the public. Typically, the following criteria are proposed for SE licensure:

- The applicant for an SE license shall be a PE, shall pass the SE Exam, and shall demonstrate at least four years of active structural engineering experience.
- A state licensing board might rule that the SE Exam also qualifies as the exam for PE (Professional Engineer) licensure, which could then be applied for simultaneously.
- Current PEs designing structures shall be “grandfathered” (transitioned) as SEs. Prior to a specified deadline, PEs who sign an affidavit attesting that they have been practicing structural engineering for a stipulated period of time would not be required to take the SE Exam.
- All “threshold structures,” as defined by a state licensing board, shall be designed only by SEs. All structures below the threshold shall be designed by SEs, or by PEs who are practicing within their areas of expertise.

The third criterion, grandfathering, has drawn less consensus than the other three. The primary purpose of grandfathering is to ensure that no competent PEs are disenfranchised. While affidavits are the preferred approach to this, they are not the only approach. That brings us to the recent experience in Florida.

The Florida Structural Engineers Association began working toward SE licensure in 2007. Seemingly, they did everything right. They started by engaging other regional engineering organizations, including the local affiliates of known SE licensure opponents. In 2011, the Florida Engineering Society (affiliate of NSPE) voted to officially support SE licensure. The Florida Institute of Consulting Engineers (affiliate of ACEC) did likewise in 2014. No other organizations rose in opposition. Discussions with various members of the Florida Legislature then led to an informal bipartisan competition to sponsor legislation that would amend the Florida Statutes to enable SE licensure.

On 01/08/15, Representative Charles Van Zant filed HB 217 to enable SE licensure. Thirteen days later, Senator Thad Altman filed SB 338. The bills were essentially identical and closely followed the criteria to the left. HB 217 passed on 03/27/15, by a vote of 107 to 2. With minor amendments, SB 338 passed on 04/23/15, by a vote of 38 to 2. The Senate amendments required a second vote in the House, where the amended bill passed on 04/24/15, by a vote of 104 to 3. On 06/01/15, the Florida Legislature sent the bill to Governor Rick Scott for his signature.

The Governor received a total of 238 bills from the 2015 Florida Legislature. Of those, he signed 231 and vetoed 7. One of the bills that he vetoed, on 06/11/15, was HB 217. According to a statement released by the Governor’s Office:

*“Presently, a licensed professional engineer may practice in the area of structural engineering, but beginning on March 1, 2017, the bill prohibits anyone from practicing in that subspecialty unless they meet the new requirements and receive the new structural engineering license. The grandfathering provision provides a needless process to exempt currently licensed engineers from the new examination requirement. If there is a need to raise the standards for structural engineering there is no reason to have different requirements for new or existing professionals in the same field.”*

The 15,000 (+/-) PEs that practice structural engineering in Florida respectfully disagree. Meanwhile, with the status quo, the good citizens of Florida remain largely unprotected.