



Florida – Laws and Rules for Professional Engineers

February 2017 Renewal
Course# 0010038

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Course Description

The Florida Laws and Rules course satisfies the new continuing education requirement of 1 hour of Florida Laws.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to keep up to date on the legal aspects that govern the practice of engineering in the state of Florida.

Objectives

The primary objective of this course is to familiarize the student with the recent changes to the laws and rules regulating the practice of engineering in the state of Florida.

Upon successful completion of the course, the student will be well versed in all these changes and will have a better understanding of the disciplinary process.

Grading

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary.

The student will be asked at the end of the quiz to attest that he or she has personally and successfully completed all chapters of instruction.

The quiz may be viewed in the final chapter of this course.

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Course Inquiry

This course is designed to be interactive. The readers of this course are encouraged to contact us to discuss the practice questions as well as to discuss other questions that may arise while taking this course on the Florida Laws, Rules and Ethics for Professional Engineers. All inquiries will be answered in within two days or less. The reader can contact EZ-pdh.com in the following three ways:

By Email:

helpdesk@ezpdh.com

By Phone:

800-433-1487

Business hours are Monday through Friday 9:00 AM to 5:00 PM.

By Fax:

Fax your inquiry to (386) 882-3923 using the fax form provided below.

FACSIMILE TRANSMITTAL SHEET

To:

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•Florida Laws, Rules and Ethics

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FOR REVIEW

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PLEASE

Florida Rules: 61G15 Changes

Florida Rules: 61G15: Board of Professional Engineers (61G15-18 to 61G15-37) – rules adopted, amended, or repealed during the immediate preceding biennium

Table 1: List of Rule changes that have been adopted in their final form on or after 04 Feb 2013 and before 05 Nov 2015

Florida Rule	Description	Date Effective
61G15-18.020	Public Comment	28-Oct-14
61G15-19.0051	Notice of Noncompliance	26-Aug-13
61G15-19.0071	Citations	26-Aug-13
61G15-20.001	Definitions	02-Nov-15
61G15-20.0015	Application for Licensure by Endorsement	02-Nov-15
61G15-20.002	Experience	02-Nov-15
61G15-20.005	Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes (Repealed)	26-Oct-15
61G15-20.007	Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees	02-Nov-15
61G15-21.001	Written Examination Designated; General Requirements	25-Sep-13
61G15-21.004	Passing Grade	25-Oct-15
61G15-21.007	Re-Examination	03-Nov-15
61G15-22.0001	Renewal of Active Licenses	TBD
61G15-22.001	Continuing Education Requirements	TBD
61G15-22.002	Definitions	TBD
61G15-22.003	Qualifying Activities for Area of Practice Requirement	TBD
61G15-22.004	Conversion of Education Units to Continuing Education Hours	TBD
61G15-22.005	Non-Qualifying Activities	TBD
61G15-22.008	Record Keeping	TBD
61G15-22.010	Qualifying Activities for Laws and Rules Requirements	TBD
61G15-22.011	Board Approval of Continuing Education Providers	TBD
61G15-22.012	Obligations of Continuing Education Providers	TBD
61G15-23.001	Signature, Date and Seal Shall Be Affixed	03-Nov-15

61G15-23.002	Seals Acceptable to the Board	03-Nov-15
61G15-23.003	Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents	03-Nov-15
61G15-23.004	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.	03-Nov-15
61G15-23.005	Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or	03-Nov-15
61G15-24.001	Schedule of Fees	07-July-14
61G15-32.004	Design of Water Based Fire Protection Systems	15-June-15
61G15-35.003	Qualification Program for Special Inspectors of Threshold Buildings.	05-Nov-15
61G15-35.004	Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors	29-Oct-15
61G15-37.001	Performance Standards and Measurable Outcomes.	25-Aug-14

Note: Strike-through ~~text~~ indicates Deleted
High-lighted text indicated Added

NOTICE: 15168780

EFFECTIVE DATE: 10/28/2014

RULE NO.: RULE TITLE:

61G15-18.020 Public Comment

PURPOSE AND EFFECT: The Board proposes to develop and adopt a new rule to establish procedures for public participation in public meetings.

SUMMARY: The promulgation and adoption of the new rule to establish procedures for public participation in public meetings.

61G15-18.020 Public Comment.

The Board of Professional Engineers invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of their interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of three (3) or more persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New 10-28-14.

NOTICE: 1336617

EFFECTIVE DATE: 08/26/2013

RULE NO.: RULE TITLE:

61G15-19.0051 Notice of Noncompliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for notice of noncompliance.

SUMMARY: The rule amendment will modify language for notice of noncompliance.

61G15-19.0051 Notice of Noncompliance.

(1) As an alternative to investigation and prosecution, when a complaint is received, FEMC shall provide a licensee with a notice of noncompliance for an initial offense for the following violations:

- (a) Failure to date documents when affixing signature and seal.
- (b) Practice with an inactive or delinquent license less than one month.
- (c) Firm practicing without a current certificate of authorization less than one month.

(d) Failing to report a criminal conviction or plea of nolo contendere, regardless of adjudication, pursuant to Section 455.227(1)(t), F.S., if the licensee self reports after 30 days from the date of conviction or plea but within one (1) year after the date of the conviction or plea ~~if the conviction or plea occurred prior to July 1, 2009. This subparagraph shall remain in effect until July 1, 2012.~~

(2) A second offense shall result in issuance of a citation pursuant to Rule 61G15-19.0071, F.A.C.

Rulemaking Authority 455.225 FS. Law Implemented 455.224 FS. History—New 4-2-00, Amended 5-5-10, 8-26-13.

NOTICE: 13366714

EFFECTIVE DATE: 08/26/2013

RULE NO.: **RULE TITLE:**

61G15-19.0071 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to set the citations for unlicensed practice of engineering.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to set the citations for unlicensed practice of engineering.

61G15-19.0071 Citations.

(1) As used in this rule, “citation” means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee or certificateholder for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., FEMC is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been duly certified. The fine shall be \$100 for each

month or fraction thereof of said activity, up to a maximum of \$5,000. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) Practice with an inactive or delinquent license more than one month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be \$100 for each month or fraction thereof. (See Section 471.033(1)(i), F.S.)

(c) Firm practicing without a current certificate of authorization more than one month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be \$100 for each month or fraction thereof. (See Section 471.023, F.S.)

(d) Failure to notify the Board of a change in the principal officer of the corporation or partner in a partnership who is the qualifying professional engineer for said corporation or partnership within one month of such change. The fine shall be \$500. (See Section 471.023(4), F.S.)

(e) Unlicensed practice of engineering. The fine shall be up to \$250 for each month depending on the severity of the infraction practice, up to a maximum of \$5,000.00. (See Section 455.228(3)(a), F.S.)

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Professional Engineers. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 471.033(1)(k), F.S., which will result in further disciplinary action. All fines and costs are to be made payable to “Florida Engineers Management Corporation – Citation.”

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.

(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 61G15-19.004, F.A.C.

(7) Subsequent violation(s) of the same rule or statute shall require the procedure of Section 455.225, F.S., to be followed. In addition, should the offense for which a citation could be issued

occur in conjunction with violations not described herein, then the procedures of Section 455.255, F.S., shall apply.

Rulemaking Authority 455.224, 455.225, 455.228(3)(a) FS. Law Implemented 455.224, 455.227, 455.228(3)(a), 471.023, 471.033 FS. History—New 4-2-00, Amended 9-26-05, 8-26-13.

NOTICE: 13366714

EFFECTIVE DATE: 10/26/2015

RULE NO.: **RULE TITLE:**

61G15-20.005 Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes.

PURPOSE AND EFFECT: To repeal obsolete rule.

SUMMARY: Rule repeal.

61G15-20.005 Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes. (REPEALED)

~~(1) The rules governing approval of candidates qualifying under Section 471.013(1)(a)3., F.S., shall be those rules of the Board of Professional Engineers in effect as of April 1, 1984.~~

~~(2) Compliance with the above does not indicate automatic acceptance for examination, nor does it exempt said applicant from meeting the criteria set forth in Sections 471.001 through 471.045, F.S., and Chapter 61G15, F.A.C. Each application filed will be reviewed and acted upon by the Board of Engineers on an individual basis.~~

Rulemaking Authority 471.008 FS. Law Implemented 471.013(1)(a)3. FS. History—New 10-25-84, Formerly 21H-20.05, 21H-20.005, Amended 10-19-97, 11-19-03, Repealed 10-26-15.

NOTICE: 16647545, 16647642, 16647739, 16729219

EFFECTIVE DATE: 11/02/2015

RULE NOS.: RULE TITLES:

61G15-20.001 Definitions

61G15-20.0015 Application for Licensure by Endorsement

61G15-20.002 Experience

61G15-20.007 Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees

PURPOSE AND EFFECT: To clearly define and clarify educational requirements regarding application for licensure by endorsement; engineering experience; and education for applicants without EAC/ABET accredited engineering degrees.

SUMMARY: Clearly define and clarify educational requirements.

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) “Year” shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) “Board approved engineering programs” shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET or EAC/M-ABET), or

(b) Engineering programs accredited by the Canadian Engineering Accreditation Board (CEAB) in 1980 or later (which, for the purpose of Title 61G15, F.A.C., is considered equivalent to EAC/ABET), or

(c) In the case of an applicant who did not graduate from an approved program as set forth in

paragraph (2)(a) **or (2)(b)** above, and who holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C., or

(d) In the case of an applicant who holds a **non-engineering baccalaureate degree coupled with a master's and/or doctoral** ~~post-baccalaureate degree in engineering from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level~~, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C., or

(e) Programs which have been approved by the Board of Professional Engineers under the provisions of Section 455.11(3), F.S.

Rulemaking Authority 471.008, 471.013(1)(a), 471.015(7) FS. Law Implemented 471.013, 471.015 FS. History--New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05, 4-9-07, 1-31-08, Amended 10-15-09, 11-2-15.

61G15-20.0015 Application for Licensure by Endorsement.

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE/002 (06-13), entitled "Application For Licensure By Endorsement", which is hereby incorporated herein by reference, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; or from the Board's website at <http://www.fbpe.org/licensure/application-process> or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04514>. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that:

(a) The applicant meets the current criteria listed in Section 471.013, F.S., (the burden of proving the equivalency of any examination shall rest with the applicant); or

(b) The applicant holds a valid license to practice engineering issued by another state or territory of the United States, provided that the criteria for issuing the license was substantially the

same as the licensure criteria which existed in Florida at the time the license was issued.

(2) If an applicant for licensure by endorsement satisfies the conditions found in Section 471.015(5)(a) ~~1., 2., or 3.~~, F.S., then the Board shall deem that the applicant has passed an examination substantially equivalent to part I, fundamentals, of the engineering examination. If an applicant for licensure by endorsement satisfies the conditions found in Section 471.015(5)(b), F.S., then the Board shall deem that the applicant has passed an examination substantially equivalent to part I, fundamentals, and part II, principles and practice, of the engineering examination.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations three (3) times or more before passing, must document compliance with Rule 61G15-21.007, F.A.C., as a condition of eligibility for licensure by endorsement.

~~(4) An applicant for licensure by endorsement whose only educational deficiency under subsection 61G15-20.007(2), F.A.C., involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.~~

(4) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree that is not EAC/ABET accredited has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of professional-level engineering experience, to include the active practice of engineering for at least 3 of the last 5 years.

(5) An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must meet all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 4-9-07, 10-15-09, 11-16-10, 9-14-14, 7-7-15, 11-2-15.

61G15-20.002 Experience.

(1)(a) In order to meet the prerequisites for entry into the engineering examination, an applicant is required to have four years of acceptable experience in engineering at the time of application and four years of acceptable educational qualifications. In determining whether an applicant's experience background is sufficient to meet the requirements set forth in Sections 471.013(1)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in Section 471.005(7), F.S. The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

(b) Because the evaluation of experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

1. The acquisition of acceptable engineering experience should logically follow and constitute an application of the engineering education previously obtained.

2. Engineering experience obtained prior to the completion of the engineering degree is usually of a subprofessional nature. ~~Such experience, if deemed acceptable and properly verified, may be awarded experience credit at 25% of the actual time.~~ If the **full-time** experience is obtained **within 2 years of completing the engineering degree** ~~after the completion of a substantial number of engineering design courses, and involves~~ **tasks and responsibilities consistent with the disciplines of engineering** ~~matters of average or above average complexity,~~ experience credit may be awarded at ~~up to~~ 50% of actual time. In any event, the total engineering experience credit allowable for pregraduation experience shall not exceed 12 months.

3. Experience credit is based on a 40 hour per week full-time basis. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the ~~part-time~~ pursuit of a **master's** ~~masters~~ or **doctoral** ~~doctorate~~ degree while obtaining full-time work experience.

4. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

5. Experience must not be obtained in violation of the licensure act.

6. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

7. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable.

8. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.

9. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of four years or more that is approved by the Board.

10. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the Board is creditable.

11. Experience may not be anticipated. The experience must have been gained by the time of the application.

12. Experience in construction, to be creditable, must demonstrate the application of engineering principles.

13. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

14. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.

(2) In order to verify an applicant's experience record, the Board will require evidence of employment from employers or supervisors who are employed in the engineering profession or are professional engineers, who shall set forth the quality and character of the applicant's duties

and responsibilities. In addition to the employer verification, an applicant must list three personal references who are professional engineers. Should the Board find the information submitted by the applicant is insufficient or incomplete, the Board may require the applicant to supply additional references or evidence regarding the applicant's experience and background or both so that an intelligent decision may be made on whether admittance to the examination is allowable.

The Board will accept as equivalent to one year's experience a master's degree in engineering from an EAC/M-ABET-accredited program or from a college or university in the U.S. that has an EAC/ABET-accredited ~~from a Board approved~~ engineering program in a related discipline at the baccalaureate level ~~as defined in subsection 61G15-20.001(2), F.A.C.~~ The Board will also accept as equivalent to one year's experience a doctorate in engineering from a college or university in the U.S. that has an EAC/ABET-accredited ~~from a Board approved~~ engineering program in a related discipline at the baccalaureate level ~~as defined in subsection 61G15-20.001(2), F.A.C.~~ Experience equivalents will be given for the master's or doctoral degree only if the applicant has earned a prior engineering degree from a college or university that solely meets the requirements of a Board-approved engineering program as defined in subsection 61G15-20.001(2), F.A.C. Experience equivalents shall not be given for a master's or doctoral degree if credits earned for the degree are used to satisfy educational requirements of Rule 61G15-20.007, F.A.C. The combination of experience equivalents and work experience shall not exceed the number of actual months during which the experience is claimed.

Rulemaking Authority 471.008, 471.013(1)(a) FS. Law Implemented 471.005(6), 471.013(1)(a) FS. History—New 1-8-80, Amended 3-11-80, 6-23-80, 7-7-83, 9-13-84, Formerly 21H-20.01, Amended 8-18-87, 12-4-91, Formerly 21H-20.002, Amended 12-26-94, 5-20-02, 4-5-04, 11-2-15.

61G15-20.007 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET must demonstrate:

(a) 32 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are in excess of the requirements of

paragraph (1)(c).

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in ~~probability and statistics~~, differential calculus, and integral calculus, ~~and differential equations~~ are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus. Mathematics courses must be intended for math, science or engineering majors; introductory mathematics courses are not acceptable. Computer skills and/or programming courses cannot be used to satisfy mathematics requirements.

2. The hours in basic sciences, must include at least two courses. These courses must be in general chemistry, ~~and~~ calculus-based ~~general~~ physics, or biological sciences, but both courses may not be in the same with at least a two-semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include ~~life sciences (biology)~~, earth sciences (geology, ecology, or oceanography), advanced biology, and advanced chemistry, or advanced physics. Basic science courses must be intended for science or engineering majors; introductory science courses are not acceptable. Astronomy, cComputer skills and/or programming courses cannot be used to satisfy ~~mathematics or~~ basic science requirements.

(b) 16 college semester credit hours in general education ~~humanities and social sciences~~. Examples of ~~traditional~~ acceptable courses include in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, and social responsibility, ~~and no more than~~ Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law.

No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses that which instill cultural values are acceptable, while routine exercises of personal craft are not.

Other means towards satisfying the general education requirement are as follows: Each year of progressive U.S. engineering experience as approved by the Board is equivalent to 2 credit hours, for a maximum of 8 credit hours; obtaining U.S. citizenship is equivalent to 10 credit hours; and earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level.

(c) 48 college semester credit hours of engineering science and engineering design taught within the college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate-level engineering courses can be included to fulfill curricular requirements in this area. Thesis or dissertation hours shall not be granted credit. A maximum of six credit hours will be granted for special topics and independent study at any level. Graphics, surveying, or engineering technology courses will not be considered to meet engineering science and design requirements. ~~In order to promote breadth, at least one engineering course outside the major disciplinary area is required.~~

(d) ~~In addition, evidence of attainment of appropriate laboratory experience, competency in English, and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. Satisfactory evidence includes the following: As for competency in English, transcripts of course work completed; course content syllabi; testimonials from employers; college level advanced placement tests; Test of English as a Foreign Language (TOEFL) scores of at least 550 on in the paper-based version, 80 on the internet-based version, or 213 on in the computer-based version, will be accepted as satisfactory evidence.~~

~~(2)~~(4) Any applicant whose only educational deficiency is under paragraph subsection (1)(b) above involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals of Engineering examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the

necessary hours ~~in humanities and social sciences as provided~~ **required** in **paragraph** subsection (1)**(b) above**.

(3)(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://clep.collegeboard.org/exam> <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above, ~~and~~ **T**he applicant **shall achieve a passing score as determined either by CLEP or by showing** ~~is able to show~~ that the results are recognized by a college or university with an EAC/ABET ~~accredited~~ engineering program. **College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.**

(4)(2) The FBPE ~~e~~ducational Advisory ~~c~~ommittee shall make the final decision regarding equivalency of programs and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(5)(3) ~~An~~ The applicant with an engineering degree from a **non-EAC/ABET-accredited degree program** ~~foreign institution~~ must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either; **of the following:** National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clemson, South Carolina 29678; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. ~~The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc.~~

Rulemaking Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08, 10-15-09, 11-27-11, 2-4-13, 11-2-15.

NOTICE: 13495530

EFFECTIVE DATE: 09/25/2013

RULE NO.: RULE TITLE:

61G15-21.001 Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify general requirements for written examinations.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify general requirements for written examinations.

61G15-21.001 Written Examination Designated; General Requirements.

(1) The Florida Board of Engineers hereby determines that a written examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida except as provided in Section 471.015, F.S. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, Part I, or the fundamentals examination, and Part II, or the principles and practices examination. After January 1, 2014, the fundamentals examination will be a computer-based examination rather than written.

(a) ~~Part One I~~ of the examination provided by NCEES is the fundamentals examination. ~~and is eight (8) hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES.~~

(b) ~~Part II Two~~ of the examination provided by NCEES for all disciplines other than structural is the principles and practice examination, ~~is eight (8) hours, and is given by discipline. The principles and practice examination for structural engineering, however, is sixteen (16) hours. Candidates are permitted to bring certain reference materials and calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination.~~

National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(c) For Part II of the examination for structural engineering, an applicant can take either the structural component of the civil engineering exam or can take the separate structural examination which is sixteen (16) hours, consisting of an eight (8) hour vertical forces component and eight (8) hour lateral forces component.

(2) No change.

Rulemaking Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History--New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, 3-9-04, 2-3-05, 2-2-12, 9-25-13.

NOTICE: 16612043

EFFECTIVE DATE: 10/25/2015

RULE NO.: RULE TITLE:

61G15-21.004 Passing Grade

PURPOSE AND EFFECT: To clarify passing grade on engineering examination.

SUMMARY: Clarify passing grade on engineering examination.

61G15-21.004 Passing Grade.

(1) The passing grade for the Fundamentals of Engineering Fundamentals Examination is determined by National Council of Examiners for Engineering and Surveying, where a scaled score is compared to the minimum ability level determined by psychometric statistical methods ~~70 or better.~~

(2) The passing grade for the Principles and Practice Examination is determined by National Council of Examiners for Engineering and Surveying, where psychometric statistical methods are used to determine the level of performance that corresponds with minimal competence in the discipline ~~70 or better.~~

Rulemaking Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.03 FS. History—New 1-8-80, Amended 3-23-81, 8-25-81, 2-21-84, 1-20-85, Formerly 21H-21.04, 21H-21.004, Amended 3-9-04, 10-25-15.

NOTICE: 16647836

EFFECTIVE DATE: 11/03/2015

RULE NO.: **RULE TITLE:**

61G15-21.007 Re-examination

PURPOSE AND EFFECT: The Board proposes the rule amendment add additional course work options for applicants who have failed the examination three times.

SUMMARY: The rule amendment will add additional course work options for applicants who have failed the examination three times.

61G15-21.007 Passing Grade.

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. **The applicant may either:** ~~The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a “C” or its equivalent, of college level courses in the applicant’s area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a), (b) and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(e), F.A.C.~~

(1) Submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a “C” or its equivalent, of college level courses in the applicant’s area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher

mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a), and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(c), F.A.C.; or

(2) Submit evidence of completion of one of the following board approved engineering examination review courses; the selected course must cover content for the examination in the engineering discipline the applicant intends to take.

(a) Schools with an ABET approved engineering program;

(b) Kaplan Engineering Education;

(c) School of PE;

(d) Testmasters Educational Services, Inc.;

(e) SmartPros, Ltd.;

(f) Professional Publications, Inc.; or

(g) State and National Engineering Professional Associations approved by the Board.

Rulemaking Authority 455.217(2), 471.008 FS. Law Implemented 455.217(2), ~~471.011~~, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08, 11-3-15.

NOTICE: TBD

EFFECTIVE DATE: TBD

RULE NOS.: RULE TITLES:

61G15-22.0001	Renewal of Active Licenses.
61G15-22.001	Continuing Education Requirements.
61G15-22.002	Definitions.
61G15-22.003	Qualifying Activities for Area of Practice Requirement.
61G15-22.004	Conversion of Education Units to PDH.
61G15-22.005	Non-Qualifying Activities.
61G15-22.008	Record Keeping.
61G15.22.010	Qualifying Activities for Laws and Rules Requirements.
61G15-22.011	Board Approval of Continuing Education Providers.
61G15-22.012	Obligations of Continuing Education Providers.

PURPOSE AND EFFECT: To update the rules and implement the provisions of Chapter 2014-125, §4, Laws of Florida.

SUMMARY: Update the rules and implement the provisions of Chapter 2014-125, §4, Laws of Florida.

Note: At time of course approval continuing education rules have not yet completed legislative approval. Notice and effective date will be updated once approval is complete.

61G15-22.0001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to FEMC the biennial renewal licensure fee for active licenses, and a statement certifying that the licensee has completed the **eighteen (18)** ~~eight (8)~~ hours of approved continuing education which were required during the last biennium.

Rulemaking Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History—New 8-1-02, Amended.

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete **eighteen (18) continuing education hours** ~~eight professional development hours~~ during each license renewal biennium as a condition of license renewal. Four hours shall relate to the licensee's area(s) of practice; **one (1) hours must be related to professional ethics**; and **one (1) four** hours shall relate to Chapter 471, F.S., and the rules of the Board, ~~Chapter 61G15-22, F.A.C.~~ **The remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule 61G15-22.002, F.A.C.**

(2) through (4) No change.

Rulemaking Authority 455.2177, 471.008, 471.017(3), 471.019, 471.0195 FS. Law Implemented 455.2177, 471.017(3), 471.019, 471.0195 FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01, 3-7-13, 9-29-14,_____.

61G15-22.002 Definitions.

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered by the National Council for Examiners of Engineering and Surveying (NCEES).

(2) **Continuing Education Professional Development Hour (PDH)**: A time measurement requiring a minimum of 50 minutes instruction or presentation per hour. The **continuing education hour** PDH is the common denominator for other units of credit. **A continuing education hour is equivalent to a professional development hour (PDH).**

~~(3) Continuing Education Unit (CEU): Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.~~

~~(3)(4) No change.~~

~~(4)(5) No change.~~

~~(5)(6) No change.~~

(6) Vendor: An individual or business organization who sells products or services related to an engineering area of practice.

(7) Topic pertinent to the practice of engineering: For purposes of meeting the continuing education requirements, a topic pertinent to the practice of engineering is any topic that falls within the definition of the practice of “engineering” as defined in Section 471.005(7), Florida Statutes. Topics on marketing, foreign language skills, and basic math skills below the requirements set forth in Rule 61G15-20.007(1)(a), F.A.C. are not acceptable and are excluded.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS. History—New 9-16-01, Amended 8-1-02, 7-30-03,_____.

61G15-22.003 Qualifying Activities for Area of Practice Requirement.

(1) No change.

(2) Successful completion of ~~continuing education courses, successful completion of correspondence, televised, Internet, videotaped, and other short courses, / tutorials,~~ webinars, and distance education courses offered through delivery methods such as live, correspondence, recorded, or Internet-based, or attending seminars (including in-house engineering seminars), workshops, or professional and technical presentations at meetings, conventions or conferences presented/sponsored by a provider or vendor with specific knowledge related to the licensee’s area of practice approved under Rule 61G15-22.011, F.A.C.

(3) No change.

(4) Authoring published technical engineering papers, articles, or books; or accepted licensee examination items for NCEES. Continuing education credits are earned on the date of publication.

(5) No change.

(6) Active participation in professional or technical societies. Civic or trade organizations do not qualify under this provision. Credit for this activity requires that the licensee serve as an officer of the organization or actively participate on a committee in the organization. PDH Continuing Education hour credits are not earned until the end of each year of completed service.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 5-14-06,_____.

61G15-22.004 Conversion of Education Units to Continuing Education Hours PDH.

(1) One (1) college ~~or unit~~ semester hour credit is equal to 45 continuing education hours ~~15~~ PDH.

(2) One (1) college ~~or unit~~ quarter hour credit is equal to 30 continuing education hours ~~10~~ PDH.

~~(3) One (1) continuing education unit is equal to 10 PDH.~~

~~(3)~~(4) One (1) contact hour of professional development in course work, seminars (including in-house seminars at an engineering firm), or professional or technical presentations made at meetings, conventions, or conferences is equal to 1 continuing education hour PDH ~~or, if teaching, 2 PDH.~~

(4) For teaching of (1) through (3) above, apply a multiple of 2, if the requirements of 61G15-22.003(3) are met.

(5) Each published peer-reviewed paper, ~~article~~, or book in the licensee's area of professional practice is equal to 10 continuing education hours PDH.

(6) Each published paper or article (other than in paragraph (5) above) in the licensee's area of professional practice is equal to 5 continuing education hours.

~~(7)~~(6) Authoring accepted licensee examination items for NCEES is equal to 2 continuing education hours PDH.

~~(8)~~(7) Each patent developed using engineering principles is equal to 10 continuing education hours PDH.

~~(9)~~(8) Active participation in professional and technical societies as described in subsection 61G15-22.003(6), F.A.C. Each hour of participation is equal to 1 continuing education hour PDH, with a maximum credit of 4 continuing education hours per renewal period ~~2 PDH for each organization.~~

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____

61G15-22.005 Non-Qualifying Activities.

Activities that do not qualify as ~~Professional Development~~ **Continuing Education** Hours include but are not limited to the following:

(1) through (9) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 6-3-07,_____.

61G15-22.008 Record Keeping.

It is the licensee's responsibility to maintain sufficient records to demonstrate completion of **continuing education requirements** ~~qualifying professional development hours~~ for at least two licensure cycles (four years).

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____.

61G15.22.010 Qualifying Activities for Laws and Rules Requirements.

(1) No change.

(2) Successful completion of a course of continuing education for laws and rules of the Board which must consist of a minimum of **one (1) continuing education hour** ~~four (4) PDH's~~ in laws and rules of the Board.

(3) Members of the Board of Professional Engineers shall receive **the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S.** ~~four (4) PDH's~~ in laws and rules of the Board for their service as board members.

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, shall receive credit for **the** ~~four (4) PDH's~~ in laws and rules of the Board **and area of practice requirement** by specific approval of the Board of a written list of such consultants during each biennium.

(5) Service as a member of the legislature or as an elected state or local official shall meet the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S.

Rulemaking Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 1-16-03, 8-10-09,_____.

61G15-22.011 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must either be registered as a continuing education provider with the **Registered Continuing Education Program (RCEP) of the American Counsel of Engineering Companies (ACEC)** ~~National Council for Examiners of Engineering and Surveying (NCEES)~~ or meet the requirements of subsection (2) of this rule to demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, **a vendor with specific knowledge related to the licensee's area of practice,** or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S.

(3) through (3)(a) No change.

(b) Proof of registration as continuing education provider with **ACEC** ~~NCEES~~, or if the applicant is not registered as a continuing education provider with **ACEC** ~~NCEES~~, the applicant must submit the following:

(3)(b)1. through (9)(c) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, 6-3-07, 8-10-09, 7-8-10,_____.

61G15-22.012 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) through (2) No change.

(3) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation. ~~Providers must electronically provide to the Florida Engineers Management Corporation a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of professional development hours successfully completed. All information or documentation, including electronic course rosters, submitted to the Board or to FEMC shall be submitted in a format acceptable to the Board and to FEMC. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. If the instructor is receiving credit as set forth in subsection 61G15-22.003(3), F.A.C., the instructor shall be listed with the same information required above.~~ Providers shall maintain security of attendance records and certificates. ~~For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the fifth of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.~~

(4) No change.

(5) Allow only one **continuing education hour** PDH for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one **continuing education hour** PDH for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider.

(7) through (9) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____.

NOTICE: 16649873, 16649970, 16650067, 16650164, 1650261

EFFECTIVE DATE: 11/03/15

RULE NOS.: **RULE TITLES:**

RULE NOS.: **RULE TITLES:**

61G15-23.001 Seals Acceptable to the Board

61G15-23.002 Seal, Signature and Date Shall Be Affixed

61G15-23.003 Procedures for Signing and Sealing Electronically
Transmitted Plans, Specifications, Reports or Other Documents

61G15-23.004 Procedures for Digitally Signing and Sealing Electronically
Transmitted Plans, Specifications, Reports or Other Documents

61G15-23.005 Procedures for Electronically Signing and Sealing
Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes to substantially rewrite Chapter 61G15-23, F.A.C., by reordering the content of Rule 61G15-23.001, F.A.C., to Rule 61G15-23.002, F.A.C.; reordering the content of Rule 61G15-23.002, F.A.C., to Rule 61G15-23.001, F.A.C.; substantially rewriting Rule 61G15-23.003, F.A.C.; moving language from Rule 61G15-23.003, F.A.C., to the new Rules 61G15-23.004 and 61G15-23.005, F.A.C.; and adding language for the new Rule 61G15-23.005, F.A.C. The amendments also amend/modify existing language and add new language. The substantial rewrite will also include updating rule titles.

SUMMARY: The proposed substantial rewrite to Chapter 61G15-23, F.A.C., will reorder the content of Rule 61G15-23.001, F.A.C., to Rule 61G15-23.002, F.A.C.; reorder the content of Rule 61G15-23.002, F.A.C., to 61G15-23.001, F.A.C.; substantially rewrite Rule 61G15-23.003, F.A.C.; move language from Rule 61G15-23.003, F.A.C., to the new Rules 61G15-23.004 and 61G15-23.005, F.A.C.; and add language for the new Rules 61G15-23.004 and 61G15-23.005, F.A.C. The amendments also amend/modify existing language and add new language. The substantial rewrite will also update rule titles. New Rules 61G15-23.004 and 61G15-23.005, F.A.C. distinguish between digitally and electronically signed and sealed documents; both of these methods are the subject of existing rule 61G15-23.003, F.A.C.

61G15-23.001 Signature, Date and Seal shall Be Affixed ~~Seals Acceptable to the Board.~~

(1) A professional engineer shall sign, date and seal:

(a) All final plans, prints, specifications, reports, or other documents prepared or issued by the licensee and being filed for public record;

(b) All final documents provided to the owner or the owner's representative.

(2) Additional Final and Non-Final Documents.

(a) A professional engineer may sign, date and seal documents required by any public entity or any provision of contract which requires the signing, dating and sealing of additional original documents.

(b) A professional engineer shall not sign, date and seal any documents which are not final documents unless the professional engineer states any limitations on the use of those documents on the face of those documents by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for limited use, are not final and are not intended for permit, construction, or bidding purposes.

(3) A professional engineer may only sign, date and seal engineering plans, prints, specifications, reports or other documents if that professional engineer was in responsible charge, as that term is defined in subsection 61G15-18.011(1), F.A.C., of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document(s) in question. Professional engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall indicate the name and address of the agency on all documents that are required to be signed, dated and sealed.

(4) Additional Requirements for Plans or Prints, Engineering Specifications and Calculations, and Engineering Reports or Other Documents. When an engineer signs, dates and seals any of the following types of documents plans or prints under the provisions of Section 471.025, F.S., and subsection (1) of this rule, the following additional information must be included:

(a) Plans and Prints. Every sheet within the plans and prints must be signed, dated and sealed by the professional engineer in responsible charge.

1. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

2. If the engineer signing, dating and sealing engineering plans or prints is practicing through a duly authorized engineering business; the title block shall contain the printed name, address and certificate of authorization number of the engineering business.

(b) Engineering Specifications and Calculations. An index sheet shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the engineering specifications or calculations.

1. The index sheet must be signed, dated and sealed by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on the index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible.

2. The index sheet shall include at a minimum:

a. The printed name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

b. If the engineer signing, dating and sealing calculations or specifications is practicing through a duly authorized engineering business; the printed name, address and certificate of authorization number of the engineering business.

c. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

d. Identification of the applicable building code and chapter(s) that the design is intended to meet.

e. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering Reports or Other Documents.

1. A signature page or cover letter shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the report with sufficient information provided so that the user will be aware of each portion for which each professional engineer is responsible.

2. If the engineer signing, dating and sealing an engineering report or other document is practicing through a duly authorized engineering business, the printed name, address and certificate of authorization number of the engineering business shall be placed on the signature page or cover letter.

(d) The date that the signature and seal is affixed as provided herein shall be entered on said plans, prints, specification, reports or other documents immediately adjacent to the signature of the professional engineer.

Rulemaking Authority 471.008, 471.025 FS. Law Implemented 471.025 FS. History--New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05, 11-16-09, 2-2-12, 11-3-15.

61G15-23.002 Seals Acceptable to the Board. ~~Seal, Signature and Date Shall Be Affixed.~~

(1) Only the following seals are authorized to be used pursuant to Section 471.025, F.S.:

(a) Wet Seals: A Wet Seal is any seal physically applied to a printed document capable of leaving a permanent ink representation or other form of opaque permanent impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.:

(b) Embossing Seals: An Embossing Seal is any seal physically applied to a printed document capable of leaving a permanent crimped representation or other form of permanent raised impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.; or

(c) Digitally Created Seals: A Digitally Created Seal is any seal created as part of the document and not physically applied that is an opaque permanent representation that complies with subsection 61G15-23.002(2), F.A.C.

(2) Wet Seals, Embossing Seals and Digitally Created Seals shall be a minimum of 1-7/8 inches in diameter and shall be of a design similar to those set forth in subsections (a), (b) and (c) below.

(a) The seal must contain the licensee's given name, the licensee's license number immediately preceded by the designation "No", the words "PROFESSIONAL ENGINEER" and the words "STATE OF FLORIDA" similar to that depicted here:



(b) If the seal is for a temporary license it must also contain the words "TEMPORARY LICENSE" and the date that the license expires in the form of "Month - Day - Year" immediately preceded by the word "EXPIRES" similar to that depicted here:



(c) For Professional Engineers who are in good standing under both Chapters 471 and 472, F.S., a seal similar to that depicted here may be used.



(d) Seals may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

Rulemaking Authority 471.025, 471.033(2) FS. Law Implemented 471.025, 471.033(1)(a) FS. History—New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00, 2-22-01, 2-5-04, 1-31-08, 5-6-09, 11-3-15.

61G15-23.003 Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents. ~~Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.~~

Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be physically signed, dated and sealed as provided herein by the professional engineer in responsible charge.

(1) The licensee shall sign by hand an original of the licensee's signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used.

(2) The licensee must then use a wet seal, a digitally created seal, or an embossing seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

Rulemaking Authority 471.025(1), 668.006 FS. Law Implemented 471.025 FS. History—New 8-18-98, Amended 9-4-05, 5-6-09, 1-5-12, 8-20-12, 12-10-13, 11-3-15.

61G15-23.004 **Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.**

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms “certification authority,” and “digital signature” shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S.

(2) A professional engineer utilizing a digital signature to electronically sign and seal engineering plans, specifications, reports or other documents shall have their identity authenticated by a certification authority and shall assure that the digital signature is:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it; and

(d) Linked to a document in such a manner that the digital signature and correspondingly the document is invalidated if any data in the document is changed.

(3) The affixing of a digital signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the digital signature was placed into the document must appear on the document in accordance with Rule 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

(c) The engineering plans, specifications, reports or other documents being digitally signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

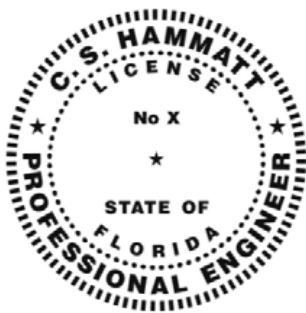
1. The same information required by Rule 61G15-23.002(2), F.A.C. if a digitally created seal is not use.

2. The item has been electronically signed and sealed using a Digital Signature, and

3. Printed copies of the document are not considered signed and sealed and all signatures must be verified on any electronic copies.

(d) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a Digital Signature.

(e) When engineering plans, specifications, reports or other documents contain multiple sheets or pages, the licensee may apply a single digital signature per electronically transmitted item as set out in Rule 61G15-23.001, F.A.C. A digital signature applied to an item in electronic form shall have the same force and effect as signing all of the individual sheets or pages contained within that item unless otherwise limited as specified in subsection 61G15-30.003(3), F.A.C.

(f) In the case where multiple licensees sign and seal a single item, each licensee shall apply their digital signature and include qualifying language with those items required in section (e) of this rule thoroughly describing what portions the licensee is taking responsibility for.

*Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(d), 668.006 FS. History—
New 11-3-15.*

61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed electronically as provided herein by the professional engineer in responsible charge. As used herein, the term “electronic signature” shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S.

(2) A professional engineer utilizing an electronic signature to electronically sign and seal engineering plans, specifications, reports or other documents shall:

(a) Create a “signature” file that contains the licensee’s given name, the licensee’s license number, a brief overall description of the engineering documents to be signed and sealed, a list of the electronic files to be signed and sealed, and the *SHA-1* authentication code or *Secure Hash Standard* for each electronic file to be signed and sealed. The *SHA-1* authentication code is described in Federal Information Processing Standard Publication 180-4 “*Secure Hash Standard*,” August 2015, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-00790>, .

(b) Create a “signature” report that contains the licensee’s given name, the licensee’s license number, a brief overall description of the engineering documents to be signed and sealed and the *SHA-1* authentication code of the signature file,

(c) Print and manually sign, date and seal the signature report in compliance with Rule 61G15-23.003, F.A.C.,

(d) Transmit the signed, dated and sealed signature report to the authority having jurisdiction along with the signed, dated and sealed signature file. The signature file is considered to be signed

and sealed if the signature file's authentication code matches the authentication code on the manually signed, dated and sealed signature report. Each electronic file listed within the signed and sealed signature file is considered to be signed and sealed if the listed *SHA-1* authentication code in the signature file matches the electronic file's *SHA-1* authentication code.

(3) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the electronic signature is to be placed into the document must appear on the document in accordance with Rule 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

(c) A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used on electronically signed and sealed engineering plans, specifications, reports or other documents.

(d) The engineering plans, specifications, reports or other documents being electronically signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. The same information required by Rule 61G15-23.002(2), F.A.C. if a digitally created seal is not use,

2. The item has been electronically signed and sealed using a *SHA-1* authentication code, and

3. Printed copies of the document are not considered signed and sealed and all *SHA-1* authentication code must be verified on any electronic copies.

(e) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.
Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X
This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.
Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies

Rulemaking

New_11-3-15.

NOTICE: 14774572
 EFFECTIVE DATE: 07/17/2014
 RULE NO.: 61G15-24.001 RULE TITLE: Schedule of Fees
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the \$25.00 licensure verification fee.
 SUMMARY: The rule amendment will delete the \$25.00 licensure verification fee.

61G15-24.001 Schedule of Fees.

(1) Pursuant to Section 471.011, F.S., the Board hereby establishes the following fees for

applications, licensing and renewal, temporary registration, late renewal, licensure by endorsement, reactivation fee, and replacement of certificate.

(2) Engineering licensure fees (individuals and firms):

(a) Application fee for licensure by examination or endorsement – \$125.00 non-refundable.

(b) Initial license fee – \$100.00.

(c) Biennial renewal fee – \$125.00.

(d) Delinquency fee – \$100.00.

(e) Temporary license (individual) – \$25.00.

(f) Temporary Certificate of Authorization (firm) – \$50.00.

(g) Application fee for a Certificate of Authorization (firm) – \$125.00 non-refundable.

(h) Initial fee for Certificate of Authorization – \$125.00.

(i) Biennial Renewal fee for Certificate of Authorization (firm) – \$125.00.

(j) Inactive Status fee – \$125.00.

(k) Reactivation fee – \$150.00.

(l) Duplicate Certificate – \$25.00.

~~(m) Verification of Licensure – \$25.00.~~

(m) Special Inspector Certification fee – \$100.00.

(n) Application fee for Special Inspector Certification – \$125.00.

(o) Engineer Intern Endorsement fee – \$100.00.

(3) Engineer Intern application fee – \$30.00.

Rulemaking Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), (7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, 6-5-05, 3-5-06, 7-17-14.

NOTICE: 16062635

EFFECTIVE DATE: 06/15/2015

RULE NO.: **RULE TITLE:**

61G15-32.004 **Design of Water Based Fire Protection Systems**

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language clarifying the information required to ensure minimum design quality of Fire Protection System Engineering Documents.

SUMMARY: The rule amendment will add new language clarifying the information required to ensure minimum design quality of Fire Protection System Engineering Documents.

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) Water Based Fire Protection Systems include, but are not limited to, automatic sprinkler systems of wet, dry, fine water spray (mist), manual, and deluge valve controlled types, pumping systems, standpipes, fire water mains and dedicated fire protection water sources.

(2) To ensure minimum design quality in Fire Protection System Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The Point of Service for the fire protection water supply as defined by Section 633.021(18), F.S.

(b) Applicable NFPA standard to be applied, or in the case where no such standard exists, the engineering study, judgments, and/or performance based analysis and conclusions.

(c) Classification of hazard occupancy for each room or area.

(d) Design approach, which includes system type, densities, device temperature rating, and spacing for each separate hazard occupancy.

(e) Characteristics of water supply to be used, such as main size and location, whether it is dead-end or circulating; and if dead-end, the distance to the nearest circulating main, as well as its

minimum duration and reliability for the most hydraulically demanding design area.

(f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.

(g) Valving and alarm requirements to minimize potential for impairments and unrecognized flow of water.

(h) Microbial Induced Corrosion (MIC). The Engineer of Record shall make reasonable efforts to identify water supplies that could lead to Microbial Induced Corrosion (MIC). Such efforts may consist of discussions with the local water purveyor and/or fire official, familiarity with conditions in the local area, or laboratory testing of water supplies. When conditions are found that may result in MIC contamination of the fire protection piping, the engineer shall design corrective measures.

(i) Backflow prevention and metering specifications and details to meet local water purveyor requirements including maximum allowable pressure drop.

(j) Quality and performance specifications of all yard and interior fire protection components.

(k) A determination of whether a fire pump is required and if so, the specific volumetric flow and pressure rating of the pump.

(l) A verification of whether a firewater storage tank is required on site and if so, a determination of the size and capacity required.

(m) Owner's Certificate. In storage occupancies, the Owner's Information Certificate is required from the property owner as it clearly defines the storage configuration of the space for the current and future use of the property, as required by the codes and standards set forth in subsection 61G15-32.002(7), F.A.C.

(3) Contractor submittals which deviate from the above minimum design parameters shall be considered material deviations and require supplemental engineering approval and documentation.

(4) In the event the Engineer of Record provides more information and direction than is established above, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15.

NOTICE: 16729510

EFFECTIVE DATE: 11/05/2015

RULE NO.: **RULE TITLE:**

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the incorporated application form to the 12/2014 revision date.

SUMMARY: The rule amendment will update the incorporated application form to the 12/2014 revision date.

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three years of experience in performing structural field inspections on threshold buildings and two years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. Such Experience shall be within the seven years preceding submission of the application. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five years of experience in performing structural field inspections on Threshold Buildings within the preceding seven years prior to submission of the application and possess certification in each of the following: advanced concrete inspection, advanced structural masonry inspection, advanced post tensioning, basic structural steel and basic soils from a nationally recognized entity such as ACI, ICC, Florida Concrete and Products Association, and Post Tension Institute, Florida DOT CEQUTP or equivalent.

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(12/14)(08/00) is hereby incorporated by reference, effective 4-19-01, "Application for Special Inspector Certification Application and Instructions". Copies of Form FBPE/TBI/006(12/14)(08/00) may be obtained from the Board office or by downloading it from the internet web site www.fbpe.org.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006(12/14)(08/00).

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name;
2. Florida license number;
3. Educational and experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;
4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;
5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and
6. Completed form FBPE/TBI/006(12/14)(08/00).

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such

applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(3) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., shall also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

(4) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Board office.

Rulemaking Authority 471.008, ~~471.033(2)~~ FS. Law Implemented 471.015(7), ~~471.033~~ FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 11-5-15.

NOTICE: 16696239

EFFECTIVE DATE: 10/29/2015

RULE NO.: RULE TITLE:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to specify the qualifications to serve as an Authorized Representative of a Special Inspector.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to specify the qualifications to serve as an Authorized Representative of a Special Inspector.

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Special Inspectors utilizing Authorized Representatives shall **ensure** ~~insure~~ the Authorized Representative is qualified by education, **licensure**, or training ~~experience, and training~~ to perform the duties assigned by the Special Inspector, **Effective July 1, 2016, those qualifications shall include;** ~~and shall maintain responsible supervisory control over the representative pursuant to subsection 61G15-18.011(1) F.A.C. The qualifications shall include: Authorized Representative shall have a minimum of two (2) years of relevant experience under the direct supervision of a Special Inspector.~~

(a) Licensure as a professional engineer or architect; or

(b) Graduation from a four-year engineering education program in civil, structural or architectural engineering; or

(c) Possession of a professional Architecture degree; or

(d) Registration as a building inspector or general contractor; or

(e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work; or

(f) Possess ~~the following certification(s);~~ certification in the following area(s):

1. Prior to inspection of concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications for such certification established by ACI on January 1, 2013;

2. Prior to inspection of masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013;

3. Prior to inspection of post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on January 1, 2013;

4. Prior to inspection of structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013 or AISC on January 1, 2013;

5. Prior to inspection of soil related components, certification from the International Code Council in basic soils special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013.

(3) Special Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) Special Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Rulemaking Authority 471.008 FS. Law Implemented 471.015(7) FS. History—New 3-21-01, Amended 4-5-04, 5-6-09, 2-4-13, 10-29-15.

NOTICE: 14925407

EFFECTIVE DATE: 08/25/14

RULE NO.: **RULE TITLE:**

61G15-37.001 Performance Standards and Measurable Outcomes

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language to clarify procedures for performance standards and measurable outcomes.

SUMMARY: The rule amendment will modify the language to clarify procedures for performance standards and measurable outcomes.

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation (“FEMC”), the following performance standards and measurable outcomes are adopted:

(1) FEMC shall make a determination of legal sufficiency within 30 days of receipt of a complaint. FEMC is authorized to seek an extension of an additional 30 days from the Chair of the Probable Cause Committee if the circumstances of a specific complaint justify such an extension.

(2) Within fifteen days of receiving a complaint that is determined to be legally sufficient, FEMC shall furnish to the subject or the subject’s attorney a copy of the complaint or document that resulted in the initiation of the investigation.

(3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee’s employer of the action taken by the Board.

(4) FEMC shall refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to Chapter 120, F.S., or otherwise completed by FEMC within 1 year after the filing of a complaint.

(5) FEMC shall notify the person who filed the complaint of the status of the investigation every six months, including whether probable cause has been found, when the case is agendaed for consideration by the Board and the status of any administrative proceeding or appeal.

(6) At least 90 days before the end of a licensure cycle, FEMC shall forward a licensure renewal notification to active or inactive licensees at the licensee's last known address of record with FEMC.

(7) At least 90 days before the end of a licensure cycle, FEMC shall forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with FEMC.

(8) Upon receipt of an application for a license, FEMC shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information FEMC is permitted by law to require.

(9) Every application for a license shall be approved or denied within 90 days after receipt of a completed application.

(10) If an applicant seeks a license for an activity that is exempt from licensure, FEMC shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

(11) FEMC shall maintain the Board's web site at www.fbpe.org. All final orders involving disciplinary cases shall be posted on the web site, until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Rulemaking Authority 471.038(3)(n) FS. Law Implemented 471.038(3)(m), (n) FS. History—New 11-12-02, Amended 4-8-07, 9-13-09, 8-25-14.

Florida Statutes: Ch.471 Changes

Florida Statutes: Ch. 471: Engineering (471.001 to 471.045) – rules adopted, amended, or repealed during the immediate preceding biennium

Table 1: List of Ch. 471 Statute changes that have been adopted in their final form on or after 04 Feb 2013 and before 05 Nov 2015

Florida Rule	Description	Date Effective
471.007	Board of Professional Engineers	2014
471.013	Examinations; prerequisites	2014
471.015	Licensure	2014
471.017	Renewal of license	2014
471.023	Certification of business organizations	2013

EFFECTIVE DATE: 2014

STATUTE NO.: STATUTE TITLE:

471.007 Board of Professional Engineers

SUMMARY: The statute amendment will modify the language to further specify board member eligibility requirements.

471.007 Board of Professional Engineers.—

(1) There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, 9 of whom shall be licensed engineers and 2 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 engineers, three shall be civil engineers, one shall be a structural engineer, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an industrial 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.~~ A member of the board who is a licensed engineer must be selected and appointed based on his or her qualifications to provide expertise and experience to the board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.

(2) Following expiration of the terms of members appointed to initiate staggered terms as set forth in subsection (3), members of the board shall be appointed by the Governor for terms of 4 years each. A professional or technical engineering society may submit a list of qualified nominees to be considered by the Governor for appointment.

(3) When the terms of members serving as of July 1, 2014, expire, the terms of their immediate successors shall be staggered so that three members are appointed for 2 years, four members are appointed for 3 years, and four members are appointed for 4 years, as determined by the Governor. Each member shall hold office until the expiration of his or her appointed term or until a successor has been appointed.

History.—ss. 3, 42, ch. 79-243; ss. 5, 9, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 152, ch. 94-218; s. 19, ch. 2002-299; s. 1, ch. 2004-332; s. 1, ch. 2014-125.

EFFECTIVE DATE: 2014

STATUTE NO.: STATUTE TITLE:

471.013 Examinations; prerequisites

SUMMARY: The statute amendment adds language to further specify requirements if applicant fails the fundamental or principle and practice exams.

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;
2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university 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 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.

(b) A person shall be entitled to take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university approved by the board.

(c) A person shall not be entitled to take the principles and practice examination until that person has successfully completed the fundamentals examination.

(d) The board shall deem that an applicant who seeks licensure by examination has passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and

Technology, Inc., and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(e) Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take either examination three times, notwithstanding the number of times either examination has been previously failed. If an applicant fails either examination three times, the board shall require the applicant to complete additional college-level education courses or a board-approved relevant examination review course as a condition of future eligibility to take that examination. If the applicant is delayed in taking the examination due to reserve or active duty service in the United States Armed Forces or National Guard, the applicant is allowed an additional two attempts to take the examination before the board may require additional college-level education or review courses.

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

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

History.—ss. 5, 42, ch. 79-243; s. 340, ch. 81-259; ss. 7, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 141, ch. 92-149; s. 332, ch. 97-103; s. 20, ch. 2002-299; s. 1, ch. 2003-293; s. 2, ch. 2004-332; s. 2, ch. 2014-125.

EFFECTIVE DATE: 2014

STATUTE NO.: **STATUTE TITLE:**

471.015 Licensure

SUMMARY: The statute amendment modifies the language regarding licensure by endorsement.

471.015 Licensure.—

- (1) The management corporation shall issue a license to any applicant who the board certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice examination.
- (2) The board shall certify for licensure any applicant who satisfies the requirements of s. 471.013. 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 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.
- (4) The management corporation shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

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

~~1. — Has held a valid professional engineer's license 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 the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.

(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.

(7) The board shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector

who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

History.—ss. 6, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 2, ch. 85-134; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; ss. 82, 216, ch. 94-119; s. 32, ch. 95-392; s. 110, ch. 98-166; s. 37, ch. 2000-141; s. 171, ch. 2000-160; s. 35, ch. 2000-356; s. 6, ch. 2000-372; s. 21, ch. 2002-299; s. 2, ch. 2003-293; s. 3, ch. 2014-125.

EFFECTIVE DATE: 2014

STATUTE NO.: **STATUTE TITLE:**

471.017 Renewal of license

SUMMARY: The statute amendment modifies the language to further specify the new continuing education requirements.

471.017 Renewal of license.—

- (1) The management corporation shall renew a license upon receipt of the renewal application and fee.
- (2) The board shall adopt rules establishing a procedure for the biennial renewal of licenses.
- ~~(3) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 4 professional development hours, for each year of the license renewal period. For each renewal period for such continuing education, 4 hours shall relate to this chapter and the rules adopted under this chapter and the remaining 4 hours shall relate to the licensee's area of practice. The board shall adopt rules that are consistent with the guidelines of the National Council of Examiners for Engineering and Surveying for multijurisdictional licensees for the purpose of avoiding proprietary continuing professional competency requirements and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required professional development hours.~~

(3) (a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 9 continuing education hours for each year of the license renewal period, totaling 18 continuing education hours for the license renewal period. For each renewal period for such continuing education:

1. One hour must relate to this chapter and the rules adopted under this chapter.
2. One hour must relate to professional ethics.
3. Four hours must relate to the licensee's area of practice.
4. The remaining hours may relate to any topic pertinent to the practice of engineering.

Continuing education hours may be earned by presenting or attending seminars, in-house or nonclassroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice. Up to 4 hours may be earned by serving as an officer or actively participating on a committee of a board-recognized professional or technical engineering society. The 2 required continuing education hours relating to this chapter, the rules adopted pursuant to this chapter, and ethics may be earned by serving as a member of the Legislature or as an elected state or local official. The hours required pursuant to s. 471.0195 may apply to any requirements of this section except for those required under subparagraph 1.

(b) The board shall adopt rules that are substantially consistent with the most recent published version of the Continuing Professional Competency Guidelines of the National Council of Examiners for Engineering and Surveying, and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required continuing education hours.

History.—ss. 7, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 213, ch. 94-119; s. 11, ch. 98-287; s. 36, ch. 2000-356; s. 7, ch. 2000-372; s. 4, ch. 2014-125.

EFFECTIVE DATE: 2013

STATUTE NO.: **STATUTE TITLE:**

471.023 Certification of business organizations

SUMMARY: The statute amendment adds an exception to personal liability when practicing through a business organization.

471.023 Certification of business organizations.—

(1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization 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 business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization 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 business organization.

(2) For the purposes of this section, a certificate of authorization shall be required for any business organization or other 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 under this section.

(3) **Except as provided in s. 558.0035,** the fact that a licensed engineer practices through a business organization does not relieve the licensee 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 business organization other than a partnership 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 business organization. The personal liability of a shareholder or owner of a business organization, in his or her capacity as shareholder or owner, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The business organization 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 its behalf in the rendering of professional services.

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

(5) Disciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer.

History.—ss. 11, 42, ch. 79-243; s. 1, ch. 80-223; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 143, ch. 92-149; s. 333, ch. 97-103; s. 39, ch. 2000-356; s. 9, ch. 2000-372; s. 25, ch. 2002-299; s. 3, ch. 2003-293; s. 3, ch. 2013-28.

Florida Statutes: Ch.455 Changes

Florida Statutes: Ch. 455: Engineering (455.01 to 455.32) – rules adopted, amended, or repealed during the immediate preceding biennium

Table 1: List of Ch. 471 Statute changes that have been adopted in their final form on or after 04 Feb 2013 and before 05 Nov 2015

Florida Rule	Description	Date Effective
455.1165	Federal Grants Trust Fund	2014
455.213	Examinations; prerequisites	2014
455.2274	Licensure	2014

EFFECTIVE DATE: 2014

STATUTE NO.: **STATUTE TITLE:**

455.1165 Federal Grants Trust Fund

SUMMARY: The statute amendment removed the termination deadline

455.1165 Federal Grants Trust Fund.—

- (1) The Federal Grants Trust Fund is created within the Department of Business and Professional Regulation.
- (2) The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

~~(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Federal Grants Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).~~

History.—s. 1, ch. 2011-60; s. 2, ch. 2014-44.

EFFECTIVE DATE: 2014

STATUTE NO.: **STATUTE TITLE:**

455.213 General licensing provisions

SUMMARY: The statute amendment modifies the language to further specify the waivers for military veterans.

455.213 General licensing provisions.

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be submitted on a form prescribed by the department and must include the applicant's social security number. Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax

collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor. An application is received for purposes of s. 120.60 upon the department's receipt of the application submitted in the format prescribed by the department; the application fee set by the board or, if there is no board, set by the department; and any other fee required by law or rule to be remitted with the application.

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (3), the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination. Upon a determination by the department that it erroneously issued a license, or upon the revocation of a license by the applicable board, or by the department when there is no board, the licensee must surrender his or her license to the department.

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

(4) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the administrative law judge shall submit his or her recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for a license may appeal the final order of the board in accordance with the provisions of chapter 120.

(5) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(6) Any board that currently requires continuing education for renewal of a license shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department when there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this section. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department when there is no board, that a part of the continuing education hours can be fulfilled by performing research in critical need areas or for training leading to advanced professional certification. The board, or the department when there is no board, may make rules to define underserved and critical need areas. The department shall adopt rules for the administration of continuing education requirements adopted by the boards or the department when there is no board.

(7) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to any practice act within the purview of this chapter may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(8) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

(9) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be

limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the Department of Business and Professional Regulation, and as otherwise provided by law.

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether the applicant is statutorily qualified for registration, certification, or licensure.

(11) Any submission required to be in writing may otherwise be required by the department to be made by electronic means. The department is authorized to contract with private vendors, or enter into interagency agreements, to collect electronic fingerprints where fingerprints are required for registration, certification, or the licensure process or where criminal history record checks are required.

(12) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who or his or her spouse at the time of discharge, if he or she applies to the department for a license, in a format prescribed by the department, within 2460 months after discharge the veteran is discharged from any branch of the United States Armed Forces. To qualify for this waiver, the veteran must have been honorably discharged.

History.—s. 5, ch. 79-36; s. 29, ch. 81-302; s. 9, ch. 83-329; s. 7, ch. 84-203; s. 30, ch. 85-175; s. 3, ch. 86-287; s. 1, ch. 89-162; s. 67, ch. 89-374; s. 1, ch. 91-137; s. 10, ch. 91-220; s. 43, ch. 92-33; ss. 13, 76, ch. 92-149; s. 23, ch. 93-129; ss. 1, 4, ch. 96-309; s. 208, ch. 96-410; s. 1078, ch. 97-103; s. 63, ch. 97-170; s. 1, ch. 97-228; s. 10, ch. 97-261; s. 53, ch. 97-278; s. 2, ch. 98-166; s. 37, ch. 98-397; s. 139, ch. 99-251; s. 26, ch. 2000-160; s. 1, ch. 2001-269; s. 9, ch. 2001-278; s. 1, ch. 2007-86; s. 1, ch. 2009-195; s. 8, ch. 2010-106; s. 2, ch. 2012-61; s. 3, ch. 2012-72; s. 40, ch. 2013-116; s. 26, ch. 2014-1.

EFFECTIVE DATE: 2014

STATUTE NO.: **STATUTE TITLE:**

455.2274 Criminal proceedings against licensees; appearances by department representatives.

SUMMARY: The statute amendment removes the note reference.

455.2274 Criminal proceedings against licensees; appearances by department representatives.

A representative of the department may voluntarily appear in a criminal proceeding brought against a person licensed by the department to practice a profession regulated by the state. The department's representative is authorized to furnish pertinent information, make recommendations regarding specific conditions of probation, and provide other assistance to the court necessary to promote justice or protect the public. The court may order a representative of the department to appear in a criminal proceeding if the crime charged is substantially related to the qualifications, functions, or duties of a ¹licensee regulated by the department.

History.—s. 3, ch. 2009-19; s. 115, ch. 2014-17.

Note.—The word “licensee” was substituted for the word “license” by the editors.

Case Law Concerning Ch. 471

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FIFTH DISTRICT

JANUARY TERM 2007

ROBERT C. KANY, P.E.,
Appellant,

v.

Case No. 5D06-2267

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,
Appellee.

/

Opinion filed February 16, 2007
Administrative Appeal from the
Board of Professional Engineers.

Douglas W. Ackerman, and Daniel
M. Greene, of Kirwin Norris, P.A.,
Winter Park, for Appellant.

John J. Rimes, III, and Bruce A.
Campbell, Tallahassee, for Appellee.

GRIFFIN, J.

Robert C. Kany, P.E. ["Kany"], appeals the Florida Board of Professional Engineers' ["Board"] order revoking his license to practice engineering. Revocation was grounded on a determination that Kany had violated section 471.033(1)(j), Florida Statutes, by affixing or permitting to be affixed his seal, name, or signature to final drawings that were not prepared by him or under his responsible supervision, direction, or control and section 471.033(1)(a), Florida

Statutes, by aiding and assisting an unlicensed person to practice engineering and for professional negligence.

The operative facts were essentially undisputed. Robert Thomas ["Thomas"], a draftsman, operated a business pursuant to which he contracted with homeowners to draft plans to improve two existing residential properties, one located on 8245 Curry Ford Road and the other at 2008 Corena Drive. Both projects included some engineering. Thomas is not a licensed engineer, however, so he brought the drawings he had prepared to Kany, a licensed professional engineer since 1940. Kany reviewed Thomas' drawings, made comments and corrections, and checked to make sure that the plans complied with code. He then signed and sealed the Curry Ford plans on about February 12, 2004, and signed and sealed the Corena Drive plans sometime between April 26, 2002 and July 8, 2003. This is the conduct that is the crux of this appeal. The Board contends that this conduct warrants revocation of his engineering license because the plans he sealed were not prepared under Kany's "responsible supervision, direction or control."

This matter was heard by the Division of Administrative Hearings on January 13, 2006. Each side presented witnesses. Based on the evidence presented at this hearing, the Administrative Law Judge ["ALJ"] issued a recommended order that included the following findings:

1. While one small deficiency exists to the structural design of Joint Exhibit 1, "Renovations to Existing Facilities 8245 Curry Ford Road, Orlando," there was no threat to public safety.
2. There are myriad structural engineering deficiencies in Joint Exhibit 2, "2008 Corena Drive," which are the sealed plans for the residence at that address. The deficiencies may be the result of the fact that the plans were incomplete due to the owners' failure to decide on a cathedral or closed ceiling. If the plans were preliminary, [Kany] should not have sealed them.
3. The plans depicted in Joint Exhibit 2, "2008 Corena Drive," do not meet minimum engineering standards; the engineer of record, Respondent, was negligent in sealing these plans.

The ALJ concluded that the Florida Engineers Management Corporation ["FEMC"] had proven only count six of its complaint, which was that Kany had been negligent in sealing the Corena Drive plans. In rejecting the other counts, the ALJ wrote:

4. It is acceptable practice in the engineering community for an engineer to work with a designer who drafts design documents and is independently employed. It is also acceptable practice in the engineering community for an engineer working with a designing draftsman not to visit a particular project site if sufficient detail of the project is related to the engineer by the draftsman.
5. It is acceptable practice in the engineering community for a draftsman to design complete drawings and then present the drawings to an engineer for engineering review and approval as long as the draftsman is known to the engineer and the engineer is aware of the draftsman's skill and expertise.
6. Respondent has practiced his profession for 65 years, the last 25 in Florida. He has known Robert Thomas, the individual who drafted both sets of plans in question, for seven or eight years. Respondent considers Mr. Thomas to be a "darn good" draftsman with considerable knowledge of the building industry. When Mr. Thomas brings plans to Respondent for review, they discuss the project and the plans; Respondent then makes appropriate changes to assure that the plans comply with or exceed code. This process meets the "responsible charge" standard.

* * *

1. Petitioner has failed to prove by clear and convincing evidence the remaining counts of the Administrative Complaint. The evidence presented indicates that Respondent exercised "responsible charge" over Robert Thomas; although Mr. Thomas actually met with his clients and drafted the plans, Respondent had ultimate control over engineering decisions after discussion of the particular project and consideration of plan alternatives. Respondent
2. There is no evidence that supports the allegation that Respondent aided or assisted Mr. Thomas in the unlicensed practice of engineering.

Given the absence of aggravating circumstances, the ALJ recommended that Kany only receive a reprimand for his negligence on the Corena Drive project.

In response to the proposed order, the parties filed their exceptions with the Florida Board of Professional Engineers. The FEMC asked the Board to accept five substantial exceptions to the ALJ's proposed order. The essential purpose of these exceptions was to undo the ALJ's findings in paragraphs 16 and 28 that Kany exercised "responsible charge" over the work of Robert Thomas.

The Florida Board of Engineers met to discuss the proposed order and exceptions, accepted the five exceptions requested by the FEMC, and made the decision to permanently revoke Kany's license. All other findings of fact and conclusions of law included in the recommended order were incorporated into the final order. The decisions taken at this meeting were reflected in the final order issued by the Board on June 26, 2006.

At the administrative hearing, several witnesses testified as to the proper relationship between a draftsman and the engineer of record. Syed Ashraf, a professional engineer called by FEMC to give expert testimony, agreed that the engineer of record does not need to do structural calculations or drawings and, while the engineer has to directly supervise the work of a draftsman, it is not necessary for the draftsman to be employed by the engineer's company. In his opinion, however, the engineer has to make all design decisions from the beginning.

Professional Engineer Darius Adams ["Adams"] agreed that the employment relationship between the drafter and the engineer is irrelevant; rather, what matters is whether the engineer is familiar with the work of the drafter and can trust the drafter's work. When asked about whether an engineer's ratification of plans drawn by a non-engineer could constitute "responsible charge," Adams said:

"Plans have to be presented in some form. At that point that's when the engineer of record – at some point he has to start looking at the plans, whether they are three lines on the drawings or a full set of drawings . . . They are not completed until the engineer has reviewed them and has made his engineering directions"

Adams indicated that if a designer came to him with a set of plans, it would be appropriate for him to "review, analyze and sign and seal as an engineer," if he knew the person. Adams also

testified that it was common for engineers not to make site visits, and that it was not necessary for an engineer to make such visits if information is given to the engineer.

Kany testified that the decisions about what the plan contains are made by the drafter but then are reviewed by him and corrected or changed to "comply with code or make it better." "Frequently, they are discussed where the nature of the plan could be changed because it's not economical or not feasible."

The Board primarily rests its decision that Kany violated section 471.033(1)(j) on its interpretation of its Rule 61G15-18.011(1), Florida Administrative Code, which we reproduce at length because we cannot find the Board's interpretation of it in the literal language of the Rule.

1. "Responsible Charge" shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15- 30.002(1), F.A.C.
 - a. The degree of control necessary for the Engineer of Record shall be such that the engineer:
 - i. Personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever engineering decisions which could affect the health, safety and welfare of the public are made. In making said engineering decisions, the engineer shall be physically present or, if not physically present, be available in a reasonable period of time, through the use of communication devices, such as electronic mail, videoconferencing, teleconferencing, computer networking, or via facsimile transmission.
 - ii. Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
 - b. Engineering decisions which must be made by and are the responsibility of the Engineer of Record are those decisions concerning permanent or temporary work

which could create a danger to the health, safety, and welfare of the public, such as, but not limited to, the following:

- i. The selection of engineering alternatives to be investigated and the comparison of alternatives for engineering works.
 - ii. The selection or development of design standards or methods, and materials to be used.
 - iii. The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.
 - iv. The development and control of operating and maintenance procedures.
- c. As a test to evaluate whether an engineer is the Engineer of Record, the following shall be considered:
- i. The engineer shall be capable of answering questions relevant to the engineering decisions made during the engineer's work on the project, in sufficient detail as to leave little doubt as to the engineer's proficiency for the work performed and involvement in said work. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the engineer in responsible charge made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the engineer could relate to criteria for design, applicable codes and standards, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations.

* * *

- ii. The engineer shall be completely in charge of, and satisfied with, the engineering aspects of the project.
- iii. The engineer shall have the ability to review design work at any time during the development of the project and shall be available to exercise judgment in reviewing these documents.
- iv. The engineer shall have personal knowledge of the technical abilities of the technical personnel doing the work and be satisfied that these capabilities are sufficient for the performance of the work.

Fla. Admin. Code R. 61G15-18.011(1). In its final order, the Board rejected the hearing officer's interpretation of Rule 61G15-18.011(1), and said:

“Rule 61G15-18.011(1)(a) requires an engineer in responsible charge must initiate concepts; weigh and investigate alternatives; select development, design standards and methods and the materials to be used. There is no evidence in the record that Respondent ever had an opportunity to undertake those engineering tasks because he was presented with a set of drawings to be checked and stamped. This legal conclusion is more reasonable than the legal conclusion set forth in paragraph 28 of the Recommended Order”

The Board apparently finds somewhere in this language what is not expressly stated -- that any engineer who seals plans containing a design that he did not initiate is guilty of misconduct. Unfortunately, in its brief on appeal, the Board never explains where in the Rule it finds its interpretation, other than a general reference to the definition of "responsible charge" found in subsection (1). If the Board concludes that these duties they advance in this appeal are important to the profession, they should draft a rule that clearly defines and explains these duties, so that engineers will know what is expected of them and what conduct is subject to discipline.

It bears repeating that: “It is the hearing officer's function to consider all the evidence presented, resolve conflicts, judge credibility of witnesses, draw permissible inferences from the evidence, and reach ultimate findings of fact based on competent, substantial evidence.” *Heifetz v. Dep't of Bus. Reg.*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985). “While an agency may reject conclusions of law without limitation, neither an administrative agency nor a reviewing court may reject an administrative hearing officer's findings of fact, as long as those findings are supported by competent, substantial evidence in the record.” *Sheils v. Florida Eng'rs Mgmt. Corp.*, 886 So. 2d 426 (Fla. 4th DCA 2004)(citing *Szniatkiewicz v. Unemployment Appeals Comm'n*, 864 So. 2d 498, 502 (Fla. 4th DCA 2004)).

Whether the engineer in any case made the engineering decisions contained in the sealed plan is a question of fact. The FEMC had the burden of proving their charge against Kany by clear and convincing evidence. *See Department of Banking and Fin. v. Osborne Stern & Co.*, 670 So. 2d 932 (Fla. 1996). Under the “clear and convincing” standard “[t]he evidence must be credible; the memories of the witnesses must be clear and without confusion; and the sum total

of the evidence must be of sufficient weight to convince the trier of fact without hesitancy.” *In re Davey*, 645 So. 2d 398, 404 (Fla. 1994).

Although it is generally held that an agency has wide discretion in interpreting a statute it administers, this discretion is somewhat more limited where the statute being interpreted authorizes sanctions or penalties against a person's professional license. Statutes providing for the revocation or suspension of a license to practice are deemed penal in nature and must be strictly construed, with any ambiguity interpreted in favor of the licensee.

Elmariah v. Dep't of Prof'l Reg., 574 So. 2d 164, 165 (Fla. 1st DCA 1990).

The Board concedes that the ultimate question in this case is factual – were the engineering decisions made by Kany, or not? In arriving at its final order, which is completely contrary to the recommended order of the ALJ on the "responsible supervision, direction or control" issue, the Board has engaged in gymnastic parsing and dissection of the ALJ's findings of fact. At bottom, however, their position is that, as a matter of law, the ALJ could not make what they consider to be the indispensable finding that, from the outset, Kany initiated the engineering concepts, decided what would be put into the plan and participated in the preparation of the plans.

No matter how carefully we pore over the Board's Rule 61G15-18.011(1), we cannot find the twin requirements of initiation and drafting to be inherent in the Rule's language.

Indeed, subsection (1), defining "responsible charge" includes: "that degree of control an engineer is required to maintain over engineering decisions made personally *or by others over which the engineer exercises supervisory direction and control authority.*" Subsection also says: "the degree of control necessary for the engineer of record shall be such that the engineer: (1) personally makes engineering decisions or *reviews and approves proposed decisions* prior to their implementation" (Emphasis supplied). In fact, the language of the Rule appears to lean in the opposite direction, toward the engineer's responsibility for what goes into the *final* plan because the final plan is the one that will be built from and thus will have the potential to pose a danger to the public. Whether the engineer exercised control over the decisions that went into creating initial or intermediate drafts of plans matters less under the Rule because those plans will not be built from. Nothing express in section 471.033(1)(a) or in Rule

61G15-18.011(1) precludes an engineer from exercising the requisite supervisory direction or control authority over engineering drawings prepared by others. If the engineer merely takes a fee to "stamp plans," i.e. to affix his seal without verifying that the engineering is correct, he is in violation and this practice is properly condemned.

Recently, in *Puig v. Florida Engineers Management Corp.*, 939 So. 2d 1146, 1147 (Fla. 3d DCA 2006), the Third District considered a case quite similar to the one presented here. Jose Puig, a licensed engineer, sealed plans to two projects that an unlicensed person had contracted to undertake. *Id.* As in this case, the FEMC charged Puig with violating "sections 471.033(1)(a) & (j) and 455.227(1)(a) & (j), Florida Statutes (2004), which prohibits sealing plans not prepared by, or under the supervision of, the engineer and assisting an unlicensed person in the practice of engineering." *Id.*

At the evidentiary hearing, Puig affirmed that he reviewed the work done prior to his involvement, directed and instructed the unlicensed person and his employees in drafting work, and oversaw completion of the design work before finally affixing his signature and seal to the plans. The ALJ concluded that Puig established through his testimony that the plans he had signed and sealed were prepared under his "responsible supervision, direction, and control." *Id.*

In *Puig*, we conclude that there was evidence presented from which the ALJ could have arrived at the findings and conclusions contained in his recommended order, and that it was error to reject those findings and conclusions. We reverse and remand with instructions that the administrative law judge's recommended order be approved.

REVERSED and REMANDED.

PALMER and EVANDER, JJ., concur.

Disciplinary Case Review

The following is a small sample of disciplinary actions which occurred in the previous biennium.

Case 1

Wendy Bruseski, PE PE 53983

Case No. 2012052732 & 2013028825

Licensee was charged in both cases with negligence in the practice of engineering, a violation of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4),

Florida Administrative Code. In case number 2012052732, Licensee signed, sealed and dated engineering design documents for an aluminum screen enclosure. The documents were materially deficient in that the roof framing beam element was overstressed, the non-flow-thru wall post element was overstressed, the cable brace connection details were deficient, failure to set forth or define the mansard rise dimension, etc. In case number 2013028825, Licensee signed, sealed and dated engineering design documents for an aluminum screen enclosure. The documents were materially deficient in that the allowable stress for the roof beam element was grossly exceeded at required loading, the allowable stress for the side wall post element of the structure was exceeded, failure to make a project specific analysis of the existing trusses to determine their capacity or maximum allowable overhang, structural details fail to set forth the length of the receiving channels supporting the roof beam element, etc.

Ruling: Pursuant to Settlement Stipulation, Licensee shall place her license on "Inactive Status." Licensee may reapply for reactivation of her license as a professional engineer after fulfilling the following:

- (1) Fine of \$3,000;
- (2) Costs of \$11,542.25;

(3) Appearance before the Board to discuss how the situation occurred, what improvements and quality control measures she plans to implement to improve her work product, and how she intends to prevent the circumstances from occurring in the future along with Licensee's activities during the license inactivity,

(4) A Board-approved course in Screen Enclosure Design, a Board-approved course in Advanced Engineering Professionalism and Ethics; (5) Study Guide. After reactivation, Licensee will be placed on two years' Probation which includes Project Review at six and eighteen months. A Final Order was issued on 4/15/14.

Violation: Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code.

Violation Reference

471.003(g) Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering.

61G15-19.001(4) A professional engineer shall not be negligent in the practice of engineering. The term negligence set forth in Section 471.033(1)(g), F.S., is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles. Professional engineers shall approve and seal only those documents that conform to acceptable engineering standards and safeguard the life, health, property and welfare of the public. Failure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer. In Section 471.033(1)(g), F.S., is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles. Professional engineers shall approve and seal only those documents that conform to acceptable engineering standards and safeguard the life, health, property and welfare of the public. Failure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer

Case 2

Stephen Maslan, PE PE 38400

Case No. 2013026181

Licensee was charged with negligence in the practice of engineering, a violation of Section 471.033(1)(c), Florida Statutes. Licensee was the subject of a Final Order entered by the Kansas State Board of Technical Professions. The State of Kansas charged Mr. Maslan with gross negligence, incompetency, misconduct, or wanton disregard for the rights of others.

Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15- 19.001(4), Florida Administrative Code provides that negligence constitutes failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard to acceptable standards of engineering principles.

Ruling: This case was presented to the full Board for review with an initial Settlement Stipulation; the Board rejected the initial Settlement Stipulation and authorized a Counter Settlement Stipulation which was agreed to by the Licensee. Pursuant to the Counter Settlement Stipulation, the Board imposed Costs of \$1,126.50, a Reprimand, RESTRICTION from practicing any Fire Protection engineering until such time that the Licensee completes, passes and submits proof of passing the NCEES Fire Protection Exam; two years' Probation with terms which includes completion of the Study Guide, and a Board-approved course in Engineering Professionalism and Ethics, and Project Review at six and eighteen month intervals. A Final Order was issued on 4/29/14.

Violation: Section 471.033(1)(c), Florida Statutes

Violation Reference

471.003(1)(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.

Case 3

Randall Mosby, PE PE 22326

Case No. 2011028047

Licensee was charged with failing to report any of the criminal dispositions made against him to the Board, a violation of Section 471.033(1)(a), Florida Statutes, by violating Section 455.227(1)(t), Florida Statutes. Licensee was found guilty of several criminal charges and failed to report any of those convictions to the Board as required.

Ruling: A Final Order was issued against Mr. Mosby on June 25, 2013, adopting a Settlement Stipulation which indefinitely SUSPENDED the Licensee's professional engineer license until such time as the Licensee could demonstrate that he could practice with reasonable skill and safety. An Order on Reinstatement was issued on September 13, 2013.

The Order Reinstated Licensee's professional engineering license with the following terms: two years' Probation with terms which include Project Review at three, six and 18 months, Licensee will be indirectly monitored by W. Keith McCulley, PE who will submit quarterly reports by letter to the Board, Licensee shall enter into the Freedom Journey Program with Faith Farm Ministries who will also submit quarterly reports to the Board. A Final Order was issued on 6/25/13 – Order of Reinstatement was issued on 9/13/13.

Violation: Section 471.033(1) (a), Florida Statutes

Violation Reference

471.003(1)(a) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.

455.227(1)(t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.

Case 4

James Zaleski, PE PE 51544

Case No. 2013000391

Licensee was charged with negligence in the practice of engineering, a violation of Section 455.227(1)(c), and Section 471.033(1)(d), Florida Statutes. Licensee entered a plea of guilty to criminal charges relating to fraud and civil theft from Licensee's employer - a contractor.

Since the criminal actions occurred while performing services which, when performed by a PE, involved the use of engineering skills and the actions showed a lack of good moral character, the facts underlying the guilty plea involved the practice of and ability to practice engineering.

Ruling: Pursuant to Settlement Stipulation, the Board imposed a Fine of \$1,000, Costs of \$159, a Reprimand, a one-year Suspension (this Suspension is STAYED and will not take effect so long as Licensee is not convicted of any crimes for a period of five years), two years' Probation

which includes completion of the Study Guide, and a Board-approved course in Advanced Engineering Professionalism and Ethics, and Appearance before the Board to discuss how the situation occurred, what improvements and quality control measures he plans to implement to improve his work product, and how he intends to prevent the circumstances from occurring in the future. A Final Order was issued on 4/15/14.

Violation: Section 455.227(1)(c), and Section 471.033(1)(d), Florida Statutes

Violation Reference

471.003(1)(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

455.227(1)(c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

References

Florida Board of Professional Engineers: website Legal, Statutes and Rules

<https://fbpe.org/index.php/legal/statues-and-rules>

Florida Administrative Code, Chapter 61G15, Board of Professional Engineers Organization and Purpose

<https://www.flrules.org/gateway/organization.asp?id=267>

Florida Statutes, Title XXXII, Chapter 455, Business and Professional Regulation: General Provisions

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455.html

Florida Statutes, Title XXXII, Chapter 471, Engineering

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471.html

Florida First District Court of Appeal

Robert C. Kany P.E. v. Florida Engineers Management Corporation

Case No. 5D06-2267, February 12, 2007

<http://www.5dca.org/Opinions/Opin2007/021207/5D06-2267.op.pdf>

FBPE Disciplinary Actions

<https://www.fbpe.org/index.php/legal/disciplinary-actions?start=10>

Quiz Questions

- 1. A notice of noncompliance is issued if a licensee fails to report a conviction within?**
 - A. 2 weeks
 - B. 1 year
 - C. 30 days, but not more than a year
 - D. 30 days, but not more than 90 days

- 2. A fine up to \$250 per month, and not to exceed \$5,000, is the citation amount for which infraction?**
 - A. Delinquency in payment of previous citations
 - B. Failure to notify the Board of a change in the principal officer of the corporation
 - C. Unlicensed practice of engineering
 - D. Practicing through an uncertified corporation

- 3. Computer based testing applies to the following:**
 - A. Fundamentals examination
 - B. Principles and Practice examination
 - C. Neither, both are written tests
 - D. Both examinations

- 4. The passing score for both the principles and practice examination is:**
 - A. 70% or better, calculated scale based upon national average
 - B. 70% or better
 - C. 75% of better
 - D. Determined by the National Council of Examiners for Engineering and Surveying

- 5. For purposes of meeting the continuing education requirements, a topic pertinent to the practice of engineering is any topic that falls within the definition of the practice of "engineering" as defined in Section _____.**
 - A. 455.010
 - B. 471.005(7)
 - C. 61G15-22.008
 - D. All of the above

- 6. *A licensee taking a course and a licensee teaching a course are awarded, how many hours of continuing education?***
- A. The same hours regardless if teaching or attending the course
 - B. Attending a course gives double the hours awarded
 - C. Teaching a course gives double the hours awarded
 - D. None of the above
- 7. *True of False. Seals shall contain the licensee's unabbreviated full name.***
- 8. *True or False. Printed copies of signed and sealed document are not considered signed and sealed and all signatures must be verified on any electronic copies.***
- 9. *When electronically sending digital signed documents, what must also be sent?***
- A. A signature file with SHA-1 authentication code
 - B. A signature report
 - C. Only manually signed plan may be sent electronically
 - D. Both A and B
- 10. *FEMC shall make a determination of legal sufficiency within _____ of receipt of a complaint.***
- A. 30 days
 - B. legally sufficient time
 - C. 15 days
 - D. 30 days and may seek an extension of an additional 30 days
- 11. *True of False. Licensure by endorsement is possible by receiving a doctoral degree in engineering from an accredited college or university.***
- 12. *A military veterans and their spouses are exempt from initial licensing fees if he or she applies within _____ after _____.***
- A. 60 months, discharge
 - B. 24 months, discharge
 - C. 60 months, honorable discharge
 - D. 24 months, honorable discharge

13. After July 1, 2014, the members of the board of professional engineers:

- A. Shall consist of three civil engineers, one mechanical engineer, one electrical engineer, one structural engineer, one engineering educator, and one industrial engineer
- B. Shall not consist of any laypersons who are not and have never been engineers
- C. Will be nominated according to the staggered terms
- D. All of the above

14. True or False. Any person may address the board of engineers or any board committee for a maximum of five minutes.***15. Fire protection system plans must include:***

- A. A verification of whether a fire safe room is required
- B. A verification of whether a firewater storage tank is required
- C. Safety certificate signed by county fire marshal
- D. None of the above

16. In case number 2012052732, whereas the engineer sealed deficient plans for an aluminum screen enclosure, what was the total dollar amount required to get their license back to active status?

- A. Reinstatement application fee
- B. \$14,500
- C. \$11,400
- D. \$3000

17. In reference to case 2013000391, the licensee had displayed:

- A. Lack of good moral character
- B. Misrepresented his area of practice
- C. Poor judgment
- D. None of these

18. In reference to all disciplinary cases, which of the following is false?

- A. If convicted, most all cases will result in fines and licensure suspension
- B. The board publishes all disciplinary cases and they are accessible via fbpe.org
- C. The severity of the infraction determines the severity of the fines
- D. All convicted engineers must submit to a competence exam

19. In case 2013026181, what was the licensee in violation of?

- A. 471.003(1)(c)
- B. 471.003(1)(g)
- C. 471.003(1)(c) and 471.003(1)(g)
- D. 61G15-19.001(4)

20. In reference to Robert Kany v. the FEMC, the ruling was:

- A. Deemed “Unfair and Excessive”
- B. Sustained
- C. Resulted in decreased charges
- D. Overturned

21. I have personally and successfully completed each chapter of instruction.

- A. Yes
- B. No