Florida Board Laws, Rules and Ethics

For Engineers

Presented at the 30th Annual Environmental Permitting Summer School
July 19th – 22nd.
Orlando, Florida

Biennium Cycle 2015-2017 2 PDH HOURS

Course No 0000029

Presented By:

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Course Description:

This Florida Board Laws, Rules and Ethics course has been revised to meet the new criteria and is now designed to be presented in a 2-hour interactive small group setting (rather than a 4-hour setting) that helps to keep the practicing engineer up to date on the legal documents that govern the practice of engineering in the state of Florida.

Please be advised that effective March 1, 2015 all professional engineers licensed in Florida will be required to obtain a total of eighteen (18) continuing education (CE) course hours in order to renew their licenses. These requirements are officially in effect for the 2015-2017 biennial renewal.

Of the 18 hours, one (1) hour must be related to the Florida laws and rules of professional engineers, one (1) hour must relate to Florida professional ethics, and the remaining 16 hours can relate to any topic pertinent to the practice of engineering.

Objectives:

The primary objective of this course is to familiarize the participant with the laws and rules regulating the practice of engineering in the State of Florida. The course will focus on changes to the laws and rules that have been implemented during the previous biennium from February 2015 to February 2017. Upon successful completion of the course, the participant will be well versed of these changes and will have a better understanding of the disciplinary process and ethics for engineers.

How to Read this Course:

The entire 61G15 chapter of the Florida administrative code is included with this course. Changes to code have been color coded. Red is new text while deleted text is shown as crossed through green text. In this way the participant can compare the old with the new text. Before each section that has changed is a description box that explains what and why the code was changed. Since the purpose of the course is to learn about the changes to the code the participant is not expected to read every section of 61G15 but is to focus on the revised rules.

In order to complete this course, the participant must pass the quiz included in this course presented in the final chapter. It is recommended that the participant keep these questions in mind as they read through the course. We will be discussing each topic throughout the 2-hour session. We will be discussing each of the questions in the quiz as a group.

Topics Covered:

Rules adopted, amended or repealed during the immediately preceding biennium

Changes to Chapters 455 and 471, F.S made by the legislature during the preceding biennium that pertain to the practice of engineering. Case law concerning Chapter 471, F.S.

Application of provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

Grading:

Participants must achieve a minimum score of 70% on the online to pass this course. The quiz will be discussed during the presentation and participants are encouraged to ask questions and participate in the discussions, it may be taken as many times as necessary. The participant 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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Florida Laws and Rules

Chapter One Introduction to Florida Laws and Rules

In this section, we will introduce the Florida Statutes, the Florida Administrative Code (FAC), the Florida Board of Professional Engineers (FBPE), and the Florida Engineers Management Corporation (FEMC) and discuss how they relate to the practice of engineering.

The Florida Statutes

The Florida Statutes are a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material.

Florida Statutes are the codified, statutory laws of the state; it currently has 48 titles. Title XXXII provides the laws concerning the regulation of professions and occupations. Chapter 455 under title XXXII, provides the general provisions for the regulation of businesses and professions

> **455.201 -Professions and occupations regulated by department; legislative intent; requirements.**

(2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

Chapter 471 of the Florida Statutes (Engineering) is a collection of laws specifically regulating the practice of engineering.

> **471.001 Purpose.**--The Legislature deems it necessary in the interest of public health and safety to regulate the practice of engineering in this state.

Chapter 471 established the authority of the Florida Board of Professional Engineers. It also regulates how engineers are licensed, licensing fees, license renewal, seals, prohibitions and penalties, business certifications, disciplinary procedures, etc…

The Florida Board of Professional Engineers (FBPE)

> **471.07 Board of Professional Engineers.**--There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are licensed 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.
>
> **471.008 Rulemaking authority.**--The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this chapter or chapter 455 conferring duties upon it.

Under this law the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

Florida Engineers Management Corporation (FEMC)

The Florida Engineers Management Corporation was created to provide administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers in accordance with the provisions of chapter 455 and 471 of the Florida Statutes. It has a seven-member board of directors, five of whom are to be appointed by FBPE and must be registrants regulated by the FBPE and two of whom are to be appointed by the secretary and must be laypersons not regulated by the FBPE. Florida Statute 471.038, the Florida Engineers Management Corporation Act, establishes the laws concerning the FEMC. 61G15-37.001 of the Florida Administrative code also contains rules concerning the FEMC. The FEMC also issues the certificate of authorization for engineering businesses every two years.

Florida Administrative Code (FAC) Section 61G15

The Florida Administrative Code is the official compilation of the rules and regulations of Florida regulatory agencies such as the Florida Board of Professional Engineers. Its counterpart in the federal system is the Code of Federal Regulations. The Florida Administrative Code is organized by titles with each title number representing a department, commission, board or other agency. The FAC states the rule followed by statutory authority, implementation and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders construing the rules. Citations for the Florida Bar Journal and the law reviews of Florida State, the University of Florida, the University of Miami, Stetson and Nova are also included. Updates to the Florida Administrative Code are published at http://www.flrules.org/default.asp.

Section 61G15 of the Florida Administrative Code applies to the FBPE and the FEMC. It established more specific rules governing licensure, examinations, seals, fees, engineering responsibilities, threshold building inspections, etc

In Chapter Two a complete copy of FAC section 61G15 is included documenting the changes that have occurred during the last biennium. Old passages have been crossed and new text has been added. All of the new sections have been added for review.

Chapter Three documents the changes made during the last biennium to sections 455 and 471 of the Florida Statutes.

Chapter Four is A Florida case law that demonstrates how the law is used in an actual disciplinary case.

Chapter Five is a list of resources that were used to develop this course.

Chapter Six discusses several disciplinary cases from the last biennium and demonstrates how the disciplinary process is carried out.

Florida Laws and Rules

Chapter Two -Rules adopted, amended or repealed during the immediately preceding biennium

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Board of Professional Engineers

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Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-18.011 Definitions

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate the Florida Building Code.

SUMMARY: Incorporate Florida Building Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)10, 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

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61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

(6) The term "Florida Building Code" shall mean the Florida Building Code, 5th Edition, (2014), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History–New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 1, 2016

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Change/Withdrawal

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No.153, August 7, 2015, issue of the Florida Administrative Register. The Board published 2 previous Notices of Change. The first Notice of Change published in Vol. 41/173, September 4, 2015, issue of the Florida Administrative Register; and the second Notice of Change published in Vol. 41/216, November 5, 2015, issue of the Florida Administrative Register.

THE TEXT OF THE PROPOSED RULE WILL NOW READ:

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) No change.

(b) 9 ~~16~~ college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, and social responsibility. 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 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 that instill cultural values are acceptable, while routine exercises of personal craft are not.

Other means towards satisfying the general education requirement are as follows: ~~Obtaining U.S. citizenship by naturalization is equivalent to 10 credit hours;~~ Eearning 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~~; for P.E. licensure applicants, 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~~.

(c) through (d) No change.

(2) through (5) No change.

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,_____.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments update, clarify, and streamline existing Board rules, as well as implement the provisions of Chapter 2014-125, §4. The Board determined any adverse impact or regulatory costs imposed from the rule amendments result directly from the legislation, while amendments not directly required by the legislation will not result in any adverse impact nor increased regulatory costs. Accordingly, the Board determined legislative ratification will not be required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019, 471.0195 FS.

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LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019, 471.0195 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

THE TEXT OF THE PROPOSED RULE IS:

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 ~~Specific~~ 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 (4) hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) ~~four~~ hour~~s~~ shall relate to Chapter 471, F.S., and the rules of the Board. The remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule~~, Chapter~~ 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) No change.

(2) Continuing Education ~~Professional Development~~ Hour (CEH) ~~(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) Contact Hour. A contact hour shall consist of fifty (50) clock minutes of instruction.

~~(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.~~

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(4) No change.

(5) No change.

(6) No change.

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

(8) 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 ~~Specific~~ 455.213(6), ~~455.2177,~~ 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~~ 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, 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. Continuing Education ~~PDH~~ credits are not earned until the end of each year of completed service.

Rulemaking ~~Specific~~ Authority 455.213(6), ~~455.2177, 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 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 Rule 61G15-22.003(3), F.A.C., are met.

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(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 ~~Specific~~ 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_____.

61G15-22.005 Non-Qualifying Activities.

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

(1) through (9) No change.

Rulemaking ~~Specific~~ 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 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 ~~Specific~~ 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) PHD's~~ in laws and rules of the Board.

(3) Members of the Board of Professional Engineers shall receive credit for 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 rulemaking ~~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.

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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 Council of Engineering Companies (ACEC) as of March 1, 2015, ~~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) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) A completed Application for New Continuing Education Provider Status, Form FBPE/007 (rev. 10/15), incorporated by reference herein, which may be obtained from www.fbpe.org/licensure/application-process or at https://www.flrules.org/gateway/reference.asp?NO=Ref-06096.

(b)~~(a)~~ No change.

(c)~~(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)(c)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 ~~Specific~~ 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2015

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Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-22.0105 Approval of Continuing Education Courses in Law and Rules

PURPOSE AND EFFECT: To delete unnecessary language, add new language to update rule, and implement provisions of Chapter 2014-125, Section 4, Laws of Florida.

SUMMARY: Delete unnecessary language, add new language to update rule, and implement provisions of Chapter 2014-125, Section 4, Laws of Florida; renumber rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

THE TEXT OF THE PROPOSED RULE IS:

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) No change.

(2) The total number of classroom or interactive distance learning continuing education ~~professional development~~ hours; and

(3) For courses in Laws and Rules, c~~C~~ourse content that shall include~~s~~:

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(a) Changes to Chapters 455 and 471, F.S., and r~~R~~ules adopted, amended or repealed during the immediately preceding biennium;

~~(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;~~

~~(c) Case law concerning Chapter 471, F.S.;~~

(b)~~(d)~~ A list of resources used to develop the course content.~~;~~

~~(e) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.~~

(4) Course content may also include:

(a) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

(a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;

(b) The importance of ethics as a broad professional concern rather than a personal one;

(c) The engineer's obligations to society, clients, and the profession;

(d) Ethical dilemmas encountered in engineering practice; or

(e) The application of professional ethics to decision making through hypothetical or illustrative examples.

(6)~~(4)~~ No change.

(7)~~(5)~~ No change.

(8)~~(6)~~ No change.

(9)~~(7)~~ No change.

Rulemaking ~~Specific~~ Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History–New 4-8-07, Amended 4-28-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 8, 2015

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: RULE TITLES:

61G15-23.001 Signature, Date and Seal Shall Be Affixed

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

PURPOSE AND EFFECT: To revise the rules as recently amended to include additional procedures or methods of sealing that may be required by state or local authorities having jurisdiction.

SUMMARY: Procedures for physically, electronically, or digitally sealing and transmitting documents.

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SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Board determined the rule amendments will have a minimal cost impact which will not exceed $1 million in the aggregate over the next 5 years, and will not have an adverse impact on small businesses.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.025, 471.025(1), 471.033(2) FS.

LAW IMPLEMENTED: 471.025, 471.033(1)(a), (e), (j), 668.006 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.001 Signature, Date and Seal Shall Be Affixed.

(1) through (3) No change.

(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) No change.

(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. No change.

2. The index sheet shall include at a minimum:

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a. through c. No change.

d. Identification of the applicable building code and chapter(s) and Florida Fire Prevention Code, when applicable, that the design is intended to meet.

e. No change.

(c) through (d) No change.

Rulemaking Authority 471.008, 471.025 FS. Law Implemented 471.025, 471.033(1)(a), (e), (j) 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, _____.

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

(1) No change.

(2) A professional engineer utilizing an electronic signature to electronically sign and seal engineering plans, specifications, reports or other documents using the Florida Department of Transportation (FDOT) Professionals' Electronic Data Delivery System (PEDDS) software shall:

(a) through (c) No change.

(d) Transmit the signed, dated and sealed signature report to the receiving party ~~authority having jurisdiction~~ along with the signed, dated and sealed signature file~~,~~. either by hardcopy or electronic scan, if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C.; and, ~~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.~~

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

(a) Create a static electronic version, such as PDF, of the engineering document(s) that is to be signed and sealed;

(b) Compute an SHA-1 authentication code for each electronic engineering document;

(c) Create a printable "signature report" that contains the licensee's given name, the licensee's license number, and a list of the electronic files to be signed and sealed that includes a brief description of each engineering document and the SHA-1 authentication code of each engineering document;

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

(e) Transmit the signed, dated and sealed “signature report” to the receiving party along with each electronically signed, dated and sealed engineering document either by hardcopy or electronic scan, if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C. Each engineering document is considered to be electronically signed and sealed if the document’s SHA-1 authentication code matches the SHA-1 authentication code on the physically signed, dated and sealed “signature report”.

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

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS. History–New 11-3-15, Amended 2-3-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 19, 2016

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: To add subparagraphs (3)(e)1. through 2. which were approved by the Board and included in the proposed rule published on June 16, 2015, in Vol. 41, No. 116, of the Florida Administrative Registrar but which were inadvertently omitted from the rule as filed for adoption and effective November 3, 2015.

SUMMARY: Add subparagraphs (3)(e)1. through 2. back into the rule text as proposed on June 16, 2015.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Board considered the SERC checklist when the language was originally approved and, based upon the answers, determined that no SERC was required nor was legislative ratification necessary.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.025(1), 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.025, 471.033(1)(d), 668.006 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

THE TEXT OF THE PROPOSED RULE IS:

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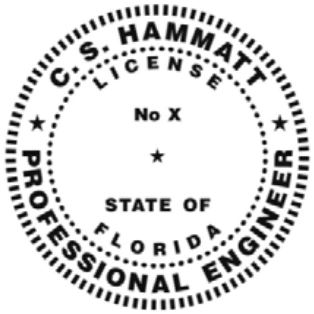
61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) through (3)(d)3. No change.

(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:

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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 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, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems

PURPOSE AND EFFECT: To update existing rule and clarify the responsibilities of the engineer of record.

SUMMARY: Update existing rule and clarify the responsibilities of the engineer of record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Board determined the rule amendments will have a minimal cost impact which will not exceed $1 million in the aggregate over the next 5 years.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.

(1) Structural engineering documents shall show the complete structural configuration and loading requirements of the post-tensioned system including: member sizes, ~~nature,~~ type of post-tensioning

system, location of all ~~the~~ prestressing tendons (in plans and elevation), ~~and the~~ magnitude of all prestressing forces, and all design assumptions. Structural engineering documents shall also show all required non post-tensioned reinforcing steel including size, spacing, and lengths required for the post-tensioned system.

(2) If the engineer of record (EOR) elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the post-tensioning system~~(s)~~, the EOR ~~Engineer of Record~~ shall require the submission of installation drawings for review ~~by the engineer of record~~. Calculations shall also be submitted by the delegated engineer which show sufficient information to document ~~confirm~~ that the number and size of tendons provided are adequate to carry all loads ~~provide the prestressing forces~~ shown on the structural engineering documents. The member dimensions and tendon directions shall match those on the structural engineering documents, unless otherwise agreed to with the EOR, via modified structural engineering documents. Installation drawings shall include the following as a minimum: identification of all the structural elements designed by the delegated engineer, ~~identify the structure and provide~~ all details of post-tensioned ~~tensioning~~ and non post-tensioned materials to be used including necessary accessories, and instructions for construction. If the delegated engineer utilizes or requires any additional reinforcing to maintain the member sizes shown on the structural engineering documents, the delegated engineer shall inform the EOR. If any moments, shears or axial loads are required for the lateral force resisting system the EOR shall provide them to the delegated engineer for inclusion in the preparation of the delegated engineering documents. All forces imposed on the load supporting members from the post-tensioned system shall be reported to the EOR. The installation drawings and calculations shall bear the ~~impressed~~ seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the EOR ~~engineer of record~~ for the structure. ~~A cover sheet listing the drawings and calculations may be used.~~

(3) It is the responsibility of the EOR ~~engineer of record~~ for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design.

(4) The effect of post-tensioning on other parts of the structure is the responsibility of the EOR ~~engineer of record~~.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.005(7), 471.031(1)(a), 471.033(1)(g),(j) FS. History–New 1-26-93, Formerly 21H-31.004, Amended 9-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 30, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

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61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the Structural Engineering Documents the steel joist and joist girder designations as required in Section 2206 of the Florida Building Code ~~from the 1997 Steel Joist Institute's Specifications and load tables~~ and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The steel joist and joist girder manufacturer shall design the steel joist and joist girder members in accordance with as required in Section 2206 of the Florida Building Code ~~the 1997 Steel Joist Institute Specifications and load tables~~ to support the loads per the Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations as an indication of compliance. When required to submit the steel joist and joist girder calculations, the steel joist and joist girder manufacturer shall submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal and signature of a Florida registered professional engineer responsible for design of the steel joist and joist girders.

Rulemaking ~~Specific~~ Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History–New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 10, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: The purpose of the amendment is to update the required certifications, by referencing the list in a different rule.

SUMMARY: Update required certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008. 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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) No change.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on threshold buildings and two (2) years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. Such e~~E~~xperience shall be within the seven (7) 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 (5) years of experience in performing structural field inspections on Threshold Buildings within the preceding seven (7) years prior to submission of the application and possess ~~certification in~~ each of the certifications identified in Rule 61G15-35.004(2)(f), F.A.C. ~~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) through (4) No change.

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, 2-28-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 30, 2016

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.015(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(2) Special Inspectors utilizing Authorized Representatives shall ensure ~~insure~~ the Authorized Representative is qualified by education or licensure ~~, experience, and training~~ to perform the duties assigned by the Special Inspector. ~~and shall maintain responsible supervisory control over the respresentative 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, structureal or architectural engineering; or

(c) Graduation from a four-year architectural education program; 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);

1. Advanced concrete inspection from a nationally recognized entity such as ACI or equivalent prior to inspection of concrete components,

2. Advanced structural masonry inspection from a nationally recognized entity such as Florida Concrete and Products Association or equivalent prior to inspection of masonry components,

3. Advanced post-tensioning from a nationally recognized entity such as Post-Tensioning Institute or equivalent prior to inspection of post tensioned components,

4. Basic structural steel from a nationally recognized entity such as ICC, AISC or equivalent prior to inspection of structural steel componenets,

5. Basic soils from a nationally entity such as ICC or equivalent prior to inspection of soil related components.

(3) through (4) No change.

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,_____.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 14, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 11, 2014

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-20.0010	Application for Licensure by Examination

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the proposed amendments to the incorporated forms are necessary to revise language contained in the forms to correspond to statutory and rule requirements. Accordingly, the Board determined that the amendments will not create an adverse impact on small business, nor are the amendments likely to increase costs, directly or indirectly to any entity in excess of $200,000 within one year or $1 million in 5 years. Accordingly, no SERC is required to be prepared nor is legislative ratification required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

RULEMAKING AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0010 Application for Licensure by Examination.

(1) No change.

(2) Any person desiring to take the fundamentals examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. There are two engineer intern applications from which to choose, the instructions and application Form FBPE/003 (12/14) ~~(06-13)~~, entitled, "Fundamentals of Engineering Examination Application", which is hereby incorporated by reference, or the instructions and application Form FBPE/004 (12/14) ~~(06-13)~~, entitled "Fundamentals of Engineering Foreign Degree Application", which is hereby incorporated 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 https://www.flrules.org/gateway/reference.asp?NO=Ref-04512 and https://www.flrules.org/gateway/reference.asp?NO=Ref-04513. The Board shall certify as eligible to take the Fundamentals examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, "a Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History–New 9-27-01, Amended 11-19-03, 9-14-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 10, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Rule Has not yet been adopted.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-20.0015	Application for Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for application for licensure by endorsement.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify the requirements for application for licensure by endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0015 Application for Licensure by Endorsement

(1) through (4) No change.

(5) 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 ~~continuous~~ professional-level engineering experience, to include the active practice of engineering for at least 3 of the last 5 years.

(6) No change.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 10, 2015

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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 any one of 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.

(5) 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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

(6) 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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-22.001	Continuing Education Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify continuing education requirements and to comply with statutory requirements.

SUMMARY: The rule amendment will add new language to clarify continuing education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete 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 and four hours shall relate to Chapter 471, F.S., and the rules of the Board, Chapter 61G15-22, F.A.C.

(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) Beginning with the 2013 Update Edition of the Florida Building Code, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one "Advanced" Florida Building Code course, approved by the Florida Building Commission, within 12 months of each update edition of the Florida Building Code effective date, and

(b) Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Florida Building Commission approval as "Advanced", Code edition year, and Code or course focus.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2013

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete 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 and four hours shall relate to Chapter 471, F.S., and the rules of the Board, Chapter 61G15-22, F.A.C.

(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) Beginning with the Fifth Edition of the Florida Building Code, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one advanced Florida Building Code course within 12 months of each edition of the Florida Building Code effective date,

(b) Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Code edition year, and Code or course focus. This course may also count towards the area of practice requirement for continuing education set forth in Rule 61G15-22.001, F.A.C.

(4) The Board shall approve all Advanced Florida Building Code courses. Courses submitted for approval shall have been designated an "Advanced" course by the Florida Building Commission and shall be within the discipline of civil structure, mechanical, electrical or general engineering.

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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Continuing Education Requirements

Please be advised that effective March 1, 2015 all professional engineers licensed in Florida will be required to obtain a total of eighteen (18) continuing education (CE) course hours in order to renew their licenses. These requirements are officially in effect for the 2015-2017 biennial renewal.

Of the 18 hours, one (1) hour must be related to the laws and rules of professional engineers, one (1) hour must relate to professional ethics, and the remaining 16 hours can relate to any topic pertinent to the practice of engineering. Continuing education hours may be earned by presenting or attending seminars, in-house or non-classroom 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. One (1) hour of the continuing education course hours may be obtained by serving as an officer for a Board-recognized professional or technical engineering society. The required hours relating to law, rules and ethics may also be earned by a PE serving as a member of the Legislature or as an elected state or local official.

Refer to F.S. 471.017(3) and Chapter 61G15-22 for a full description of the changes related to continuing education requirements for licensed engineers.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Development of Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-22.0001	Renewal of Active Licenses
61G15-22.0002	Renewal of Inactive Licenses
61G15-22.0003	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
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
61G15-22.006	Demonstrating Compliance
61G15-22.007	Noncompliance (Repealed)
61G15-22.008	Record Keeping
61G15-22.009	Exemptions
61G15-22.010	Qualifying Activities for Laws and Rules Requirement
61G15-22.0105	Approval of Continuing Education Courses in Laws and Rules
61G15-22.011	Board Approval of Continuing Education Providers
61G15-22.012	Obligations of Continuing Education Providers
61G15-22.013	Evaluation of Providers
61G15-22.014	Duration of Provider Status

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

PURPOSE AND EFFECT: The Board proposes to review the rules to determine if any necessary changes are needed to update the rules.

SUBJECT AREA TO BE ADDRESSED: Renewal of Active Licenses; Renewal of Inactive Licenses; Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States; Continuing Education Requirements; Definitions; Qualifying Activities for Area of Practice Requirement; Conversion of Education Units to PDH; Non-Qualifying Activities; Demonstrating Compliance; Demonstrating Compliance; Noncompliance; Record Keeping; Exemptions; Qualifying Activities for Laws and Rules Requirements; Board Approval of Continuing Education Providers; Obligations of Continuing Education Providers; Evaluation of Providers; Duration of Provider Status.

RULEMAKING AUTHORITY: 455.02(2), 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019 FS.

LAW IMPLEMENTED: 455.02(2), 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(2), (3), 471.019, 471.0195 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-24.001	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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

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THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.001 Schedule of Fees.

(1) No change.

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

(a) through (l) No change.

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

(m)~~(n)~~ No change.

(n)~~(o)~~ No change.

(o)~~(p)~~ No change.

(3) No change.

Rulemaking ~~Specific~~ 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2014

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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) 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, 455.219, 455.271, 471.008, 471.011 FS. Law Implemented 455.217(3), (7), 471.011, 471.015, 471.021 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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(7), 471.033(2) FS.

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IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

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THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(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) through (j) No change.

(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 Rule 61G15-32.002(7), F.A.C.

(3) through (4) No change.

Rulemaking ~~Specific~~ Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2014

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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.

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(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 of Proposed Rule

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.038(3)(n) FS.

LAW IMPLEMENTED: 471.038(m) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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) through (11) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2014

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

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.

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(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.

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61G15, F.A.C

As of June 15, 2016

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The most recent updates to the rules are highlighted in yellow.

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BOARD OF PROFESSIONAL ENGINEERS

CHAPTER 61G15-18
ORGANIZATION AND PURPOSE

61G15-18.001 Purpose. (Repealed)
61G15-18.002 Board of Organization and Officers. (Repealed)
61G15-18.003 Administrative Headquarters. (Repealed) 61G15-18.004 Committees. (Repealed)
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61G15-18.009 Official Records. (Repealed)
61G15-18.010 Approved Schools and Colleges. (Repealed) 61G15-18.011 Definitions.
61G15-18.012 Other Board Business for Which Compensation Is Allowed. 61G15-18.013 Criteria for Investigators and Consultants. (Repealed)
61G15-18.014 Joint Architecture and Engineering Committee Rule. (Repealed)
61G15-18.015 Education Advisory Committee. (Repealed)
61G15-18.020 Public Comment

61G15-18.005 Probable Cause Determination.

Probable cause determination as to a violation of Chapter 471 or 455, F.S., and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) board members or two (2) board members and one (1) past board member. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year. All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, F.S.

Rulemaking Authority 455.225 FS. Law Implemented 455.225 FS. History–New 1-8-80, Amended 4-5-81,

Formerly 21H-18.05, 21H-18.005, Amended 11-15-94, 1-6-02, 2-2-12.

61G15-18.0071 Attendance at Board Meetings, Unexcused Absences.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, conflict with other scheduled business of the Board, conflicting business previously authorized by the Board, death of family member, illness of the Board member, hospitalization of the

member's immediate family, unavoidable travel delays or cancellations, or other extraordinary circumstances as approved by the Board.
(2) Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. An absence for any reason other than the reasons stated in subsection

(1) constitutes an unexcused absence for the purpose of declaring a vacancy of the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board's Administrator and Chairperson of the impending absence 48 hours prior to the regularly scheduled Board meeting at which the absence will occur or unless the failure to notify the Board's Administrator and Chairperson is the result of circumstances surrounding the reason for the absence which the Board itself excuses after the absence has occurred. The reason for the absence from a meeting shall be made part of the minutes of that meeting.

(3) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(4) "Immediate family" consists of spouse, child, parents, parents-in-law, siblings, grandchildren, and grandparents.

Specific Authority 455.207(3) FS. Law Implemented 455.207(3) FS. History–New 1-6-02.

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(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:

1. 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 electronic communication devices, such as electronic mail, videoconferencing, teleconferencing, computer networking, or via facsimile transmission.

2. Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.

3. Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the Florida Department of Transportation); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such detail(s) into the engineering work is acceptable engineering practice.

(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:

1. The selection of engineering alternatives to be investigated and the comparison of alternatives for engineering works.

2. The selection or development of design standards or methods, and materials to be used.

3. The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.

4. 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:

1. 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. The individuals should be able to clearly define the span and degree of control and how it was exercised and to demonstrate that the engineer was answerable within said span and degree of control necessary for the engineering work done.

2. The engineer shall be completely in charge of, and satisfied with, the engineering aspects of the project.

3. 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.

4. 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.

(d) The term "responsible charge" relates to engineering decisions within the purview of the Professional Engineers Act and does not refer to management control in a hierarchy of professional engineers except as each of the individuals in the hierarchy exercises independent engineering judgement and thus responsible charge. It does not refer to administrative and personnel management functions. While an engineer may also have such duties in this position, it should not enhance or decrease one's status of being in responsible charge of the work. The phrase does not refer to the concept of financial liability.

(2) "Engineering Design" shall mean that the process of devising a system, component, or process to meet desired needs. It is a decision-making process (often iterative), in which the basic sciences, mathematics, and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation. Central to the process are the essential and complementary roles of synthesis and analysis. This definition is intended to be interpreted in its broadest sense. In particular the words "system, component, or process" and "convert resources optimally" operate to indicate that sociological, economic, aesthetic, legal, ethical, etc., considerations can be included.

(3) The term "evaluation of engineering works and systems" as used in the definition in the practice of engineering set forth in Section 471.005(7), F.S., includes but is not limited to services provided by testing laboratories involving the following:

(a) The planning and implementation of any investigation or testing program for the purpose of developing design criteria either by an engineering testing laboratory or other professional engineers.

(b) The planning or implementation of any investigation, inspection or testing program for the purpose of determining the causes of failures.

(c) The preparation of any report documenting soils or other construction materials test data.

(d) The preparation of any report offering any engineering evaluation, advice or test results, whenever such reports go beyond the tabulation of test data. Reports which document soils or other construction materials test data will be considered as engineering reports.

(e) Services performed by any entity or provided by a testing laboratory for any entity subject to regulation by a state or federal regulatory agency which enforces standards as to testing shall be

exempt from this rule except where the services otherwise would require the participation of a professional engineer.

(4) "Certification" shall mean a statement signed and sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer's knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

(5) The term "principal officer(s) of the business organization" as used in Section 471.023(1), F.S., means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.005(7), F.S.

(6) The term "Florida Building Code" shall mean the Florida Building Code, 5th Edition, (2014), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History–New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12, 6-12-16.

61G15-18.012 Other Board Business for Which Compensation is Allowed.

The following are considered to be other business involving the Board as required by Section 455.207(4), F.S.:

(1) All joint Board or Committee meetings required by statutes, Board rule or Board action.

(2) Meetings of Board members with FEMC staff or contractors of FEMC at FEMC's or the Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office.

(3) Where a Board member has been requested by the Secretary of the Department to participate in a meeting.

(4) Probable Cause Panel Meeting.

(5) Any telephone conference calls.

(6) All activity of Board members, if authorized by the Board, when grading, proctoring or reviewing examinations given by FEMC.

(7) All participation in Board authorized meetings with professional associates of which the Board is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating or reviewing the profession over which the Board has statutory authority.

(8) Any and all other activities which are Board approved and which are necessary for Board members to

attend in order to further protect the public health, safety and welfare, through the regulation of which the Board has statutory authority.

Specific Authority 455.207 FS., Ch. 81-302, § 28, Laws of Florida. Law Implemented 455.207 FS., Ch. 81-302, § 28, Laws of Florida. History– New 11-2-81, Formerly 21H-18.12, 21H-18.012.

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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.

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CHAPTER 61G15-19

GROUNDS FOR DISCIPLINARY PROCEEDINGS

61G15-19.001 Grounds for Disciplinary Proceedings.
61G15-19.002 Payments of Fine.
61G15-19.003 Purpose. (Repealed)
61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.
61G15-19.005 Citations. (Repealed)
61G15-19.0051 Notice of Noncompliance. 61G15-19.006 Mediation.
61G15-19.007 Notice of Noncompliance. (Repealed) 61G16-19.0071 Citations.
61G15-19.008 Confidentiality of Investigations.

61G15-19.001 Grounds for Disciplinary Proceedings.

(1) Pursuant to Section 471.033(2), F.S., the Board, to the extent not otherwise set forth in Florida Statutes, hereby specifies that the following acts or omissions are grounds for disciplinary proceedings pursuant to Section 471.033(1), F.S.

(2) A professional engineer shall not advertise in a false, fraudulent, deceptive or misleading manner. As used in Section 471.033(1)(f), F.S., the term "advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content" shall include without limitation a false, fraudulent, misleading, or deceptive statement or claim which:

(a) Contains a material misrepresentation of facts;

(b) Omits to state any material fact necessary to make the statement in the light of all circumstances not misleading;

(c) Is intended or is likely to create an unjustified expectation;

(d) States or implies that an engineer is a certified specialist in any area outside of his field of expertise;

(e) Contains a representation or implication that is likely to cause an ordinary prudent person to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

(f) Falsifies or misrepresents the extent of his education, training or experience to any person or to the public at large, tending to establish or imply qualification for selection for engineering

employment, advancement, or professional engagement. A professional engineer shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments;

(g) In any brochure or other presentation made to any person or to the public at large, incident to the solicitation of an engineering employment, misrepresents pertinent facts concerning a professional engineer's employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his works.

(3) A professional engineer, corporation or partnership shall not practice engineering under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection 61G15-19.001(2), F.A.C. When an individual is practicing engineering as a sole proprietor under a combination of his own given name, and terms such as "engineering," "and associates" or "and company," then said person is practicing engineering under a fictitious name, and must obtain a certificate of authorization pursuant to Section 471.023(2), F.S. The name of a corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. An engineering firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer, registered architect, land surveyor, landscape architect, or professional geologist, in any state.

(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.

(5) A professional engineer shall not be incompetent to practice engineering. Incompetence in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall mean the physical or mental incapacity or inability of a professional engineer to perform the duties normally required of the professional engineer.

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to:

(a) Expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon;

(b) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;

(c) Performing an engineering assignment when not qualified by training or experience in the practice area involved;

1. All professional engineer asbestos consultants are subject to the provisions of Sections 455.301-.309, F.S., Chapter 471, F.S., and Rule 61G15-19, F.A.C., and shall be disciplined as provided therein.

2. The approval of any professional engineer as a "special inspector" under the provisions of Chapter 553, F.S., does not constitute acceptance by the Board that any such professional engineer is in fact qualified by training or experience to perform the duties of a "special inspector" by virtue of training or experience. Any such professional engineer must still be qualified by training or experience to perform such duties and failure to be so qualified could result in

discipline under this chapter or Chapter 471, F.S.;

(d) Affixing a signature or seal to any engineering plan of document in a subject matter over which a professional engineer lacks competence because of inadequate training or experience;

(e) Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;

(f) Becoming involved in a conflict of interest with an employer or client, without the knowledge and approval of the client or employer, but if unavoidable a professional engineer shall immediately take the following actions:

1. Disclose in writing to his employer or client the full circumstances as to a possible conflict of interest; and

2. Assure in writing that the conflict will in no manner influence the professional engineer's judgment or the quality of his services to his employer or client; and

3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer;

(g) Soliciting or accepting financial or other valuable considerations from material or equipment suppliers for specifying their products without the written consent to the engineer's employer or client;

(h) Soliciting or accepting gratuities directly or indirectly from contractors, their agents or other parties dealing with the professional engineer's client or employer in connection with work for which the professional engineer is responsible without the written consent of the engineer's employer or client;

(i) Use by a professional engineer of his engineering expertise and/or his professional engineering status to commit a felony;

(j) Affixing his seal and/or signature to plans, specifications, drawings, or other documents required to be sealed pursuant to Section 471.025(1), F.S., when such document has not been personally prepared by the engineer or prepared under his responsible supervision, direction and control;

(k) A professional engineer shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows or has reason to believe is engaging in business or professional practices of a fraudulent or dishonest nature;

(l) If his engineering judgment is overruled by an unqualified lay authority with the results that the public health and safety is threatened, failure by a professional engineer to inform his employer, responsible supervision and the responsible public authority of the possible circumstances;

(m) If a professional engineer has knowledge or reason to believe that any person or firm is guilty of violating any of the provisions of Chapter 471, F.S., or any of these rules of professional conduct, failure to immediately present this information to FEMC;

(n) Violation of any law of the State of Florida directly regulating the practice of engineering;

(o) Failure on the part of any professional engineer or certificate holder to obey the terms of a final order imposing discipline upon said professional engineer or certificate holder;

(p)) Making any statement, criticism or argument on engineering matters which is inspired or paid for by interested parties, unless the professional engineer specifically identifies the interested parties on whose behalf he is speaking, and reveals any interest he or the interested parties have in such matters;

(q) Sealing and signing all documents for an entire engineering project, unless each design segment is signed and sealed by the professional engineer in responsible charge of the preparation of that design segment;

(r) Revealing facts, data or information obtained in a professional capacity without the prior consent of the professional engineer's client or employer except as authorized or required by law.

(7) A professional engineer who performs building code inspector or plans examiner duties in accordance with Section 471.045, F.S., or Sections 468.603(6), (7), F.S., shall be subject to disciplinary action for commission of the following:

(a) Violating or failing to comply with any provision of Chapter 471, F.S., or the rules of the Board of Professional Engineers;

(b) Having been convicted of a crime in any jurisdiction which directly relates to the practice of building code inspection or plans examination;

(c) Making or filing a false report or record, inducing another to file a false report or record, failing to file a report or record required by state or local law, impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.

(8) A professional engineer shall not be negligent in the practice of engineering while performing duties as a special inspector. Negligence 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 and special inspection principles. Failure to comply with the procedures set forth in the Responsibility Rules for Professional Engineers Providing Threshold Building Inspection, as adopted by the Board of Professional Engineers, shall be considered 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 engineer.

Specific Authority 471.033(2) FS. Law Implemented 471.025(1), 471.033(1)(f), (g), (2) FS. History–New 1-8-80, Amended 6-23-80, 3-23-81, 6-4-85, Formerly 21H-19.01, Amended 5-14-86, 4-23-87, 11-8-88, 1-11-89, 7-3-90, 11-9-92, Formerly 21H-19.001, Amended 11-27-94, 5-20-02.

61G15-19.002 Payments of Fine.

All fines imposed by the Board for violations of Section 471.033, F.S., shall be paid within a period of thirty (30) days from the date of the final order entered by the Board. This time limit may be modified by the Board at its discretion in order to prevent undue hardship to the public.

Specific Authority 455.227(2) FS. Law Implemented 455.227(2), 471.033(3)(c) FS. History–New 8-19-80, Formerly 21H-19.02, 21H-19.002.

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners (including holders of certificate of authorization) guilty of violating Chapter 471, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board's discretion. All impositions of probation as a penalty shall include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Other terms may be imposed by the Board at its discretion.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

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VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of Chapter 471, F.S., or rule of the Board or Department (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S)	Reprimand and $1,000 fine, to One (1) year suspension, two (2) years probation and $5,000 fine	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
1. Failure to sign, seal or date documents (Section 471.025(1), F.S.)	Reprimand to one (1) year probation	Reprimand and one (1) year probation to Revocation
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended (Section 471.025(2), F.S.)	Suspended license: Revocation and $1,000 fine Revoked license: Referral to State's Attorney's office	Suspended license: Revocation and $5,000 fine Revoked license: Referral to State's Attorney's office
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine; to $5,000 fine, one (1) year suspension and two (2) years probation	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation to Revocation
4. Firm practicing without certificate of authorization (Section 471.023, F.S. and subsection 61G15-19.001(3), F.A.C.)	Reprimand, $1,000 fine to one (1) year suspension and $5,000 fine	Reprimand, one (1) year suspension and $5,000 fine to Revocation
5. Failure to complete continuing education (Section 471.017(3), F.S. and Rule 61G15-22.001, F.A.C.)	Reprimand and $1,000 fine, to Suspend until licensee demonstrates compliance	Suspend until licensee demonstrates compliance to Revocation
6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer (Sections 471.031(1)(a), (b), F.S.)	$1,000 fine to $5,000 fine	$5,000 fine to $10,000 fine to referral to State Attorney's Office
7. Presenting as his or her own the license of another (Section 471.031(1)(c), F.S.)	$1000 fine to $5,000 fine	$5,000 fine to $10,000 fine and referral to State Attorney's Office
8. Giving false or forged evidence to the Board or concealing information relative to violations of this	$1,000 fine to $5,000 fine and suspension	Reprimand and $5,000 fine to Revocation

chapter (Sections 471.031(1)(d), (g), F.S.)		
9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Sections 471.031(1)(f) and 455.227(1)(j), F.S.)	$1,000 fine and reprimand; to $5,000 and suspension	Reprimand and $5,000 fine to Revocation
10. Having been found liable for knowingly filing a false complaint against another licensee (Section 455.227(1)(g), F.S.)	$1,000 fine and reprimand; to $5,000 per count and suspension	Reprimand and $5,000 fine to Revocation
11. Failing to report a person in violation of Chapter 455, Chapter 471, F.S., or the rules of the Board or the Department (Section 455.227(1)(i), F.S.)	Reprimand to $5,000 and suspension for one (1) year	Reprimand and $5,000 fine to Revocation
12. Failing to perform any statutory or legal obligation (Section 455.227(1)(k), F.S.)	Depending on the severity of the offense, from a Reprimand to Revocation	Depending on the severity of the offense, from a Reprimand to Revocation
13. Exercising influence on a client for financial gain (Section 455.227(1)(n), F.S.)	Reprimand to one (1) year suspension and $5,000 fine	Reprimand and $5,000 fine to Revocation
14. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	$1,000 fine and probation for one (1) year, to suspension	Reprimand and $5,000 fine to Revocation
15. Improperly interfering with an investigation or inspection or disciplinary proceeding (Section 455.227(1)(r), F.S.)	$1,000 fine and probation for one (1) year; to suspension	Reprimand and $5,000 fine to Revocation
(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)	One (1) year suspension and $1,000 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney	Revocation and $5,000 fine if licensed; if not licensed, denial of license and referral to State Attorney
(c) Having a license to practice engineering acted against or denied by another jurisdiction (Sections 471.033(1)(c) and 455.227(1)(f), F.S.)	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes

(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to a crime which relates to the practice or ability to practice	Depending on the severity of the crime, from Reprimand $1,000 fine, and one (1) year	Depending on the severity of the crime, from One (1) year suspension with 2 years

(Sections 471.033(1)(d) and 455.227(1)(c), F.S.)	probation, to Revocation	probation to Revocation
2. Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a), F.A.C.)	Reprimand $1,000 fine, and one (1) year probation	One (1) year suspension with 2 years probation to Revocation
(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing (Sections 471.033(1)(e), 455.227(1)(l), F.S. and paragraph 61G15-19.001(7)(c), F.A.C.)	Reprimand and $1,000 fine to one (1) year suspension, two (2) years probation	One (1) year suspension, 2 years probation, and $1,000 fine, to Revocation and $5,000 fine
(f) Fraudulent, false, deceptive or misleading advertising (Sections 471.033(1)(f), F.S. and subsection 61G15-19.001(2), F.A.C.)	Reprimand to one (1) year probation and $5,000 fine	One (1) year probation and $5,000 fine to Revocation
(g) Fraud, deceit, negligence, incompetence or misconduct (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	Reprimand, two (2) years probation and $1,000 fine, to one (1) year supension and $5,000 fine	One (1) year suspension and $5,000 fine to Revocation
2.a. Negligence (subsection 61G15-19.001(4), F.A.C.)	Reprimand, two (2) years probation and $1,000 fine, to $5,000 fine, five (5) year suspension and ten (10) years probation	Two (2) years probation and $1,000 fine, to $5,000 fine and Revocation
b. Negligence in procedural requirements (subsections 61G15-30.003(2),(3) and (5), F.A.C.; Rules 61G15-30.005 and 61G15-30.006, F.A.C.)	Reprimand to two (2) years probation and $1,000 fine	Two (2) years probation and $1,000 fine, to $5,000 fine and Revocation
c. As a special inspector	Reprimand, two (2) years probation and $1,000 fine, to $5,000 fine	Two (2) years probation and $1,000 fine, to $5,000 fine and Revocation
3. Incompetence (subsection 61G15-19.001(5), F.A.C.)	Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation	Suspension until ability to practice proved followed by two (2) year probation, to Revocation

4. Misconduct (subsection 61G15-19.001(6), F.A.C.)	Reprimand and $1,000 fine to one (1) year suspension	One (1) year suspension to Revocation and $5,000 fine.
a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion (paragraph 61G15-19.001(6)(a), F.A.C.)	Reprimand and $1,000 fine to one (1) year suspension	One (1) year suspension to Revocation and $5,000 fine
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion (paragraph 61G15-19.001(6)(b), F.A.C.)	Reprimand and $1,000 fine to one (1) year suspension	One (1) year suspension to Revocation and $5,000 fine
c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies (paragraph 61G15-19.001(6)(e), F.A.C.)	Reprimand, $5,000 fine per count and suspension for five (5) years, to Revocation	Five (5) years suspension to Revocation
d. Soliciting or accepting gratuities without client knowledge (paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to one (1) year suspension, two (2) years probation and $5,000 fine	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
e. Failure to preserve client's confidence (paragraph 61G15-19.001(6)(r), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
f. Professional judgment overruled by unqualified person (paragraph 61G15-19.001(6)(i), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to one (1) year suspension, two (2) years probation and $5,000 fine	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
g. Use of name/firm in fraudulent venture (paragraph 61G15-19.001(6)(k), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to $5,000 fine, one (1) year	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation

	suspension and two (2) years probation	
h. Undisclosed conflict of interest (paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand, $1,000 fine and two (2) years probation, to Revocation and $5,000 fine	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	Depending on the severity of the violation, Reprimand and $1,000 fine per count, to $5,000 fine and revocation	Depending on the severity of the violation, One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
(i) Practicing on a revoked, suspended, inactive or delinquent license (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. Delinquent license	Fine based on length of time in practice while inactive; $100/month or $1,000 maximum, renewal of license or cease practice	
2. Inactive license	Fine based on length of time in practice while inactive; $100/month or $1,000 maximum, renewal of license or cease practice	
3. Suspended license	Revocation and $1,000 fine	
4. Revoked license	Referral to State Attorney	Referral to State Attorney
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control (Section 471.033(1)(j), F.S. and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to $5,000 fine, one (1) year suspension and two (2) years probation	One (1) year suspension, two (2) years probation and $5,000 fine to Revocation
(k) Violating any order of the board or department (Sections 471.033(1)(k), 455.227(1)(q), F.S. and paragraph 61G15-19.001(6)(o), F.A.C.)	Depending on the severity of the violation, from Suspension until compliant with the order of the Board and $1,000 fine, to Revocation and $5,000 fine	Depending on the severity of the violation, Suspension until compliant with the order of the Board and $1,000 fine, to Revocation and $5,000 fine

(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	$1,000 fine and probation for one (1) year, to $5,000 fine and suspension	Reprimand and $5,000 fine to Revocation
(m) Failing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction (Section 455.227(1)(t), F.S.)	Reprimand to $5,000 fine	Six (6) month suspension to $5,000 fine and Revocation

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty. The fact that a Hearing Officer of the Division of Administrative Hearings may or may not have been aware of the below mentioned aggravating or mitigating circumstances prior to a recommendation of penalty in a Recommended Order shall not obviate the duty of the board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.
4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S., has previously been issued to the licensee.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.
3. Restitution of any damages suffered by the licensee's client.
4. The licensee's professional standing among his peers including continuing education.
5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.

Rulemaking Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS.

History–New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06, 2-21-10.

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.

(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

61G15-19.006 Mediation.

Pursuant to Section 455.2235, F.S., the Board designates the following areas as appropriate for mediation for a first offense:

(1) Practice with an improper seal. (See Rule 61G15-23.001, F.A.C.).

(2) Failure to date documents when affixing signature and seal.

Specific Authority 455.2235 FS. Law Implemented 455.2235 FS. History–New 2-20-95, Amended 10-20-96, 4-2-00.

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.

61G15-19.008 Confidentiality of Investigations.

The following violations have been deemed to involve the potential for substantial physical or financial harm to the public:
Negligence, as defined in subsection 61G15-19.001(4), F.A.C., or misconduct, as defined in subsection 61G15-19.001(6), F.A.C., involving threshold buildings as defined in Section 553.71(7), F.S.
Rulemaking Authority 471.038(7) FS. Law Implemented 471.038(7) FS. History–New 5-20-02, Amended 6-5-12.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

CHAPTER 61G15-20

APPLICATION FOR LICENSURE, EDUCATION REQUIREMENTS AND EXPERIENCE

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20.007 Foreign Degrees.

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 degree in engineering, 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.

61G15-20.0010 Application for Licensure by Examination.

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE/001 (06-13), entitled, "Application For Licensure

By Examination", which is hereby incorporated by reference, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; from the Board's website at http://www.fbpe.org/licensure/application-process or at https://www.flrules.org/gateway/reference.asp?NO=Ref-04511. The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they:

(a) Are graduates of a "Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C., and

(b) Have four (4) years of acceptable engineering experience as defined by Rule 61G15-20.002, F.A.C.

(2) Any person desiring to take the fundamentals examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. There are two engineer intern applications from which to choose, the instructions and application Form FBPE/003 (06-13), entitled, "Fundamentals of Engineering Application", which is hereby incorporated by reference, or the instructions and application Form FBPE/004 (06-13), entitled "Fundamental of Engineering Foreign Degree Application", which is hereby incorporated 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 https://www.flrules.org/gateway/reference.asp?NO=Ref-04512 and https://www.flrules.org/gateway/reference.asp?NO=Ref-04513. The Board shall certify as eligible to take the Fundamentals examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, "a Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History–New

9-27-01, Amended 11-19-03, 9-14-14.

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), 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) 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.

61G15-20.0016 Laws and Rules Examination.

All applicants for licensure shall successfully complete an examination in the Laws and Rules applicable to the practice of engineering in Florida as a condition of licensure. The Board hereby designates the "Laws and Rules Study Guide and Questionnaire" as the examination. A copy of said examination shall be provided to every applicant free of charge, and each applicant shall complete and submit said examination to the Board office. The examination shall consist of multiple choice questions concerning Chapter 471, F.S., and Rule Chapter 61G15, F.A.C. A passing score of 90% or more is required.

Specific Authority 455.217(7) FS. Law Implemented 455.217(7) FS. History–New 2-11-01.

61G15-20.0017 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application Form FBPE/005(06-01), entitled "Application For Retired Status", which is incorporated by reference, effective 9-27-01, copies of which may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Engineers who have been approved for Retired Status shall be carried on the records of the Board as "P.E., Retired."
(3) Engineers on Retired Status may use the term "Professional Engineer, Retired" or "P.E., Retired;" however, such engineer shall refrain from the active practice of engineering and the use of his or her seal.

Any engineer in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.
Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.005(10), 471.013, 471.015, 471.017(3) FS.

History–New 9-27-01.

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. If the full-time experience is obtained within 2 years of completing the engineering degree, and involves tasks and responsibilities consisent with the disciplines of engineering, experience credit may be awarded at 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 pursuit of a master's or doctoral 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 engineering program in a related discipline at the baccalaureate level. 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 engineering program in a related discipline at the baccalaureate level. 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.

61G15-20.006 **Educational Requirements.**

(1) The evaluation of curricula and standards of accreditation for approval of degree programs required by Section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in Section 471.005(7), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET) and found in the applicable Annual Report of EAC/ABET.

(2) A non-EAC/ABET accredited engineering degree program (hereinafter "engineering program") which seeks approval pursuant to Section 471.013(1)(a), F.S., shall submit the following to the Board:

(a) A completed application form "Request for Evaluation" [FBPE/007 (11-07)] and "Self-Study Report"

[FBPE/008 (1-08)] hereby incorporated by reference (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304);
(b)) A current catalog and student and faculty handbook.

(3) The Board's survey and evaluation of an engineering program shall consist of two elements:

(a) A review of the documents submitted by the applicant. The purpose of the review is initially to determine if the application is complete. The applicant will be notified if the application is not complete. If the application is complete, the Board will begin the survey and evaluation of the engineering program and will provide the documents to any outside consultants which the Board may retain to survey and evaluate the engineering program.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit will encompass all elements of the standards for approval set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no approval may be granted by the Board.

(4) The Meaning of Approval.

(a) Purpose.

1. Approval of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET will be applied for approval of an engineering program.

2. In practical terms a graduate of an engineering program that has been certified by the State of Florida will be eligible for the Fundamentals and Principles and Practice examinations, or for licensure by endorsement.

3. Application for approval is entirely voluntary on the part of the school.

(b) Standards.

1. To be approved, engineering programs must meet the standards set forth by the Board in this rule as judged by the Board. These standards are sometimes stated in a fashion that is not susceptible to quantification or to precise definition because the nature of the evaluation is qualitative in character and can be accomplished only by the exercise of professional judgment by qualified persons.

2. In these standards, the words "must" and "should" have been chosen with care. Use of the word "must" indicates that Florida considers meeting the standard to be absolutely necessary if the program is to be certified. Use of the word "should" indicates that Florida considers an attribute to be highly desirable and makes a judgment as to whether or not its absence may compromise substantial compliance with all of the requirements for approval.

(5) Objectives.

(a) An essential objective of a program in engineering education leading to a BSE degree must be to meet the standards herein described for approval that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify approval of a program that fails to meet the standards as set forth in this rule.

(b) Approval is granted on the basis of evidence of an appropriate balance between the size of the enrollment in each class and the total resources of the program, including the faculty, physical facilities, curricular time and methods of instruction, and the budget. If there is to be substantial change in any of the above functions, the Board must be notified in writing so that reevaluation may be instituted.

(6) Governance.

(a) Preferably an engineering school should be a component of a university that has other graduate and professional degree granting programs. The environment of a university fosters intellectual

challenge, the spirit of inquiry, the seeking of new knowledge and the habit of lifelong learning.

(b) The engineering school must be accredited by an accrediting organization recognized by the U.S. Department of Education.

(7) Administration.

(a) General.

1. Administrative officers and members of an engineering school faculty must be appointed by, or on the authority of, the governing body of the engineering school.

2. If the engineering school is part of a university, the dean must have ready access to the university chief executive officer and to such other university officials as may be necessary to fulfill the dean's responsibilities. If the engineering school is not part of a university, the dean must have ready access to the chief officer of the governing body.

3. The dean must be qualified by education and experience to provide leadership in engineering education, in scholarly activity and research, and in the practice of professional engineering. The dean should have the assistance of such professional associates and staff as are necessary for administration of admissions, student affairs, academic affairs, business affairs, physical facilities and other activities normally associated with the office of the dean.

4. The manner in which the engineering school is organized, including the responsibilities and privileges of administrative officers, faculty, students and committees must be formally set forth in writing. It is through committee structure and function that faculty and at times students and others become involved in decisions concerning admissions, promotions, curriculum, library, research, etc. The number and composition of committees may vary among engineering programs.

5. A budget, showing available revenue sources and expenditures must be prepared for the engineering school at regular and specified periods. To facilitate effective planning, each engineering program should know in advance a reasonable estimate of its available operating resources.

(b) Geographically Separated Campuses.

1. If components of the program are conducted at sites geographically separated from the main campus of the engineering school, the administration of the engineering school must be fully responsible for the conduct, and maintenance of the quality of the educational experiences offered at these sites and for identification of the faculty at all sites. In order to ensure that all educational components of the school's program are equivalent in quality, the principal academic officer of each geographically separated site must be administratively responsible to the chief academic officer of the engineering school conducting the certified program. Similarly, the faculty in each discipline, in all sites, must be functionally integrated by administrative mechanisms that ensure comparable quality of the geographically separated segments of the program.

2. A large number of program sites or a significant distance between sites may require extra academic and administrative controls in order to maintain the quality of the entire program.

(c) Design and Management.

1. The program’s faculty must be responsible for the design, implementation, and evaluation of the educational program. A faculty committee should undertake this responsibility with full support of the chief academic officer and staff. The curriculum of the program leading to the professional engineering degree must be designed to provide a general professional education, recognizing that, this alone, is insufficient to prepare a graduate for independent, unsupervised practice throughout a professional lifetime.

2. The committee responsible for curriculum should give careful attention to the impact on students of the amount of work required. The committee should monitor the content provided in each discipline in order that objectives for education of an engineer are achieved without

attempting to present the complete, detailed, systematic body of knowledge in that discipline. The objectives, content, and methods of teaching and learning utilized for each segment of the curriculum, as well as for the entire curriculum, should be subjected to periodic evaluation. Undue repetition and serious omissions and deficiencies in the curriculum identified by these evaluations should be corrected. Review and necessary revision of the curriculum is an ongoing faculty responsibility.

(d) Content.

1. The engineering faculty is responsible for devising a curriculum that permits the student to learn the fundamental principles of engineering, to acquire skills of critical judgment based on evidence and experience, and to develop an ability to use principles and skills wisely in solving engineering problems. In addition, the curriculum must be designed so that students acquire an understanding of the scientific concepts underlying engineering. In designing the curriculum, the faculty must introduce current advances in the basic engineering sciences.

2. The curriculum cannot be all-encompassing. However, it must include the sciences basic to engineering and ethical, behavioral, and socioeconomic subjects pertinent to engineering. There should be presentation of material on engineering ethics and human values. The faculty should foster in students the ability to learn through self-directed, independent study throughout their professional lives.

3. The required subjects which must be offered are probability and statistics, differential calculus, integral calculus, and differential equations; general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional courses may include linear algebra, numerical analysis, and advanced calculus, life sciences (biology), earth sciences (geology), and advanced chemistry or physics.

4. The curriculum should provide grounding in the body of knowledge represented in the disciplines that support the fundamentals of engineering practice, such as, mechanics, thermodynamics, electrical and electronic circuits, and materials science. Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

5. The faculty committee responsible for curriculum should develop, and the chief academic officer should enforce, the same rigorous standards for the content of each year of the program leading to the BSE. The final year should complement and supplement the curriculum of the individual student so that each student will acquire appropriate competence in general engineering care regardless of subsequent career specialty.

6. The curriculum should include elective courses designed to supplement the required courses and to provide opportunities for students to pursue individual scholarly interests. Faculty advisors must be available to guide students in the choice of elective courses. If students are permitted to take electives at other institutions, there should be a system centralized in the dean's office to screen the student's proposed extramural program prior to approval and to ensure the return of a performance appraisal by the host program. Another system, devised and implemented by the dean, should verify the credentials of students from other schools wishing to take courses at the school, approve assignments, maintain a complete roster of visiting students, and provide evaluations to the parent schools.

(e) Evaluation of Student Performance.

1. The faculty must establish principles and methods for the evaluation of student performance and make decisions regarding promotion and graduation. The varied measures utilized should determine whether or not students have attained the school's standards of performance.

2. The faculty of each discipline should set the standards for performance by students in the study

of that discipline. The faculty should review the frequency of examinations and their scheduling, particularly when the students are enrolled in several subjects simultaneously. Schools should develop a system of evaluation that fosters self-initiated learning by students rather than frequent tests which condition students to memorize details for short-term retention only. Examinations should measure cognitive learning, mastery of basic engineering skills, and the ability to use data in realistic problem solving. If geographically separated campuses are operated, a single standard for promotion and graduation of students should be applied.

3. The engineering school must publicize to all faculty members and students its standards and procedures for the evaluation, advancement, and graduation of its students and for disciplinary action. The school should develop and publish a fair and relatively formal process for the faculty or administration to follow when taking any action that adversely affects the status of a student.

4. The institutions must maintain adequate records. These records should include summaries of admission credentials, attendance, measurement of the performance and promotion of the student, and the degree to which requirements of the curriculum have been met. Evaluation of each student in each course should be part of the record.

5. Academic Counseling. The chief academic officer and the directors of all courses must design and implement a system of evaluation of the work of each student during progression through each course. Each student should be evaluated early enough during a unit of study to allow time for remediation. Course directors and faculty assigned to advise students should consider this duty a primary responsibility. All course directors or departmental heads, or their designates, should serve as expert consultants to the chief academic officer for facilitation of performance of both students and faculty.

(8) Resources for the Educational Program.

(a) Finances. The cost of conducting a certified educational program leading to the BSE must be supported by sufficient financial resources. Dependence upon tuition must not cause schools to seek enrollment of more students than their total resources can accommodate and provide with a sound education experience.

(b) Faculty.

1. Members of the faculty must have the capability and continued commitment to be effective teachers. Effective teaching requires knowledge of the discipline, and an understanding of pedagogy, including construction of a curriculum consistent with learning objectives, subject to internal and external formal evaluation. The administration and the faculty should have knowledge of methods for measurement of student performance in accordance with stated educational objectives and national norms.

2. Persons appointed to faculty positions must have demonstrated achievements within their disciplines commensurate with their faculty rank. It is expected that faculty members will have a commitment to continuing scholarly productivity, thereby contributing to the educational environment of the engineering school.

3. In each of the major disciplines basic to engineering sciences, a sufficient number of faculty members must be appointed who possess, in addition to a comprehensive knowledge of their major disciplines, expertise in one or more subdivisions or specialties within each of these disciplines.

4. In addition, engineers practicing in the community can make a significant contribution to the educational program of the engineering school, subject to individual expertise, commitment to engineering education, and availability. Practicing engineers appointed to the faculty, either on a part-time basis or as volunteers, should be effective teachers, serve as role models for students, and provide insight into contemporary engineering methods.

5. There must be clear written policies for the appointment, renewal of appointment, promotion,

retention and dismissal of members of the faculty. The appointment process must involve the faculty, the appropriate departmental heads and the dean. Each appointee should receive a clear definition of the terms of appointment, responsibilities, line of communication, privileges and benefits.

6. The education of engineering students requires an academic environment that provides close interaction among the faculty members so that those skilled in teaching and research in the basic sciences can maintain awareness of the relevance of their disciplines to engineering problems.

7. The dean and a committee of the faculty must determine engineering school policies. This committee typically consists of the heads of major departments, but may be organized in any manner that brings reasonable and appropriate faculty influence into the governance and policymaking processes of the school. The full faculty should meet often enough to provide an opportunity for all to discuss, establish, or otherwise become acquainted with engineering school policies and practices.

(c) Library.

1. The engineering school library should be a major component of the school's program of teaching and learning. Attitudes of lifelong learning can only be instilled by instruction in the production, storage and retrieval of new knowledge. Use and importance of the library can be imparted to students by example of faculty.

2. The engineering students and faculty must have ready access to a well-maintained and catalogued library, sufficient in size and breadth to support the educational programs offered by the institution. The library should receive the leading national and international engineering periodicals, the current numbers of which should be readily accessible. The library and any other learning resources should be equipped to allow students to learn new methods of retrieving and managing information, as well as to use self-instructional materials. A professional library staff should supervise the library and provide instruction in its use.

3. If the library serving the engineering school is part of a university library system, the professional library staff must be responsive to the needs of the engineering school, the faculty, resident staff and students who may require extended access to a journal and reference book collection, some of which may be virtual. The librarian should be familiar with the methods for maintaining relationships between the library and national library systems and resources, and with the current technology available to provide services in non-print materials. If the faculty and students served by the library are dispersed, the utilization of departmental and branch libraries should be facilitated by the librarian and by the administration and faculty of the school.

(9) Site Visit.

(a) The site visit team shall consist of the Educational Advisory Committee and individual(s) designated by the Board who are or have been engineering educators and practitioners experienced in engineering program evaluation. The applicant must assist the Board in making all necessary arrangements for the site visit, including the opportunity to meet trustees, owners or their representatives, administrators, faculty, students, and any others connected with the program.

(b) Following the site visit, the Educational Advisory Committee will report its findings to the Board.

(10) Board Approval.

(a) Upon receipt of a report from the Educational Advisory Committee, the Board will notify the applicant of its intent to grant or deny approval. Approval must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of engineering.

(b) If the Board gives notice of its intent to deny the application for approval, the notice shall include a specific list of deficiencies and what the Board will require for compliance. The Board shall permit the applicant, on request, to demonstrate by satisfactory evidence, within 90 days, that it has

remedied the deficiencies specified by the Board.

(c) If the Board gives notice of its intent to approve the application, it shall specify which type it intends to grant: provisional or full approval.

(d) Provisional approval may be granted where deficiencies exist but are not of such magnitude to warrant denial entirely. The Board shall determine the period of provisional approval, not to exceed three years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of approval. The Board may, however, extend the period within which deficiencies may be remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional approval.

(e) Full approval will be granted to an engineering school which is in substantial compliance with all of the standards set forth in this rule. The school shall submit to the Board evidence of continued compliance annually.

(f) Periodic surveys and evaluations of all approved schools shall be made at least every four years.

(g) Renewal applications will be evaluated on the basis of standards existing at the time renewal is acted upon by the Board. A site visit may be required as an element of the evaluation.

Specific Authority 471.013(1)(a)3. FS. Law Implemented 471.013(1)(a)3., 471.005(6) FS. History–New 8-18-87, Formerly 21H-20.006, Amended 12-26-94, 4-10-08.

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 differential calculus and integral calculus 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, calculus-based physics, or biological sciences, but both courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology, or oceanography), advanced biology, advanced chemistry, or advanced physics. Basic science courses must be intended for science or engineering majors; introductory science courses are not acceptable. Astronomy, computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. 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 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 that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: 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.

(d) In addition, competency in English must be presented. Satisfactory evidence includes the following: 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 the paper-based version, 80 on the internet-based version, or 213 on the computer-based version.

(2) An applicant whose only educational deficiency is under paragraph (1)(b) above 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 required in paragraph (1)(b) above.

(3) College Level Examination Programs (CLEP) examinations that are outlined at http://clep.collegeboard.org/exams may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above. The applicant shall achieve a passing score as determined either by CLEP or by showing 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) The FBPE educational committee 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) An applicant with an engineering degree from a non-EAC/ABET-accredited degree program 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.

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, 3-17-16.

CHAPTER 61G15-21
EXAMINATIONS

61G15-21.001 Written Examination Designated; General Requirements. 61G15-21.002 Areas of Competency and Grading Criteria. (Repealed)
61G15-21.003 Grading Criteria for the Essay Portion of Examination. (Repealed)
61G15-21.004 Passing Grade.
61G15-21.005 Engineer Intern Examination. (Repealed)
61G15-21.006 Exam Review Procedure. (Repealed)
61G15-21.007 Re-examination.
61G15-21.008 State of Florida, Security Policies, Procedures and Guidelines. (Repealed) 61G15-21.009 Endorsement. (Repealed)

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 I of the examination provided by NCEES is the fundamentals examination.

(b) Part II of the examination provided by NCEES for all disciplines other than structural is the principles and practice examination, and is given by discipline. 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) Applicants for licensure by examination must be graduates of a Board-approved engineering program as defined in Rule 61G15-20.001, F.A.C. Acceptance into the fundamentals examination, either in Florida or elsewhere, does not indicate automatic acceptance for the priniciples and practice examination, nor does it exempt said applicant from meeting the criteria set forth in Chapter 471, F.S. and Chapter 61G15, F.A.C.

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.

61G15-21.004 Passing Grade.

(1) The passing grade for the Fundamentals of Engineering 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.

(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.

Rulemaking Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.015(1) 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.

61G15-21.007 Re-examination.

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:

(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), 471.013, 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.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

CHAPTER 61G15-22

LICENSE RENEWAL, CONTINUING EDUCATION

61G15-22.0001	Renewal of Active Licenses
61G15-22.0002	Renewal of Inactive Licenses
61G15-22.0003	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
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 Continuing Education Hours
61G15-22.005	Non-Qualifying Activities
61G15-22.006	Demonstrating Compliance
61G15-22.007	Noncompliance (Repealed)
61G15-22.008	Record Keeping
61G15-22.009	Exemptions
61G15-22.010	Qualifying Activities for Laws and Rules Requirement
61G15-22.0105	Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics
61G15-22.011	Board Approval of Continuing Education Providers
61G15-22.012	Obligations of Continuing Education Providers
61G15-22.013	Evaluation of Providers
61G15-22.014	Duration of Provider Status

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) hours of approved continuing education which were required during the last biennium.

Rulemaking Authority 471.017(2) FS. Law Implemented 471.017 FS. History–New 8-1-02, Amended 2-18-16.

61G15-22.0002 Renewal of Inactive Licenses.

To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status to FEMC and a statement certifying that the licensee has neither practiced engineering nor violated any of the provisions of Section 471.033, F.S., since the date on which the license was first placed on inactive status.

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

61G15-22.0003 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(m), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Rulemaking Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New 6-8-03.

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eighteen (18) continuing education hours during each license renewal biennium as a condition of license renewal. Four (4) hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) hour shall relate to Chapter 471, F.S., and the rules of the Board. 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) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) Beginning with the Fifth Edition of the Florida Building Code, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems

covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one advanced Florida Building Code course within 12 months of each edition of the Florida Building Code effective date,

(b) Provide the Board with a copy of a certificate of completion which shows: course number, course

hours, Code edition year, and Code or course focus. This course may also count towards the area of practice requirement for continuing education set forth in Rule 61G15-22.001, F.A.C.

(4) The Board shall approve all Advanced Florida Building Code courses. Courses submitted for approval shall have been designated an "Advanced" course by the Florida Building Commission and shall be within the discipline of civil structure, mechanical, electrical or general engineering.

Rulemaking Authority 471.008, 471.017(3), 471.0195 FS. Law Implemented 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, 2-18-16.

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

(3) Contact Hour. A contact hour shall consist of fifty (50) clock minutes of instruction.

(4) College/Unit Semester/Quarter Hour: Credit for course in ABET-approved programs or other related engineering college course.

(5) Course/Activity: Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice.

(6) Commercial educator: An individual or business organization trained in teaching and offering education courses for a profit.

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

(8) 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), F.S. Topics on marketing, foreign language skills, and basic math skills below the requirements set forth in paragraph 61G15-20.007(1)(a), F.A.C. are not acceptable and are excluded.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3) FS. Law Implemented 455.213(6), 455.2178, 455.2179 FS. History–New 9-16-01, Amended 8-1-02, 7-30-03, 2-18-16.

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

(1) Successful completion of college courses.

(2) Successful completion of short courses, tutorials, webinars, and distance education courses offered through delivery methods such as live, correspondence, recorded, 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) Teaching or instructing in subsection (1) or (2) above. However, teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

(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) Patents.

(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. Continuing Education credits are not earned until the end of each year of completed service.

Rulemaking Authority 455.213(6), 471.008, 471.017(3) FS. Law Implemented 455.213(6), 471.017(3) FS.

History–New 9-16-01, Amended 5-14-06, 2-18-16.

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

(1) One (1) college semester hour credit is equal to 45 continuing education hours.
(2) One (1) college quarter hour credit is equal to 30 continuing education hours.
(3) 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.
(4) For teaching of subsections (1) through (3) above, apply a multiple of 2, if the requirements of subsection 61G15-22.003(3), F.A.C., are met.
(5) Each published peer-reviewed paper or book in the licensee's area of professional practice is equal to 10 continuing education hours.
(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) Authoring accepted licensee examination items for NCEES is equal to 2 continuing education hours.
(8) Each patent developed using engineering principles is equal to 10 continuing education hours.
(9) 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, with a maximum credit of 4 continuing education hours per renewal period.
Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History–New 9-16-01,

Amended 2-18-16.

61G15-22.005 Non-Qualifying Activities.

Activities that do not qualify as Continuing Education Hours include but are not limited to the following:
(1) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing education credit.
(2) Personal self-improvement courses.
(3) Equipment demonstrations or trade show displays.
(4) Enrollment without attendance.
(5) Repetitive attendance or teaching of the same course.
(6) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.
(7) Regular employment.
(8) Personal, estate or financial planning.
(9) Courses the content of which is below the level of knowledge and skill that reflects the responsibility of engineer in charge.
Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History–New 9-16-01,

Amended 6-3-07, 2-18-16.

61G15-22.006 Demonstrating Compliance.

(1) In order to demonstrate compliance, licensees must attest to completion of the continuing education requirements upon licensure renewal. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

(2) The licensee shall retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the continuing education pursuant to an audit for four years from the date of completion of the continuing education activity.

In addition, the Board shall use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

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 7-13-04, 8-20-12.

61G15-22.008 Record Keeping.

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

Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History–New 9-16-01, Amended 2-18-16.

61G15-22.009 Exemptions.

(1) New licensees who have achieved licensure by examination, pursuant to Section 471.013, F.S., shall be exempt for their first renewal period.

(2) Any licensee whose license is placed in retired status shall be exempt thereafter.

(3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.

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.

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

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

(a)) Either completing a continuing education course, as detailed in subsection (2) below,

(b) By serving as a board member, as detailed in subsection (3) below, or

(c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(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 in laws and rules of the Board.

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

(4) All consultant engineers used by the Board in the resolution of Board business, including rulemaking and prosecution of discipline cases and complaints, shall receive credit for the 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 471.008, 471.017(3) FS. Law Implemented 455.213(6), 471.017(3) FS. History–New 9-16-01, Amended 9-4-02, 1-16-03, 8-10-09, 2-18-16.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

(1) Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics.

(a) Applications for approval of Florida Laws and Rules courses shall be made on Form FBPE/008, Application for Approval of Laws and Rules Continuing Education Course (rev. 10/15), which is

incorporated by reference herein and may be obtained from www.fbpe.org/licensure/application-process or at https://www.flrules.org/Gateway/reference.asp?No=Ref-06012.

(b) Applications for approval of Professional Ethics courses shall be made on Form FBPE/009, Application for Approval of Professional Ethics Continuing Education Course (rev. 10/15), which is incorporated by reference herein and may be obtained from www.fbpe.org/licensure/application-process or at https://www.flrules.org/Gateway/reference.asp?No=Ref-06013.

(2) All applications shall be submitted on the applicable course approval application identified above and shall include the following:

(a) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(b)) The total number of classroom or interactive distance learning continuing education hours;

(c) For courses in Laws and Rules, course content that shall include:

1. Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

2. A list of resources used to develop the course content.

(d) For courses in laws and rules, course content may also include:

1. Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

2. The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(e) For courses in Professional Ethics, course content that shall include one or more of the following:

1. Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;

2. The importance of ethics as a broad professional concern rather than a personal one;

3. The engineer's obligations to society, clients, and the profession;

4. Ethical dilemmas encountered in engineering practice; or

5. The application of professional ethics to decision making through hypothetical or illustrative examples.

(3) Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

(4) If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Rulemaking Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History–New 4-8-07, Amended 4-28-08, 12-21-15.

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 Council of Engineering Companies (ACEC) as of March 1, 2015, 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) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) A completed Application For Continuing Education Provider New Provider Application, Form FBPE/007 (rev. 10/15), incorporated by reference herein, which may be obtained from www.fbpe.org/licensure/application-process or at https://www.flrules.org/gateway/reference.asp?No=Ref-06096.

(b) The name, address and telephone number of the prospective provider; and,

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

1. A description of the type of courses or seminars the provider expects to conduct for credit;
2. A description of the staffing capability of the applicant;
3. A sample of intended course materials;
4. A list of anticipated locations to conduct the courses;
5. A complete course curriculum for each course the applicant intends to offer;
6. A description of the means the applicant will use to update the course in response to rule or law changes;
7. A description of the means the applicant will use to evaluate the licensee's performance in the course;
8. A fee of $250.

(4) No engineer may conduct continuing education courses or seminars for credit upon the engineer's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the engineer must notify the Board office within ten (10) days of the engineer's receipt of any such order.

(5) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department of Business and Professional Regulation issue an order requiring the provider cease and desist from offering any continuing education courses and shall request that the Department revoke any approval of the provider granted by the Board.

(6) No provider may allow an engineer to conduct any course or seminar offered by the provider if that engineer has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the engineer is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

(8) Members of the Board of Professional Engineers or the Florida Engineers Management Corporation Board of Directors are prohibited from being a continuing education provider.

(9) The following providers shall be approved as providers, and the Board shall accept their courses for continuing education credit:

(a)) Educational Institutions teaching college level courses;

(b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

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

Rulemaking Authority 455.213(6), 455.2179, 471.008, 471.017(3) FS. Law Implemented 455.213(6), 455.2179, 471.017(3) 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, 2-18-16.

61G15-22.012 Obligations of Continuing Education Providers.

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

(1) Provide courses or seminars designed to enhance the education of engineers in the practice of engineering;

(2) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion;

(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.

(4) Ensure that all promotional material for courses or seminars offered to professional engineers for credit contain the provider number.

(5) Allow only one continuing education hour 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 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) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of seventy percent (70%). If a licensee fails the examination, they will be permitted to take the examination again in order to achieve a passing grade.

(8) Notify the Board within fourteen (14) days of any change in the address or telephone number of the provider.

(9) Allow FEMC's and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History–New 9-16-01, 2-18-16.

61G15-22.013 Evaluation of Providers.

(1) The Board, or its designee, reserves the right to evaluate continuing education courses or seminars offered to engineers for credit by the following methods:

(a)) Observing such courses or seminars; and

(b) Reviewing the files of the provider to gain information about any course or seminar offered to professional engineers for credit.

(2) The Board shall not revoke the continuing education credit given to any professional engineer for

completion of any continuing education course or seminar about which the professional engineer registers a complaint with the Board.

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.

61G15-22.014 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must reapply for provider status at the beginning of each biennium. The biennium for continuing education providers ends on May 31st of each odd-numbered year.

(2) A provider must reapply for approval ninety (90) days prior to the date of expiration of provider status in order to prevent a lapse in provider status.

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.

CHAPTER 61G15-23 SEALS

61G15-23.001 Signature, Date and Seal Shall Be Affixed. 61G15-23.002 Seals Acceptable to the Board
61G15-23.003 Procedures for Physically Signing and Sealing 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.

61G15-23.001 Signature, Date and Seal Shall Be Affixed.

(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, 471.033(1)(a), (e), (j) 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.

(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.

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 subsection 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

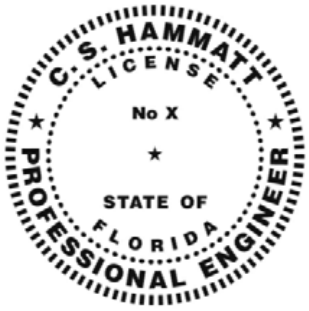
(c) The engineering plans, specifications, reports or other documents being digitally signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. The same information required by subsection 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.

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

(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 paragraph (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-05976.

(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 subsection 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 subsection 61G15-23.002(2), F.A.C. if a digitally created seal is not used,
2. The item has been electronically signed and sealed using a SHA-1 authentication codes; 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 Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS.

History–New 11-3-15, Amended 2-3-16.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

CHAPTER 61G15-24 FEES

61G15-24.001 Schedule of Fees.

61G15-24.002 Unlicensed Activity Fee. (Repealed)
61G15-24.003 Change of Status Fee. (Repealed)

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) 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, 455.219, 455.271, 471.008, 471.011 FS. Law Implemented 455.217(3), (7), 471.011, 471.015, 471.021 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.

CHAPTER 61G15-26 SUPERVISION STANDARDS

61G15-26.001 Standards for Supervision of Governmental Employees by Professional Engineers.

61G15-26.001 Standards for Supervision of Governmental Employees by Professional Engineers.

(1) As required by Section 471.003(2)(b)2., F.S. employees of governmental entities must act under the responsible charge of professional engineers as defined in subsection 61G15-18.011(1), F.A.C., whenever they are performing engineering as that term is defined in Section 471.005(7), F.S. The supervision exercised over such employees by the professional engineer in responsible charge must be of such a quality as to be equivalent to that required of private firms. Further, all documents or reports which would be equivalent to those requiring a professional engineer's seal when filed for public record in the private sector will require the seal, signature and date of the supervising professional engineer when such documents or reports are filed or promulgated on behalf of a governmental entity. This rule shall prohibit non-professional employees governed by this rule from overriding, or approving, accepting or rejecting, or modifying engineering documents prepared by professional engineers unless such actions are concurred in by a professional engineer in responsible charge of the employee and that said professional engineer takes full responsibility for such a decision.

(2) No individual may be entitled or act in the capacity of "municipal", "city" or "county engineer" unless that individual is licensed as a professional engineer in this State.

Specific Authority 471.003(2)(b)2. FS. Law Implemented 471.003(1), (2)(b)2., (e), 471.005(6), 471.025(1), 471.023(1), 471.031(1)(b) FS. History–New 4-2-87, Formerly 21H-25.001.

CHAPTER 61G15-27

PROCEDURES FOR THE ADOPTION OF ANOTHER'S WORK

61G15-27.001 Procedures for a Successor Professional Engineer Adopting As His Own the Work of Another engineer.

61G15-27.001 Procedures for a Successor Professional Engineer Adopting As His Own the Work of Another Engineer.

(1) A successor professional engineer seeking to reuse already sealed contract documents under the successor professional engineer's seal must be able to document and produce upon request evidence that he has in fact recreated all the work done by the original professional engineer. In other words, calculations, site visits, research and the like must be documented and produceable upon demand. Further, the successor professional engineer must take all professional and legal responsibility for the documents which he sealed and signed and can in no way exempt himself from such full responsibility. Plans need not be redrawn by the successor professional engineer; however, justification for such action must be available through well kept and complete documentation on the part of the successor professional engineer as to his having rethought and reworked the entire design process. A successor professional engineer must use his own title block, seal and signature and must remove the title block, seal and signature of the original professional engineer before reusing any sealed contract documents.

(2) Prior to sealing and signing work a successor professional engineer shall be required to notify the original professional engineer, his successors, or assigns by certified letter to the last known address of the original professional engineer of the successor's intention to use or reuse the original professional engineer's work. The successor professional engineer will take full responsibility for the drawing as though they were the successor professional engineer's original product.

Specific Authority 471.033(2) FS. Law Implemented 471.033(1)(j), 471.005(6) FS. History–New 8-25-87, Amended 4-21-88, 8-3-88, Formerly 21H-27.001.

CHAPTER 61G15-29
CERTIFICATION

61G15-29.001 Certification Definition, Procedures, Prohibitions.

61G15-29.001 Certification Definition, Procedures, Prohibitions.

(1) The term "Certification" as used herein shall be as set forth in Rule 61G15-18.011(4), F.A.C.

(2) When an engineer is presented with a certification to be signed, dated, and sealed, he or she shall carefully evaluate that certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these circumstances would apply, that engineer shall either: (a) modify such certification to limit its scope to those matters which the engineer can properly sign, date, and seal, or (b) decline to sign, date and seal such certification.

(3) Engineers who sign, date and seal certifications which: (a) relate to matters which are beyond the engineer's technical competence, or (b) involve matters which are beyond the engineer's scope of services actually provided, or (c) relate to matters which were not prepared under engineer's responsible supervision, direction, or control; would be subject to discipline pursuant to subsection 61G15-19.001(6), F.A.C.

Rulemaking Authority 471.008 FS. Law Implemented 471.025(3), 471.033(1)(j) FS. History–New 1-16-91, Formerly 21H-29.001, Amended 4-2-12, 8-20-12.

CHAPTER 61G15-30

RESPONSIBILITY RULES COMMON TO ALL ENGINEERS

61G15-30.001 Purpose.
61G15-30.002 Definitions Common to All Engineer's Responsibility Rules. 61G15-30.003 Engineering Document Classification.
61G15-30.004 Engineering Document Submittal to Public Agencies. (Repealed)
61G15-30.005 Request for and Review of Delegated Engineering Documents.
61G15-30.006 Delegated Engineer's Responsibility.
61G15-30.007 Prime Professional's Responsibility. 61G15-30.008 Use of Computer Software and Hardware. 61G15-30.009 Retention of Engineering Documents.

61G15-30.001 Purpose.

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering

and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question. Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., or the stated purpose of these responsibility rules. These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, the courts, and local jurisdictions.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History–New 1-26-93, Formerly 21H-30.001, Amended 11-13-08.

61G15-30.002 **Definitions Common to All Engineer's Responsibility Rules.**

(1) Engineer of Record. A Florida professional engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for any engineering service or creative work.

(2) Prime Professional. A Florida professional engineer or a duly qualified engineering corporation or partnership, who is engaged by the client to provide any planning, design, coordination, arrangement and permitting for the project and for construction observations in connection with any engineering project, service or creative work. The prime professional engineer may also be an engineer of record on the same project.

(3) Delegated Engineer. A Florida professional engineer who undertakes a specialty service and provides services or creative work (delegated engineering document) regarding a portion of the engineering project. The delegated engineer is the engineer of record for that portion of the engineering project. A delegated engineer usually falls into one of the following categories:

(a) An independent consultant.

(b) An employee or officer of an entity supplying components to a fabricator or contractor, so long as the engineer acts as an independent consultant or through a duly qualified engineering corporation.

(c) An employee or officer of a fabricator or contractor, so long as the engineer acts as an independent consultant or through a duly qualified engineering corporation.

(4) Engineering Documents. Engineering documents are designs, plans, specifications, drawings, prints, reports, or similar instruments of service in connection with engineering services or creative work that have been prepared and issued by the professional engineer or under his responsible supervision, direction or control.

(5) Delegated Engineering Documents. Delegated engineering documents are those engineering documents that are prepared by a delegated engineer.

(6) Public Record. An engineering document is "filed for public record" when said document is presented with the engineer of record's knowledge and consent to any federal, state, county, district, authority, municipal or other governmental agency in connection with the transaction of official business with said agency.

(7) "Engineering Documents Prepared for Public Record" are those documents filed for public record with

the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.
(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.
(b)) Listing of the sources and basis of information used in the preparation of the Documents.
(c) Statement that the Documents are believed to be correct to the best of the engineer's knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002, Amended 11-13-08.

61G15-30.003 Minimum Requirements for Engineering Documents.

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code, adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.
(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.
(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.
(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.
(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.
(4) Engineering drawings shall be legible and clearly define and delineate the work in the project. They must also comply with Chapter 61G15-23, F.A.C., Seals.
(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History–New 1-26-93,

Formerly 21H-30.003, Amended 11-13-08.

61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record.

(1) An engineer of record who delegates a portion of his responsibility to a delegated engineer is obligated to communicate in writing his engineering requirements to the delegated engineer.

(2) An engineer of record who delegates a portion of his design responsibility to a delegated engineer shall require submission of delegated engineering documents prepared by the delegated engineer and shall review those documents for compliance with his written engineering requirements and to confirm the following:

(a)) That the delegated engineering documents have been prepared by an engineer.

(b) That the delegated engineering documents of the delegated engineer conform with the intent of the engineer of record and meet the written criteria.

(c) That the effect of the delegated engineer's work on the overall project generally conforms with the intent of the engineer of record.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.005.

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record.

(1) It is the delegated engineer's responsibility to review the Engineer of Record's written engineering requirements and authorization for the delegated engineering document to determine the appropriate scope of engineering.

(2) The delegated engineering document shall comply with the written engineering requirements received from the engineer of record. They shall include the project identification and the criteria used as a basis for its preparation. If a delegated engineer determines there are details, features or unanticipated project limits which conflict with the written engineering requirements provided by the engineer of record, the delegated engineer shall timely contact the engineer of record for resolution of conflicts.

(3) The delegated engineer shall forward the delegated engineering document to the engineer of record for review. All final delegated engineering documents require the impressed seal and signature of the delegated engineer and include:

(a)) Drawings introducing engineering input such as defining the configuration and structural capacity of structural components and/or their assembly into structural systems.

(b) Calculations.

(c) Computer printouts which are an acceptable substitute for manual calculations provided they are accompanied by sufficient design assumptions and identified input and output information to permit their proper evaluation. Such information shall bear the impressed seal and signature of the delegated engineer as an indication that said engineer has accepted responsibility for the results.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.006.

61G15-30.007 Prime Professional's Responsibility.

It is the responsibility of the prime professional engineer, where one exists, to retain and coordinate the services of such other professionals as needed to complete the services contracted for the project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.007, Amended 11-13-08.

61G15-30.008 Use of Computer Software and Hardware.

The engineer shall be responsible for the results generated by any computer software and hardware that he or she uses in providing engineering services.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.008.

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, which is legible to the reader, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in hardcopy or electronic format.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New 5-9-04, Amended 11-13-08, 8-26-13.

61G15-30.010 Energy Conservation Compliance.

The engineer who prepares the compliance calculations, and certifies the accuracy thereof, shall verify that the building construction documents conform to compliance calculations. Data used in calculations shall be under the signature, date and seal of the responsible design professionals. The Engineer of Record for energy conservation compliance calculations shall retain the signed, dated and sealed data as provided for in Rule 61G15-30.009, F.A.C., Retention of Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS History–New 11-13-08.

CHAPTER 61G15-31

RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF STRUCTURES

61G15-31.001 General Responsibility. 61G15-
31.002 Definitions.
61G15-31.003 Design of Structures Utilizing Prefabricated Wood Trusses.
61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.
61G15-31.005 Design of Structures Utilizing Precast and Prestressed Concrete Components. 61G15-
31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joists Girders. 61G15-31.007 Design of Metal Building Systems.
61G15-31.008 Design of Foundations.
61G15-31.009 Design of Structural Steel Systems.

61G15-31.001 General Responsibility.

The Engineer of Record is responsible for all structural aspects of the design of the structure including the design of all of the structure's systems and components. As noted herein the engineer of record may delegate responsibility for the design of a system or component part of the structure to a delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record's structural engineering documents shall identify delegated systems and components. Both the Engineer of Record for the structure and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein. The Engineer of Record for the Structural System(s) shall provide design requirements in writing to the delegated engineer if one is used

and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information collected from the engineer or the engineer's authorized representative from a site visit is part of the engineer's deliverative process, the engineer is responsible for the accuracy of such information.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-31.001, Amended 9-28-10.

61G15-31.002 Definitions.

(1) Engineer of Record. The Florida licensed professional engineer who develops the overall structural design and the structural design criteria for the structure, and is responsible for the preparation of the structural engineering documents.

(2) Structural Component. An individual structural member or element designed to be part of the structure or structural system. This definition of component should not be confused with any other published definitions.

(3) Structure. The entity to be built.

(4) Structural System. A portion of a structure comprising an assembly of structural components which carry and transmit loads.

(5) Structural Engineering Documents. The structural drawings, specifications and other documents setting forth the overall design and requirements for the construction, alteration, repair, removal, demolition, arrangement and/or use of the structure, prepared by and signed and sealed by the engineer of record for the structure. Structural engineering documents shall identify the project and specify design criteria both for the overall structure and for structural components and structural systems. The drawings shall identify the nature, magnitude and location of all design loads to be imposed on the structure. The structural engineering documents shall provide construction requirements to indicate the nature and character of the work and to describe, detail, label and define the structure's components, systems, materials, assemblies, and equipment.

(6) Structural Submittals. Submittals required by the structural engineering documents which do not require the seal of a professional engineer, such as:

(a) Drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input such as reinforcing steel shop drawings, and structural steel, steel joist and joist girder erection drawings.

(b) Catalog information on standard products not fabricated for a specific project.

(7) Structural Delegated Engineering Documents. Documents prepared by a delegated engineer to whom the engineer of record for the structure has delegated responsibility for the design of a structural component or system.

(8) Specialty Engineer. A licensed professional engineer, who is not the structural engineer of record, who provides engineering criteria or designs necessary for the structure to be completed. The specialty engineer may be a delegated engineer.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History–New 1-26-93, Formerly 21H-31.002, Amended 10-19-97, Amended 9-28-10.

61G15-31.003 Design of Structures Utilizing Prefabricated Wood Trusses.

(1) When a Structural Engineer of Record and a Delegated Engineer exist as may be determined by applicable Florida law, the apportionment of responsibilities between the Structural Engineer of Record and a Delegated Engineer shall be as set forth in Chapter 2 of ANSI/TPI 1-1995, wherein the Structural

Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Designer as those terms are defined in said standard.
(2) The Structural Engineer of Record shall provide design requirements in writing to the Delegated

Engineer and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C.

(3) For the purposes of this rule, the following definitions shall apply:

(a) "Truss System" shall mean an assemblage of trusses and truss girders, together with all bracing, connections, and other structural elements and all spacing and locational criteria, that, in combination, function to support the dead, live and wind loads applicable to the roof of a structure with respect to a Truss System for the roof, and the floor of a structure with respect to a Truss System for the floor. A Truss System does not include walls, foundations, or any other structural support systems.

(b) "Truss System Engineer" shall mean an engineer who designs a Truss System.

(c) "Truss Design Engineer" shall mean an engineer who designs individual trusses, but does not design a Truss System.

(4) An engineer is a Truss System Engineer if he designs a Truss System. Each of the drawings in the Truss System design package for the Truss System shall include a title block bearing the printed name, address, and license number of the Truss System Engineer and the date of the drawing. The design documentation prepared by the Truss System Engineer shall also include a truss placement plan for the Truss System, showing the location and designation of each truss. Said design documentation for the Truss System shall be signed and sealed by the Truss System Engineer. The cover or index sheet of the Truss System design package may be signed and sealed in lieu of signing and sealing each individual sheet, provided that the cover or index sheet contains the following information:

(a) The name, address and license number of the Structural Engineer of Record, if there is one, and the name, address and license number of the Truss System Engineer.

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

(c) Identification of the applicable building code and chapter(s) that the Truss System design is intended to meet, the engineering design criteria relied upon in designing the Truss System and the truss design loading.

(d) Identification of any computer program used for engineering the Truss System.

(e) An index of the attached Truss System design drawings. The naming and numbering system utilized for the drawings shall be clear as to how many drawings there are in the set and the date and sequence number of each of these drawings shall be included.

(5) An engineer is a Truss Design Engineer if he designs individual trusses, but does not design the Truss System. Each of the drawings in the truss design package for individual trusses shall include a title block bearing the printed name, address, and license number of the Truss Design Engineer and the date of the drawing. The Truss Design documents prepared by the Truss Design Engineer shall be signed and sealed by the Truss Design Engineer. The cover or index sheet of the truss design package may be signed and sealed in lieu of signing and sealing each individual sheet, provided that the cover or index sheet contains the following information:

(a) The name, address and license number of the Structural Engineer of Record, if there is one, and the name, address, and license number of the Truss Design Engineer.

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

(c) Identification of the applicable building code and chapter(s) that the truss design is intended to meet, the engineering design criteria relied upon in designing the trusses and the truss design loading.

(d) Identification of any computer program used for engineering the trusses.

(e) An index of the attached truss design drawings. The naming and numbering system utilized for the drawings shall be clear as to how many drawings there are in the set and the date and sequence number of each of these drawings.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-31.003, Amended 6-16-99, 3-21-01, 4-30-03.

61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.

(1) Structural engineering documents shall show the complete structural configuration and loading requirements of the post-tensioned system including: member sizes, type of post-tensioning system, location of all prestressing tendons (in plans and elevation), magnitude of all prestressing forces, and all design assumptions. Structural engineering documents shall also show all required non post-tensioned reinforcing steel including size, spacing, and lengths required for the post-tensioned system.

(2) If the engineer of record (EOR) elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the post-tensioning system, the EOR shall require the submission of installation drawings for review. Calculations shall also be submitted by the delegated engineer which show sufficient information to document that the number and size of tendons provided are adequate to carry all loads shown on the structural engineering documents. The member dimensions and tendon directions shall match those on the structural engineering documents, unless otherwise agreed to with the EOR, via modified structural engineering documents. Installation drawings shall include the following as a minimum: identification of all the structural elements designed by the delegated engineer, all details of post-tensioned and non post-tensioned materials to be used including necessary accessories, and instructions for construction. If the delegated engineer utilizes or requires any additional reinforcing to maintain the member sizes shown on the structural engineering documents, the delegated engineer shall inform the EOR. If any moments, shears or axial loads are required for the lateral force resisting system the EOR shall provide them to the delegated engineer for inclusion in the preparation of the delegated engineering documents. All forces imposed on the load supporting members from the post-tensioned system shall be reported to the EOR. The installation drawings and calculations shall bear the seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the EOR for the structure.

(3) It is the responsibility of the EOR for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design.

(4) The effect of post-tensioning on other parts of the structure is the responsibility of the EOR.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History–New 1-26-93, Formerly 21H-31.004, Amended 9-28-10, 2-28-16.

61G15-31.005 Design of Structures Utilizing Precast and Prestressed Concrete Components.

(1) Structural engineering documents shall indicate the configuration of precast and prestressed components and shall include details of supports, anchors and connections for those components.

(2) If the engineer of record elects to delegate responsibility for the design of precast or prestressed concrete components, or structural systems utilizing those components, to a delegated engineer, the engineer of record shall require structural delegated engineering documents for review. Structural delegated engineering documents shall bear the impressed seal, date, and signature of the delegated engineer and shall be reviewed by the Engineer of Record as an indication that the intent has been understood and that the specified criteria have been used.

(3) Structural delegated engineering documents shall include component details, calculations, and fabrications and erection drawings. All such submittals shall identify the specific project. The effect of

precast and prestressed concrete members on other parts of the building is the responsibility of the engineer of record.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly

21H-31.005, Amended 9-28-10.

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the Structural Engineering Documents the steel joist and joist girder designations as required in Section 2207 of the Florida Building Code, Building, 5th Edition (2014), which is herein incorporated by reference, and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads. At the time of adoption, the copyrighted incorporated material will be available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Office of Codes and Standards, 1940 North Monroe Street, Room 90, Tallahassee, Florida 32399-0772.

(2) The Engineer of Record is responsible for reviewing the steel joist and joist girder manufacturer's designs, as required in subsection (1), above, per the Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations as an indication of compliance. When required to submit the steel joist and joist girder calculations, the Engineer of Record shall require the steel joist and joist girder manufacturer to submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal and signature of a Florida registered professional engineer responsible for design of the steel joist and joist girders.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History–New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, 1-4-16.

61G15-31.007 Design of Metal Building Systems.

(1) A metal building system is defined as an integrated set of components and assemblies that are specifically designed to form a complete structural system. This typically includes primary framing comprised of constant depth or web-tapered structural steel frames, secondary members that are cold-formed steel or steel joists, a metal panel roof system and exterior wall cladding. These components and assemblies are manufactured in a manner that permits plant and/or field inspection prior to assembly or erection.

(2) Structural engineering documents prepared by the engineer of record shall reflect the design criteria for the metal building system as required in subsection 61G15-31.002(5), F.A.C. They shall indicate all openings, concentrated loads and other special requirements. Foundation conditions assumed in the design shall be indicated as well as the location and magnitude of building reactions on that foundation under all design conditions.

(3) The engineer of record may delegate responsibility of the design of the metal building system to a delegated engineer requiring submittal of structural delegated engineering documents.

(4) Structural delegated engineering documents shall identify the project and list loading and other design criteria. Structural delegated engineering documents shall include erection drawings which indicate in detail the construction of the structure used for the specific project. The structural delegated engineering documents shall indicate all connection details, openings and other special details. They shall show the magnitude and location of building reactions on the foundation under all design conditions. Calculations shall be provided, if requested by the engineer of record, to prove the design is in compliance with the written engineering requirements for the specific project. Structural delegated engineering documents shall bear the signature, date, and impressed seal of the Florida licensed delegated engineer.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-31.007, Amended 9-28-10.

61G15-31.008 Design of Foundations.

(1) The structural engineering documents shall designate the foundation capacity used as the basis of design and shall include data indicating the nature of the foundation and sub-grade material.

(2) Site and sub-grade preparation requirements, necessary to provide the foundation capacity, shall be specified in the structural engineering document(s).

(3) The foundation capacity and site preparation requirements shall be determined on the basis of scientific analysis utilizing investigations, tests or studies conducted for or provided by the engineer of record for the structure or by a licensed professional engineer, in accordance with code procedures.

(4) The engineer of record is responsible for the design of foundation components and shall take into account anticipated loads and load paths along with the evaluation of any existing structural conditions.

(5) The engineer of record may delegate the design of certain components of the foundation, such as piles and retaining walls, to a delegated engineer. Structural delegated engineering documents for these components, signed, sealed and dated by the delegated licensed professional engineer, shall be submitted to the engineer of record.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-31.008, Amended 9-28-10.

61G15-31.009 Design of Structural Steel Systems.

(1) The engineer of record is responsible for all aspects of the structure's design including the design of components and connections.

(2) The engineer of record may detail all structural connections on the structural engineering documents and require fabrication and erection in accordance with these details.

(3) Alternately, the engineer of record may specify criteria for the design of the structural connections and identify the nature, magnitude, and location of all design loads to be supported by the connections in the structural engineering documents. The engineer of record may then delegate design responsibility for the selection or modification of the structural connections to a delegated engineer and require delegated engineering documents, which the engineer of record may require to be signed, sealed and dated by the delegated licensed professional engineer.

(4) The structural engineering documents may assign to the fabricator responsibility for implementing the design as specified and for maintaining fabrication and erection tolerances and for ensuring the fit and erectability of the structure.

(5) The fabricator shall forward fabrication and erection drawings for review by the engineer of record.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-31.009, Amended 9-28-10.

CHAPTER 61G15-32

RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF FIRE PROTECTION SYSTEMS

61G15-32.001 General Responsibility. 61G15-
32.002 Definitions.
61G15-32.003 Common Requirements to All Fire Protection Engineering Documents. 61G15-
32.004 Design of Water Based Fire Protection Systems.
61G15-32.005 Design of Gas Agent Fire Suppression Systems.
61G15-32.006 Design of Foam and Foam Water Fire Suppression Systems.
61G15-32.007 Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems.
61G15-32.008 Design of Fire Alarms, Signalling Systems and Control Systems.
61G15-32.009 Design of Fine Water Spray (Mist) Fire Suppression and Control Systems.

61G15-32.001 General Responsibility.

Fire protection engineering documents shall be prepared in accordance with applicable technology and the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the project. Both the Engineer of Record for the fire protection system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Fire Protection System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Fire Protection Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.001,

Amended 3-26-09.

61G15-32.002 Definitions.

(1) Engineer of Record for the Fire Protection System(s): The Florida Registered Professional Engineer who develops the Fire Protection System(s) design criteria; performs analysis as required: and is responsible for the preparation of the Fire Protection System Engineering Documents. Except to the limited extent provided in subsection 61G15-32.002(10), F.A.C., the Engineer of Record for the Fire Protection system(s) is responsible for providing sealed, signed and dated Fire Protection System Engineering Documents that are in full conformity with the applicable design standards set forth in Rule Chapter 61G15-32, F.A.C.

(2) Fire Protection Component: Any individual part, subsystem or device to be incorporated in a Fire Protection System.

(3) Fire Protection System: Any assembly of Fire Protection components, materials, equipment, which require design to form a fully functional fire protection system.

(4) Listed: A fire protection component tested by a nationally recognized fire protection equipment testing organization. Recognized organizations include Underwriters Laboratories, Inc. and Factory Mutual Research Corporation.

(5) Fire Protection System Engineering Documents: The fire protection system engineering drawings, specifications, prescriptive and performance criteria, water supply analysis and other materials or representations, which are submitted with the general construction documents pursuant to Section 553.79(6), F.S., that set forth the overall design requirements and provide sufficient direction for the contractor to layout the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire protection system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Protection System(s).

(6) Fire Protection System Layout Documents: Layout drawings, hydraulic calculations, catalog information on standard products, and other construction data prepared by the licensed contractor or Engineer of Record that provides detail on the location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations and also serves as a guide for fabrication and installation of a fire protection system. Fire Protection System Layout Documents are based upon engineering direction provided in the Fire Protection System Engineering Documents and require no additional engineering input. These documents do not require the seal of a Florida registered engineer.

(7) Codes and Standards: Those nationally recognized codes and standards adopted directly or by reference in Chapter 633, F.S., Florida Building Code (2007) and Florida Fire Prevention Code set forth in Chapter 69A-60, F.A.C. Applicable codes and standards also include those promulgated by State and local

authorities having jurisdiction. In the event the codes and standards fail to cover or address a specific protection requirement, alternative research, test results, and engineering data may be utilized, relying

on the Engineer of Record for Fire Protection to make an informed engineering decision. This definition is not intended to preclude the use of new technologies when said technology has been demonstrated to provide equivalent or improved protection above that of published National Fire Protection standards.
(8) Material Deviation: Any deviation from the design parameters established and documented by the Engineer of Record.
(9) Layout: The location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations based on engineering documents.
(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has contractually delegated responsibility for the design to be simultaneously submitted for permit of a discrete and limited portion of a fire protection system and which are signed, sealed and dated by the delegated engineer. These documents shall be reviewed and approved by the Engineer of Record for the Fire Protection System for conformity with the Engineer of Record's design intent and shall be included in the engineering design documents prepared prior to submittal for a building permit and Fire. Department installation permit, except when no building permit is required. When no building permit is required, the delegated engineering work bearing the seal of delegated engineer and approval of the Engineer of Record for the Fire Protection System shall be submitted together to the fire official for permitting.
Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93,

Formerly 21H-32.002, Amended 4-2-00, 6-26-01, 3-26-09, 10-11-10.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.
(1) The Fire Protection System Engineering Documents shall provide the engineering requirements to be used in the preparation of the Fire Protection System Layout Documents and to indicate the nature and scope of the work, and to describe, detail, dimension, label and define the Fire Protection Components, System(s), materials, assemblies, equipment and its structural and utility support system(s), insofar as they involve the safeguarding of life, health or property.
(2) The Fire Protection System Engineering Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available.
(3) The occupancy of the area or description of a specific hazard being protected by the Fire Protection System(s) shall be shown on the Fire Protection System Engineering Documents.
(4) The applicable code and standard to be used in the preparation of the Fire Protection System Layout Documents shall be shown on the Fire Protection System Engineering Documents. When codes and standards are not available or applicable, and said layout documents are to be based on engineering judgment, any reasons and assumptions made to develop the fire protection concept shall be identified on the Fire Protection System Engineering Documents.
(5) Structural support and structural openings required by the Fire Protection System shall be shown on the Fire Protection System Engineering Documents and shall be referenced on structural engineering documents.
(6) When layout documents contain material deviation from the Engineer of Record's Fire Protection System Engineering Document, such layout documents are not compliant unless they are accompanied by revised Engineering Documents made and sealed by the Engineer of Record for the Fire Protection System.
(7) Requirements for activation control systems, sequence, operating parameters, interlocks, safety related devices, indicators and alarms, shall be shown on the Fire Protection System Engineering Documents, unless shown on other related documents.

(8) Any information deemed appropriate by the Engineer of Record to assist the authority having jurisdiction in understanding the owner's intended use and proposed protection of the building or facility

and to provide sufficient direction to the installation contractor or other interested parties regarding the layout of the system(s), shall be included in the Fire Protection System Engineering Documents.
(9) Fire Protection Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.
Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93,

Formerly 21H-32.003, Amended 4-2-00, 6-26-01, 3-26-09.

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.

61G15-32.005 Design of Gas Agent Fire Suppression Systems.
(1) Gas Agent Fire Suppression Systems include, but are not limited to, CO_2, Halon, inerting and purge gases, and all other gaseous formulations and multi-phase agents released for the purpose of fire control or extinguishment.
(2) The Fire Protection System(s) design specifications shall be based on applicable NFPA standards when available, or alternative engineering sources and good engineering practice when required.
Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.005.

61G15-32.006 Design of Foam and Foam Water Fire Suppression Systems.
(1) Foam and Foam Water Fire Suppression Systems include local application, total flooding, high and low expansion foams, and foam-water sprinkler systems.
(2) The Fire Protection System design specifications shall be based on applicable NFPA standards, when available, or alternative engineering sources and good engineering practice when required.
Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.006.

61G15-32.007 Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems.
(1) Dry chemical and miscellaneous systems include, but are not limited to, dry chemical systems, explosion control systems, and fire control structures.
(2) The Fire Protection System design specifications shall be based on applicable NFPA standards, when available, or alternative engineering sources and good engineering practice when required.
Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.007.

61G15-32.008 Design of Fire Alarms and Detection Systems.
(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.
(2) The design specifications shall be based on the Florida Building Code (2007), the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.
(3) For fire alarm plans on small systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall specify the minimum system requirements.
(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:
(a) The plans shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. Indicate locations where fire ratings are required as determined by the system's survivability requirements. Identify the general occupancy of the protected property, and for each room and area unless it is clear from features shown.
(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include elevator controls smoke control

systems, dampers, and doors.
(c) Strobe intensity and speaker output ratings for all notification devices.
(d) Identify the Class and Style of circuits as listed in the NFPA 72.
(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.
(f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.
(g) Locate surge protective devices and required protective features.

(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.

(i) The plans shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

(j) In buildings were smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.

(k) Fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code (2007).

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties as defined in the Florida Building Code (2007).

(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

(5) In the event that the Engineer of Record elects to specify specific equipment and to show the required wiring, battery and voltage drop (circuit analysis) calculations shall be completed. The calculations shall be completed using the equipment manufacture's data and applicable NFPA 72 procedures.

(6) System test requirements shall be noted on the Engineering Design Documents.

(7) When the engineer determines that special requirements are required by the owner, insurance underwriter or local fire code amendments these requirements shall be documented or referenced on the Engineering Design Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.008,

Amended 3-26-09.

61G15-32.009 Design of Fine Water Spray (Mist) Fire Suppression and Control Systems.

(1) Fine water spray (mist) systems include water based fire suppression and control systems based on NFPA 750.

(2) The fire protection system(s) shall be based on applicable NFPA standards when available or on alternative engineering sources including full scale fire testing and good engineering practice when no applicable standard exists.

(3) Design of fine water spray systems requires specific knowledge of hazards, physical containment and fire dynamics. A "pre-engineered" listed system shall be installed only after the engineer of record has evaluated the project specific protected hazard.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History–New 4-2-00.

CHAPTER 61G15-33

RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF ELECTRICAL SYSTEMS

61G15-33.001 General Responsibility. 61G15-
33.002 Definitions.
61G15-33.003 Design of Power Systems. 61G15-
33.004 Design of Lighting Systems.
61G15-33.005 Design of Communications Systems.
61G15-33.006 Design of Alarm Systems.
61G15-33.007 Design of Lightning Protection Systems. 61G15-
33.008 Design of Grounding Systems.
61G15-33.009 Design of Instrumentation and Control Systems. (Repealed)

61G15-33.001 General Responsibility.

Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the electrical system and the delegated engineer if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Electrical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.001,

Amended 11-13-08.

61G15-33.002 Definitions.

(1) Engineer of Record for the Electrical Systems. The Florida professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) Electrical Component. An individual electrical device to be part of an electrical system.

(3) Electrical. Any device or mechanism that operates due to the action of electricity.

(4) Electrical System. Any system, assembly of electrical components, materials, utilities, equipment, work

system, machines, products or devices which require electrical energy in order to perform its intended function.
(5) Electrical Engineering Documents. All electrical drawings, specifications, reports, calculations, data and other documents utilized to establish the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or

recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in the Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code, in Chapter 69A-60, F.A.C.

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.002,

Amended 11-13-08.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics and protective device coordination.

(2) Electrical Engineering Documents applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution Riser Diagram with short circuit values.

(b) Conductor Ampacities (sizes) and insulation type.

(c) Circuit interrupting devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices.

(e) Main and distribution equipment, control devices, locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

(g) Circuitry of all outlets, equipment and devices.

(h) Load computations.

(i)) Electrical legends.

(j) Grounding and bonding.

(k) Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

(m) Installation and testing requirements of required emergency and standby power systems.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.003, Amended 11-13-08.

61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity rations, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, Chapter 13, Florida Building Code.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following:
(a)) Lighting fixture performance specifications and arrangements.

(b) Emergency Lighting, egress and exit lighting.
(c) Exit Lighting.
(d)) Lighting control and circuiting.
(e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.004,

Amended 11-13-08.

61G15-33.005 Design of Communications Systems.

(1) Communications systems are utilized to convey voice and data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems and applicable standards and regulatory requirements.
(2) Electrical Engineering documents for communications systems shall, at a minimum, indicate the following:
(a) System riser diagram for each cabling system.
(b)) Equipment legend.
(c) Cabling type and performance data of the transmission.
(d) Device type and locations.
(e) Backup power sources where applicable.
(f) Installation, identification and testing requirements.
(g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.005,

Amended 11-13-08.

61G15-33.006 Design of Alarm and Signaling Systems.

(1) Alarm and signaling systems include motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See Rule 61G15-32.008, F.A.C., for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on standards set forth in NFPA 72, the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.
(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:
(a) Description of the control system functions, or a functional diagram.
(b)) Equipment legend.
(c) System riser diagram.
(d) Cabling and conductor types and requirements.
(e) Installation, identification and testing requirements.
(f) Back-up power.
(g) Location and characteristics of surge protective devices.
(h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.
(i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems

as intended over time.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.006, Amended 11-13-08.

61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

(a)) Lightning Risk Assessment.
(b) Air terminals height and spacing.
(c) Corrosion protection measures.
(d) Arrangement of Main and Down conductors.
(e) Grounding points and spacing.
(f) Conductor type and size.
(g)) Legend.
(h)) Testing requirements of grounds.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.007,

Amended 11-13-08.

61G15-33.008 Design of Grounding Systems.

(1) Grounding Systems are passive systems used to establish an electrical potential reference point in an electrical system for the proper dissipation of energy in case of abnormal or transient conditions.

(2) Electrical Engineering Documents for grounding systems shall indicate at a minimum the following:

(a) Type and location of grounding electrodes.
(b) Bonding requirements.
(c) Testing requirements.
(d) Conductor material type, size and protection requirements.
(e) Connections of separate grounding systems, bonded, and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.008,

Amended 11-13-08.

61G15-33.010 Certification of Electrical Systems of Public Interest.

(1) The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(2) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

(a)) Energy efficiency and conservation tabulations, statements or calculations.

(b)) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(c) Light /noise /product specifications that indicate conformance with community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS. History–New 11-13-08.

Chapter 61G15 Rule Changes this Biennium Cycle 2015 - 2017

CHAPTER 61G15-34 MECHANICAL SYSTEMS

61G15-34.001 General Responsibility. 61G15-
34.002 Definitions.
61G15-34.003 Design of Heating Ventilation and Air Conditioning Systems.
61G15-34.004 Design of Process and Fluid Flow Systems.
61G15-34.005 Design of Heat and Energy Transfer Systems.
61G15-34.006 Design of Material and Human Transfer Systems.
61G15-34.007 Design of Plumbing Systems.
61G15-34.008 Design of Mechanical Machines and Motion Systems. 61G15-
34.009 Design of Instrumentation and Control Systems.

61G15-34.001 General Responsibility.

Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards for a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of mechanical work and shall describe, label and define the required mechanical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the Mechanical System and the Delegated Engineer if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the specific rules contained herein. The Engineer of Record for the Mechanical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Mechanical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

61G15-34.002 Definitions.

(1) Engineer of Record for the Mechanical Systems. The Florida Professional Engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for mechanical systems design criteria or performs the analysis and is responsible for the preparation of the mechanical documents for the project.

(2) Mechanical Component. Any individual device to be part of a mechanical system.

(3) Mechanical. Any device or mechanism that operates due to the action of the material forces in nature acting on bodies or masses.

(4) Mechanical System. Any assembly of mechanical components, materials, equipment, work systems, machines, products or devices which require design in accordance with mechanical engineering standards

in order to perform its intended function.
(5) Mechanical Engineering Documents. All mechanical drawings, specifications, reports, calculations,

data and other documents utilized to establish the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the mechanical system(s) or analysis or recommendations, as prepared by the Engineer of Record for the mechanical system. Mechanical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Mechanical Shop Drawings. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code set forth in Chapter 69A-60, F.A.C.

(8) Mechanical Delegated Engineering Documents. Mechanical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Mechanical System has delegated responsibility for the design of a mechanical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 2-5-96, 11-13-08.

61G15-34.003 Design of Heating, Ventilation and Air Conditioning Systems.

(1) Heating, Ventilating and Air Conditioning (HVAC) Systems include those systems that control the temperature, humidity, or mechanical ventilation of a particular space or building.

(2) All HVAC systems shall be designed in accordance with the Florida Codes, and reference standards as adopted by the authority having jurisdiction.

(3) The Engineer of Record shall determine the level of detail shown on plans for an HVAC system for mechanical engineering plans pertaining to HVAC systems exempted by the threshold requirements for mandatory use of professional engineering services. All such plans shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor.

(4) For Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans shall indicate the following:

(a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design.

(b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.

(c) Floor plans; site plans; and building and mechanical system elevations as appropriate.

(d)) Outside (fresh) air make-up conditions.

(e) Cooling coil requirements based on sensible heat, latent heat and total heat gains.

(f) Heating equipment requirements.

(g)) Outside and inside design dry and wet bulb conditions.

(h)) Exhaust riser diagrams on buildings more than three stories when ductwork travels vertically.

(i)) Outside air riser diagrams on buildings more than three stories when ductwork travels vertically.

(j) Process flow diagrams with pipe sizes and fluid flow quantities.

(k) Condensate discharge piping layout with pipe sizes.

(l) Instrumentation and Control System diagrams and sequence of operation.

(m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.
(n) All data needed to complete the Florida Energy Code calculations as applicable.
(o) A list of referenced NFPA Standards and layouts of all required fire protection devices and systems.
(p) Building pressurization criteria.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

61G15-34.004 Design of Process and Fluid Flow Systems.

(1) Process and Fluid Flow Systems are those systems that are designed to move fluids either by pumps, fans, or gravity as part of an industrial, commercial, or cogeneration process. Items to be included in the design of these systems are fluid type and characteristics, fluid flow quantities, fluid pressure head, pump type, fan type, piping specifications, ductwork, specifications and process type.
(2) Mechanical documents applicable to fluid flow systems shall at a minimum include the following:
(a) Equipment schedule for each piece of mechanical equipment including fluid type and characteristics, system pressure head and flow requirements, and electrical or fuel requirements.
(b) Floor plans, site plans, and building and system elevations.
(c) Process flow diagrams with pipe or ductwork layout.
(d) System piping or ductwork layout.
(e) Specific system design requirements to allow for independent project review.
(f)) List of NFPA, ASHRAE, ASME, ANSI or other applicable design standards and requirements.
(g) Instrumentation and Control Diagrams and sequence of operation.
(h)) Required fire protection systems and devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94.

61G15-34.005 Design of Heat and Energy Transfer Systems.

(1) Heat and Energy Transfer Systems are those systems that are designed to transfer heat or energy from one fluid to another, as part of an industrial, commercial, or cogeneration process. Items to be included in the design of these systems are fluid type and characteristics, fluid flow quantities, fluid pressure head, pump type, fan type, heat exchanger type, piping specification, ductwork specification, and process type.
(2) Mechanical documents applicable to heat and energy transfer systems shall at a minimum include the following:
(a) Equipment schedule for each piece of mechanical equipment including fluid type and characteristics, system pressure head and flow requirements, and electrical or fuel requirements.
(b) Floor plans, site plans, and building and systems elevations.
(c) Process flow diagrams with pipe or ductwork sizes.
(d) System piping or ductwork layout.
(e) Specific system design requirements to allow independent project review.
(f)) List of NFPA, ASHRAE, ASME, ANSI or other applicable design standards and requirements.
(g) Instrumentation and Control Diagrams and sequence of operation.
(h)) Required fire protection systems and devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94.

61G15-34.006 Design of Material and Human Transfer Systems.

(1) Material and Human Transfer Systems are those systems that are designed to move materials or humans from one place to another as a part of an industrial or commercial process.

(2) Mechanical documents applicable to material and human transfer systems shall at a minimum include the following:

(a) Equipment schedule items to be included in the design of these systems are material type and

characteristics, material flow quantities, material or human weight, conveyor types, elevator types, electrical and hydraulic requirements, and ventilation requirements.
(b) Floor plans, site plans, and building and system elevations.
(c) Process flow diagrams with appropriate system sizing information.
(d) System conveyor and/or elevator layout.
(e) Specific system design requirements to allow for independent project review.
(f)) List of NFPA, ASHRAE, ASME or other applicable design codes, standards, and requirements.
(g) Instrumentation and Control Diagrams and sequence of operation.
(h)) Required fire protection systems and devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94.

61G15-34.007 Design of Plumbing Systems.

(1) Plumbing systems are those systems within a building that convey fluids and gases generally as required by building codes.
(2) Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following:
(a)) Equipment schedules for all plumbing fixtures, water heaters, boilers, pumps, grease traps, septic tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains.
(b) Floor plans, site plans, and building and plumbing system elevations are appropriate.
(c) Potable Water isometric diagrams with pipe sizes and total water fixture units.
(d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units.
(e) Storm riser diagrams with pipe sizes and cumulative drain area square footages.
(f) Cold water, hot water, sanitary, and storm drainage piping layouts.
(g) System isometrics and flow diagrams of other fluids and gases.
(h) Design data for septic tank, grease trap(s), drain field sizing, when applicable.
(i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements.
(j) Design shall be in accordance with handicap requirements adopted by the authority having jurisdiction.
(k) Instrumentation and Control Diagrams and sequence of operation.
(l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings.
(m) Materials for all plumbing systems shall be specified.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

61G15-34.008 Design of Mechanical Machines and Motion Systems.

(1) Mechanical Machines and Motion Systems include any and all mechanical systems, devices, machines and equipment used by the public for conveyance, amusement, transportation, or facilitation of any process. These systems would include elevators, escalators, moveable walkways, amusement park rides, etc. Items to be included in the design of these systems include Building Code and permitting requirements, electrical requirements, hydraulic requirements, gear and drive sizes and materials, instrumentation and controls, handicap requirements, structural requirements, operating dynamics requirements.
(2) Mechanical documents applicable to mechanical machines and motion systems shall at a minimum include the following:
(a) Equipment schedule for each piece of mechanical equipment including material type and

characteristics, systems weight loading requirements and electrical and hydraulic requirements.
(b) Floor plans, site plans, and building and system elevations.
(c) System diagrams and schematics with appropriate system sizing information.

(d) System layout and design requirements.
(e) Specific system design requirements to allow for independent project review.
(f)) List of NFPA, ASHRAE, ASME, ANSI or other applicable design codes, standards, and requirements.
(g) Instrumentation and Control Diagrams and sequence of operation.
(h)) Required fire protection systems and devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94.

61G15-34.009 Design of Instrumentation and Control Systems.

(1) Instrumentation and Control Systems are used to automate processes, control and monitor HVAC systems, and monitor fire protection systems where applicable. Items to be included in the design of control systems are reliability of control of critical processes, design parameters of systems being controlled, safety of personnel, suitability of instruments and control devices in the environment in which they are to be installed, Building Code requirements, NFPA requirements, ASHRAE design standards for HVAC systems.

(2) Mechanical Engineering documents for instrumentation and controls shall indicate, at a minimum, the following:

(a)) A description of the control systems functions, or a functional diagram.
(b) Specification of control instruments and their location.
(c) Floor plans showing the location of major control components.
(d) Control and Process System Diagrams.
(e) Electrical requirements including conductors and cables (may be on electrical drawings).
(f) Sequence of operation for each system.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94.

CHAPTER 61G15-35

RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS PROVIDING THRESHOLD BUILDING INSPECTION

61G15-35.001 General Responsibility. (Repealed)
61G15-35.002 Definitions. (Repealed)
61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.
61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services.

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 (3) years of experience in performing structural field inspections on threshold buildings and two (2) 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 (7) 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 (5) years of experience in performing structural field inspections on Threshold Buildings within the preceding seven (7) years prior to submission of the application and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C.

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(10/15) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/TBI/006 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at https://www.flrules.org/Gateway/reference.asp?No=Ref-06472.

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

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

1. Name;
2. Florida license number;
3. 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.

(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, 2-28-16, 6-6-16.

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 the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective July 1, 2016, those qualifications shall include:

(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 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 of 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) instructural 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 soil 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, 12-23-15.

CHAPTER 61G15-36 PRODUCT EVALUATION

61G15-36.001 General Responsibility.
61G15-36.002 Definitions.
61G15-36.003 Common Requirements to All Product Evaluation Documents.

61G15-36.001 General Responsibility.

Product evaluation documents define procedures, materials, devices, fabrication and methods of construction and installation of a product or standardized group of products. The product(s) that are the subject of the product evaluation will comply with the building codes listed in the documents when used in accordance with the product evaluation documents. The evaluation shall be based upon an engineering analysis of the assembly or system consisting of tested, listed or approved components. The engineer of record and delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules and the requirements of the more specific structural responsibility rules.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033, 553.842(6) FS. History–New 11-15-01.

61G15-36.002 Definitions.

(1) Product. A manufactured product or system required to be approved and certified as, for the purpose intended, at least equivalent of that required by the standards specified by the Florida Building Code or by a local authority having jurisdiction.

(2) Product Evaluation Documents. Engineering documents that define procedures, materials, devices, fabrication and methods of construction and installation of a product or standardized group of products, through product evaluation or rational analysis, with the objective of obtaining approval from the authority having jurisdiction of that product for installation. Product evaluation documents shall be generic and do not include documents prepared for a site specific project.

(3) Contractor. The Florida licensed contractor who pulls the permit for construction of a project into which the product is to be incorporated. The contractor is responsible for the selection, purchase and installation of the product.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033, 553.842(6) FS. History–New 11-15-01.

61G15-36.003 Common Requirements to All Product Evaluation Documents.

(1) The product evaluation for various sizes and design capacities shall be specific for each size and design capacity listed.

(2) The documents shall include engineering data presented in a manner that facilitates the application of the product at the project site. The documents shall be annotated to the effect that alterations or additions to the document are not permitted.

(3) The documents shall state under which conditions the product evaluation is suitable to be applied by the Contractor or under which conditions the product evaluation is only for use by a licensed engineer or architect acting as a Delegated Engineer. The requirements for submission of delegated engineering documents found in subsection 61G15-30.005(2), F.A.C., may be waived at the option of the engineer who prepares the product evaluation documents.

(4) The documents shall comply with Chapter 61G15-23, F.A.C., regarding seals and shall bear the original seal, signature and date or shall meet the procedure for signing and sealing electronically transmitted plans, specifications, reports or other documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033, 553.842(6) FS. History–New 11-15-01.

CHAPTER 61G15-37

FLORIDA ENGINEERS MANAGEMENT CORPORATION

61G15-37.001 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 Laws and Rules

Chapter Three -Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium.

Chapter 455 Index

CHAPTER 455
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455.01 Definitions.—As used in this chapter, the term:

(1) "Board" means any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department, including the Florida Real Estate Commission; except that, for ss. 455.201-455.245, "board" means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Certified Public Accounting, the Division of Professions, or the Division of Real Estate.

(2) "Consumer member" means a person appointed to serve on a specific board or who has served on a specific board, who is not, and never has been, a member or practitioner of the profession, or of any closely related profession, regulated by such board.

(3) "Department" means the Department of Business and Professional Regulation.

(4) "License" means any permit, registration, certificate, or license issued by the department.

(5) "Licensee" means any person issued a permit, registration, certificate, or license by the department.

(6) "Profession" means any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.

History.—s. 1, ch. 21885, 1943; s. 1, ch. 28215, 1953; s. 12, ch. 63-195; s. 2, ch. 65-170; s. 27, ch. 67-248; s. 3, ch. 67-409; s. 1, ch. 67-596; s. 121, ch. 71-355; s. 122, ch. 73-333; s. 5, ch. 79-36; s. 123, ch. 79-164; s. 2, ch. 84-70; s. 9, ch. 91-220; s. 4, ch. 92-149; s. 5, ch. 93-220; s. 1, ch. 96-291; s. 3, ch. 97-261; s. 109, ch. 2000-153; s. 23, ch. 2000-160.

Note.—Former s. 485.01.

455.017 Applicability of this chapter.— This chapter applies only to the regulation of professions by the department.

History.—s. 60, ch. 94-218; s. 4, ch. 2010-106.

455.02 Licensure of members of the Armed Forces in good standing and their spouses with administrative boards.—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after discharge from active duty as a member of the Armed Forces of the United States, if he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.

(2) The boards listed in s. 20.165 shall adopt rules that exempt the spouse of a member of the Armed Forces of the United States from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

(3)(a) The department may issue a temporary professional license to the spouse of an active duty member of the Armed Forces of the United States if the spouse applies to the department in the format prescribed by the department. An application must include proof that:

1. The applicant is married to a member of the Armed Forces of the United States who is on active duty.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law [1] Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-[2] subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) An application must be accompanied by an application fee prescribed by the department that is sufficient to cover the cost of issuance of the temporary license.

(c) A temporary license expires 6 months after the date of issuance and is not renewable.

History.—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182.

[1]**Note.**—The word "is" was substituted by the editors for the word "are," which was enacted by s. 5, ch. 2010-106. Section 4, ch. 2010-182, enacted the words "has been" instead of the word "are."

[2]**Note.**—As enacted by s. 4, ch. 2010-182. Subsection (3) was also added by s. 5, ch. 2010-106, and that version did not use the phrase "submitted pursuant to sub-subparagraph a." **Note.**—Former s. 485.02.

455.10 Restriction on requirement of citizenship.—No person shall be disqualified from practicing an occupation or profession regulated by the state solely because he or she is not a United States citizen.

History.—ss. 1, 2, 3, ch. 72-125; s. 1, ch. 74-37; s. 1, ch. 77-174; s. 5, ch. 79-36; s. 187, ch. 97-103. **Note.**—Former s. 455.012.

455.11 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all Florida citizens may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations for a professional or occupational license which shall be administered in

the English language unless 15 or more such applicants request that said reexamination be administered in their native language. In the event that such reexamination is administered in a foreign language, the full cost to the board of preparing and administering same shall be borne by said applicants.

(3) Each board within the department shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

History.—ss. 1, 3, ch. 77-255; s. 5, ch. 79-36; s. 194, ch. 79-400; s. 5, ch. 92-149; s. 61, ch. 94-218. **Note.**—Former s. 455.016.

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(1) Administrative Trust Fund.

(2) Alcoholic Beverage and Tobacco Trust Fund.

(3) Cigarette Tax Collection Trust Fund.

(4) Hotel and Restaurant Trust Fund.

(5) Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.

(6) Pari-mutuel Wagering Trust Fund.

(7) Professional Regulation Trust Fund.

History.—s. 8, ch. 93-220; s. 44, ch. 96-418; s. 22, ch. 2008-240; s. 1, ch. 2011-30; s. 2, ch. 2012-143.

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.

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

455.117 Sale of services and information by department.—The department may provide, directly or by contract, services and information to other levels of government and private entities.

History.—s. 9, ch. 93-220.

455.201 Professions and occupations regulated by department; legislative intent; requirements.—

(1) It is the intent of the Legislature that persons desiring to engage in any lawful profession regulated by the department shall be entitled to do so as a matter of right if otherwise qualified.

(2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) It is further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the department shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law.

(4)(a) Neither the department nor any board may create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. Neither the department nor any board may take any action that tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase regulation of already regulated professions or occupations to determine their effect on job creation or retention and employment opportunities.

(5) Policies adopted by the department shall ensure that all expenditures are made in the most costeffective manner to maximize competition, minimize licensure costs, and maximize public access to meetings conducted for the purpose of professional regulation. The long-range planning function of the department shall be implemented to facilitate effective operations and to eliminate inefficiencies.

History.—s. 1, ch. 76-28; s. 5, ch. 79-36; s. 122, ch. 79-164; s. 3, ch. 82-1; s. 79, ch. 83-218; s. 36, ch. 92-33; s. 6, ch. 92149; s. 20, ch. 93-129; s. 62, ch. 94-218; s. 134, ch. 99-251. **Note.**—Former s. 455.001.

455.203 Department; powers and duties.—The department, for the boards under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(6) Establish by rule procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Work cooperatively with the Department of Revenue to implement an automated method for periodically disclosing information relating to current licensees to the Department of Revenue. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, subpoena, order to show cause, or written agreement entered into by the licensee with the Department of Revenue. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied with the terms of the support order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(10) Have authority to:

(a) Close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency; and

(b) Approve applications for professional licenses that meet all statutory and rule requirements for licensure.

History.—s. 5, ch. 79-36; s. 27, ch. 81-302; s. 7, ch. 83-329; s. 15, ch. 86-285; s. 15, ch. 89-162; s. 1, ch. 90-228; s. 37, ch. 92-33; s. 7, ch. 92-149; s. 23, ch. 93-129; s. 10, ch. 93-208; s. 10, ch. 93-262; ss. 63, 64, ch. 94-218; s. 206, ch. 96-410; s. 4, ch. 97-261; s. 117, ch. 98-200; s. 24, ch. 2000-160; s. 51, ch. 2001-158; s. 38, ch. 2005-39; s. 21, ch. 2008-240.

455.2035 Rulemaking authority for professions not under a board.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the regulatory requirements of any profession within the department's jurisdiction which does not have a statutorily authorized regulatory board.

History.—s. 136, ch. 99-251.

455.204 Long-range policy planning; plans, reports, and recommendations.—To facilitate efficient and cost-effective regulation, the department and the board, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to each profession. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered shall not be less than 5 years. The department, with input from the boards, shall develop the long-range plan and

must obtain the approval of the secretary. The department shall monitor compliance with the approved long-range plan and, with input from the boards, shall annually update the plans for approval by the secretary. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

(1) Whether the department, including the boards and the various functions performed by the department, is operating efficiently and effectively and if there is a need for a board or council to assist in cost-effective regulation.

(2) How and why the various professions are regulated.

(3) Whether there is a need to continue regulation, and to what degree.

(4) Whether or not consumer protection is adequate, and how it can be improved.

(5) Whether there is consistency between the various practice acts.

(6) Whether unlicensed activity is adequately enforced.

Such plans should include conclusions and recommendations on these and other issues as appropriate. Such plans shall be provided to the Governor and the Legislature by November 1 of each year.

History.—s. 8, ch. 92-149.

455.205 Contacting boards through department.—Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee or at any regional office of the department.

History.—s. 30, ch. 69-106; s. 2, ch. 77-115; s. 5, ch. 79-36; s. 38, ch. 92-33; s. 23, ch. 93-129; ss. 65, 66, ch. 94-218; s. 5, ch. 97-261.
Note.—Former s. 455.004.

455.207 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this section.

(2) The board shall annually elect from among its number a chairperson and vice chairperson.

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated $50 for each day in attendance at an official meeting of the

board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase “other business involving the board,” but the phrase may not routinely be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(5) When two or more boards have differences between them, the boards may elect to, or the secretary may request that the boards, establish a special committee to settle those differences. The special committee shall consist of three members designated by each board, who may be members of the designating board or other experts designated by the board, and of one additional person designated and agreed to by the members of the special committee. In the event the special committee cannot agree on the additional designee, upon request of the special committee, the secretary may select the designee. The committee shall recommend rules necessary to resolve the differences. If a rule adopted pursuant to this provision is challenged, the participating boards shall share the costs associated with defending the rule or rules. The department shall provide legal representation for any special committee established pursuant to this section.

History.—s. 5, ch. 79-36; s. 28, ch. 81-302; s. 8, ch. 83-329; s. 72, ch. 85-81; s. 4, ch. 88-392; s. 39, ch. 92-33; s. 9, ch. 92149; s. 23, ch. 93-129; s. 3, ch. 94-119; s. 6, ch. 97-261; s. 25, ch. 2000-160.

455.208 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in fines, suspensions, or revocations, and any other information the department or the board determines is of interest to the public.

History.—s. 5, ch. 88-392; s. 40, ch. 92-33; s. 10, ch. 92-149; s. 23, ch. 93-129; s. 67, ch. 94-218; s. 7, ch. 97-261.

455.209 Accountability and liability of board members.—

(1) Each board member shall be accountable to the Governor for the proper performance of duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by the Governor or by the department or a board concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform the member’s official duties, or commission of a felony.

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member’s official capacity, and the department shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department may defend the member’s company or business in any action against the company or business if the department determines that the actions from which the suit arises are actions taken by the member in the member’s official capacity and were not beyond the member’s statutory authority. In providing such defense, the department may employ or utilize the legal services of the Department of Legal Affairs or outside counsel retained pursuant to s.

287.059. Fees and costs of providing legal services provided under this subsection shall be paid from the Professional Regulation Trust Fund, subject to the provisions of ss. 215.37 and 455.219.

History.—s. 5, ch. 79-36; ss. 13, 15, 25, 30, 34, 57, 62, ch. 80-406; s. 6, ch. 88-392; s. 2, ch. 90-228; s. 41, ch. 92-33; s. 11, ch. 92-149; s. 23, ch. 93-129; s. 68, ch. 94-218; s. 188, ch. 97-103; s. 8, ch. 97-261; s. 1, ch. 98-166; s. 151, ch. 99-251.

455.211 Board rules; final agency action; challenges.—

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board under its jurisdiction pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(7). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

(3) No board created within the department shall have standing to challenge a rule or proposed rule of another board. However, if there is a dispute between boards concerning a rule or proposed rule, the boards may avail themselves of the provisions of s. 455.207(5).

(4) Any proposed board rule that has not been modified to remove proposed committee objections of the Administrative Procedures Committee must receive approval from the department prior to filing the rule with the Department of State for final adoption. The department may repeal any rule enacted by the board which has taken effect without having met proposed committee objections of the Administrative Procedures Committee.

History.—s. 5, ch. 79-36; s. 42, ch. 92-33; s. 12, ch. 92-149; s. 23, ch. 93-129; s. 69, ch. 94-218; s. 207, ch. 96-410; s. 9, ch. 97-261; s. 5, ch. 2000-356.

455.212 Education; substituting demonstration of competency for clock-hour requirements.

—Any board, or the department when there is no board, that requires student completion of a specific number of clock hours of classroom instruction for initial licensure purposes shall establish the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this

section shall not apply to boards for which federal licensure standards are more restrictive or stringent than the standards prescribed in statute.

History.—s. 63, ch. 92-136; s. 30, ch. 92-321.

455.2121 Education; accreditation.—Notwithstanding any other provision of law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the Un)ted States Department of Education, or an accrediting agency recognized by the board, or the department when there is no board.

History.—s. 4, ch. 94-119.

455.2122 Education.—A board, or the department where there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy prelicensure or postlicensure education requirements provided for in part VIII of chapter 468 or part I of chapter 475. A board, or the department when there is no board, may not require centralized examinations for completion of prelicensure or postlicensure education requirements for those professions licensed under part VIII of chapter 468 or part I of chapter 475.

History.—s. 6, ch. 2010-106; s. 4, ch. 2010-176.

455.2123 Continuing education.—A board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements. A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements provided for in part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475 and may not require centralized examinations for completion of continuing education requirements for the professions licensed under part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475.

History.—s. 137, ch. 99-251; s. 7, ch. 2010-106; s. 5, ch. 2010-176.

455.2124 Proration of or not requiring continuing education.—A board, or the department when there is no board, may:

(1) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(2) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

History.—s. 138, ch. 99-251.

455.2125 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education, the Board of Governors of the State University System, and the State Board of Education prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

History.—s. 23, ch. 95-243; s. 34, ch. 98-421; s. 71, ch. 2004-5; s. 13, ch. 2004-41; s. 53, ch. 2007-217.

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 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 60 months after 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.

455.214 Limited licenses.—

(1) It is the intent of the Legislature that, absent a threat to the health, safety, and welfare of the public, the use of retired professionals in good standing to serve the indigent, underserved, or critical need populations of this state should be encouraged. To that end, the board, or the department when there is no board, may adopt rules to permit practice by retired professionals as limited licensees under this section.

(2) Any person desiring to obtain a limited license, when permitted by rule, shall submit to the board, or the department when there is no board, an application and fee, not to exceed $300, and an affidavit stating that the applicant has been licensed to practice in any jurisdiction in the United States for at least 10 years in the profession for which the applicant seeks a limited license. The affidavit shall also state that the applicant has retired or intends to retire from the practice of that profession and intends to practice only pursuant to the restrictions of the limited license granted pursuant to this section. If the applicant for a limited license submits a notarized statement from the employer stating that the applicant will not receive monetary compensation for any service involving the practice of his or her profession, the application and all licensure fees shall be waived.

(3) The board, or the department when there is no board, may deny limited licensure to an applicant who has committed, or is under investigation or prosecution for, any act which would constitute the basis for discipline pursuant to the provisions of this chapter or the applicable practice act.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, and which provide professional liability coverage for acts or omissions of the limited licensee. A limited licensee may provide services only to the indigent, underserved, or critical need populations within the state. 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 board, or the department when there is no board, may adopt rules to define underserved and critical need areas and to ensure implementation of this section.

(5) A board, or the department when there is no board, may provide by rule for supervision of limited licensees to protect the health, safety, and welfare of the public.

(6) Each applicant granted a limited license is subject to all the provisions of this chapter and the respective practice act under which the limited license is issued which are not in conflict with this section.

(7) This section does not apply to chapter 458 or chapter 459.

History.—s. 14, ch. 92-149; s. 189, ch. 97-103; s. 11, ch. 97-261; s. 27, ch. 2000-160.

455.217 Examinations.—This section shall be read in conjunction with the appropriate practice act associated with each regulated profession under this chapter.

(1) The Division of Professions of the Department of Business and Professional Regulation shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations. The division shall seek the advice of the appropriate board in providing such services.

(a) The department, acting in conjunction with the Division of Service Operations, the Division of Professions, and the Division of Real Estate, as appropriate, shall ensure that examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination developed or approved by the department has been administered, the board or department may reject any question which does not reliably measure the general areas of competency

specified in the rules of the board or department, when there is no board. The department shall use qualified outside testing vendors for the development, preparation, and evaluation of examinations, when such services are economically and viably available and approved by the department.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board or the department when there is no board, shall by rule specify the general areas of competency to be covered by the examination, the relative weight to be assigned in grading each area tested, the score necessary to achieve a passing grade, and the fees, where applicable, to cover the actual cost for any purchase, development, and administration of the required examination. However, statutory fee caps in each practice act shall apply. This subsection does not apply to national examinations approved and administered pursuant to paragraph (d).

(c) If a practical examination is deemed to be necessary, rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board may conduct such exercise. Therefore, board members may serve as examiners at a practical examination with the consent of the board.

(d) A board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations, which may be either profit or nonprofit entities, seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The department shall use any national examination which is available, certified by the department, and approved by the board. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph. Any licensing or certification examination that is not developed or administered by the department in-house or provided as a national examination shall be competitively bid.

(e) The department shall adopt rules regarding the security and monitoring of examinations. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.228 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.2175 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

(f) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter. All fees paid by the user for professions not regulated by this chapter shall be applied to offset the fees for the development and administration of that profession's examination. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination for which he or she failed to achieve a passing grade, if he or she successfully passes that portion within a reasonable time of his or her passing the other portion.

(2) For each examination developed by the department or a contracted vendor, the board or the department when there is no board, shall make rules providing for reexamination of any applicants who fail an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination for which he or she failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or department when there is no board, of his or her passing the other portion.

(3) Except for national examinations approved and administered pursuant to paragraph (1)(d), the department shall provide procedures for applicants who have taken and failed an examination developed by the department or a contracted vendor to review their most recently administered examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of his or her examination grades.

(4) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to paragraph (1)(d).

(5) Meetings and records of meetings of any member of the department or of any board or commission within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are confidential and exempt from ss. 119.07 (1) and 286.011. However, this exemption shall not affect the right of any person to review an examination as provided in subsection (3).

(6) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native

language. Applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, administration, grading, and evaluation of any examination in a language other than English or Spanish. Requests for translated examinations, except for those in Spanish, must be on file in the board office, or with the department when there is no board, at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English or Spanish, the board, or the department when there is no board, shall consider the percentage of the population who speak the applicant's native language.

(7) In addition to meeting other requirements for licensure by examination or by endorsement, an applicant may be required by a board, or by the department, if there is no board, to pass an examination pertaining to state laws and rules applicable to the practice of the profession regulated by that board or by the department. This subsection does not apply to persons regulated under chapter 473.

History.—s. 30, ch. 69-106; s. 1, ch. 73-97; s. 3, ch. 77-115; s. 5, ch. 79-36; s. 286, ch. 81-259; s. 30, ch. 81-302; s. 4, ch. 82-1; s. 39, ch. 82-179; s. 80, ch. 83-218; s. 10, ch. 83-329; s. 1, ch. 88-49; s. 2, ch. 89-162; s. 2, ch. 91-137; s. 1, ch. 91-140; s. 11, ch. 91-220; s. 15, ch. 92-149; s. 5, ch. 94-119; s. 70, ch. 94-218; s. 303, ch. 96-406; s. 1080, ch. 97-103; s. 2, ch. 97228; s. 12, ch. 97-261; s. 18, ch. 99-7; s. 28, ch. 2000-160; s. 6, ch. 2000-356; s. 23, ch. 2008-240; s. 1, ch. 2009-54; s. 1, ch.

2009-69; s. 63, ch. 2009-195; s. 9, ch. 2010-106. **Note.**—Former s.

455.007(2).

455.2171 Use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board, or the department when there is no board.

History.—s. 6, ch. 94-119.

455.2175 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An examinee whose examination materials are confiscated is not permitted to take another examination until the criminal investigation reveals that the examinee did not violate this section.

History.—s. 3, ch. 90-228; s. 3, ch. 91-137; s. 47, ch. 92-33; s. 23, ch. 93-129; s. 71, ch. 94-218; s. 13, ch. 97-261; s. 10, ch. 2010-106.

455.2177 Monitoring of compliance with continuing education requirements.—

(1) The department shall establish a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee's continuing education status. As used in this section, the term "monitor" means the act of determining, for each licensee, whether the licensee was in full compliance with applicable continuing education requirements as of the time of the licensee's license renewal.

(2) The department may refuse renewal of a licensee's license until the licensee has satisfied all applicable continuing education requirements. This subsection does not preclude the department or

boards from imposing additional penalties pursuant to the applicable practice act or rules adopted pursuant thereto.

(3) The department may waive the continuing education monitoring requirements of this section for any profession that demonstrates to the department that the monitoring system places an undue burden on the profession. The department shall waive the continuing education monitoring requirements of this section for any profession that has a program in place which measures compliance with continuing education requirements through statistical sampling techniques or other methods and can indicate that at least 95 percent of its licensees are in compliance.

(4) The department may adopt rules under ss. 120.536(1) and 120.54 to implement this section.

History.—s. 157, ch. 99-251; s. 17, ch. 2001-278; s. 43, ch. 2002-207; s. 2, ch. 2004-292; s. 82, ch. 2005-2.

455.2178 Continuing education providers.—

(1) Each continuing education provider shall provide to the department such information regarding the continuing education status of licensees as the department determines is necessary to carry out its duties under s. 455.2177, in an electronic format determined by the department. After a licensee's completion of a course, the information must be submitted to the department electronically no later than 30 calendar days thereafter. However, the continuing education provider shall electronically report to the department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner. The foregoing applies only if the profession has not been granted a waiver from the monitoring requirements under s. 455.2177. Upon the request of a licensee, the provider must also furnish to the department information regarding courses completed by the licensee.

(2) Each continuing education provider shall retain all records relating to a licensee's completion of continuing education courses for at least 4 years after completion of a course.

(3) A continuing education provider may not be approved, and the approval may not be renewed, unless the provider agrees in writing to provide such cooperation under this section and s. 455.2177 as the department deems necessary or appropriate.

(4) The department may fine, suspend, or revoke approval of any continuing education provider that fails to comply with its duties under this section. Such fine may not exceed $500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted pursuant to s. 455.225.

(5) For the purpose of determining which persons or entities must meet the reporting, recordkeeping, and access provisions of this section, the board of any profession subject to this section, or the department if there is no board, shall, by rule, adopt a definition of the term "continuing education provider" applicable to the profession's continuing education requirements. The intent of the rule shall be to ensure that all records and information necessary to carry out the requirements of this section and s. 455.2177 are maintained and transmitted accordingly and to minimize disputes as to what person or entity is responsible for maintaining and reporting such records and information.

(6) The department may adopt rules under ss. 120.536(1) and 120.54 to implement this section.

History.—s. 158, ch. 99-251; s. 3, ch. 2004-292; s. 2, ch. 2007-86.

455.2179 Continuing education provider and course approval; cease and desist orders.—

(1) If a board, or the department if there is no board, requires completion of continuing education as a requirement for renewal of a license, the board, or the department if there is no board, shall approve the providers and courses for the continuing education. Notwithstanding this subsection or any other provision of law, the department may approve continuing education providers or courses even if there is a board. If the department determines that an application for a continuing education provider or course requires expert review or should be denied, the department shall forward the application to the appropriate board for review and approval or denial. The approval of continuing education providers and courses must be for a specified period of time, not to exceed 4 years. An approval that does not include such a time limitation may remain in effect pursuant to the applicable practice act or the rules adopted under the applicable practice act. Notwithstanding this subsection or any other provision of law, only the department may determine the contents of any documents submitted for approval of a continuing education provider or course.

(2) The board, or the department if there is no board, shall issue an order requiring a person or entity to cease and desist from offering any continuing education programs for licensees, and fining, suspending, or revoking any approval of the provider previously granted by the board, or the department if there is no board, if the board, or the department if there is no board, determines that the person or entity failed to provide appropriate continuing education services that conform to approved course material. Such fine may not exceed $500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted under s. 455.225.

(3) Each board authorized to approve continuing education providers, or the department if there is no board, may establish, by rule, a fee not to exceed $250 for anyone seeking approval to provide continuing education courses and may establish, by rule, a biennial fee not to exceed $250 for the renewal of providership of such courses. The Florida Real Estate Commission, authorized under the provisions of chapter 475 to approve prelicensure, precertification, and postlicensure education providers, may establish, by rule, an application fee not to exceed $250 for anyone seeking approval to offer prelicensure, precertification, or postlicensure education courses and may establish, by rule, a biennial fee not to exceed $250 for the renewal of such courses. Such postlicensure education courses are subject to the reporting, monitoring, and compliance provisions of this section and ss. 455.2177 and 455.2178.

(4) The department and each affected board may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

History.—s. 159, ch. 99-251; s. 7, ch. 2000-356; s. 4, ch. 2004-292; s. 4, ch. 2012-72.

455.218 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, the department shall by rule provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for its boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department, for its boards, shall provide a written practical examination that tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department, for its boards, by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this chapter and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this chapter and the respective practice act under which the license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department, for its boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which 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, at which time the provisions of the professional practice acts shall apply.

History.—s. 1, ch. 86-90; s. 7, ch. 88-205; s. 7, ch. 88-392; s. 48, ch. 92-33; s. 16, ch. 92-149; s. 23, ch. 93-129; s. 312, ch. 94-119; s. 72, ch. 94-218; s. 14, ch. 97-261; s. 3, ch. 98-166; s. 29, ch. 2000-160.

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed veterinary facility without the approval of that facility.

History.—s. 1, ch. 94-96; s. 15, ch. 97-261; s. 30, ch. 2000-160.

455.219 Fees; receipts; disposition; periodic management reports.—

(1) Each board within the department shall determine by rule the amount of license fees for its profession, based upon department-prepared long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions by the department and any board; however, when the department has determined, based on the long-range estimates of such revenue, that a profession's trust fund moneys are in excess of the amount required to cover the necessary functions of the board, or the department when there is no board, the department may adopt rules to implement a waiver of license renewal fees for that profession for a period not to exceed 2 years, as determined by the department. Each board, or the department when there is no board, shall ensure license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the department, with advice of the applicable board. If sufficient action is not taken by a board within 1 year of notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for the advancement of sufficient funds to any profession or the Florida State Boxing Commission operating with a negative cash balance. Such advancement may be for a period not to exceed 2 consecutive years and shall require interest to be paid by the regulated

profession. Interest shall be calculated at the current rate earned on Professional Regulation Trust Fund investments. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of such professions as required in this section. No more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) All moneys collected by the department from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate accounts in the Professional Regulation Trust Fund for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses shall include, but not be limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department shall not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of department expenses. The department shall provide any board with reasonable access to these records upon request. Each board shall be provided an annual report of revenue and direct and allocated expenses related to the operation of that profession. These reports and the department's adopted long-range plan shall be used by the board to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared pursuant to s. 455.2285.

(4) A condensed management report of budgets, finances, performance statistics, and recommendations shall be provided to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(5) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed $25 before issuance of the duplicate license.

(6) The department or the appropriate board shall charge a fee not to exceed $25 for the certification of a public record. The fee shall be determined by rule of the department. The

department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07(4).

History.—s. 5, ch. 79-36; s. 287, ch. 81-259; s. 2, ch. 84-271; s. 82, ch. 90-132; s. 4, ch. 90-228; s. 4, ch. 91-137; s. 17, ch. 92-149; s. 73, ch. 94-218; s. 8, ch. 2000-356; s. 44, ch. 2004-335.

455.221 Legal and investigative services.—

(1) The department shall provide board counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing department staff counsel. The primary responsibility of board counsel shall be to represent the interests of the citizens of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Fees and costs of such counsel shall be paid from the Professional Regulation Trust Fund, subject to the provisions of ss. 215.37 and 455.219. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The Department of Business and Professional Regulation may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or used by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

History.—s. 30, ch. 69-106; s. 1, ch. 73-97; s. 3, ch. 77-115; s. 5, ch. 79-36; s. 288, ch. 81-259; s. 31, ch. 81-302; s. 51, ch. 92-33; s. 23, ch. 93-129; s. 7, ch. 94-119; ss. 74, 75, ch. 94-218; s. 16, ch. 97-261; s. 152, ch. 99-251.

Note.—Former s. 455.007(3), (4).

455.2228 Barbers and cosmetologists; instruction on HIV and AIDS.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 476 or chapter 477 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

(2) When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed said course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.

(3) The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(4) As of December 31, 1992, the board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(5) The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.

(6) Any professional holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

History.—s. 11, ch. 89-350; ss. 73, 74, ch. 91-297; s. 16, ch. 95-388; s. 18, ch. 97-261; s. 147, ch. 2010-102.

455.223 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by a board or the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

History.—s. 5, ch. 79-36; s. 32, ch. 81-302; s. 4, ch. 86-90; s. 5, ch. 91-137; s. 52, ch. 92-33; s. 23, ch. 93-129; s. 77, ch. 94-218; s. 210, ch. 96-410; s. 19, ch. 97-261.

455.2235 Mediation.—

(1) Notwithstanding the provisions of s. 455.225, the board, or the department when there is no board, shall adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of

satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 455.225.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 455.225. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 455.225.

(4) No licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) If any board fails to adopt rules designating which violations are appropriate for resolution by mediation by January 1, 1995, the department shall have exclusive authority to, and shall, adopt rules to designate the violations which are appropriate for mediation. Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section. A board shall have continuing authority to amend its rules adopted pursuant to this section.

History.—s. 19, ch. 92-149; s. 8, ch. 94-119.

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the

penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

History.—s. 6, ch. 91-137; s. 53, ch. 92-33; s. 20, ch. 92-149; s. 23, ch. 93-129; s. 313, ch. 94-119; s. 78, ch. 94-218; s. 20, ch. 97-261; s. 161, ch. 99-251.

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1)(a) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board.

(b) When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report

shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3)(a) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm to a person, or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Each board, or the department if there is no board, shall establish by rule those violations which are minor violations under this provision. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(b) The department may issue a notice of noncompliance for an initial offense of a minor violation, notwithstanding a board's failure to designate a particular minor violation by rule as provided in paragraph (a).

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause

panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department when there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his or her designee, who shall issue the final summary order.

(9) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, this exemption does not apply to actions against unlicensed persons pursuant to s. 455.228 or the applicable practice act. Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

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

History.—s. 1, ch. 74-57; s. 5, ch. 79-36; s. 289, ch. 81-259; s. 33, ch. 81-302; s. 12, ch. 83-329; s. 8, ch. 84-203; s. 3, ch. 85-311; s. 5, ch. 86-90; s. 8, ch. 88-1; s. 5, ch. 88-277; s. 1, ch. 88-279; s. 3, ch. 89-162; s. 1, ch. 90-44; s. 5, ch. 90-228; s. 7, ch. 91-137; s. 2, ch. 91-140; s. 54, ch. 92-33; s. 21, ch. 92-149; s. 132, ch. 92-279; s. 55, ch. 92-326; s. 23, ch. 93-129; s. 314, ch. 94-119; s. 79, ch. 94-218; s. 305, ch. 96-406; s. 211, ch. 96-410; s. 1082, ch. 97-103; s. 2, ch. 97-209; s. 3, ch. 97-228; s. 142, ch. 97-237; s. 21, ch. 97-261; s. 4, ch. 97-264; s. 18, ch. 97-273; s. 4, ch. 98-166; s. 31, ch. 2000-160.

Note.—Former s. 455.013.

455.2255 Classification of disciplinary actions.—

(1) A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 455.225(3). If the circumstances of the violation meet that standard and 2 years have passed since the issuance of a final order imposing discipline, the department shall reclassify that violation as inactive if the licensee has not been disciplined for any subsequent minor violation of the same nature. After the department has reclassified the violation as inactive, it is no longer considered to be part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action.

(2) The department may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the department may provide for such disciplinary records to become inactive, according to their classification. After the disciplinary record has become inactive, the department may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions.

(3) Notwithstanding s. 455.017, this section applies to the disciplinary records of all persons or businesses licensed by the department.

History.—s. 143, ch. 99-251; s. 71, ch. 2013-18.

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(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.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(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.

(u) Termination from a treatment program for impaired practitioners as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses,

submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

History.—s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106.

455.2273 Disciplinary guidelines.—

(1) Each board, or the department when there is no board, shall adopt, by rule, and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board, or the department when there is no board, pursuant to this chapter, the respective practice acts, and any rule of the board or department.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, or welfare; that such

guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department when there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

(4) The department must review such disciplinary guidelines for compliance with the legislative intent as set forth herein to determine whether the guidelines establish a meaningful range of penalties and may also challenge such rules pursuant to s. 120.56.

(5) The administrative law judge, in recommending penalties in any recommended order, must follow the penalty guidelines established by the board or department and must state in writing the mitigating or aggravating circumstances upon which the recommended penalty is based.

(6) Notwithstanding s. 455.017, this section applies to disciplinary guidelines adopted by all boards or divisions within the department.

History.—s. 2, ch. 86-90; s. 56, ch. 92-33; s. 23, ch. 92-149; s. 23, ch. 93-129; s. 81, ch. 94-218; s. 212, ch. 96-410; s. 23, ch. 97-261; s. 33, ch. 2000-160; s. 24, ch. 2008-240.

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 licensee regulated by the department.

History.—s. 3, ch. 2009-195; s. 115, ch. 2014-17.

455.2275 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from either the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 31, ch. 85-175; s. 12, ch. 89-124; s. 9, ch. 91-137; s. 57, ch. 92-33; s. 24, ch. 92-149; s. 23, ch. 93-129; s. 82, ch. 94-218; s. 190, ch. 97-103; s. 24, ch. 97-261.

455.2277 Prosecution of criminal violations.—The department or the appropriate board shall report any criminal violation of any statute relating to the practice of a profession regulated by the department or appropriate board to the proper prosecuting authority for prompt prosecution.

History.—s. 25, ch. 92-149.

455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.225, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.2281 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department.

History.—s. 3, ch. 84-271; s. 6, ch. 90-228; s. 58, ch. 92-33; s. 26, ch. 92-149; s. 23, ch. 93-129; s. 11, ch. 94-119; ss. 83, 84, ch. 94-218; s. 213, ch. 96-410; s. 25, ch. 97-261; s. 34, ch. 2000-160; s. 13, ch. 2010-106.

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of $5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

History.—s. 27, ch. 92-149; s. 12, ch. 94-119; s. 160, ch. 99-251; s. 2, ch. 2001-269; s. 5, ch. 2004-292.

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.

(2) The number of complaints received and investigated.

(3) The number of findings of probable cause made.

(4) The number of findings of no probable cause made.

(5) The number of administrative complaints filed.

(6) The disposition of all administrative complaints.

(7) A description of disciplinary actions taken.

(8) A description of any effort by the department, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

(9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273.

(10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

History.—s. 4, ch. 84-271; s. 3, ch. 86-90; s. 7, ch. 90-228; s. 59, ch. 92-33; s. 28, ch. 92-149; s. 23, ch. 93-129; ss. 85, 86, ch. 94-218; s. 143, ch. 97-237; s. 26, ch. 97-261; s. 5, ch. 97-264; s. 19, ch. 97-273; s. 5, ch. 98-166.

455.2286 Automated information system.—By November 1, 2001, the department shall implement an automated information system for all certificate holders and registrants under part XII of chapter 468, chapter 471, chapter 481, or chapter 489. The system shall provide instant notification to local building departments and other interested parties regarding the status of the certification or registration. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration is active, of any current failure to meet the terms of any final action by a licensing authority, of any ongoing disciplinary cases that are subject to public disclosure, whether there are any outstanding fines, and of the reporting of any material violations pursuant to s. 553.781. The system shall also retain information developed by the department and local governments on individuals found to be practicing or contracting without holding the applicable license, certification, or registration required by law. The system may be Internet-based.

History.—s. 6, ch. 98-287; s. 31, ch. 2000-141.

455.229 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of

chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department.

(2) The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The examination questions and answers provided at the hearing are confidential and exempt from s. 119.07(1), unless invalidated by the administrative law judge.

(3) Unless an applicant notifies the department at least 5 days prior to an examination hearing of the applicant's inability to attend, or unless an applicant can demonstrate an extreme emergency for failing to attend, the department may require an applicant who fails to attend to pay reasonable attorney's fees, costs, and court costs of the department for the examination hearing.

History.—s. 5, ch. 79-36; s. 1, ch. 88-392; s. 8, ch. 90-228; s. 10, ch. 91-137; s. 3, ch. 91-140; s. 60, ch. 92-33; s. 29, ch. 92-149; s. 23, ch. 93-129; s. 13, ch. 94-119; s. 87, ch. 94-218; ss. 306, 307, ch. 96-406; s. 214, ch. 96-410; s. 27, ch. 97-261.

455.232 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department, or any board therein, or any subject of an investigation shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

History.—s. 2, ch. 85-311; s. 5, ch. 91-140; s. 83, ch. 91-224; s. 61, ch. 92-33; s. 30, ch. 92-149; s. 23, ch. 93-129; s. 10, ch. 94-119; s. 88, ch. 94-218; s. 28, ch. 97-261.

455.24 Advertisement by a veterinarian of free or discounted services; required statement.

—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a person licensed under chapter 474, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE,

EXAMINATION, OR TREATMENT THAT IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and

services at free, reduced, or discounted prices to consumers and in which the statement prominently appears in at least one place.

History.—s. 1, ch. 84-161; s. 1, ch. 85-7; s. 6, ch. 86-90; s. 13, ch. 89-124; s. 31, ch. 92-149; s. 29, ch. 97-261.

455.242 Veterinarians; disposition of records of deceased practitioners or practitioners relocating or terminating practice.—Each board created under the provisions of chapter 474 shall provide by rule for the disposition, under that chapter, of the records that are in existence at the time the practitioner dies, terminates practice, or relocates and is no longer available and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

History.—s. 1, ch. 79-302; s. 11, ch. 88-1; s. 11, ch. 88-392; s. 15, ch. 89-124; s. 16, ch. 91-137; s. 34, ch. 92-149; s. 30, ch. 97-261.

455.243 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours any establishment at which the services of a licensee authorized to prescribe controlled substances specified in chapter 893 are offered, for the purpose of determining if any of the provisions of this chapter or any practice act of a profession or any rule adopted thereunder is being violated; or for the purpose of securing such other evidence as may be needed for prosecution.

History.—s. 2, ch. 82-22; s. 63, ch. 92-33; s. 35, ch. 92-149; s. 23, ch. 93-129; s. 92, ch. 94-218; s. 31, ch. 97-261; s. 35, ch. 2000-160.

455.245 Veterinarians; immediate suspension of license.—The department shall issue an emergency order suspending the license of any person licensed under chapter 474 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409 or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 13951396.

History.—s. 1, ch. 86-91; s. 12, ch. 88-1; s. 16, ch. 89-124; s. 64, ch. 92-33; s. 36, ch. 92-149; s. 23, ch. 93-129; s. 93, ch. 94-218; s. 192, ch. 97-103; s. 32, ch. 97-261.

455.271 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.227, and the board, or the department when there is no board, may impose discipline on the licensee.

(2) Each board, or the department when there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status.

(3) Each board, or the department when there is no board, shall, by rule, impose a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department when there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the board, or the department when there is no board, to renew an active or inactive status license before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6)(a) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department.

(b) Notwithstanding the provisions of the professional practice acts administered by the department, the department may, at its discretion, reinstate the license of an individual whose license has become void if the department determines that the individual failed to comply because of illness or economic hardship. The individual must apply to the department for reinstatement and pay an applicable fee in an amount determined by rule. The department shall require that such individual meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

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

(7) Each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) The board, or the department if there is no board, may not require an inactive or delinquent licensee, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of continuing education to reactivate a license.

(11) The status or a change in status of a licensee shall not alter in any way the board's, or the department's when there is no board, right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business or to a person licensed, permitted, registered, or certified pursuant to chapter 310 or chapter 475.

History.—s. 14, ch. 94-119; s. 1, ch. 2005-249; s. 2, ch. 2009-54; s. 3, ch. 2012-61; s. 5, ch. 2012-72; s. 8, ch. 2012-208.

455.273 Renewal and cancellation notices.—At least 90 days before the end of a licensure cycle, the department shall:

(1) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record or e-mail address provided to the department.

(2) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record or e-mail address provided to the department.

History.—s. 15, ch. 94-119; s. 6, ch. 2012-72.

455.275 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address, e-mail address, and place of practice, as defined by rule of the board or the department when there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department when there is no board.

(2) Notwithstanding any other provision of law, service by regular mail or e-mail to a licensee's last known mailing address or e-mail address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required pursuant to s. 455.225.

(3)(a) Notwithstanding any provision of law, when an administrative complaint is served on a licensee of the department, the department shall provide service by regular mail to the licensee's last known address of record, by certified mail to the last known address of record, and, if possible, by e-mail.

(b) If service, as provided in paragraph (a), does not provide the department with proof of service, the department shall call the last known telephone number of record and cause a short, plain notice to the licensee to be posted on the front page of the department's website and shall send notice via e-mail to all newspapers of general circulation and all news departments of broadcast network affiliates in the county of the licensee's last known address of record.

History.—s. 16, ch. 94-119; s. 14, ch. 2010-106; s. 7, ch. 2012-72; s. 15, ch. 2012-212.

455.32 Management Privatization Act.—

(1) This section shall be known by the popular name the "Management Privatization Act."

(2) The purpose of this section is to create a model for contracting with nonprofit corporations to provide services for the regulation of Florida's professionals which will ensure a consistent, effective application of regulatory provisions and appropriate budgetary oversight to achieve the most efficient use of public funds. Nonprofit corporations may be established pursuant to this section to provide administrative, examination, licensing, investigative, and prosecutorial services to any board created

within the department pursuant to chapter 20 in accordance with the provisions of this chapter and the applicable practice act. No additional entities may be created to provide these services.

(3) As used in this section, the term:

(a) "Board" means any board, commission, or council created within the department pursuant to chapter 20.

(b) "Corporation" means any nonprofit corporation with which the department contracts pursuant to subsection (14).

(c) "Department" means the Department of Business and Professional Regulation.

(d) "Contract manager" means an employee of the department who serves as a liaison between the department, the board, and the corporation and is responsible for ensuring that the police powers of the state are not exercised by the corporation, while also serving as the contract monitor.

(e) "Business case" means a needs assessment, financial feasibility study, and corporate financial model as specified in paragraph (4).

(f) "Performance standards and measurable outcomes" shall include, but not be limited to, timeliness and qualitative criteria for the activities specified in paragraph (6)(o).

(g) "Secretary" means the Secretary of Business and Professional Regulation.

(4) Based upon the request of any board, the department is authorized to establish and contract with a nonprofit corporation to provide administrative, examination, licensing, investigative, and prosecutorial services to that board, in accordance with the provisions of this chapter and the applicable practice act and as specified in a contract between the department and the corporation. The privatization request must contain a business case that includes a needs assessment and financial feasibility study performed by the board or an entity commissioned by a majority vote of the board. The needs assessment must contain specific performance standards and measurable outcomes and an evaluation of the department's current and projected performance in regard to those standards. The feasibility study must include the financial status of the board for the current fiscal year and the next 2 fiscal years. A financial model for the corporation must also be developed which includes projected costs and expenses for the first 2 years of operation and specific performance standards and measurable outcomes. The business case for privatization shall be submitted by the board to the department for inclusion in its legislative budget request to the Executive Office of the Governor and the Legislature pursuant to s. 216.023. The board shall proceed with the privatization only if such privatization is specifically authorized by general law.

(5) Any such corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the employees of the corporation are subject to the provisions of s. 112.061 and part III of chapter 112. The provisions of s. 768.28 apply to each such corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state but which is not an agency within the meaning of s. 20.03(11).

(6) Each corporation created to perform the functions provided in this section shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, examination, licensing, investigative, and prosecutorial services to the board, which services may include unlicensed activity investigations and prosecutions, in accordance with the provisions of this chapter, the applicable practice act, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the applicable board and in accordance with the contract required by this section.

(d) Be approved by the department to operate for the benefit of the board and in the best interest of the state and specifically authorized by the Legislature.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Be funded through appropriations allocated to the regulation of the relevant profession from the Professional Regulation Trust Fund pursuant to s. 455.219.

(g) Have a five-member board of directors, three of whom are to be appointed by the applicable board and must be licensees regulated by that board and two of whom are to be appointed by the secretary and are laypersons not regulated by that board. Initially, one member shall be appointed for 2 years, two members shall be appointed for 3 years, and two members shall be appointed for 4 years. One layperson shall be appointed to a 3-year term and one layperson shall be appointed to a 4-year term. Thereafter, all appointments shall be for 4-year terms. No new member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board of directors, and the vacancy shall be filled by a new appointment. No professional board member may also serve on the board of directors for the corporation.

(h) Select its officers in accordance with its bylaws. The members of the board of directors may be removed by the Governor, for the same reasons that a board member may be removed pursuant to s. 455.209.

(i) Select the president of the corporation, who shall manage the operations of the corporation, subject to the approval of the board.

(j) Use a portion of the interest derived from the corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(k) Operate under a written contract with the department.

(l) Provide for an annual financial audit of its financial accounts and records by an independent certified public accountant. The annual audit report shall include a management letter in accordance with s. 11.45 and a detailed supplemental schedule of expenditures for each expenditure category. The

annual audit report must be submitted to the board, the department, and the Auditor General for review.

(m) Provide for all employees and nonemployees charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(n) Keep financial and statistical information as necessary to completely disclose the financial condition and operation of the corporation and as requested by the Office of Program Policy Analysis and Government Accountability, the Auditor General, and the department.

(o) Submit to the secretary, the board, and the Legislature, on or before October 1 of each year, a report describing all of the activities of the corporation for the previous fiscal year which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include:

1. The number of license renewals.
2. The number of license applications received.
3. The number of license applications approved and denied and the number of licenses issued.
4. The average time required to issue a license.
5. The number of examinations administered and the number of applicants who passed or failed the examination.
6. The number of complaints received.
7. The number of complaints determined to be legally sufficient.
8. The number of complaints dismissed.
9. The number of complaints determined to have probable cause.
10. The number of administrative complaints issued and the status of the complaints.
11. The number and nature of disciplinary actions taken by the board.
12. All revenues received and all expenses incurred by the corporation during the preceding fiscal year in its performance of the duties under the contract.
13. Any audit performed under paragraph (l), including financial reports and performance audits.
14. The status of the compliance of the corporation with all performance-based program measures adopted by the board.

(p) Meet or exceed the requirements of the business case developed by the board and approved by the Executive Office of the Governor.

(7) The department shall annually certify that the corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. If the department determines the corporation is not compliant with the terms of the contract, including performance standards and measurable outcomes, the contract may be terminated as provided in paragraph (14)(e).

(8) Nothing in this section shall limit the ability of the corporation to enter into contracts and perform all other acts incidental to those contracts which are necessary for the administration of its affairs and for the attainment of its purposes.

(9) The corporation may acquire by lease, and maintain, use, and operate, any real or personal property necessary to perform the duties provided by the contract and this section.

(10) The corporation may exercise the authority assigned to the department or board under this section or the practice act of the relevant profession, pursuant to the contract, including but not

limited to initiating disciplinary investigations for unlicensed practice of the relevant profession. The corporation may make a determination of legal sufficiency to begin the investigative process as provided

in s. 455.225. However, the department or the board may not delegate to the corporation, by contract or otherwise, the authority for determining probable cause to pursue disciplinary action against a licensee, taking final action on license actions or on disciplinary cases, or adopting administrative rules under chapter 120.

(11) The department shall retain the independent authority to open, investigate, or prosecute any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department shall retain sole authority to issue emergency suspension or restriction orders pursuant to s.

120.60 or may delegate concurrent authority for this purpose to the relevant professional board.

(12) The corporation is the sole source and depository for the records of the board, including all historical information and records. The corporation shall maintain those records in accordance with the guidelines of the Department of State and shall not destroy any records prior to the limits imposed by the Department of State.

(13) The board shall provide by rule for the procedures the corporation must follow to ensure that all licensure examinations are secure while under the responsibility of the corporation and that there is an appropriate level of monitoring during the licensure examinations.

(14) The contract between the department and the corporation must be in compliance with this section and other applicable laws. The department shall retain responsibility for any duties it currently exercises relating to its police powers and any other current duty that is not provided to the corporation by contract or this section. The contract shall provide, at a minimum, that:

(a) The corporation provide administrative, examination, licensing, investigative, and prosecutorial services in accordance with the provisions of this section and the practice act of the relevant profession. The prosecutorial functions of the corporation shall include the authority to pursue investigations leading to unlicensed practice complaints, with the approval of and at the direction of the relevant professional board. With approval of the department and the board, the corporation may subcontract for specialized services for the investigation and prosecution of unlicensed activity pursuant to this chapter. The corporation shall be required to report all criminal matters, including unlicensed activity that constitutes a crime, to the state attorney for criminal prosecution pursuant to s. 455.2277.

(b) The articles of incorporation and bylaws of the corporation be approved by the department.

(c) The corporation submit an annual budget for approval by the department. If the department's appropriations request differs from the budget submitted by the corporation, the relevant professional board shall be permitted to authorize the inclusion in the appropriations request of a comment or statement of disagreement with the department's request.

(d) The corporation utilize the department's licensing and computerized database system.

(e) The corporation be annually certified by the department as complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. As part of the annual certification, the department shall make quarterly assessments regarding contract compliance by the corporation. The contract must also provide for methods and mechanisms for resolving any situation in which the assessment and certification process determines noncompliance, to include termination.

(f) The department employ a contract manager to actively monitor the activities of the corporation to ensure compliance with the contract, the provisions of this chapter, and the applicable practice act.

(g) The corporation be funded through appropriations allocated to the regulation of the relevant profession from the Professional Regulation Trust Fund.

(h) If the corporation is no longer approved to operate for the board or the board ceases to exist, all moneys, records, data, and property held in trust by the corporation for the benefit of the board revert to the department, or the state if the department ceases to exist. All records and data in a computerized database must be returned to the department in a form that is compatible with the computerized database of the department.

(i) The corporation secure and maintain, during the term of the contract and for all acts performed during the term of the contract, all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the corporation and its officers and employees, the department and its employees, the board, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The corporation must provide proof of insurance to the department. The department and its employees, the board, and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the corporation. Violation of this paragraph shall be grounds for terminating the contract.

(j) The board, in lieu of the department, shall retain board counsel pursuant to the requirements of
s. 455.221. The corporation, out of its allocated budget, shall pay all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsel.

(k) The corporation, out of its allocated budget, pay to the department all costs incurred by the corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

(l) The corporation, out of its allocated budget, pay to the department all direct and indirect costs associated with the monitoring of the contract, including salary and benefits, travel, and other related costs traditionally paid to state employees.

(m) The corporation comply with the performance standards and measurable outcomes developed by the board and the department. The performance standards and measurable outcomes must be specified within the contract.

(15) Corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217, 455.225, and 455.229 for records held by the department shall apply to records held by the corporation. In addition, all meetings of the board of directors are open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution. The department and the board shall have access to all records of the corporation as necessary to exercise their authority to approve and supervise the contract. The Auditor General and the Office of Program Policy Analysis and Government Accountability shall have access to all records of the corporation as necessary to conduct financial and operational audits or examinations.

(16) If any provision of this section is held to be unconstitutional or is held to violate the state or federal antitrust laws, the following shall occur:

(a) The corporation shall cease and desist from exercising any powers and duties enumerated in this section.

(b) The department shall resume the performance of such activities. The department shall regain and receive, hold, invest, and administer property and make expenditures for the benefit of the board.

(c) The Executive Office of the Governor, notwithstanding chapter 216, may reestablish positions, budget authority, and salary rate necessary to carry out the department's responsibilities related to the board.

History.—s. 9, ch. 2000-356; s. 120, ch. 2001-266; s. 1, ch. 2004-292; s. 83, ch. 2005-2; s. 1, ch. 2008-134.

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Changes to Chapter 455
(That apply to Engineering)

CHAPTER 2014-44

Senate Bill No. 680

An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Business and Professional Regulation without modification; repealing s. 455.1165(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Federal Grants Trust Fund within the Department of Business and Professional Regulation which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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

Section 1. The Federal Grants Trust Fund within the Department of Business and Professional Regulation, FLAIR number 79-2-261, which is to be terminated pursuant to Section 19(f)(2), Article III of the State Constitution on July 1, 2015, is re-created.

Section 2. Subsection (3) of section 455.1165, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2014.

Approved by the Governor June 2, 2014.

Filed in Office Secretary of State June 2, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

455.213 General licensing provisions.—

(12) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran or his or her spouse at the time of discharge, if he or she ~~who~~ applies to the department for a license, in a format prescribed by the department, within 60 ~~24~~ months after the veteran is discharged ~~discharge~~ from any branch of the United States Armed Forces. To qualify for this waiver, the veteran must have been honorably discharged.

who:

Section 115. Section 455.2274, Florida Statutes, is amended to read:

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 licensee ~~license~~ regulated by the department.

Reviser's note.—Amended to confirm the editorial substitution of the word "licensee" for the word "license" to conform to context.

Section 116. Subsection (1) of section 456.001, Florida Statutes, is amended to read:

Chapter 471 Effective 07-01-14

CHAPTER 471
ENGINEERING

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471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.
471.005 Definitions.
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471.0195 Florida Building Code training for engineers.
471.021 Engineers and firms of other states; temporary certificates to practice in Florida.
471.023 Certification of business organizations.
471.025 Seals.
471.027 Engineers authorized to enter lands of third parties under certain conditions.
471.031 Prohibitions; penalties.
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471.038 Florida Engineers Management Corporation.
471.0385 Court action; effect.
471.045 Professional engineers performing building code inspector duties.

Chapter 471 Effective 07-01-14

CHAPTER 471
ENGINEERING

The 2014 Florida Statutes

CHAPTER 471

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471.031 Prohibitions; penalties.
471.033 Disciplinary proceedings.
471.037 Effect of chapter locally.
471.038 Florida Engineers Management Corporation.
471.0385 Court action; effect.
471.045 Professional engineers performing building code inspector duties.

471.001 Purpose.—The Legislature deems it necessary in the interest of public health and safety to regulate the practice of engineering in this state.

History.—ss. 1, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 5, ch. 2000-332.

471.003 Qualifications for practice; exemptions.—

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

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

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

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

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

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

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

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

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

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

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

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of $125,000 or less; and

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

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

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

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

(j) Any defense, space, or aerospace company, whether a sole proprietorship, firm, limited liability company, partnership, joint venture, joint stock association, corporation, or other business entity, subsidiary, or affiliate, or any employee, contract worker, subcontractor, or independent contractor of the defense, space, or aerospace company who provides engineering for aircraft, space launch vehicles, launch services, satellites, satellite services, or other defense, space, or aerospace-related product or services, or components thereof.

(3) Notwithstanding the provisions of this chapter or of any other law, no licensed engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control

of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any licensed architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived therefrom, and no architect shall practice engineering or use the designation “engineer” or any term derived therefrom.

History.—ss. 10, 42, ch. 79-243; ss. 3, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 5, ch. 82-179; s. 3, ch. 83-160; ss. 46, 119, ch. 83-329; s. 1, ch. 85-134; s. 57, ch. 87-225; s. 2, ch. 87-341; s. 2, ch. 87-349; ss. 1, 14, 15, ch. 89-30; s. 1, ch. 89-115; s. 67, ch. 89-162; s. 4, ch. 91-429; ss. 80, 118, ch. 94-119; s. 330, ch. 97-103; s. 65, ch. 98-287; s. 31, ch. 2000-356; s. 16, ch. 2002299; s. 1, ch. 2003-425; s. 4, ch. 2004-332; s. 64, ch. 2009-195.

471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.—For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(7), a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 1005, is not required to be licensed under the provisions of this chapter as a professional engineer.

History.—s. 11, ch. 99-252; s. 32, ch. 2000-356; s. 4, ch. 2000-372; s. 17, ch. 2002-299; s. 1017, ch. 2002-387.

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

(1) “Board” means the Board of Professional Engineers.

(2) “Board of directors” means the board of directors of the Florida Engineers Management Corporation.

(3) “Certificate of authorization” means a license to practice engineering issued by the management corporation to a corporation or partnership.

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

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

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

(7) “Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter.

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

(9) “Management corporation” means the Florida Engineers Management Corporation.

(10) “Retired professional engineer” or “professional engineer, retired” means a person who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew his or her license and applies to and is approved by the board to be granted the title
“Professional Engineer, Retired.”

(11) “Secretary” means the Secretary of Business and Professional Regulation.

(12) “Space or aerospace company” means any business entity concerned with the design, manufacture, or support of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space facilities, or components thereof, and equipment, systems, facilities, simulators, programs, products, services, and activities related thereto.

(13) “Defense company” means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract. The term includes any business entity that holds valid contracts or subcontracts for products or services for military use under prime contracts with the United States Department of Defense, the United States Department of State, or the United States Coast Guard.

History.—ss. 2, 42, ch. 79-243; ss. 4, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 4, ch. 83-160; s. 4, ch. 84-365; ss. 2, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 151, ch. 94-218; s. 331, ch. 97-103; s. 33, ch. 2000-356; s. 3, ch. 2000-372; s. 18, ch. 2002-299; s. 2, ch. 2003-425.

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. 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.

471.008 Rulemaking authority.—The board has authority to adopt rules pursuant to ss. 120.536 (1) and 120.54 to implement provisions of this chapter or chapter 455 conferring duties upon it.

History.—s. 1, ch. 87-341; s. 1, ch. 87-349; s. 1, ch. 88-303; ss. 4, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 109, ch. 98-166; s. 142, ch. 98-200; s. 170, ch. 2000-160.

471.009 Board headquarters.—The location of the Board of Professional Engineers shall be in Leon County.

History.—ss. 3, 42, ch. 79-243; ss. 6, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 5, 14, 15, ch. 89-30; s. 4, ch. 91-429.

471.011 Fees.—

(1) The board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

(2) The initial application and examination fee shall not exceed $125 plus the actual per applicant cost to the management corporation to purchase the examination from the National Council of Examiners for Engineering and Surveying or a similar national organization. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.

(3) The initial license fee shall not exceed $125.

(4) The fee for a certificate of authorization shall not exceed $125.

(5) The biennial renewal fee shall not exceed $125.

(6) The fee for a temporary registration or certificate to practice engineering shall not exceed $25 for an individual or $50 for a business firm.

(7) The fee for licensure by endorsement shall not exceed $150.

(8) The fee for application for inactive status or for reactivation of an inactive license shall not exceed $150.

History.—ss. 4, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 20, ch. 88-205; ss. 6, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 212, ch. 94-119; s. 1, ch. 97-312; s. 34, ch. 2000-356; s. 5, ch. 2000-372.

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.

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.

(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.

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.

[1](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.

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.

[1]**Note.**—Section 4, ch. 2014-125, amended subsection (3), effective March 1, 2015, to read:

(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.

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

History.—ss. 8, 42, ch. 79-243; s. 341, ch. 81-259; ss. 2, 3, ch. 81-318; s. 104, ch. 83-329; ss. 7, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 214, ch. 94-119; s. 12, ch. 98-287; s. 37, ch. 2000-356; s. 22, ch. 2002-299.

471.0195 Florida Building Code training for engineers.—All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

History.—s. 38, ch. 2000-356; s. 23, ch. 2002-299; s. 12, ch. 2009-195.

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

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

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

(3) The application for a temporary license shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of engineering for which the temporary license was issued.

History.—ss. 9, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 142, ch. 92-149; s. 8, ch. 2000-372; s. 24, ch. 2002-299.

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.

471.025 Seals.—

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

(2) It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer's license has been revoked or suspended by the board, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the

board and confirm to the executive director the cancellation of the licensee's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

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

History.—ss. 12, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 144, ch. 92-149; s. 334, ch. 97-103; s. 4, ch. 97-241; s. 40, ch. 2000-356; s. 32, ch. 2000-372; s. 2, ch. 2001-63; s. 26, ch. 2002-299.

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

History.—ss. 17, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 27, ch. 2002-299.

471.031 Prohibitions; penalties.— (1)

A person may not:

(a) Practice engineering unless the person is licensed or exempt from licensure under this chapter.

(b) 1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer," "electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer,"
"computer hardware engineer," or "systems engineer."

2. Any person who is exempt from licensure under s. 471.003(2)(j) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer,"
"registered professional engineer," or "licensed professional engineer."

3. Any person who is exempt from licensure under s. 471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer" and if that person 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.

(c) Present as his or her own the license of another.

(d) Give false or forged evidence to the board or a member thereof.

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.

(f) Employ nonexempt unlicensed persons to practice engineering.

(g) Conceal information relative to violations of this chapter.

(2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 14, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 47, ch. 83-329; ss. 9, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 215, ch. 94-119; s. 335, ch. 97-103; s. 41, ch. 2000-356; s. 28, ch. 2002-299; s. 3, ch. 2003-425; s. 3, ch. 2004-332.

471.033 Disciplinary proceedings.—

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

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department.

(b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations.

(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.

(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.

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

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

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

(h) Violating chapter 455.

(i) Practicing on a revoked, suspended, inactive, or delinquent license.

(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.

(k) Violating any order of the board or department previously entered in a disciplinary hearing.

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

(2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

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

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

(4) The management corporation shall reissue the license of a disciplined engineer or business upon certification by the board that the disciplined person has complied with all of the terms and conditions set forth in the final order.

History.—ss. 15, 42, ch. 79-243; ss. 8, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 3, ch. 85-134; ss. 10, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 145, ch. 92-149; s. 217, ch. 94-119; s. 336, ch. 97-103; s. 5, ch. 97-241; s. 111, ch. 98-166; s. 13, ch. 98-287; s. 119, ch. 2000-141; s. 172, ch. 2000-160; s. 10, ch. 2000-372; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 29, ch. 2002-299; s. 4, ch. 2003-293; s. 4, ch. 2005-147; s. 53, ch. 2009-195; s. 45, ch. 2010-106.

471.037 Effect of chapter locally.—

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

(2) In counties or municipalities that issue building permits, such permits may not be issued in any case in which it is apparent from the application for the building permit that the provisions of this chapter have been violated. However, this subsection does not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 471.003.

History.—ss. 13, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 12, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 81, ch. 94-119; s. 42, ch. 2000-356; s. 30, ch. 2002-299.

471.038 Florida Engineers Management Corporation.—

(1) This section may be cited as the "Florida Engineers Management Corporation Act."

(2) The purpose of this section is to create a public-private partnership by providing that a single nonprofit corporation be established to provide administrative, investigative, and prosecutorial services to the board and that no additional nonprofit corporation be created for these purposes.

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this section.

(d) Be approved by the board, and the department, to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All appointments shall be for 4-year terms. No member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

(g) Select its officers in accordance with its bylaws. The members of the board of directors who were appointed by the board may be removed by the board.

(h) Select the president of the management corporation, who shall also serve as executive director to the board, subject to approval of the board.

(i) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(j) Operate under a written contract with the department which is approved by the board. The contract must provide for, but is not limited to:

1. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.

2. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

3. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

4. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

5. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the board to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

6. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsel.

7. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

8. Payment by the management corporation, out of its allocated budget, to the department of reasonable costs associated with the contract monitor.

(k) Provide for an annual financial audit of its financial accounts and records by an independent certified public accountant. The annual audit report shall include a management letter in accordance with s. 11.45 and a detailed supplemental schedule of expenditures for each expenditure category. The annual audit report must be submitted to the board, the department, and the Auditor General for review.

(l) Provide for persons not employed by the corporation who are charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(m) Submit to the secretary, the board, and the Legislature, on or before October 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints

received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(n) Develop and submit to the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

(4) The management corporation may not exercise any authority specifically assigned to the board under chapter 455 or this chapter, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

(5) Notwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the board. The board may use funds of the Board of Professional Engineers in the unlicensed activity account established under s. 455.2281 to perform the duties relating to unlicensed activity.

(6) The department shall retain the independent authority to open or investigate any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department may request that the management corporation prosecute such cases and shall retain sole authority to issue emergency suspension or restriction orders pursuant to s. 120.60.

(7) Management corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217 and 455.229 for records created or maintained by the department shall apply to records created or maintained by the management corporation. In addition, all meetings of the board of directors are open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution. The exemptions set forth in s. 455.225, relating to complaints and information obtained pursuant to an investigation by the department, shall apply to such records created or obtained by the management corporation only until an investigation ceases to be active. For the purposes of this subsection, an investigation is considered active so long as the management corporation or any law enforcement or administrative agency is proceeding with reasonable dispatch and has a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case or 10 days after the board makes a determination regarding probable cause. All information, records, and transcriptions regarding a complaint that has been determined to be legally sufficient to state a claim within the jurisdiction of the board become available to the public when the investigation ceases to be active, except information that is otherwise confidential or exempt from s. 119.07(1). However, in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public. The board shall designate by rule those violations that involve the potential for substantial physical or financial harm. The department and the board shall have access to all records of the management corporation, as necessary to exercise their authority to approve and supervise the contract.

(8) The management corporation is the sole source and depository for the records of the board, including all historical information and records. The management corporation shall maintain those records in accordance with the guidelines of the Department of State and shall not destroy any records prior to the limits imposed by the Department of State.

(9) The board shall provide by rule for the procedures the management corporation must follow to ensure that all licensure examinations are secure while under the responsibility of the management corporation and that there is an appropriate level of monitoring during the licensure examinations.

History.—ss. 2, 5, ch. 97-312; s. 112, ch. 98-166; s. 173, ch. 2000-160; ss. 1, 2, ch. 2000-372; s. 121, ch. 2001-266; s. 5, ch. 2003-293.

471.0385 Court action; effect.—If any provision of s. 471.038 is held to be unconstitutional or is held to violate the state or federal antitrust laws, the following shall occur:

(1) The corporation shall cease and desist from exercising any powers and duties enumerated in the act.

(2) The Department of Business and Professional Regulation shall resume the performance of such activities. The department shall regain and receive, hold, invest, and administer property and make expenditures for the benefit of the board.

(3) The Executive Office of the Governor, notwithstanding chapter 216, is authorized to reestablish positions, budget authority, and salary rate necessary to carry out the department's responsibilities related to the regulation of professional engineers.

History.—s. 3, ch. 97-312.

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

History.—s. 7, ch. 98-419; s. 10, ch. 99-254; s. 28, ch. 2000-372.

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Changes to Chapter 471
(That apply to Engineering)

CHAPTER 2014-125

Committee Substitute for
Committee Substitute for House Bill No. 713

An act relating to engineers; amending s. 471.007, F.S.; revising qualifications for appointment of members of the Board of Professional Engineers; permitting a professional or technical engineering society to provide a list of qualified nominees for consideration for appointment to the board; providing for staggered terms and length of terms; amending s. 471.013, F.S.; revising requirements for an engineer license applicant who fails the fundamentals examination; authorizing such applicant who is delayed in taking the examination due to military service to have additional attempts to take the examination; amending s. 471.015, F.S.; revising requirements for obtaining licensure by endorsement; amending s. 471.017, F.S.; revising requirements for continuing education hours and license renewal for engineers; providing effective dates.

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

Section 1. Section 471.007, Florida Statutes, is amended to read:

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, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. 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. ~~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.~~

(2) Following expiration of the terms of members appointed to initiate staggered terms as set forth in subsection (3), members of the board ~~Members~~ 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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Governor. Each member shall hold office until the expiration of his or her appointed term or until a successor has been appointed.

Section 2. Paragraph (e) of subsection (1) of section 471.013, Florida Statutes, is amended to read:

471.013 Examinations; prerequisites.—

(1)

(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.

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

471.015 Licensure.—

(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:

~~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~~.

Section 4. Effective March 1, 2015, subsection (3) of section 471.017, Florida Statutes, is amended to read:

471.017 Renewal of license.—

(3)(a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Every licensee must complete 9 continuing education ~~4 professional development~~ 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:~~,~~ ~~4~~

1. One hour must ~~hours shall~~ relate to this chapter and the rules adopted under this chapter.

2. One hour must relate to professional ethics. ~~and the remaining 4~~

3. Four hours must ~~shall~~ 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 boardrecognized 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, ~~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 continuing education ~~professional development~~ hours.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2014.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Laws and Rules

Chapter Four -Case Law Concerning Chapter 471, F.S.

Florida Laws and Rules

Recent Engineer Discipline

In the last few months, the Board has formally approved the following enforcement cases based on the Florida Statutes and Rules applicable at the time of the violation. Included is a brief description of the licensee's violation and discipline imposed by the Board.

Roger Chewning, PE PE 21780
Case No. 2013027115

Licensee was charged with two counts of negligence in the practice of engineering, a violation of ***Section 471.033(1)(g), Florida Statutes***, and ***Rules 61G15-***

34.007(2)(1) and ***61G15-34.007(2)(m), Florida Administrative Code***. Licensee signed and sealed engineering documents for interior renovations at a private residence. Licensee acted as the Electrical and Mechanical Engineer of Record for this project. Pursuant to ***Rule 61G15-30.002(1), FAC***, all

engineering documents prepared, signed, sealed, and dated by a licensee must contained the information required in ***Rule 61G15-30.003(1), FAC***. The electrical documents were deficient in that they did not contain the information required by the Rules referenced above, and in fact, contained no electrical drawings in the permit documents. ***Rule 61G1534.007(2), FAC***, requires equipment schedules for all plumbing fixtures, water heaters, etc., appropriate floor plans, site plans, and building and plumbing system elevations, etc. There were no equipment schedules included on the drawings, no plumbing floor plans with piping elevations, etc.

Ruling: This case was presented to the full Board for an Informal Hearing. The Board imposed an Administrative Fine of $2,000, Costs of $3,920, Probation for two years with terms; terms include project review at six and eighteen months, completion of a Board-approved Course in Engineering Professionalism and Ethics and the Board's Study Guide. A Final Order was issued on November 4, 2014.

Violation: Section 471.033(1)(g), Florida Statutes, and Rules 61G15-34.007(2)(1) and 61G15-34.007(2)(m), Florida Administrative Code

Faustin F. Denis, Jr., PE PE 48685
Case No. 2012003988

Licensee was charged with pleading guilty to four counts of violating ***Section 125.69, Florida Statutes*** and ***Section 2-11.1(e)(3)(a), Miami-Dade County Code of Ordinances, Conflict of Interest and Code of Ethics Ordinance***, a crime evidencing a lack of moral character and thus has not maintained good moral character required of a Professional Engineer,

a violation of ***Section 471.033(1)(d), Florida Statutes***.

Ruling: This case was presented to the full Board for a Hearing. The Board imposed a Reprimand, an Administrative Fine of $1,000, Costs of $380.25, probation for two years, completion of a Boardapproved Course in Engineering Professionalism and Ethics and the Board's Study Guide. A Final Order was issued on November 4, 2014.

Violation: Section 125.69, Florida Statutes and

Section 2-11.1(e)(3)(a), Miami-Dade County Code of

Ordinances, and Section 471.033(1)(d), Florida

Statutes

Kim B. Ford, PE PE 39471
Case No. 2014002866

Licensee was charged with violating ***Section 471.033***

(1)(g), Florida Statutes and ***Rule 61G15-19.001(4), Florida Administrative Code***. Licensee signed and sealed engineering documents which failed to include wetland lines or buffers as required. By issuing final engineering documents which were deficient, Licensee did not exercise due care in the preparation

of final engineering documents and issued final documents which were not in compliance with acceptable engineering principles.

Ruling: The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of $500, Costs of $1,600, Appearance before the Board, completion of a Board-approved course in Engineering Professionalism and Ethics, Project Review at six and eighteen months, and the Board's Study Guide.

A Final Order was issued on December 10, 2014.

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

Fernando Gomez-Pina PE 14710
Case No. 2012039420

Licensee was charged with violating ***Section 471.033 (1)(g), Florida Statutes*** and ***Rule 61G15-19.001(4), Florida Administrative Code***. Licensee signed,

(Continued on page 13)

Recent Engineer Discipline (Continued from page 12)

sealed and dated engineering drawings which were materially deficient. The deficiencies include, but are not limited to, the design loads and the strength of materials were not indicated on the drawings, there was no information included indicating the engineering requirements for the delegated engineer of the roof truss system, the wall thickness of a steel column is missing, etc.

Ruling: The case was presented to the full Board based upon a

Settlement Stipulation. Licensee VOLUNTARILY

RELINQUISHED his Professional Engineer license effective December 31, 2014. Licensee shall never reapply for licensure as

a Professional Engineer or Certificate of Authorization holder in the State of Florida. A Final Order was issued on December 10, 2014.

Violation: Section 471.033(1)(g), Florida Statutes and Rule

61G15-19.001(4), Florida Administrative Code

MBV Engineering, Inc.
CA 3728 Case No. 2013049941

Licensee was charged with engaging in false and deceptive advertising and offering engineering services under a false and misleading firm name, a violation of ***Section 471.033(1)(f), Florida Statutes*** and ***Rule 61G15-19.001(2) and (3), Florida Administrative Code***. In FEMC Case No. 2010059281, Licensee was issued a Notice to Cease and Desist for advertising under the name of Mosby & Associates, Inc., while doing business as MBV Engineering, Inc. An Affidavit was signed by the President of MBV stating that Licensee will cease offering engineering

services under the name of Mosby & Associates, Inc. Licensee continued to maintain and allow a telephone listing for Mosby & Associates, Inc., to be published in the Vero Beach/Sebastian Yellow Pages telephone directory. Licensee was also answering the telephone number assigned to Mosby & Associates, Inc. as MBV Engineering. Licensee failed to comply with the specific provisions of applicable codes and standards when he continued to maintain the telephone listing for Mosby & Associates, Inc.

Ruling: This case was presented to the full Board for review with a Settlement Stipulation. Pursuant to the Settlement Stipulation, the Board imposed Costs of $351.00, Appearance before the Board and a Reprimand. A Final Order was issued on October 15, 2014.

Violation: Section 471.033(1)(f), Florida Statutes and Rule

61G15-19.001(2) and (3), Florida Administrative Code

Daniel Metz, PE PE 39576
Case No. 2013029821

Licensee was charged with being found guilty of violating ***Title***

18, United States Code, Sections 287 and 2 and Title 26, United character and thus has not maintained good moral character required of a Professional Engineer, a violation of ***Section 471.033(1)(d), Florida Statutes***.

Ruling: A Final Order was issued against Daniel Metz, PE, adopting the Settlement Stipulation which imposed a Reprimand, Costs of $200.00 and Appearance before the Board. A Final Order was issued on October 15, 2014.

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

Johnathan C. Powell, PE PE 63797

Case No. 2014014129

Licensee was charged with violating ***Section 471.033(1)(c), Florida Statutes***. Licensee was the subject of disciplinary action in the State of Alabama for providing engineering design drawings which contained structural deficiencies and code violations. By having his Professional Engineer license in Alabama acted against which would constitute a violation of Chapter 471, Licensee violated Florida law as noted above.

Ruling: The case was presented to the full Board based upon a

Settlement Stipulation. The Board imposed Costs of $585.25, Appearance before the Board, and Probation for two years to run concurrent with the Probation ordered by the State of Alabama until April 17, 2015. A Final Order was issued on December 10, 2014.

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

Peter R. Seckinger, PE PE 51245
Case No. 2014004355

Licensee was charged with being found guilty of violating ***O.C.G.A. §16-12-100.2(e)(1)***, a crime evidencing a lack of moral character and thus has not maintained good moral character required of a Professional Engineer, a violation of ***Section 471.033(1)(d), Florida Statutes***. Additionally, Licensee failed to report the September 22, 2006 conviction to FEMC or the Board, a violation of ***Section 471.033(1)(a), Florida Statutes***, by violating the provisions of ***Section 455.227(1)(t), Florida Statutes***.

Ruling: A Final Order was issued adopting the Settlement

Stipulation that included a Fine of $1,000.00, Costs of $473.98, Appearance before the Board, Reprimand, and two years'

probation. A Final Order was issued on October 15, 2014.

Violation: Section 455.227(1)(t), Florida Statutes

States Code, Section 7212(a), a crime evidencing a lack of moral *(Continued on p*

Tajmir-Davis & Associates Engineering, Inc.
CA 27319 Case No. 2013049674

Licensee was charged with practicing as an engineering firm without a professional engineer acting as a "principal officer of the business organization" and without updating the firm's information with the Board, a violation of ***Sections 455.227(1) (k)***, and ***471.033(1)(a), Florida Statutes***. Licensee designated Robert Moorhouse as the principal officer for purposes of obtaining its Certificate of Authorization as required by ***Section 471.023, Florida Statutes***. Mr. Moorhouse was the only professional engineer practicing with a license who met the statutory requirement. On October 9, 2013, Mr. Moorhouse died. Licensee was required to notify the Board within 30 days of the change of status of Licensee's Professional Engineer who acted as principal officer. Licensee was also required to enter into an arrangement with another Professional Engineer who would replace Mr. Moorhouse as principal officer. Licensee failed to comply with the requirement of ***Section 471.023, Florida Statutes***, and has continued to practice as an engineering firm without a Professional Engineer acting as principal officer and without updating the firm's information with the Board. As a result, Licensee violated ***Section 455.227(1)(k)*** and ***Section 471.033(1)(a), Florida Statutes***.

Ruling: A Final Order was issued against Tajmir-Davis &

Associates Engineering, Inc., adopting the Settlement Stipulation, which imposed a Fine of $5,000 and Costs of $370.50, Appearance before the Board, a Reprimand, and two years' probation. A Final Order was issued on October 15, 2014.

Violation: Sections 455.227(1)(k), and 471.033(1)(a), Florida

Statutes

Allan Williams, PE
PE 54207 ***ABW Engineering***
CA 30332

Case Nos. 2013019830 & 2013019832

Licensee was charged with violating ***Sections 471.023*** and

471.033(1)(i), Florida Statutes. From March 2009 through June

2013, ABW Engineering had a delinquent Certificate of Authorization. The Certificate of Authorization was reactivated on June 10, 2013. Licensee offered engineering services through ABW Engineering from March 2009 through June 2013.

Ruling: The case was presented to the full Board based upon a

Recommended Order of the Division of Administrative

Hearings. The Board imposed a Reprimand and an

Administrative Fine of $5,000. Upon separate Order Assessing Costs, the Board imposed Costs of $1,292.15. A Final Order was issued on November 4, 2014.

You can access the final orders for these cases and other recent engineer disciplines on our website under the Legal section at http://fbpe.org/legal/disciplinary-actions. If you are unsure if an engineer has been disciplined you can verify their license on www.myfloridalicense.com. Information on public cases in which an engineer has been disciplined can be obtained by sending an email request to publicrecords@fbpe.org.

Disclaimer: *FBPE would like to note that every effort has been made to ensure the accuracy of discipline information; however this should not be relied upon without verification from the Board office or website. It is possible that names of companies and individuals listed may be similar to the names of parties who **HAVE NOT** been disciplined or had compliant actions taken against them, so we encourage you to review licensee information on www.myfloridalicense.com, contact our office or make a public records request should you have any specific questions regarding disciplinary actions. Public records requests can be sent to publicrecords@fbpe.org.*

Violation: Sections 471.023 and 471.033(1)(i), Florida Statutes

Case Law in 2013-2015
Florida Board of Professional Engineers
VS
Roger Chewing,P.E.

FILED
Florida Engineers Management Corporation
NOV 04 2014
Clerk:

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/4/2014
File # 2014-08488

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2013027115
LICENSE NO.: PE 21780

ROGER CHEWNING, P.E.,

Respondent.
_____/

FINAL ORDER

THIS CAUSE came before the Florida Board of Professional Engineers (hereinafter "the Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly noticed public meeting on October 9, 2014, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A to Final Order) in the above-styled cause. At the hearing, Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Respondent was present.

FINDINGS OF FACT.

The facts set forth in the Administrative Complaint and First Request for Admissions (attached as Exhibit B to Final Order) are hereby adopted and incorporated by reference as the Board's findings of facts.

CONCLUSIONS OF LAW

The Board found that the admitted facts constitute the violations set forth in the Administrative Complaint.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's license shall be REPRIMANDED.

2. Respondent shall pay an administrative fine of $2,000.00, and costs in the amount of $3,290.00 within ninety (90) days of this Final Order.

3. Respondent's license shall then be placed on probation for a period of two (2) years from the date of filing of this Final Order. The terms of probation are:

a. Respondent shall provide a detailed list of completed projects (signed, sealed, and dated) at the six (6) month and eighteen (18) month intervals of the term of probation.

b. A FEMC Consultant will pick two (2) projects from each submitted list for review. Respondent is responsible for the Consultant's fee for reviewing the projects. If the Consultant provides an unfavorable review of a project, the review will go to the Probable Cause Panel for a determination of whether additional disciplinary proceedings shall be initiated

4. Respondent shall take a board approved course in Professionalism and Ethics, and complete the Board's Study Guide prior to the termination of probation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 4th day of November, 2014.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
on behalf Warren Hahn, P.E. Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE FLORIDA APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. First Class Mail to **Mr. Roger Chewning, P.E.**, 14307 Grafton Place, Tampa, Florida 33625; and by interoffice mail to Michael T. Flury Assistant Attorney General, PL-01 The Capitol, Tallahassee FL 32399-1050 and John Rimes, Prosecuting Attorney, 2639 N. Monroe Street B-112, Tallahassee FL 32303, this 7th day of November, 2014.

Trishia Finkey, Paralegal

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evette Lawson-Proctor
Date 5/23/2014
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2013027115

ROGER B. CHEWNING, P.E.,

Respondent,

/

FILED
Florida Engineers Management Corporation
MAY 23 2014
Clerk:

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation ("FEMC") on behalf of Petitioner, Florida Board of Professional Engineers ("Petitioner" or "FBPE") and files this Administrative Complaint against ROGER B. CHEWNING, P.E., ("Respondent"). This Administrative Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes. Any proceeding concerning this complaint shall be conducted pursuant to Section 120.57, Florida Statutes. In support of this complaint, Petitioner alleges the following:

1. Petitioner is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This complaint is filed by the FEMC on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the FBPE pursuant to Section 471.038, Florida Statutes (1997).

Exhibit A to Final Order

2. Respondent is, and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 21780. Respondent's last known address is 14307 Grafton Place, Tampa, Florida 33625.

3. May 23, 2013 Respondent signed and sealed engineering documents for interior renovations at a private residence at 215 Lithia Pinecrest, Brandon, FL ("Lithia Pinecrest Project"). The sealed and signed drawings were submitted to the Hillsborough County Building Department ("Building Department") and were rejected with comments by the Building Department.

4. 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), Fla. Admin 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 for acceptable standards of engineering principles." Rule 61G15-19.001(4), Fla. Admin Code, also provides that "[f]ailure 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 there from are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer."

5. The FBPE has adopted Responsibility Rules of Professional Engineers ("Responsibility Rules"). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36, Fla. Admin Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules. Included in the Responsibility Rules are Rule Chapters 61G15-33 and 61G15-34, Fla. Admin Code, which governs Electrical and Mechanical Engineering Documents produced by a Professional Engineer.

6. Respondent acted as the Electrical and Mechanical Engineer of Record for the Lithia Pinecrest Project as that term is defined in Rule 61G15-30.002(1), Fla Admin Code. As such, all engineering documents prepared, signed, sealed, and dated by Respondent must contain the information set out in Rule 61G15-30.003(1), Fla. Admin Code:

> ... When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters ... 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code [FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the AHJ [Agency Having Jurisdiction]. The Documents shall include:
>
> (a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.
>
> (b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.
>
> (c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.
>
> (d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
>
> (e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

7. Respondent's Electrical design documents for the Lithia Pinecrest Project are materially deficient in that there are no electrical drawings in the permit drawings. Electrical drawings which comply with the 2010 Florida Building Code-Building ("FBC-B") on projects like the Lithia Pinecrest Project are required by the FBC-B as provided in Section 107.2.1 "... *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, ..." and Section 2701.1 "[t]his chapter governs the electrical components, equipment and systems used in buildings and structures covered by

this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, National Electrical Code." Additionally, Rule 61G15-33.001, Fla. Admin Code, requires that

> [e]lectrical [e]ngineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical [e]ngineering documents shall demonstrate compliance with the requirements of the applicable codes and standards...

8. Respondent's HVAC design documents for the Lithia Pinecrest Project are materially deficient in that there are no HVAC drawings in the permit drawings. HVAC drawings which comply with the FBC-B on projects like the Lithia Pinecrest Project are required by the FBC-B as provided in Section 107.2.1 "*Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, ...," Section 2801.1 "[m]echanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the *Florida Building Code, Mechanical ...* " ("FBC-M"), and Section 107.3.5 which requires that the building official must examine the design documents to include a review of the following HVAC components:

1. Energy calculations,
2. Exhaust systems,
3. Equipment,
4. Equipment location,
5. Make-up air,
7. Duct systems,
8. Ventilation,
9. Combustion air,
11. Appliances,
13. Refrigeration,
14. Bathroom ventilation.

Additionally, Rule 61G15-34.001, Fla. Admin Code, requires that

> [m]echanical [e]ngineering [d]ocuments shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards ...

9. Rule 61G15-34.007(2), Fla. Admin Code, Design of Plumbing Systems, requires that

> (2) Mechanical Engineering Documents applicable to Plumbing Systems shall, when applicable, include but are not limited to the following:
> (a) Equipment schedules for all plumbing fixtures, water heaters, boilers, pumps, grease traps, septic tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains.
> (b) Floor plans, site plans, and building and plumbing system elevations are appropriate.
> (c) Potable Water isometric diagrams with pipe sizes and total water fixture units.
> (d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units.
> (e) Storm riser diagrams with pipe sizes and cumulative drain area square footages.
>
> ...
>
> (i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements.
> (j) Design shall be in accordance with handicap requirements adopted by the authority having jurisdiction.
>
> ...
>
> (l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings.
> (m) Material for all plumbing systems shall be specified.

10. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient as follows:

(a) Equipment schedules not included on the drawings. The omission of equipment schedules from the Plumbing Documents constitutes a violation of Rule 61G15-34.007(2)(a), Fla. Admin Code.

(b) Plumbing floor plans with piping elevations are not shown. Omission of floor plans with piping elevations constitutes a violation of Rule 61G15-34.007(2)(b), Fla. Admin Code.

(c) Potable water isometric diagrams are shown; however, not all pipe sizes are included on the isometric riser diagrams. Total water fixture units are not shown on the drawings. The omission of all piping sizes on the potable water isometric diagrams and the omission of total water fixture units constitute a violation of Rule 61G15-34.007(2)(c), Fla. Admin Code.

(d) Isometric sanitary riser diagrams are shown; however, not all pipe sizes are shown on the sanitary riser diagrams. Total flow waste fixture units are not shown on the drawings. The omission of all piping sizes on the isometric sanitary riser and the omission of total water fixture units constitute a violation of Rule 61G15-34.007(2)(d), Fla. Admin Code.

(e) No storm riser diagrams shown on the drawings. No area drainage calculations shown on the drawings. The omission of storm riser diagrams and area drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e), Fla. Admin Code.

(f) No list of applicable plumbing codes is shown on the drawings. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i), Fla. Admin Code.

(g) Handicap requirements have been shown on the drawings; however, required handicapped plumbing fixtures have not been specified on the drawings. The absence of handicapped plumbing fixtures being specified constitutes a violation of Rule 61G15-34.007(2)(j), Fla. Admin Code.

(h) No plumbing fixture schedules, hot water heater sizing, or materials for plumbing systems have been shown on the drawings. The absence of plumbing fixture schedules, equipment descriptions and materials for plumbing systems constitutes a violation of Rules 61G15-34.007(2)(l) and 61G15-34.007(2)(m), Fla. Admin Code.

COUNT I

11. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) as if fully set forth in this Count One.

12. Respondent's Electrical Engineering drawings for the Lithia Pinecrest Project contain deficiencies including; but not limited to, those set forth in Paragraphs Three (3) through Seven (7). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing Electrical Engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final Electrical Engineering documents for the Lithia Pinecrest Project and (2) the final Electrical Engineering documents for the Lithia Pinecrest Project were not issued in compliance with acceptable engineering principles.

COUNT II

13. Petitioner realleges and incorporates Paragraphs One (1) through Six (6) and Eight (8) through Ten (10) as if fully set forth in this Count Two.

14. Respondent's Mechanical Engineering drawings for the Lithia Pinecrest Project contain deficiencies including; but not limited to, those set forth in One (1) through Six (6) and Eight (8) through Ten (10). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin Code, by sealing and signing Mechanical Engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final Mechanical Engineering documents for the Lithia Pinecrest Project and (2) the final Mechanical Engineering documents for the Lithia Pinecrest Project were not issued in compliance with acceptable engineering principles.

WHEREFORE, the Petitioner respectfully requests the Board of Professional Engineers to enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license; restriction of the Respondent's practice; imposition of an administrative fine; issuance of a reprimand; placement of the Respondent on probation; the assessment of costs related to the investigation and prosecution of this case (other than costs associated with an attorney's time) as provided for in Section 455.227(3), Florida Statutes; and/or any other relief that the FBPE deems appropriate.

SIGNED this 23rd day of May, 2014.

Zana Raybon
Executive Director

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008

JJR/tf
PCP: May 13, 2014
PCP Members: RODDENBERRY, MATTHEWS & PEPPER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to Roger Bell Chewning by United States Certified Mail at 14307 Grafton Place, Tampa, FL 33625 on this 8th of May, 2014.

Trishia Finkey
NALA Certified Paralegal for FEMC
Final Order Compliance Coordinator for FBPE

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

ROGER B. CHEWNING, P.E.,

Respondent,

_____/

RECEIVED
AUG - 8 2014
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FEMC Case No. 2013027115

PETITIONER'S FIRST REQUESTS FOR ADMISSION TO RESPONDENT, ROGER B. CHEWNING, P.E.

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.370, Florida Rules of Civil Procedure, Petitioner, Florida Board of Professional Engineers ("FBPE" or "Board"), requests Respondent, ROGER B. CHEWNING, P.E., to answer the following requests for admission within the time set forth in such rule.

INSTRUCTIONS

1. **YOU MUST ADMIT, DENY, OBJECT TO, OR OTHERWISE EXPLAIN THE REASONS FOR YOUR DECISION TO ADMIT, DENY, OR OBJECT TO EACH OF THE FOLLOWING REQUESTS FOR ADMISSION. IF YOU DO NOT DO SO WITHIN THIRTY (30) DAYS OF SERVICE, THE MATTERS CONTAINED IN EACH ADMISSION TO WHICH NO RESPONSE IS MADE WILL BE DEEMED ADMITTED FOR ALL PURPOSES IN THIS CASE.**

2. If an answer is not made based upon privilege, identify said privilege, its nature, and the legal and factual basis for said claim of privilege.

Exhibit B to Final Order

3. If an objection is made to a request for admission, state the reason for the objection in lieu of an answer.

PRIVILEGE CLAIMS

For each and every response which asserts a claim of privilege, please identify the particular privilege noted. In addition, for each such response, please provide the following information so that the propriety of the claim may be questioned: (a) date of the communication; (b) identity of the communicants; (c) identities of others who participated in, overheard, or became privy to the communication; (d) subject matter of the communication; and (e) capacity in which each communicant was acting.

DEFINITIONS

1. The terms "**you**" and "**your**" as used herein shall mean Respondent and any person helping Respondent to answer these interrogatories, and any present or former employee, agent, partner, attorney, servant, representative, or other person acting or purporting to act on behalf of the person in question.

2. The term "**representative**" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the person in question.

3. The term "**person**" means any natural individual in any capacity whatsoever or any entity of organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, proprietorship, trust, estate, governmental agency, commission, bureau, or department.

4. As used herein, the term "**document**" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and

each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order, form, receipt, financial statement, accounting entry, diary, calendar, facsimile, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody, or control, or which was, but is no longer is your possession, custody or control.

5. As used herein, the terms "**identification**," "**identity**," or "**identify**," when used in reference to:

(a) a natural individual, requires you to state his or her full name and residential and business address;

(b) a corporation, requires you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business and the addresses of all of its offices in Florida, and the names and residential and business addresses of its officers and directors;

(c) a business, requires you to state the full name or style under which the business is conducted, its business address or addresses, the types of business in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, and control the business;

(d) a document, requires you to state the number of pages and the nature of the document (*e.g.*, letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian;

(e) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication and to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

6. The term "**Respondent**" means Roger B. Chewning, P.E.,

REQUESTS FOR ADMISSION

1. Respondent is, and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 21780. Respondent's last known address is 14307 Grafton Place, Tampa, Florida 33625.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

2. On May 23, 2013 Respondent signed and sealed engineering documents for interior renovations at a private residence at 215 Lithia Pinecrest, Brandon, FL ("Lithia Pinecrest Project").

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

3. Respondent acted as the Electrical and Mechanical Engineer of Record for the Lithia Pinecrest Project as that term is defined in Rule 61G15-30.002(1), Fla Admin Code. As such, all engineering documents prepared, signed, sealed, and dated by Respondent must contain the information set out in Rule 61G15-30.003(1), Fla. Admin Code:

> ... When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters ... 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code [FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the AHJ [Agency Having Jurisdiction]. The Documents shall include:
>
> (a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.
>
> (b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.
>
> (c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.
>
> (d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
>
> (e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

Admit ABC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

4. Respondent's Electrical design documents for the Lithia Pinecrest Project are materially deficient in that there are no electrical drawings in the permit drawings.

Admit ABC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

5. Respondent's HVAC design documents for the Lithia Pinecrest Project are materially deficient in that there are no HVAC drawings in the permit drawings.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

6. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since equipment schedules not included on the drawings. The omission of equipment schedules from the Plumbing Documents constitutes a violation of Rule 61G15-34.007(2)(a), Fla. Admin Code.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

7. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since plumbing floor plans with piping elevations are not shown. Omission of floor plans with piping elevations constitutes a violation of Rule 61G15-34.007(2)(b), Fla. Admin Code.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

8. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since potable water isometric diagrams are shown; however, not all pipe sizes are included on the isometric riser diagrams. Total water fixture units are not shown on the drawings. The omission of all piping sizes on the potable

water isometric diagrams and the omission of total water fixture units constitute a violation of Rule 61G15-34.007(2)(c), Fla. Admin Code.

Admit RAC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

9. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since isometric sanitary riser diagrams are shown; however, not all pipe sizes are shown on the sanitary riser diagrams. Total flow waste fixture units are not shown on the drawings. The omission of all piping sizes on the isometric sanitary riser and the omission of total water fixture units constitute a violation of Rule 61G15-34.007(2)(d), Fla. Admin Code.

Admit RAC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

10. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since no storm riser diagrams are shown on the drawings. No area drainage calculations are shown on the drawings. The omission of storm riser diagrams and area drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e), Fla. Admin Code.

Admit RAC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

11. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since no list of applicable plumbing codes is

shown on the drawings. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i), Fla. Admin Code.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

12. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since handicap requirements have been shown on the drawings; however, required handicapped plumbing fixtures have not been specified on the drawings. The absence of handicapped plumbing fixtures being specified constitutes a violation of Rule 61G15-34.007(2)(j), Fla. Admin Code.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

13. Respondent's Mechanical Engineering design documents for the Lithia Pinecrest Project relating to plumbing are materially deficient since no plumbing fixture schedules, hot water heater sizing, or materials for plumbing systems have been shown on the drawings. The absence of plumbing fixture schedules, equipment descriptions and materials for plumbing systems constitutes a violation of Rules 61G15-34.007(2)(l) and 61G15-34.007(2)(m), Fla. Admin Code.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

_____

14. The attached "Composite Exhibit A" shows correct copies of the Hillsborough County Plan Review Comments for the Lithia Pinecrest Project.

Admit RBC Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

15. The attached "Exhibit B" shows correct copies of the drawings Respondent/you signed, sealed, and dated May 23, 2014; and which were submitted to Hillsborough County for the Lithia Pinecrest Project.

Admit JJR Deny _____

Reasons for Failure to Answer or Objection(s) and Basis Therefore:

Respectfully submitted,

John J. Rimes III
Florida Bar Number 212008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the *Petitioner's First Requests for Admissions to Respondent* has been furnished by U.S. First Class Mail to Mr. Roger B. Chewning, P.E., 14307 Grafton Place, Tampa, Florida 33625 on this 10TH day of July, 2014.

John J. Rimes, III
Florida Bar Number 212008
Prosecuting Attorney for the
Florida Board of Professional Engineers
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
(850) 521-0500
jrimes@fbpe.org

Hillsborough County
Florida

Plan Review Comments

Date: 05-28-13
Tracking Number INR07161

ELECTRICAL PLAN REVIEW has been denied by Harry Krapil on 05-28-13

- NO ELECTRICAL DRAWINGS SUBMITTED WITH LATEST CORRECTIONS RECEIVED.
- Is there any type of electrical work with this project???
- Plan is incomplete.
- Unable to determine scope of work.
- Differentiate new from existing
- Use the link below and include all of the items that pertain to your project.

http://www.hillsboroughcounty.org/DocumentCenter/View/5140

DO NOT SUBMIT CORRECTIONS UNTIL ALL REVIEWS ARE COMPLETE, YOU WILL BE NOTIFIED.

Revised plans required, all revisions shall be clearly indicated by clouds and a response letter from the person responsible for the design indicating how plan review comments have been addressed shall be submitted with revised drawings.

CONTRACTOR:
NOTIFIED VIA: [ ] PHONE: [ ] FAX:
DATE NOTIFIED:

"Composite Exhibit A"

Exhibit B to Final Order

Hillsborough County
Florida

Plan Review Comments

Date: 4/26/13
Tracking Number: INR07161
Project Name: Handicap Bath Remodel

MECHANICAL review has been denied by Tony Bryan on 04/26/2013, for the following.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents:
Mechanical:
Exhaust systems: Clothes dryer exhaust, Duct systems, Bathroom ventilation.

DO NOT SUBMIT CORRECTIONS UNTIL ALL REVIEWS ARE COMPLETE, YOU WILL BE NOTIFIED.

Revised plans required, all revisions shall be clearly indicated by clouds and a response letter from the person responsible for the design indicating how plan review comments have been addressed shall be submitted with revised drawings.

CONTRACTOR:
NOTIFIED VIA: [ ] PHONE: [ ] FAX:
DATE NOTIFIED:

"Composite Exhibit A"

Exhibit B to Final Order

Hillsborough County
Florida

Plan Review Comments

Date: May 30, 2013
Tracking Number: INR07161
Project Name: H.I.S. HONISTY, INTEGRITY, SERVICE
Examiner: GENE SHAW Plumbing.

1) Provide a lavatory inside bathroom as required by Florida Building Code – Plumbing - 405.3.1.
2) Provide the clear floor space for toilet required by Florida Building Code - Accessibility –604.3.
3) Provide a scaled detail of bathroom showing clear floor spaces for all fixtures as required by Florida Building Code – Administration – Minimum plan review criteria - 107.3.5.
4) The proposed trap seal (The Green Solution) is not an approved trap sealing product as listed in Florida Building Code – Plumbing - 1002.4.

Revised plans required, all revisions shall be clearly indicated by clouds and a response letter from the person responsible for the design indicating how plan review comments have been addressed shall be submitted with revised drawings.

CONTRACTOR:
NOTIFIED VIA: [ ] PHONE: [ ] FAX:
DATE NOTIFIED:

"Composite Exhibit A"

Exhibit B to Final Order

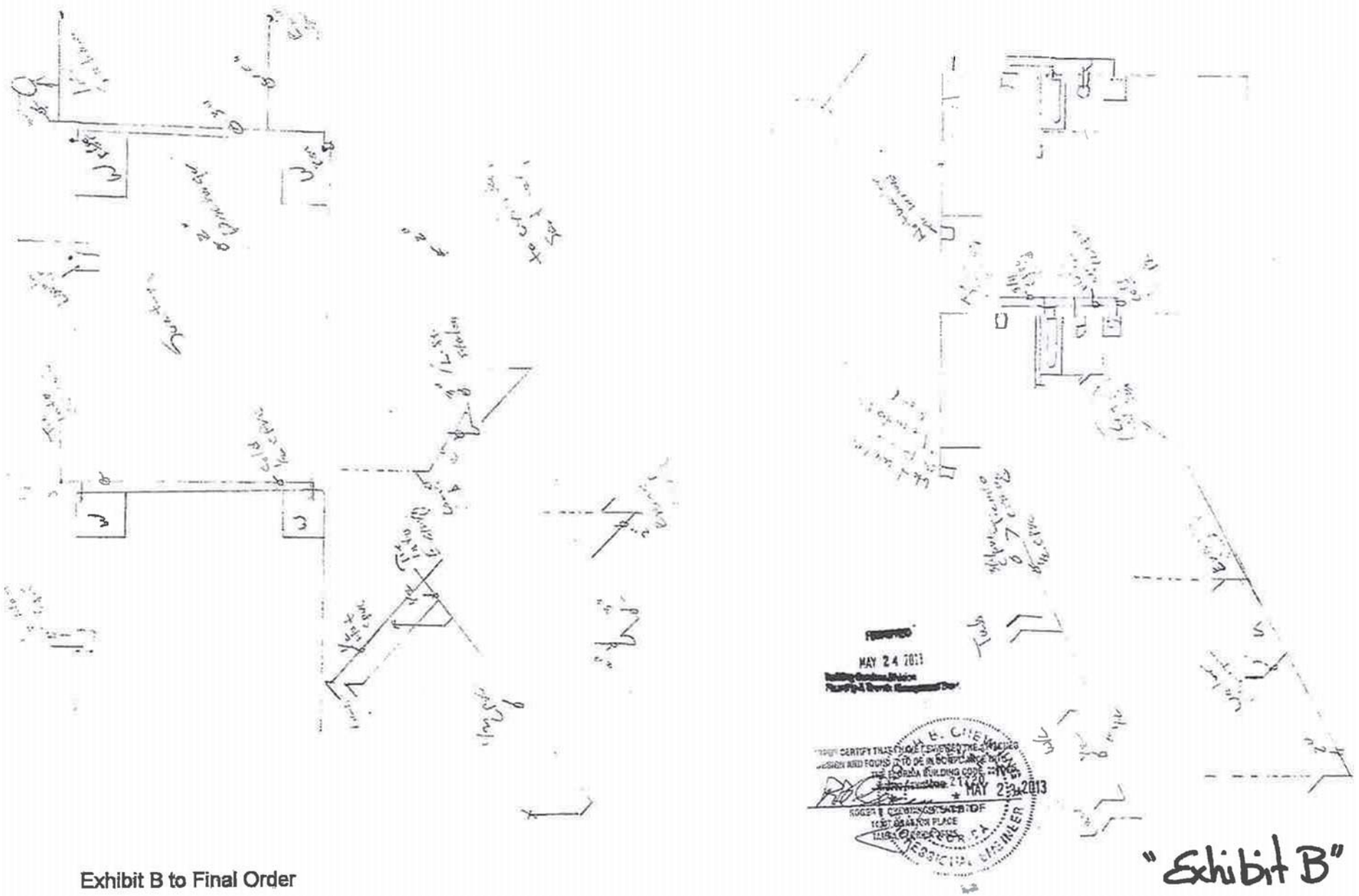
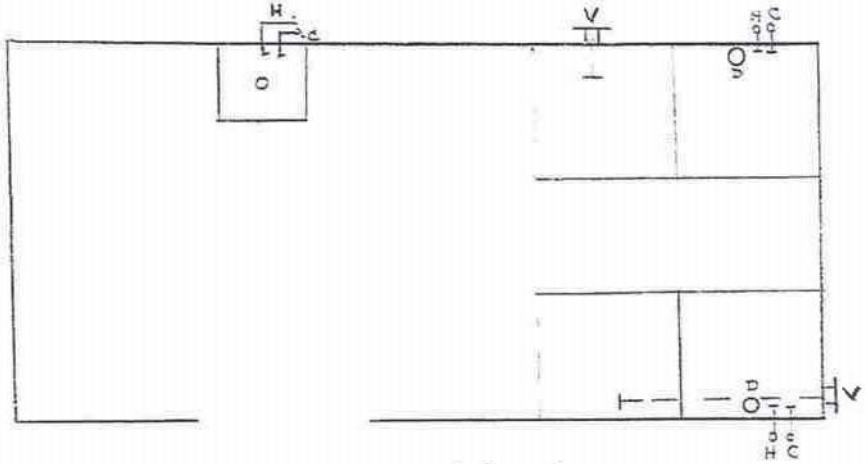


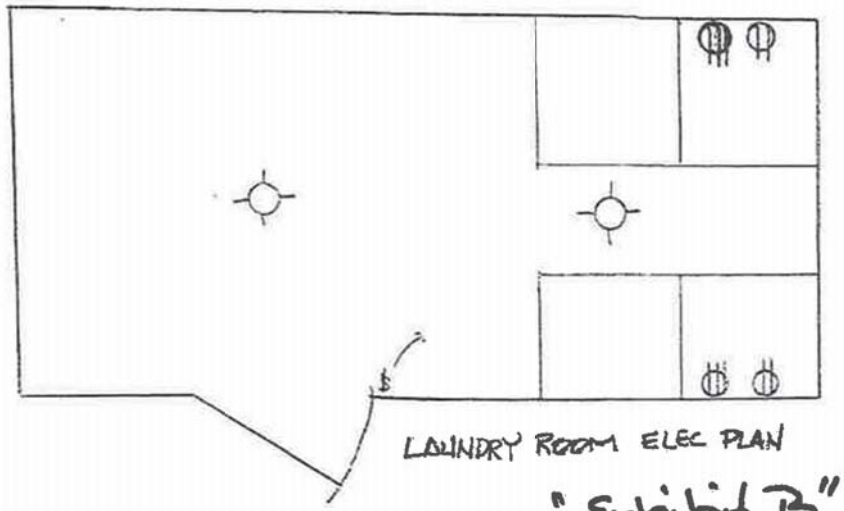
Exhibit B to Final Order



LAUNDRY ROOM
SCALE ½"=1'

Note: Dryers to vent directly to exterior of building

RECEIVED
JUN 21 2013
Building Services Division
Development Services Dept



LAUNDRY ROOM ELEC PLAN

"Exhibit B"

215 LITHIA PINECREST
BRANDON FL

Exhibit B to Final Order

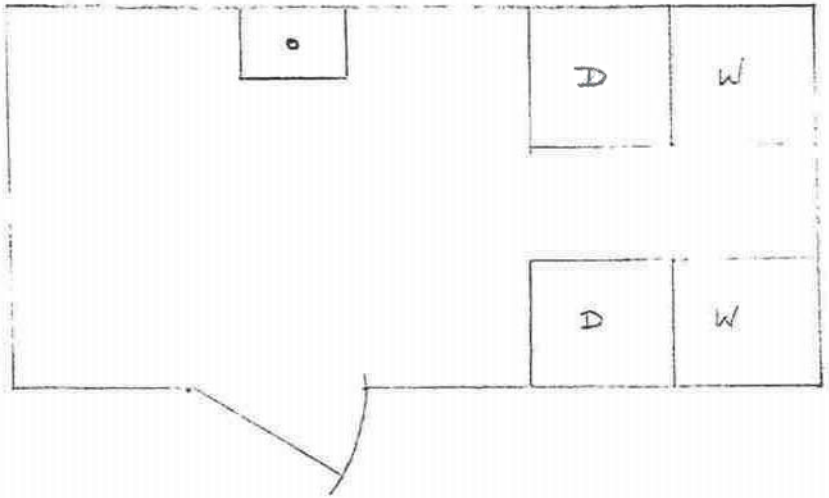
Exhibit B to Final Order

"Exhibit B"

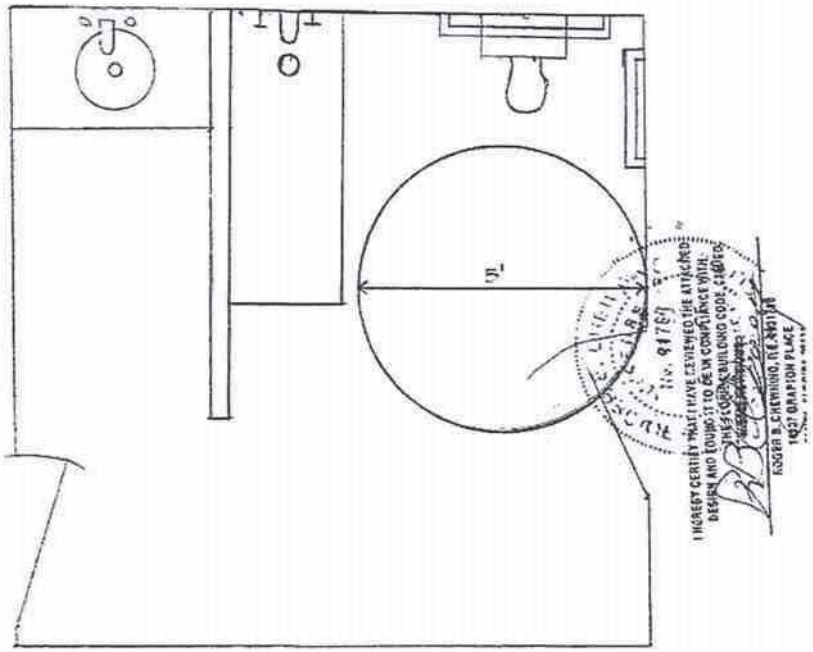
2/5 LITHIA PINECREST
RCANDON, FL
FLOOR PLAN

RECEIVED
JUN 21 2013
Building Services Division
Development Services Dept

SCALE = 1/8" = 1'



NEW LAUNDRY
½" = 1'



NEW BATH
½" = 1'

RECEIVED
JUN 21 2023
Building Services Division
Development Services Dept

215 LITHIA PINECREST
BRANDON FL

Exhibit B to Final Order

"Exhibit B"

Florida Laws and Rules

Chapter Five -Resources Used to Develop this Course

Florida Administrative Code, Chapter 61G15, Board of Professional Engineers
http://www.fbpe.org/index.php/Legal/Statutes%20and%20Rules/61g15_as_of_12.2.14.pdf

Florida Statutes, Title XXXII, Chapter 455 Business and Professional Regulation: General Provisions"
2011
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455ContentsIndex.html&StatuteYear=2011&Title=%2D%3E2011%2D%3EChapter%20455

2012
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455ContentsIndex.html&StatuteYear=2012&Title=%2D%3E2012%2D%3EChapter%20455

2013
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455ContentsIndex.html&StatuteYear=2013&Title=%2D%3E2013%2D%3EChapter%20455

Florida Statutes, Title XXXII, Chapter 471 Engineering!
http://www.fbpe.org/documents/published/Legal/Statutes%20and%20Rules/chapter_471_10-08-12.pdf

Florida Administrative Weekly
https//www.flrules.org/

FBPE Meeting Minutes April 2011
http://www.fbpe.org/userfiles/file/April%202011%20FBPE%20Minutes.pdf

FBPE Meeting Minutes August 2012
13http://www.fbpe.org/userfiles/file/Final%20Minutes%20of%20the%20August%202012%20FBPE%20Board%20Meeting.pdf

FBPE Meeting Minutes October 2013
http://www.fbpe.org/userfiles/file/Minutes%20of%20the%20October%20FBPE%20Board%20Mee_ting.pdf

FBPE Disciplanary Actions 2012
http://www.fbpe.org/documents/published/Legal/Disciplinary%20Actions/plotts_thomas_02.pdf

FBPE Disciplanary Actions 2013

http://www.fbpe.org/documents/published/Legal/Disciplinary%20Actions/january_2013_-_disciplines.pdf

Florida Laws and Rules

Chapter Six -Disciplinary Cases and Unlicensed Practice Cases during the proceeding biennium.

Kevin Adams, P.E.
License No. 52421
Case Nos. 2009010448 & 2011049668

Licensee's North Carolina Professional Engineer license was disciplined for negligence in the practice of engineering, affixing or permitting his seal and signature to a final drawing, etc., not prepared by him or under his responsible supervision, affixing his signature or seal to a plan over which he lacked competence, and affixing his seal to inadequate design documents. This Board charged Licensee with having his license acted on by the licensing authority of another state for any act that would constitute a violation of Section 471.033(1)(c), Florida Statutes.

Ruling: A Final Order was issued on June 20, 2012, and a Settlement Stipulation was approved by the Board imposing the following: reprimand, appearance, costs, study guide and restriction from practicing any other discipline other than civil or structural engineering until such time that he completes, passes and submits proof of passing the NCEES Principles and Practice Examination in any other such engineering discipline. If and when the Licensee, seeks to have the above restriction lifted, Licensee shall appear before the Board to lift the restriction.

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

Joseph Bombassaro,
P.E. License No. 50702
Case No. 2011055859

Licensee was originally charged in FEMC Case No: 2008054175 and as part of the terms imposed in the Final Order for that case, he was required to pay a fine of $3,000.00 and costs of $573.00 within one hundred and twenty (120) days of the date of the Final Order and successfully complete the Board-approved Professionalism and Ethics course. Licensee failed to provide proof of completing the required course which resulted in his failure to comply with the terms of the Final Order in FEMC Case No. 2008054175.

Ruling: A Final Order was issued on July 5, 2012, imposing the following: reprimand and costs.

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

Fernando Gomez-Pina, P.E.
License No. 14710
Case No. 2012001850

The Administrative Complaint alleged that the Licensee was originally charged in FEMC Case No. 2007038418. Licensee entered into a Settlement Stipulation that was made part of the Final Order. Part of that stipulation required that the Licensee successfully complete a Board-approved course in Intermediate Engineering Professionalism and Ethics within one year of the date of the Final Order. Licensee failed to take the course.

Ruling: A Final Order was issued on August 16, 2012, and the Settlement Stipulation approved by the Board imposing the following: suspension (until licensee complies with the terms of the Final Order in FEMC Case No. 2007038418); costs of $736.50; reprimand; and appearance before the Board. **NOTE: Licensee provided proof at the hearing that he completed the course— Suspension has been lifted.**

Violation: 471.033(1)(k), Florida Statutes

Thomas Hibbard, P.E.
License No. 57147
Case No. 2012016508

The Administrative Complaint alleged that the Licensee was originally charged in FEMC Case No. 2009054465 and as part of the terms imposed in the Final Order for that case was required to pay a fine of $1,000.00 and costs of $4,930.97 within thirty (30) days of the date of the Final Order. No payment was made to FEMC within that 30 day time period which resulted in failure to comply with the terms of Licensee's Final Order in FEMC Case No. 2009054465.

Ruling: A Final Order was issued on September 18, 2012, after informal hearing imposing the following: suspension of license until such time as Licensee complies with the terms of discipline set forth in FEMC Case No. 2009054465. Additionally, the Licensee must pay additional costs of $107.25 within 30 days of the date the Final Order was filed.

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

Martin King, P.E.
License No. 38697
Case No. 2011028040

Licensee was charged with violating Section 895.03, Florida Statutes. As a result of that violation, Licensee violated Sections 471.033(1)(c) and 471.033(1)(d) Florida Statutes by being adjudicated guilty of a crime which directly relates to the practice of engineering or the ability to practice engineering. The conviction derived from Licensee's activities while acting as Director of Public Services for the City of North Miami Beach, as well as activities performed in subordinate positions prior to being appointed Director. In those positions, Licensee, among other duties, was responsible for acting in a supervisory role overseeing various aspects of the North Miami Beach Public Services Department, including water and sewer services for the city. The fact underlying the conviction showed that from 1998 and continuing for over ten years, Licensee fraudulently siphoned city funds to a company that Licensee created. That company charged the city for non-existent work purportedly done relating to the water and sewer services for the city.

Ruling: A Final Order was issued on June 20, 2012, and a Settlement Stipulation was approved by the Board imposing the following: costs and revocation.

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

Randall Mosby, P.E.
License No. 22326
Case No. 2011042037

Licensee signed and sealed engineering documents for a single family residence which were materially deficient and resulted in a charge of negligence in the practicing of engineering. Specifically, Licensee signed and sealed plans with no title block, no name or license number of the engineer, incorrect cladding pressures, incorrect roof sheathing nailing requirements, no indication of requirements for delegated engineer, etc.

Ruling: A Final Order was issued on July 5, 2012, imposing the following: costs; reprimand; suspension for a minimum of one (1) year and thereafter until he appears before the Board and demonstrates the ability to practice engineering with reasonable skill and safety to the public.

Violation: Section 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C

Daryl M. Sester, P.E.
License No. 45379
Case No. 2011001633

The Administrative Complaint alleged that Licensee was the Engineer of Record for the shoring and re-shoring inspection reports on the Berkman Plaza II, Garage Structure in Jacksonville, Florida. The shoring and re-shoring inspection reports for the "*Garage*" project were initially signed by two engineers; however, in early August 2007, Licensee assumed responsibility for the project and signed the remainder of the shoring and re-shoring inspection reports for the project. Licensee did not personally perform the inspections but relied on two employees to inspect and approve the shoring system installation. Licensee did not seal the inspection reports for the project. As Engineer of Record, the Licensee was responsible for ensuring that those acting in his stead were qualified to provide the services, that they understood the scope of the services including the required standard of care, and that they had reviewed the design and/or other documents necessary to accomplish the inspection. Licensee failed to affix his seal to the inspection reports. Additionally, the Licensee signed inspection reports for the shoring and re-shoring that were issued without due care and which materially failed to conform to acceptable standards of engineering principles.

Ruling: A Final Order was issued on August 16, 2012, and the Settlement Stipulation was approved by the Board imposing the following: suspension (the suspension shall be stayed for 30 days and vacated if Licensee pays the fine and costs; fine of $2,000; costs of $4,003.75; reprimand; appearance before the Board; probation; Board-approved Engineering Professionalism and Ethics course; successful completion of the ACI Inspector Certification Program: *Concrete Construction Special Inspector*; and study guide. Licensee shall appear at a Board Meeting immediately preceding the end of probation and provide to the board a comprehensive report as to any projects to which the quality control methodology provided to the Board during Licensee's initial appearance has been applied.

Violation: Sections 471.033(1)(a) and (g) and Section 455.227 (1)(k) Florida Statutes

James Lee Smith, P.E.
License No. 36177
Case No. 2010050477

The Administrative Complaint alleged that Licensee was originally charged in FEMC Case No. 2004044194. Licensee entered into a Settlement Stipulation that was made a part of the Final Order. Part of that stipulation provided in material that Licensee would submit projects for project review. As required, Licensee provided a list of projects for project review. The consultant reviewing those projects chose two projects; the "Velez" and "Captiva" projects. The consultant found that the "Velez" project contained construction documents which failed to indicate the design compressive strength and the grade of reinforcing for the concrete masonry elements of the project. The grade of steel for the sill anchor bolts is not specified in the plans, etc. The consultant found that the "*Captiva*" project construction documents failed to include construction requirements regarding the isolation of the untreated wood trusses from the masonry bond beam elements, and the calculations provided for the shearwall design are flawed in that they fail to distribute the total lateral force on the structure to the various vertical elements of the lateral-force-resisting system in proportion to their rigidities, etc.

Ruling: A Final Order was issued on September 18, 2012, and a Settlement Stipulation was approved by the Board

imposing the following: costs, appearance before the Board and project review.

Violation: Sections 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C.

Joseph Tinder, P.E.
License No. 65378
Case No. 2010029763

The Administrative Complaint alleged that Licensee signed and sealed materially deficient engineering documents which resulted in engaging in negligence in the practicing of engineering. Specifically, Licensee signed, sealed and dated drawings for a "Press Box Addition". One sheet noted "Limited to Structural Design Only", one sheet noted "Limited to Structural and Electrical Design Only." In the electrical engineering documents , the Licensee failed to indicate power distribution riser diagram with short circuit values; circuit interrupting devices and fault current interrupting capability, location and characteristics of surge protective devices, voltage drop calculations, load computations, grounding and bonding. Additionally, the electrical engineering documents for lighting systems failed to include lighting fixture performance specifications and arrangements, exit lighting, calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Ruling: A Final Order was issued on August 16, 2012, accepting a Settlement Stipulation, imposing the following: fine of $1,000; costs of $1,112; reprimand; appearance before the Board; Boardapproved Engineering Professionalism and Ethics course; and study guide.

Violation: Section 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C.

Liang Zhou, P.E.
License No. 42131
Case No. 2010058209

The Administrative Complaint alleged that the Licensee signed, sealed and dated structural engineering design documents as well as structural engineering calculations that contained many various deficiencies. The drawings and calculations fail to provide a title block on the drawings containing the Licensee's printed name, address and license number; The drawings fail to include reinforced concrete column reinforcing details including the size of the hooked bars at the top and bottom of the columns and the required splice length for dowels; a portion of the details fail to indicate the location of the reinforcing within the masonry wall; a portion of the details fail to indicate the wall anchorage extended and/or hooked into the foundation, etc. Licensee acted as Structural Engineer of Record for a project. Licensee signed, sealed and dated engineering documents for the project that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements, acceptable engineering principles, and the applicable provisions of the Responsibility Rules. Licensee signed and sealed drawings for this project without including a title block on the drawings.

Ruling: A Final Order was issued on September 18, 2012, and a Settlement Stipulation was approved by the Board imposing the following: suspension (suspension shall be stayed for 30 days and vacated upon receipt of the fine and costs), fine of $1,000, costs of $4,427, reprimand, appearance before the Board, project review at 6 and 18 months, Board-approved Engineering Professionalism and Ethics course; and study guide.

Violation: Sections 471.033(1)(g) and Section 471.025(2) Florida Statutes

Thomas D. Plotts, P.E.
License No. 66075
Case No: 2011055019

The Administrative Complaint alleged that Licensee sealed, signed and dated three pages of engineering design documents for an aluminum swimming pool screen enclosure. The engineering documents were materially deficient engineering documents which resulted in engaging in negligence in the practicing of engineering. Specifically, it was alleged that Licensee failed to comply with Sections 106.1.1, 1603.1 and 1604.2 of the 2007 Florida Building Code as well as Rules 61G15-30.002(1), 61G15-31.003(1), 61G15-31.001 and 61G15-31.002(1), (5), Florida Administrative Code. Some of the deficiencies noted were:

connection for the ends of the diagonal roof bracing elements was not detailed in the permit drawing; failure to design the elements of the screen enclosure in accordance with strength requirements, etc. Additionally, the Licensee, as the structural engineer of record, is professionally responsible for producing a document that complies with the applicable portions of the Responsibility Rules.

Ruling: A Final Order was issued on 10/19/12 accepting a Settlement Stipulation, imposing the following: Licensee's license will be placed on "inactive status". Licensee waives any right to reactivate the inactive license and will make no attempt to reactivate the license. Licensee further agrees that the inactive license will not be renewed in February 2013 and will become delinquent as a result of non-renewal. Licensee further agrees that, upon the delinquent license becoming null and void after the closing of the 2015 renewal cycle, Licensee will never reapply for licensure as a Professional Engineer or Certificate of Authorization holder in the State of Florida.

Violation: Section 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C.

Florida Laws and Rules

Chapter Seven -Answers to Practice Problems

1) Who provides prosecutorial services for the Florida Board of Professional Engineers?

Florida Engineers Management Corporation

2) What degree of control must be exercised by the Engineer of Record?

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 electronic communication devices, such as electronic mail, video conferencing, teleconferencing, computer networking, or via facsimile transmission.

Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.

Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the FDOT); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such details(s) into the engineering work is acceptable engineering practice.

3) What range of penalties can be enacted by the Board?

Reprimand to revocation of license. Penalties in between these two extremes the offender may have to take the board study guide, be placed on probation, pay various fines, or have to take a Board approved course on ethics. It is important to note the range of penalties is list for the first offense and then a separate range of penalties is listed for a second offense. For some offense the maximum penalty can be issued even if it is the first offense.

4) Upon reactivating a license what are the continuing education requirements?

A license that has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having completed twelve hours of engineering related education per inactive year, or portion thereof, in excess of one year. The education shall be related to the licensees area of practice. In addition, the licensee shall have completed four hours of education that shall involve the law and rules governing the practice of engineering in a course approved by the Board. Licensees who can demonstrate that they have continued the active practice of engineering during the inactive period, either through an active license to practice in another state or through practice in an exempt setting during that period, shall only be required to comply with the laws and rules requirement.

5) True or False: In order to become an approved continuing education provider in the State of Florida the provider must now become a provider registered with the National Council for Examiners and Engineering and Surveying (NCEES).

False, the board still has a process for allowing continuing education providers to demonstrate that they meeting the qualifications outlined by the Florida Laws and Rules to become a continuing education provider.

6) Who is exempt from the continuing education requirements?

a. New licensees who have achieved licensure by examination, pursuant to Section 471.013,F.S., shall be exempt from their first renewal period.

b. Any licensee whose license is placed in retired status shall be exempt thereafter.

c. Any licensee whose license is placed in inactive status, for so long as it remains inactive. Note that licensees that acquired their PE license via comity or endorsement are not exempt from the continuing education requirements of Florida.

7) Does 61G15-27.001 give an engineer the authority to copy another's engineering plans?

No, it only prescribes what actions must be taken in order to assume responsible charge of the plans originally designed by another engineer. It does not address copyright legal issues or contract law. If a building is a prototype then the owner may have the legal rights to use the drawings on another project site using a different design team. In other situations this is not the case. Do not assume that just because there is a procedure for assuming another's engineering work through the successor engineer rules that you can legally do so.

8) Are steel joist manufacturers required to submit signed and sealed joist erection shop drawings?

No, currently joist manufacturers are only required to design the joist according to the loads designated on the structural contract drawings. The engineer of record may require the joist manufacturer to submit signed and sealed calculations. One point of contention for a number of years now is whether a building department or engineer of record may require the submission of signed and sealed erection plans. Often joist manufacturers base their entire design on the erection drawings prepared by a third party without ever laying eyes on the contract documents. . If the joists designed for high uplift zones or snow drifts were to be placed in the wrong location due to flawed erection plans a building failure could occur. There are several options available to the Engineer of Record. He can require that the joist manufacturer sign and seal a statement attesting that the joist have been designed to meet the requirements of the contract documents in addition to just providing signed and sealed calculations. Another option is to require the erection drawings to also be signed and sealed. A third option is carefully review the calculations provided by the joist manufacturer against both the erection drawings and the contract drawings. In either case the engineer of record should make provisions to ensure that the erection plans are accurate. Some school boards and building departments are now attempting to require that the joist erection drawings be signed and sealed. The only way to force the joist manufacturer to provide this service is to require it as part of the project engineering specifications and payment schedule on the bid documents. Thus this service would become part of the contract.

Are steel joist manufacturers required to determine the net uplift loads for steel joist design?

No, this is the responsibility of the Engineer of Record. The joist manufacturer should be provided a net uplift diagram with the different wind zones carefully described on the plans. The building code only list what the minimum load requirements are for various load cases including the uplift load cases. The joist manufacturer is not in a position to determine what the best assumed dead load would be for the uplift load cases on the roof. So uplift loads just like gravity loads are to be specified by the Engineer of Record and that is what is stated in 61G15-31.006(1). It is not enough to simply provide a gross uplift diagram or worse just the wind speed criteria.

9) Tom, the Engineer of Record is responsible for the design of a building supported by pile foundations. However he has decided to delegate the design of the piles to a specialty engineer. Does the specialty engineer have to provide signed and sealed calculations?

According to section 61G15 31.008(3) the delegate engineer must provide signed and sealed drawings. He would only have to submit signed and sealed calculations if it was part of his contract. Thus if the engineer of record wishes to see the signed and sealed calculations he should specify that in the contract documents for the project.

Florida Laws and Rules

Chapter Eight -Quiz Problems

1. The legislative intent of the Engineering Practice Act is to: KEYWORD (legislature)

A. lessen the responsibilities of other allied professions.
B. protect the health and welfare of citizens.
C. increase the revenue of the state.
D. promote increased regulation of professions.

2. While working on a state project, Paul, a licensed civil engineer, has been told he must include standardized manhole details in his plans. Since they are standardized details, must Paul exercise responsible charge in their inclusion into the plans? (KEYWORD: inclusion)

A. Yes
B. No

3. What must Paul do in order to approve the inclusion of the standard manhole details into the construction plans? (KEYWORD: inclusion)

A. Nothing because these details have already been designed
B. Place them on a separate sheet in the plan set with a different title block and have a state employed engineer seal the plans.
C. Perform a reasonable analysis to make sure that the inclusion of the details will meet acceptable engineering practices.
D. Omit the details from the plans and simply reference the state document that includes the applicable details.

4. Paul found it necessary to modify an FDOT standard detail. The owner is upset and is insisting that Paul include the necessary detail just as it was in the FDOT standards and is threatening breach of contract. Which of the following actions would be acceptable engineering practice?

A. Include the details in his plans unmodified as requested and add a limit of liability disclaimer.
B. Have another engineer in the office who is willing to sign and seal the plans take over the project.
C. Sign and seal only a set of plans that include the necessary changes that his or her analysis showed were required and are in his or her best engineering judgment.
D. Change the assumptions in the analysis so that the details meet acceptable engineering practice.

5. Nathanael, a structural engineer, was asked to produce a set of plans involving minor structural engineering work for a home owner who was knocking out a wall. By removing the wall the two rooms were made into one larger room. In process of fulfilling his contractual obligations Nathanael took the following actions. Which action was a violation of Florida Statute 471.003? (KEYWORD: 471.003)

A. Placed his company's certificate of authorization number on the plans.
B. In the title block followed his name with the title, Engineer/Architect
C. Failed to draw a set of plans of the entire house.
D. Included a limit of liability clause on the general notes page.

6. Being convicted or found guilty of a crime, in any jurisdiction relating to the practice of engineering, is grounds for disciplinary action. (KEYWORD: convicted) (more than two places)

A. regardless of adjudication.
B. only if convicted of a felony.
C. only if the judge orders it.
D. only if convicted of a misdemeanor.

7. Robert Godwin, PE was a licensed engineer in the State of Florida for ten years when he decided he would make his license inactive. After two years he needed to reactivate his license. During this inactive period Bob has been actively practicing in the State of Georgia and has maintained an active Georgia license. (Georgia requires 24 PDH in the area of Practice). In order to reactivate his license he must: KEYWORD: inactive period

A. complete 12 PDH of area of practice continuing education.
B. complete 24 PDH of area of practice continuing education
C. complete 24 PDH area of practice and 4 PDH Florida laws and rules
D. complete 4 PDH Florida laws and rules

8. Caleb, a licensed engineer who practices Geotechnical engineering, uses a software program to design retaining walls. There was a flaw in the software program that leads to the collapse of the wall during a rainstorm. Who is responsible for the mistake? (KEYWORD: computer software)

A. the company that sold him the software
B. the person who programmed the software
C. Caleb who operated the software

9. The exercise of supervisory authority over engineering work is known as

A. responsible control
B. overseeing control
C. responsible charge
D. overseeing charge

10. Kim, the fire protection engineer of record has delegated a portion of the fire protection engineering to a fire protection delegate engineer. The contract between the two parties requires that the design be simultaneously submitted for permit. Kim must: (KEYWORD: simultaneously)

A. review and approve the documents prepared by the delegate engineer for conformity with Kim's design intent.
B. includes the delegate engineers design documents into the engineering design documents prepared prior to submittal.
C. The documents produced by each engineer shall be submitted together.
D. Do items A and B.

11. When adopting another engineers work,

A. the successor engineer only needs to change the title block.
B. a cursory review for code compliance is all that is required.
C. the original engineer is still responsible.
D. the successor engineer must be able to document and produce upon request evidence that he has in fact recreated all the work done by the original professional engineer.

12. Notification to the Florida Engineers Management Corporation by a professional engineer having knowledge of violations of Chapter 471, Florida Statutes is (KEYWORD: knowledge or reason)

A. irrelevant to the rules and statutes governing engineering.
B. outside of the scope of practice.
C. required by Board rules.
D. considered interfering with the judicial process.

13. A residential designer has drafted a set of home plans and included the foundation plan and all other structural information on his plans in order to get a permit. He then dropped the plans off at the office of Acme Engineering, Inc. There, John Q Smith, P.E. performed analysis, design, and checked the plans making sure they complied with his design and analysis. Being convinced that the plans met acceptable engineering standards he signed and sealed them. Did he exercise responsible charge correctly even though the plans were not drafted in his office under his direct supervision? (KEYWORD: Responsible Supervision)

A. Yes
B. No

14. Johnathan, a licensed engineer, owns his own engineering company and seeks to reduce his personal liability exposure. He is afraid of being sued personally. Currently, his company is an S-corporation. He is also the sole employee of his firm. Short of giving away everything he owns or fleeing the country what can he do? (KEYWORD: liability)

A. Close down his business and go work for another engineering firm
B. Convert his business into a limited liability company
C. He cannot avoid personal liability gross negligence, or misconduct conducted by him in the course of practicing engineering.

15. Which activity does not qualify for the area of practice requirement of the biennial continuing education requirement?

A. Successful completion of college courses.
B. Regular employment.
C. Preparing test questions for NCEES.
D. Active participation as an officer of a professional or technical society.

16. A professional engineer whose engineering judgment is overruled by an unqualified lay authority with the result that the public health and safety is threatened should (KEYWORD: overruled)

A. resign.
B. make a note in the file.
C. inform his employer and responsible public authority.
D. write a letter of protest to the Florida Engineers Management Corporation.

17. The geotechnical engineer for a building has recommended a post-tension slab design for a building located over clayey expansive soils. Scott Smith, PE, the structural engineer of record, is uncomfortable performing such a design so he has delegated that portion of the building design to a delegate engineer. On the contract drawings, he has relayed all the necessary design criteria and referenced the geotechnical report so that the delegate engineer can design the post tensioned slab. The delegate engineer has submitted signed and sealed foundation plans, however the engineer or record would like to receive signed and sealed calculations. Does the delegate engineer have to submit the signed and sealed calculations even though they were not called out for on the contract documents? (KEYWORD: post-tensioned)

A. Yes
B. No

18. For portions of the project that have been delegated, the most important responsibility of engineer of record:

A. is to verify that the project is on schedule
B. is to verify that the budget has not been exceeded
C. is to confirm the engineer documents have been prepared by an engineer and that the delegated work generally conform to the intent of the Engineer of Record.
D. has no responsibility since it has been delegated

19. What is the difference between a truss system engineer and a truss design engineer? (KEYWORD: 61G15-31)

A. No difference, they are both responsible for the same thing.
B. There is no such thing as a truss design engineer.
C. A truss design engineer is responsible for the design of individual trusses while a truss systems engineer is responsible for the design an entire truss system such as the trusses, girders, truss to truss connections, truss placement plan, and bridging or bracing.
D. None of the above.

20. At least one copy of all documents displaying the licensee's signature, seal, which is legible to the reader, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in hardcopy or electronic format.(**See section 61G15-30.009)**

A. True
B. False

21. I have personally and successfully completed each chapter of instruction. See section 61G15-22.0105(5)(e). You must answer true to complete this course.

A. True
B. False