

# Florida Laws and Rules Course Final Exam

1. 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:
  - a) three (3) board members
  - b) two (2) board members and one (1) past board member
  - c) none of the above
  - d) either (a) or (b)
2. The engineer in responsible charge is the \_\_\_\_\_ as defined in subsection 61G15-30.002(1), F.A.C.
  - a) Design Engineer
  - b) Engineer on File
  - c) Engineer of Record
  - d) Project Manager
3. The written examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts. Part One of the examination provided by NCEES is the fundamentals examination and is:
  - a) eight (8) hours
  - b) six (6) hours
  - c) ten (10) hours
  - d) nine (9) hours
4. Embossing impression seals which do not provide an opaque and permanent impression or permanent ink representation and computer generated seals which otherwise comply with 61G15-23.001 are also acceptable to the Board.
  - a) True
  - b) False
5. A professional engineer utilizing a digital signature to seal engineering work 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
  - d) all of the above
6. Engineers who sign and/or seal certifications which relate to matters which were not prepared under engineer's responsible supervision, direction, or control:
  - a) should acquire a special seal for that purpose
  - b) should have the material reviewed by an outside party
  - c) should use the services of an auxiliary engineer
  - d) would be subject to discipline pursuant to Rule 61G15-19.001(6), F.A.C.
7. Regarding the minimum qualifying criteria for Special Inspectors of Threshold Buildings, licensed professional engineers whose principal practice is structural engineering shall also have \_\_\_\_\_ years of experience in performing structural field inspections on threshold buildings and two years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer.
  - a) four
  - b) three
  - c) two
  - d) five
8. All applications for certification as a Special Inspector shall include letters of recommendation from \_\_\_\_\_ registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector.
  - a) four
  - b) three
  - c) two
  - d) five
9. Special Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education, experience, and training to perform the duties assigned by the Special Inspector and shall maintain responsible supervisory control over the representative pursuant to subsection 61G15-18.011(1) F.A.C. The Authorized Representative shall have a minimum of \_\_\_\_\_ years of relevant experience under the direct supervision of a Special Inspector.
  - a) four (4)
  - b) three (3)
  - c) two (2)
  - d) five (5)
10. The rules may provide that up to a maximum of \_\_\_\_\_ 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.
  - a) 50 percent
  - b) 100 percent
  - c) 75 percent
  - d) 25 percent

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11. The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for a license, in a format prescribed by the department, within \_\_\_\_\_ after discharge from any branch of the United States Armed Forces.

- a) 36 months
- b) 24 months
- c) one year
- d) 18 months

12. Failure of a licensee to renew before the license expires shall cause the license to become \_\_\_\_\_ in the license cycle following expiration.

- a) late
- b) suspended
- c) delinquent
- d) placed in abeyance

13. 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.

- a) True
- b) False

14. Regarding a complaint, if the Probable Cause Panel finds probable cause to believe a violation has occurred, a warning letter will be sent to the subject of the investigation.

- a) True
- b) False

15. The penalty range for a first violation of failure to sign, seal or date documents is:

- a) Reprimand to one (1) year probation
- b) Reprimand and one (1) year probation to Revocation
- c) Reprimand, one (1) year suspension and \$5,000 fine to Revocation
- d) Suspended license: Revocation and \$1,000 fine

16. The penalty range for a first violation of failure to complete continuing education is:

- a) Revoked license: Referral to State's Attorney's office
- b) Reprimand to one (1) year suspension and \$5,000 fine
- c) Reprimand and \$1,000 fine, to Suspension until licensee demonstrates compliance
- d) Reprimand and \$1,000 fine to one (1) year suspension, two (2) years probation

17. Aggravating circumstances may cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines.

- a) True
- b) False

18. A 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. Can he be disciplined under Florida law, even though the act of negligence occurred in another state?

- a) Yes
- b) No

19. A 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. Can this individual's license be suspended by the Board?

- a) Yes
- b) No

20. An 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. The Ruling was that:

- a) the Licensee pay a fine
- b) the Licensee's license be temporally suspended
- c) the Licensee take additional continuing education
- d) 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.

# CONTINUING EDUCATION

# For Professional ENGINEERS

## Florida Engineers Laws and Rules Course 2013 to 2015 Renewal Period

 FLORIDA BOARD OF PROFESSIONAL ENGINEERS		2639 North Monroe Street Suite B-112 Tallahassee, Florida 32303 Phone: (850) 521-0500 Fax: (850) 521-0521 <a href="http://www.fbpe.org">www.fbpe.org</a>											
November 14, 2014													
<b>Board Members:</b>													
<b>Warren G. Hahn, P.E.</b> Chair (MECHANICAL) 3/15/10 – 10/31/13	Steve Preins PDH Academy LLC	<b>RE: CONTINUING EDUCATION PROVIDER STATUS PERIOD BEGINNING 10/14/2014 - PERIOD ENDING 05/31/2015</b>											
<b>William C. Bracken, P.E., S.J.</b> Vice-Chair (DISCIPLINE OTHER THAN CIVIL) 1/30/12 – 10/31/15	Dear Mr. Preins,												
<b>Christian S. Bauer, Ph.D., P.E.</b> (INDUSTRIAL) 4/20/12 – 10/31/16	PDH Academy has been approved to be a Florida Board of Professional Engineers Continuing Education Provider offering <u>Area of Practice</u> for the period listed above. Your provider information is as follows:												
<b>John Burke, P.E.</b> (ELECTRICAL) 1/30/04 – 10/31/14	<table border="1"><thead><tr><th>Provider Number</th><th>Lic #</th><th>Provider PIN/Password</th><th>Course Number</th><th>PDH Value</th></tr></thead><tbody><tr><td>0006305</td><td>581</td><td>4075</td><td>To Come</td><td>To Come</td></tr></tbody></table>			Provider Number	Lic #	Provider PIN/Password	Course Number	PDH Value	0006305	581	4075	To Come	To Come
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0006305	581	4075	To Come	To Come									
<b>Anthony Fiorillo, P.E.</b> (CIVIL) 1/30/12 – 1/31/14	With approval of your application as a provider of continuing education courses, specific attention is called to <b>Rule 61G15-22.012, F.A.C.</b> Obligations of Continuing Education Provider.												
<b>John Pepper, P.E.</b> (STRUCTURAL) 7/22/13 – 10/31/16	To expedite and assist licensees that attend your Area of Practice courses, we have established a procedure for reporting Area of Practice courses directly to the Department of Business and Professional Regulation. Please review and follow the instructions included at: <a href="http://www.myfloridalicense.com/dbpr/servp/testing/providers.html">http://www.myfloridalicense.com/dbpr/servp/testing/providers.html</a> .												
<b>Michele D. Paddenberry, Ph.D., P.E.</b> (EDUCATIONAL) 3/27/12 – 10/31/13	Please use your Provider Number #0006305, and Lic Number # 581, when sending any correspondence to this office. Please be advised that all your courses have updated with the new expiration date.												
<b>Kenneth Todd, P.E.</b> (CIVIL) 1/30/12 – 10/31/15	Should you have further questions, please contact Nancy Wilkins, at <a href="mailto:nwilkins@fbpe.org">nwilkins@fbpe.org</a> or at (850) 521-0500.												
<b>Richard C. Wohlfarth, P.E.</b> (CIVIL) 3/24/12 – 10/31/13	Congratulations on Renewing as a Continuing Education Provider.												
<b>Vivian Boza</b> (PUBLIC) 7/22/13 – 10/31/15	Sincerely, FLORIDA BOARD OF PROFESSIONAL ENGINEERS												
<b>Nola Garcia</b> (PUBLIC) 2/12/08 – 10/31/14	<i>Nancy Wilkins</i> Licensure Analyst Continuing Education												
<b>Zona Raybon</b> EXECUTIVE DIRECTOR													

## Rule Changes During the Preceding Biennium

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The following Rules from the Florida Administrative Code 61G15 were adopted, amended or repealed during the immediately preceding biennium (3/1/11 to 2/28/13). The "Published Date" column indicates when the proposed rule change was first published in the Florida Administrative Weekly.

<b>Rules adopted, amended or repealed during the preceding biennium: (3/1/11 to 2/28/13)</b>			
<b>Rule</b>	<b>Description</b>	<b>Published Date</b>	<b>Effective Date</b>
61G15-18.005	Probable Cause Determination	12/2/2011	2/2/2012
61G15-18.008	Adoption of Model Rules of Procedure (Repealed)	1/20/2012	2/2/2012
61G15-18.010	Approved Schools and Colleges (Repealed)	1/20/2012	2/2/2012
61G15-18.011	Definitions	1/20/2012	2/2/2012
61G15-18.015	Education Advisory Committee (Repealed)	1/20/2012	2/2/2012
61G15-19.003	Purpose (Repealed)	1/20/2012	2/2/2012
61G15-19.008	Confidentiality of Investigations	4/13/2012	6/5/2012
61G15-20.007	Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees	9/17/2010	11/27/2011
61G15-20.007	Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees	11/29/2012	2/04/2013
61G15-21.001	Written Examination Designated; General Requirements	11/4/2011	2/2/2012
61G15-22.001	Continuing Education Requirements	11/29/2012	3/7/2013
61G15-22.006	Demonstrating Compliance	6/15/2012	8/20/2012
61G15-22.007	Noncompliance (Repealed)	10/28/2011	2/2/2012
61G15-23.001	Seals Acceptable to the Board	11/4/2011	2/2/2012
61G15-23.003	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents	10/21/2011	1/5/2012
61G15-23.003	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents	6/15/2012	8/20/2012
61G15-29.001	Certification Definition, Procedures, Prohibitions	10/21/2011	4/2/2012
61G15-29.001	Certification Definition, Procedures, Prohibitions	6/15/2012	8/20/2012
61G15-35.001	General Responsibility (Repealed)	11/28/2011	2/13/2012
61G15-35.002	Definitions (Repealed)	10/28/2011	2/13/2012
61G15-35.003	Qualification Program for Special Inspectors of Threshold Buildings	11/29/2012	2/4/2013
61G15-35.004	Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors	11/29/2012	2/4/2013

## Rule: 61G15-18.005: Probable Cause Determination

**Purpose and Effect:** The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language and renumber the rule accordingly.

**Summary:** The rule amendment will delete unnecessary language and renumber the rule accordingly.

**Full Text:** 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.*

## Rule: 61G15-18.008: Adoption of Model Rules of Procedure (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal as the rule is no longer necessary as it is a substantial restatement of statute and duplicative of rule.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 18-80, Formerly 21H-18.08, 21H-18.008, Repealed 2-2-12.*

## Rule: 61G15-18.010: Approved Schools and Colleges (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal as the rule is no longer necessary as it is duplicative of Rule 61G15-20.006, F.A.C.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 1471.008, 471.013 FS. Law Implemented 471.013 FS. History—New 1-8-80, Formerly 21H-18.10, 21H-18.010, Repealed 2-2-12.*

## Rule: 61G15-18.011: Definitions

**Purpose and Effect:** The Board proposes the rule change as the Florida Engineering Management Corporation is defined in statute, and a definition of its acronym “FEMC” is not necessary.

**Summary:** The rule amendment will delete unnecessary language and renumber the rule accordingly.

**Full Text:** 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 Chapter 471.005(4)(a), 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.

*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.*

## Rule: 61G15-18.015: Education Advisory Committee (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal because rules reflects an outside committee that no longer exists.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 471.008 FS. Law Implemented 471.008, 471.013 FS. History—New 8-18-87, Amended 2-18-88, Formerly 21H-18.015, Repealed 2-2-12.*

## Rule: 61G15-19.003: Grounds for Disciplinary Proceedings—Purpose (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 471.033(2) FS. Law Implemented 471.001, 471.033 FS. History—New 5-14-86, Formerly 21H-19.003, Repealed 2-2-12.*

## Rule: 61G15-19.008: Confidentiality of Investigations

**Purpose and Effect:** The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language and renumber the rule accordingly, and to correct reference to "subsection 61G15-19.001(6), F.A.C." to "subsection 61G15-19.001(7), F.A.C."

**Summary:** The rule amendment will delete unnecessary language and renumber the rule accordingly and correct reference to "subsection 61G15-19.001(6), F.A.C." to "subsection 61G15-19.001(7), F.A.C."

**Full Text:** 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.*

## Rule: 61G15—20.007: Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

**Purpose and Effect:** The Board proposes the rule amendment to add new language to set forth requirements for recognition of College Level Examination Programs (CLEP) credits and to incorporate by reference the website where the CLEP credit granting recommendations can be located.

**Summary:** The rule amendment will add new language to set forth requirements for recognition of College Level Examination Programs (CLEP) credits and to incorporate by reference the website where the CLEP credit granting recommendations can be located.

### Full Text:

- (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.
    1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.
    2. The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.
  - (b) 16 college semester credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not

(c) 48 college semester credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, 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. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

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

(2) The FBPE Educational Advisory 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.

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

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

acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

necessary hours in humanities and social sciences as provided in subsection (1).

(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above and the applicant is able to show that the results are recognized by a college or university with an EAC/ABET accredited engineering program.

*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.*

sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

(b) 16 college semester credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college semester credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, 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. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

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

(2) The FBPE Educational Advisory 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.

(3) The applicant with an engineering degree from a foreign institution must request an evaluation of

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

**Purpose and Effect:** The Board proposes the rule amendment to add new language to modify the education requirements for applicants without EAC/ABET accredited engineering degrees.

**Summary:** The rule amendment will add new language to modify the education requirements for applicants without EAC/ABET accredited engineering degrees.

### Full Text:

(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.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.
2. The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth

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

(4) Any applicant whose only educational deficiency under subsection (1) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (1).

(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above and the applicant is able to show that the results are recognized by a college or university with an EAC/ABET accredited engineering program.

*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.*

provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts. Part One of the examination provided by NCEES is the fundamentals examination and is eight (8) hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES. Part Two of the examination provided by NCEES is the principles and practice examination, is eight (8) hours, and is given by discipline. The principles and practice examination for structural engineering, however, is sixteen (16) hours. Candidates are permitted to bring certain reference materials and calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination. National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(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 principles 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.*

## Rule: 61G15-21.001: Written Examination Designated; General Requirements

**Purpose and Effect:** The Board proposes the rule amendment to add new language to clarify the parts of the written examination and general requirements for taking the examination.

**Summary:** The rule amendment will add new language to clarify the parts of the written examination and general requirements for taking the examination.

### Full Text:

(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

**Purpose and Effect:** The Board proposes the rule amendment to delete reference to the continuing education requirements to reactivate a license that has been inactive for more than one year.

**Summary:** The rule amendment will delete reference to the continuing education requirements to reactivate a license that has been inactive for more than one year.

### Full Text:

(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.

Rulemaking Authority 455.2177, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.2177, 471.017(3), 471.019 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.

## Rule: 61G15-22.006: Demonstrating Compliance

**Purpose and Effect:** The Board proposes the rule amendment to delete unnecessary language and to add new language to update and clarify procedures for demonstrating compliance by licensees.

**Summary:** The rule amendment will delete unnecessary language and add new language to update and clarify procedures for demonstrating compliance by licensees.

**Full Text:**

- (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.

## Rule: 61G15-22.007: Noncompliance (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

**Summary:** Repealed.

**Full Text:** 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, 471.019 FS. History—New 9-16-01, Repealed 2-2-12.

## Rule: 61G15-23.001: Seals Acceptable to the Board

**Purpose and Effect:** The Board proposes the rule amendment to modify language to clarify seals acceptable to the Board.

**Summary:** The rule amendment will modify language to clarify seals acceptable to the Board.

**Full Text:**

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of seals which are acceptable to the Board.

(a) Any seal capable of leaving a permanent ink representation or other form of opaque and permanent impression which contains the information described herein is acceptable to the Board.

(b) Said seal shall be a minimum of 1 7/8 inches in diameter and shall be of a design similar to those set forth below.



- (c) *The type of seal in the center may be used only by registrants who are in good standing under both Chapters 471 and 472, F.S.*
- (d) *The seal 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.*
- (2) *Embossing impression seals which do not provide an opaque and permanent impression or permanent ink representation and computer generated seals which otherwise comply with these provisions are also acceptable to the Board.*

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

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

**Purpose and Effect:** The Board proposes the rule amendment to delete unnecessary language and to modify language to update the Federal Information Processing Standard Publication and to provide the website address where the standards can be downloaded.

**Summary:** The rule amendment will delete unnecessary language and to modify language to update the Federal Information Processing Standard Publication and to provide the website address where the standards can be downloaded.

### Full Text:

- (1) Engineering work which must be sealed under the provisions of Section 471.025, F.S., may be signed electronically or digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "digital signature" and "electronic signature" shall have the meanings ascribed to them in Sections 668.003(3) and (4), F.S. The affixing of a digital or electronic signature to engineering work as provided herein shall constitute the sealing of such work.
  - (a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.
  - (b) The date that the electronic signature file was created or the digital signature was placed into the document must appear on the document

in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Rule 61G15-23.002, F.A.C.

- (2) A professional engineer utilizing a digital signature to seal engineering work 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;
  - (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.
- (3) A professional engineer utilizing an electronic signature to seal engineering work shall create a "signature" file that contains the engineer's name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-3 "Secure Hash Standard," October 2008, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-00790> or [http://csrc.nist.gov/publications/fips/fips180-3\\_final.pdf](http://csrc.nist.gov/publications/fips/fips180-3_final.pdf). The licenses shall then create a report that contains the engineer's name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if the signature file's authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code in the signature file matches the electronic file's computed authentication code.

*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.*

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

**Purpose and Effect:** The Board proposes the rule amendment to add new language to update and clarify procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

**Summary:** The rule amendment will add new language to update and clarify procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

### Full Text:

- (1) Engineering work which must be sealed under the provisions of Section 471.025, F.S., may be signed electronically or digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "digital signature" and "electronic signature" shall have the meanings ascribed to them in Sections 668.003(3) and (4), F.S. The affixing of a digital or electronic signature to engineering work as provided herein shall constitute the sealing of such work.
  - (a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.
  - (b) The date that the electronic signature file was created or the digital signature was placed into the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Rule 61G15-23.002, F.A.C.
- (2) A professional engineer utilizing a digital signature to seal engineering work 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;
  - (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.
- (3) A professional engineer utilizing an electronic signature to seal engineering work shall create a "signature" file that contains the engineer's name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-3 "Secure Hash Standard," October 2008, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-00790> or [http://csrc.nist.gov/publications/fips/fips180-3\\_final.pdf](http://csrc.nist.gov/publications/fips/fips180-3_final.pdf). The licenses shall then create a report that contains the engineer's name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if the signature file's authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code in the signature file matches the electronic file's computed authentication code.
- (4) A professional engineer signing and sealing a document in electronic form that contains multiple plan sheets or pages may apply a single digital signature as set out in subsection 61G15-23.003(2), F.A.C., or an electronic signature set forth in subsection (3). A single signature applied to a document in electronic form shall have the same force and effect as signing all of the individual sheets or pages in the set contained in said document unless otherwise limited by elements of the project for which the engineer does not intend to accept responsibility by use of qualifying language, as set out in subsection 61G15-30.003(3), F.A.C. In the case where multiple engineers of record are to sign and seal a single document file, each shall apply their digital or electronic signature and include qualifying language in said signature, or in the text of the document thoroughly describing what portions they take responsibility for.

*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.*

## Rule: 61G15-29.001: Certification Definition, Procedures, Prohibitions

**Purpose and Effect:** The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the certifications procedures.

**Summary:** The rule amendment will delete unnecessary language and delete unnecessary language and add new language to clarify the certifications procedures.

**Full Text:**

- (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 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 and seal, or (b) decline to sign and seal such certification.
- (3) Engineers who sign and/or 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 Rule 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.*

## Rule: 61G15-29.001: Certification Definition, Procedures, Prohibitions

**Purpose and Effect:** The Board proposes the rule amendment to modify language for certification procedures and prohibitions.

**Summary:** The rule amendment will modify language for certification procedures and prohibitions.

**Full Text:**

- (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.*

## Rule: 61G15-35.001: General Responsibility (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 471.045 FS. History-New 3-21-01, Amended 9-26-05, Repealed 2-13-12.*

## Rule: 61G15-35.002: Definitions (Repealed)

**Purpose and Effect:** The Board proposes the rule repeal because the rule is a substantial re-statement of statute and it is duplicative of rule.

**Summary:** Repealed.

**Full Text:** *Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History-New 3-21-01, Repealed 2-13-12.*

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

**Purpose and Effect:** The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for the qualification program for special inspectors of threshold buildings.

**Summary:** The rule amendment will delete unnecessary language and to add new language to clarify procedures for the qualification program for special inspectors of threshold buildings.

**Full Text:**

- (1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to

as Threshold Inspectors, established by the Board shall be as follows:

- (a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.
- (b) Licensed professional engineers whose principal practice is structural engineering shall also have three years of experience in performing structural field inspections on threshold buildings and two years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. Such Experience shall be within the seven years preceding submission of the application. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.
- (c) Licensed professional engineers whose principal practice is structural field inspections shall have five years of experience in performing structural field inspections on Threshold Buildings within the preceding seven years prior to submission of the application and possess certification in each of the following: advanced concrete inspection, advanced structural masonry inspection, advanced post tensioning, basic structural steel and basic soils from a nationally recognized entity such as ACI, ICC, Florida Concrete and Products Association, and Post Tension Institute, Florida DOT CEQUTP or equivalent.

(2) Applications.

- (a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(08/00) is hereby incorporated by reference, effective 4-19-01, "Special Inspector Application and Instructions". Copies of Form FBPE/TBI/006(08/00) may be obtained from the Board office or by downloading it from the internet web site [www.fbpe.org](http://www.fbpe.org).
- (b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006(08/00).
- (c) Applications shall contain the following basic information pertaining to the applicant:
  1. Name;
  2. Florida license number;
  3. Educational and experience dates and

sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;

- 4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;
- 5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and
- 6. Completed form FBPE/TBI/006(08/00).

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

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

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

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

## **Rule: 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 clarify the common requirements to all engineers providing threshold building services as special inspectors.

**Summary:** The rule amendment will delete unnecessary language and to add new language to clarify the common requirements to all engineers providing threshold building services as special inspectors.

### **Full Text:**

(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 insure the Authorized Representative is qualified by education, experience, and training to perform the duties assigned by the Special Inspector and shall maintain responsible supervisory control over the representative pursuant to subsection 61G15-18.011(1) F.A.C. The Authorized Representative shall have a minimum of two (2) years of relevant experience under the direct supervision of a Special Inspector.

(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.*

## Changes to Chapters 455 and 471 F.S. During Preceding Biennium

The following sections from the Florida Statutes, Chapter 455, were adopted, amended or repealed during the immediately preceding biennium (3/1/11 to 2/28/13):

455.1165	Federal Grants Trust Fund
455.213	General Licensing Provisions
455.2179	Continuing education provider and course approval; cease and desist orders
455.271	Inactive and delinquent status
455.273	Renewal and Cancellation Notices
455.275	Address of Record

There were no changes to Chapter 471 during the immediately preceding biennium (3/1/11 to 2/28/13).

### 455.1165: Federal Grants Trust Fund

- (1) The Federal Grants Trust Fund is created within the Department of Business and Professional Regulation.
- (2) The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.
- (3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Federal Grants Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

History.—s. 1, ch. 2011-60.

### 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, a fingerprint card containing the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

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

(12) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for a license, in a format prescribed by the department, within 24 months after discharge 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.

## 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.

## 455.271: 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.

## **Disciplinary Action and the Complaints Process**

Any individual who has a complaint regarding a particular engineer may contact the Florida Board of Professional Engineers (FBPE) or the Florida Engineers Management Corporation (FEMC) at (850) 521-0500. This includes anyone who suspects a PE has committed negligence in engineering or not complied with the Board's Rules governing the practice of engineering.

When a complaint call is placed to the FBPE or FEMC, the complainant will speak with an investigator. This is where the investigative process begins. The investigator will take down the specifics of the complaint as well as any and all information provided. The complainant will be provided with a Uniform Complaint Form which must be filled out and mailed back to the FBPE or FEMC along with any supporting documentation. The information contained on this form will be analyzed, and, if determined to be legally sufficient to begin an investigation, will be assigned a case number.

Generally speaking, a complaint is legally sufficient to justify the initiation of an investigation if it meets two tests. First, it must allege a violation of statutes or rules over which the FBPE has jurisdiction to act, and, second, it must set out sufficient specific verifiable facts underlying the allegations so as to allow FEMC, which acts on behalf of the FBPE, to determine that a violation of those statutes or rules may have occurred and that an investigation is warranted—supposition or surmise is not sufficient. If it is determined the complaint is not legally sufficient, it will be dismissed at this point. If legal sufficiency is found, the complaint will be fully investigated.

At that time, in nearly all cases the subject of the investigation will be notified while, the investigator will contact and interview witnesses, and gather documentation. If the complaint stems from a technical issue involving the practice of engineering, such as a complaint that a PE practiced negligently, an independent PE consultant, with expertise in the field of engineering at issue, will likely be forwarded the file for review and a professional opinion will be received. The investigator will then summarize the results

of the investigation in an Investigative Report that will be reviewed by the FBPE's prosecuting attorney. Then the Investigative Report with the prosecutor's recommendation will be forwarded to the Probable Cause Panel of the FBPE.

The Probable Cause Panel consists of three members. At least two of these members must be sitting FBPE Board members and, at least two must be PEs. One of the members may be a former FBPE member and one may be a non-PE (consumer). Presently, the Panel is made up of three PE members, one of whom is a past Board member. The Panel will review the Investigative Report and supporting documentation, as well as the recommendation of the Board's prosecutor, and will determine whether there is "probable cause" to believe a violation of the Engineering Practice Act has occurred.

A finding of "no probable cause" means that the case will be dismissed. Cases can and will be dismissed for a variety of reasons. For example, the facts gathered during the investigation may be such that a finding of negligence cannot be sustained at all or cannot be proven by clear and convincing evidence—the evidentiary standard which the FBPE must meet to discipline a PE's license. Sometimes, crucial witnesses are unable to be located or documentation necessary for the successful prosecution of the case may have been destroyed. Other times, the independent PE consultant retained by FEMC may opine that the subject PE's conduct, while not perfect, met adequate engineering standards. Occasionally, even if a violation exists it is of such a minimal nature that a letter of guidance, which is not considered discipline, adequately resolves the matter. In these cases the prosecutor may recommend that the Panel dismiss a case entirely or dismiss a case with the issuance of a letter of guidance. The Panel may also make this decision independently. In all events, however, it is the Panel that ultimately determines to close a case or to charge a PE.

If the Panel finds probable cause to believe a violation

has occurred, a formal Administrative Complaint will be filed against the subject of the investigation. This complaint will contain an adequate statement setting out the relevant facts discovered during the investigation as well as the rules and statutes the engineer is charged with violating. At this point, the subject of the complaint must determine how to proceed.

Chapter 120, Florida Statutes, and Chapter 28-5, Florida Administrative Code, outline the procedures to be followed once a formal complaint has been filed. There are two types of hearings available to the person charged—those involving disputed issues of fact and those not involving disputed issues of fact. If the facts contained in the Administrative Complaint are not disputed, the subject will appear before the FBPE at which time the Board will determine an appropriate disciplinary penalty. An “Informal Hearing” is a proceeding before the Board in which the facts in the Administrative Complaint which decide guilt or innocence are not in dispute and the parties simply argue the law, i. e., whether those facts constitute a violation, and what penalty, if any, should be imposed. Most importantly, in an “Informal Hearing” neither the PE nor the prosecutor get to present new facts or to dispute the agreed upon facts upon which the Board will reach its decision.

If the PE charged disputes the facts contained in the Administrative Complaint, the PE may elect a formal hearing before the Division of Administrative Hearings (DOAH). DOAH will appoint an Administrative Law Judge to preside over a hearing that is held at a location chosen by the subject or, more likely, via a videoconference in Tallahassee and at the PE's place of choice. The Board's prosecutor and the subject will each present witness testimony and evidence with the Administrative Law Judge (ALJ) sitting as a fact finder. At the close of the hearing, the ALJ will prepare a Recommended Order which contains the judge's Findings of Fact, Conclusions of Law, and Penalty Recommendation, if that is applicable. The Recommended Order is a recommendation only; the Board has final action authority. However, in almost all cases the law strictly limits the FBPE's authority to amend or reject the ALJ's factual findings, legal conclusions, and recommendation. This recommendation will be presented to the Board at a regularly scheduled meeting for consideration at which time the Board will determine what, if any, discipline should be taken. The Board has adopted Disciplinary Guidelines in its Rules (Rule 61G15-19.004) which act as a fairly complete roadmap setting out the breadth of the Board's choices when imposing sanctions upon a PE's license.

Lastly, the PE may determine to enter into a Settlement Stipulation with the FEMC prosecutor to try to resolve the case. With each Administrative Complaint sent out such a Stipulation will be included in the packet.

This Stipulation, in almost all cases, will reflect the penalty recommendation set forth by the Probable Cause Panel when it authorized the Complaint. The Panel makes such a recommendation to the FEMC prosecutor, which is not binding, but offers the Panel's assessment of what an adequate penalty would be if the charges are proven. The Board, when it ultimately acts, considers the Panel's recommendations but is not bound by them. Of course, the Stipulation sent out with the Administrative Complaint may be further modified as a result of negotiations with the FEMC prosecutor. If the PE and the prosecutor ultimately enter into a Stipulation, the agreement is presented to the Board which has the final say. The Board may accept the Stipulation, reject it completely, or offer a Counter Stipulation reflecting its terms for resolving the case. In any event, the PE, if a Stipulation is rejected, still retains the right to proceed to one of the two types of administrative hearings discussed above.

After such a hearing, the Board will enter a Final Order. Any PE who is disciplined by the Board after a hearing is entitled to judicial review and may file an appeal in the District Court of Appeal either in Tallahassee, where the Board maintains its headquarters, or where the PE resides. This appeal must be filed within thirty (30) days after the rendition of the order being appealed.

This has been just a brief summary of the disciplinary process. The quest for professionalism begins with and depends upon professionals exercising their responsibility to file a complaint if they have knowledge or reason to believe that any person or firm is guilty of violating any of the provisions of Chapter 471, Florida Statutes, or the rules of professional conduct.

## **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:

<b>VIOLATION</b>	<b>PENALTY RANGE</b>	
	<b>FIRST VIOLATION</b>	<b>SECOND AND SUBSEQUENT VIOLATIONS</b>
(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 Suspension until licensee demonstrates compliance	Suspension 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.)	\$1,000 fine to \$5,000 fine	\$5,000 fine to \$10,000 fine and referral to State Attorney's Office

<b>VIOLATION</b>	<b>PENALTY RANGE</b>	
	<b>FIRST VIOLATION</b>	<b>SECOND AND SUBSEQUENT VIOLATIONS</b>
8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter  (Sections 471.031(1)(d), (g), F.S.)	\$1,000 fine to \$5,000 fine and suspension	Reprimand and \$5,000 fine to Revocation
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

<b>VIOLATION</b>	<b>PENALTY RANGE</b>	
	<b>FIRST VIOLATION</b>	<b>SECOND AND SUBSEQUENT VIOLATIONS</b>
(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  (Sections 471.033(1)(d) and 455.227(1)(c), F.S.)	Depending on the severity of the crime, from Reprimand \$1,000 fine, and one (1) year probation, to Revocation	Depending on the severity of the crime, from one (1) year suspension with 2 years 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 suspension 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.

<b>VIOLATION</b>	<b>PENALTY RANGE</b>	
	<b>FIRST VIOLATION</b>	<b>SECOND AND SUBSEQUENT VIOLATIONS</b>
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 suspension and two (2) years probation	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
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

<b>VIOLATION</b>	<b>PENALTY RANGE</b>	
	<b>FIRST VIOLATION</b>	<b>SECOND AND SUBSEQUENT VIOLATIONS</b>
(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.

(b) 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.

## Case Law Involving Chapter 471, F.S.

Chapter 61G15-22.0105(3) sets forth the course content for an approved course on the Florida Law and Rules and paragraph (3) requires that the content include changes in Chapter 471, F.S. made as a result of case law.

A search through cases in the court system in 2011 and 2012 yielded no evidence that provisions of Chapter 471, F.S., would be interpreted any differently as a result of a court decision.

## Application of Chapter 471, F.S., to Individual Disciplinary Cases

### Engineer Disciplines from the Preceding Biennium

The following are actual cases as reported by the Florida Board of Professional Engineers. The names have been omitted here in order to place the focus on the legal issues and the application of the law.

#### Case 1

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

### **Case 2**

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

### **Case 3**

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

### **Case 4**

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

### **Case 5**

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

### **Case 6**

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

### **Case 7**

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

### **Case 8**

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

### **Case 9**

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; Board-approved 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.

### **Case 10**

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

### **Case 11**

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.

## **RESOURCES**

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Following is a list of resources used to develop the course content:

Florida Administrative Code, Chapter 61G15, Board of Professional Engineers.

Florida Statutes, Title XXXII, Chapter 455, "Business and Professional Regulation: General Provision".

Florida Statutes, Title XXXII, Chapter 471, Engineering.

Florida Administrative Weekly

Florida Administrative Code & Florida Administrative Register

Florida Board of Professional Engineers *Legal Focus*