

**Florida Board of Professional Engineers  
Rules Committee Minutes  
March 16, 2010; 1:00 p.m.**

**1. Call to Order**

Mr. Burke called the meeting to order at 1:15 p.m.

**2. Roll Call, Determination of Quorum and Address Absences**

**Board Members Present**

John C. Burke, P.E.

David Charland, P.E.

Jonathan Earle, Ph.D., P.E.

Dann Wallis, P.E.

**Attorney General's Office**

Michael Flury, Assistant Attorney General and Counsel to the Board

**Staff Present**

Carrie Flynn, Executive Director

Zana Raybon, Assistant Executive Director

John Rimes, Esquire, Prosecuting Attorney

Rebecca Sammons, Executive Assistant

**3. Introduction of Guests and Announcements**

Henn Rebane

Mike Driscoll, Driscoll Engineering

Steve Johnson, BIS Frucon Engineering Inc

Fred Dudley, Holland and Knight representing the Aluminum Association of Florida

David Miller, Aluminum Association of Florida

Doug Harvey, Building Officials Association of Florida

**4. Review and Approval of previous minutes**

Upon motion by Mr. Wallis; seconded by Dr. Earle the minutes were approved as presented.  
Motion passed.

5. Mr. Burke announced his plan to change the order of the agenda to address proposed changes to the rule addressing Design of Aluminum Structures. A number of individuals were present to hear the discussion on this agenda item.

Mr. Burke asked Mr. Dudley and Mr. Miller to refresh the committee with their concerns to the rule. Mr. Dudley thanked the board for holding the rule hearing in February and for the opportunity to appear before the rules committee. He confirmed his work with Mr. Flury on the language presented for consideration. Mr. Dudley mentioned Mr. Berryman has not seen the proposed language, however, he had the opportunity to personally discuss with Mr. Berryman and there appears to be no issue with the recommended changes.

Mr. Dudley read his proposed changes to the rule: (1) These rules apply when an engineer is required to prepare signed, sealed and dated engineering documents for the design of an aluminum structure. ~~These~~

rules do not preclude the use of procedures established by Section 489.113, Florida Statutes; but shall not be construed to require that site-specific plans or specifications be prepared, signed or sealed by a professional engineer for structures described in or designed in accordance with Section 489.113(9), Florida Statutes.

If accepted the rule would read as follows:

#### Review & Discussion 61G15-31.011 - Design of Aluminum Structures

These rules apply when an engineer is required to prepare signed, sealed and dated engineering documents for the design of an aluminum structure. These rules do not preclude the use of procedures established by Section 489.113, Florida Statutes; but shall not be construed to require that site-specific plans or specifications be prepared, signed or sealed by a professional engineer for structures described in or designed in accordance with Section 489.113(9), Florida Statutes.

Mr. Burke reminded the committee of the hearing held on this rule in February and Mr. Dudley's expressed concerns with the proposed language.

Mr. Burke clarified the rule must be presented to the full Board for adoption.

Upon motion by Dr. Earle seconded by Mr. Charland, the proposed rule changes were approved by the committee and the final draft of the proposed rule would be submitted to the Board for adoption. Motion passed.

#### **6. Review of proposed change to Rule 61G15-20.0015(3)-Application for Licensure by Endorsement**

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations ~~more than after five (5) times after October 1, 1992, and/or more than three (3) times~~ or more before passing after July 1, 2004, must document compliance with Rule 61G15-21.007, F.A.C., as a condition of eligibility for licensure by endorsement.

Mr. Flury explained the oversight in rule language that conflicts with the statute. The rule should be amended to be consistent with statute.

Upon motion by Mr. Wallis seconded by Mr. Charland, the proposed change in language was approved by the committee and should be presented to the board for final action. Motion passed.

Motion by Dr. Earle seconded by Mr. Wallis, the rule change will not have an impact on small business. Motion passed.

#### **7. Review of proposed change to Rule 61G15-20.007(4)-Demonstration of Substantial Equivalency**

##### **61G15-20.007 Demonstration of Substantial Equivalency**

(4) Any applicant whose only educational deficiency under subsection (2) 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 (2).

This item was deferred until staff determines what the issue is with the wording of the rule.

8. **Review of proposed change to Rule 61G15-20.007 (5)- Demonstration of Substantial Equivalency**

(5) CLEP examinations recongnized in the 2008-09 CLEP Credit-Granting Recommendations outlined at [www.collegeboard.com/clep](http://www.collegeboard.com/clep) website may be recognized as satisfying educational deficiencies for the humanities and social sciences area only provided that the results are submitted by an EAC/ABET accredited program of a college or university and appearing on an official transcript showing the converted hours.

Ms. Raybon gave a brief history of the problems staff encounters with applicants trying to take CLEP courses to satisfy educational deficiencies. Many of the institutions are requiring the applicants enroll as a degree seeking student.

Mr. Flury mentioned the proposed language has not been given to anyone so we can withdraw the language and leave the rule as it.

After discussion it was determined to leave the rule in place as presently written. It was the committee's opinion there are educational institutions who will work with students in non degree seeking status.

9. **Review of proposed change to Rule 61G15-22.001- License Renewal, Continuing Education Requirements & Rule 61G15-17.0071 – Citations**

Mr. Flury read the proposed amendments in language.

**61G15-22.001 Continuing Education Requirements.**

- (1) Each licensee shall complete eight professional development hours during each license renewal biennium as a condition of license renewal. Four hours shall relate to the licensee's area(s) of practice and four hours shall relate to Chapter 471, F.S., and the rules of the Board, Chapter 61G15-22, F.A.C.
- (2) If a licensee actively participates in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, the licensee shall complete at a minimum one specialized or advanced course (Minimum PDH???) on the portion of the Florida Bulding Code applicable to the licensee's area of practice, in compliance with Section 471.0195, F.S.

~~(3)~~ No change.

~~(4)~~ No change.

*Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 415.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019, 471.0195 FS. History–New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01.*

**61G15-19.0071 Citations.**

(1) – (2)

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

(a)– (d) No change.

(e) Failure to take a specialized or advanced continuing education course in the portion of the Florida Building Code applicable to the licensee's area of practice. The fine shall be \$100 for each month or fraction thereof. (See Section 471.0195, F.S., and Rule 61G15-22.001, F.A.C.).

(4) - (7) No change.

*Specific Authority 455.224, 455.225 FS. Law Implemented 455.224, 455.227, 471.023, 471.033 FS. History–New 4-2-00, Amended 9-26-05.*

Mr. Flury read the proposed language.

Ms. Raybon asked how this would be tracked for compliance. If we need to have this reported then we are going to have change the database to show courses. A ticket for a modifier would be required.

Mr. Harvey addressed the committee. He stated the advanced course are approved by the Florida Building Commission which makes them completely different from any other education course. The provider or company must submit the entire course including powerpoint presentations for approval. Once approved a number is assigned to the course. Mr. Harvey mentioned the other professional Boards use the word advanced if it is a course approved by the Florida Building Commission. He mentioned we would have to ask for the modifier to be removed or changed before each renewal because the course number is only good for a specific time frame.

Mr. Burke asked and Mr. Flury confirmed intent to get the rule in line with the statute.

Mr. Flury confirmed the statute requires professional engineers have these courses and there should be a method of designating completion and have it posted in a manner to allow local officials to confirm completion of the courses. Mr. Flury had inserted the proposed language in the continuing education rule. Mr. Rimes believed they should take the courses as continuing education area of practice courses and submit proof to the board they have completed the courses.

Mr. Flury felt this might be confusing to have another deadline. One deadline seems appropriate.

Mr. Harvey recommended Board Counsel contact the other professional boards to determine how they complied with the requirement. He could bring back copies of their rules for review in the next rules committee meeting.

## **10. Discuss Rule 61G15-23.002 – Seals**

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

(1)A professional engineer shall sign by hand the licensee's handwritten signature (facsimiles are not acceptable) and affix the licensee's seal:

- (a) To all final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record; and
- (b) To all final documents provided to the owner or the owner's representative;
- (c) In addition, the date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately adjacent to the signature of the professional engineer.
- (d) In order to comply with the requirements of this rule, a licensee is not required to seal, sign and date documents other than those referenced in paragraph (a) or (b). This provision does not obviate any requirement of any public entity or any provision of contract which may require the sealing, signing and dating of additional original documents.

(2)(a) Every sheet of plans and prints which must be sealed under the provisions of Chapter 471, F.S., shall be sealed, signed and dated by the professional engineer in responsible charge.

(b) When an engineer must seal, sign and date engineering specifications or calculations under the provisions of Section 471.025, F.S., and subsection (1) of this rule, an index sheet for engineering specifications and calculations may be used. The index sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and

preparation of each section of the engineering specifications or calculations, with sufficient information on index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible. In addition, the index sheet shall include at a minimum:

1. The name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.
2. Identification of the project, by address or by lot number, blocks number, section or subdivision and city or county.
3. Identification of the applicable building code and chapter(s) that the design is intended to meet.
4. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering reports which must be signed, sealed and dated under the provisions of Section 471.025, F.S., and subsection (1) of this rule shall be sealed, signed and dated by utilizing a signature page or cover letter that is sealed, signed and dated by each professional engineer who is in responsible charge of any portion of the report.

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

(b) If the engineer sealing, signing and dating engineering plans or prints is practicing through a duly authorized engineering business, the title block required by paragraph (2)(a) shall contain the name, address and certificate of authorization number of the engineering business.

(c) If the licensee(s) sealing, signing and dating engineering specifications, calculations or reports is practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business shall be placed on the index sheet, signature page or cover letter incorporated into or accompanying all engineering specifications, calculations or reports.

(4) Engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall indicate the name and address of the agency on all documents that are required to be sealed, signed and dated.

(5) A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge, as that term is defined in subsection 61G15-18.011(1), F.A.C., of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(6) A professional engineer shall not seal original documents made of mylar, linen, sepia or other materials which can be changed by the entity with whom such document(s) are filed unless the professional engineer accompanies such document(s) with a signed and sealed letter making the receiver aware that copies of the original document as designed by the professional engineer have been retained by the professional engineer and that the professional engineer will not be responsible for any subsequent changes to the reproducible original documents.

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

(8) Engineers who wish to sign and seal electronically transmitted plans, specifications, reports, final bid documents, or other documents shall follow the procedures set forth in Rule 61G15-23.003, F.A.C.

Mr. Burke asked Mr. Flury to draft language to allow for use of computer generated seals for consideration in the next committee meeting.

## **11. Discussion of Rule 61G15-35.004 – Responsibility Rules of Professional Engineers providing Threshold Building Inspection**

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

- (1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.
- (2) Special Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Special Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or licensed building inspector with the Board of Building Code Administrators, Chapter 468, F.S. or licensed general contractor under Chapter 489, F.S.
- (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.

Mr. Charland confirmed his continuing efforts to work on this rule. Mr. Burke asked Mr. Charland to have something for this committee by the next committee meeting so the matter can be concluded.

## **12. Discussion of Rule 61G15-36 and F.S. 471.023 – Product Evaluation**

### **61G15-36: Product Evaluation**

#### **61G15-36.001 General Responsibility.**

Product evaluation documents define procedures, materials, devices, fabrication, and methods of construction and installation of a product or standardized group of products. The product(s) that are the subject of the product evaluation will comply with the building codes listed in the documents when used in accordance with the product evaluation documents. The evaluation shall be based upon an engineering analysis of the assembly or system consisting of tested, listed, or approved components. The engineer of record and delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules and the requirements of the more specific structural responsibility rules.

*Specific Authority 471.008, 471.033(2) FS. Law Implemented 553.842(6), 471.033 FS. History—New 11-15-01.*

#### **61G15-36.002 Definitions.**

- (1) Product. A manufactured product or system required to be approved and certified as, for the purpose intended, at least equivalent of that required by the standards specified by the Florida Building Code or by a local authority having jurisdiction.
- (2) Product Evaluation Documents. Engineering documents that define procedures, materials, devices, fabrication, and methods of construction and installation of a product, or standardized group of products, through product evaluation or rational analysis, with the objective of obtaining approval from the authority having jurisdiction of that product for installation. Product evaluation documents shall be generic and do not include documents prepared for a site specific project.
- (3) Contractor. The Florida licensed contractor who pulls the permit for construction of a project into which the product is to be incorporated. The contractor is responsible for the selection, purchase

and installation of the product.

*Specific Authority 471.008, 471.033(2) FS. Law Implemented 553.842(6), 471.033 FS. History—New 11-15-01.*

#### **61G15-36.003 Common Requirements to all Product Evaluation Documents.**

- (1) The product evaluation for various sizes and design capacities shall be specific for each size and design capacity listed.
- (2) The documents shall include engineering data presented in a manner that facilitates the application of the product at the project site. The documents shall be annotated to the effect that alterations or additions to the document are not permitted.
- (3) The documents shall state under which conditions the product evaluation is suitable to be applied by the Contractor, or under which conditions the product evaluation is only for use by a licensed engineer or architect acting as a Delegated Engineer. The requirements for submission of delegated engineering documents found in subsection 61G15-30.005(2), F.A.C., may be waived at the option of the engineer who prepares the product evaluation documents.
- (4) The documents shall comply with Chapter 61G15-23, F.A.C., regarding seals, and shall bear the original seal, signature and date, or shall meet the procedure for signing and sealing electronically transmitted plans, specifications, reports or other documents.

Mr. Burke commented on the emails received. This Board must determine if the subject matter falls under the building commission or under authority of this Board. Mr. Rimes suggested asking someone from the Florida Building Commission to attend the next board meeting to discuss this issue. Mr. Burke asked Ms. Flynn to see if we can get someone from FBC attend the next board meeting.

### **13. Review & Discuss 61G15-31.001 - General Responsibility – Structural Responsibility**

#### **Amendments**

#### **61G15-31.001 General Responsibility**

The Engineer of Record ~~engineer of record for a structure~~ is responsible for all structural aspects of the design of the structure including the design of all of the structure's systems and components. As noted herein the engineer of record ~~for a structure~~ may delegate responsibility for the design of a system or component part of the structure to a ~~qualified~~ delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record's structural engineering documents shall identify delegated systems and components. Both the Engineer of Record ~~engineer of record~~ for the structure and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein. The Engineer of Record for the Structural System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information collected by the engineer or the engineer's authorized representative from a site visit is part of the engineer's deliberative process, the engineer is responsible for the accuracy of such information.

*Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History—New 1-26-93, Formerly 21H-31.001, Amended \_\_\_\_\_.*

#### **61G15-31.003 Design of Structures Utilizing Pre-Engineered ~~Prefabricated~~ Wood Trusses.**

- (1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Chapter 2 of ANSI/TPI 1, edition adopted by the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as those terms are defined in said standard.
- (2) The Engineer of Record and the Truss Design Engineer shall have additional responsibilities as follows:

- (a) The Engineer of Record shall provide written design requirements to the Delegated Engineer and shall review the engineering documents of the Delegated Engineer for conformance with these design requirements in accordance with Rule 61G15-30.005, F.A.C. ~~The Engineer of Record's Engineering Documents may serve as the written communication of design requirements.~~
- (b) Each of the individual truss design drawings prepared by the delegated engineer shall be signed and sealed and shall include the following information.
  1. A title block bearing the printed name, address, and license number of the Truss Design Engineer and the date of the drawing. This information may alternatively appear on the cover sheet.
  2. The name and address of the Engineer of Record, if there is one. This information may alternatively appear on the cover sheet.
  3. Identification of the project, by address or by lot number, block number, section or subdivision and city or county. This information may alternatively appear on the cover sheet.
  4. Identification of the applicable building code that the truss design is intended to meet. This information may alternatively appear on the cover sheet.
  5. Identification of any computer program used for engineering the trusses.
  6. The engineering design criteria used in the design of the trusses.

Mr. Flury confirmed having made minor changes to the rules.

Upon motion by Dr. Earle seconded by Mr. Wallis the proposed language was approved. Motion passed.

#### **14. Old Business**

Mr. Burke referenced an email from Mr. Emil Veksenfeld in reference to the rules on threshold building. Mr. Veksenfeld attended a board meeting last year to express concerns with application of threshold building to projects with existing building when restoration/modification occurs. At that time the Board advised Mr. Veksenfeld of the authority resting with the building commission. However, revisions to the structural rules may provide some direction to these types of projects.

Mr. Charland was assigned to review the rule and determine if there is some language to be added to the rule on threshold buildings which would apply to restoration and/or modification to existing buildings.

#### **15. New Business**

- a. Date, Time and Location of Next Rules Committee  
TO BE DETERMINED