

Minutes of the
Florida Board of Professional Engineers
Rules Committee
September 15, 2009
1:00 p.m. – Tallahassee, Florida

1. Call to Order.
2. Roll Call.

Committee Members Present:

John Burke, P.E., Chair
David Charland, P.E., S.I.
Paul Tomasino, P.E.
Jonathan F. K. Earle, Ph.D., P.E.
H. Dann Wallis, P.E.

Staff Present:

Carrie Flynn, Executive Director
Zana Raybon, Assistant Executive Director
John Rimes, III, Chief Prosecuting Attorney
Wendy Gregory, Executive Assistant

Board Counsel Present:

Michael Flury, Assistant Attorney General

3. Guests Present

Henn Rebane, P.E.
Robert Mackey, P.E., BCEE
James Schock, P.E., S.I.
Dennis Barton
William Palm, P.E.

4. Email from Oriol Haage, Chief of Electrical Compliance at Miami-Dade County Building Code Compliance Office requesting clarification on fire alarm drawing requirements to be signed and sealed by a Professional Engineer

- Are fire alarm drawings submitted for plans review by, county, district, authority, municipal or other governmental agency required to be signed and sealed?

Mr. Burke advised the Committee that he believed the answer to be yes. Dr. Earle noted that it depended on who submits the drawings. Mr. Rimes suggested that, due to the way the question is posed, we answer him by stating that “we assume you mean” or “what we think you mean is” and then provide the answer which we believe is yes, based upon our understanding.

- Are additional drawings which contain voltage drop calculations, battery calculations and manufacture information required to be signed and sealed?

Mr. Burke advised the Committee that he believed the answer to be no. Dr. Earle asked whether those items should have been done as part of the design. Mr. Burke indicated that if you look at the responsibility rules, then the answer would be no. Mr. Rimes noted that in Rule 61G15-32.008, F.A.C., we list exactly what is necessary.

- If the drawings are “shop drawing” for fire alarm system and reviewed by county, district, authority, municipal or other governmental agency, are they required to be signed and sealed?

The committee determined that the answer to this question is no.

- If the “shop drawings”, prepared by a fire alarm contractor or manufacturer contain manufacturers model numbers and listing information for equipment, devices and materials, voltage drop calculations, battery calculations information and reviewed by , county, district, authority, municipal or other governmental agency for public record, required to be signed and sealed?

The committee determined that the answer to this question is no.

- Who is responsible for verifying there has been no deviations from the original engineered design drawings to the “shop drawings” which were prepared by a different individual?

The committee determined that the engineer of record would be responsible.

- If there are minimum requirements for engineered drawings to be reviewed for permitting purposes, do those requirements require manufacturers model numbers and listing information for equipment, devices and materials, voltage drop calculations, battery calculations, placement, location, wiring specifications, and power connection?

Mr. Burke noted that assuming all of those things are layout drawings, it is the same as the previous question and would be answered the same. The engineer of record would be responsible.

- There are instances where the engineered drawings are not very informative for the life safety systems. What is the delineation between the original engineered drawings and shop drawings when submitted for permitting purposes?

Mr. Rimes noted that it appears this gentleman is complaining that the existing rule is inadequate. Mr. Rebane indicated that fire alarm systems, especially considering the new fire code, requires more and more items to be coordinated with the fire systems. Dr. Earle said there has to be someone in control and responsible. The Committee advised Mr. Rimes to respond to this gentleman and explain the different between original engineered drawings and shop drawings.

5. Review of proposed changes to Rule 61G15-32.002(1)(10)

Mr. Burke reminded the Committee that this rule had been previously discussed and at that time, he and Mr. Rimes could obtain input from the PE and fire alarm community. He noted that there are not enough qualified and licensed fire protection engineers in the State of Florida. He reminded the Committee that we want to tighten up the delegation rule so that the engineer of record has a contractual relationship with whoever is delegated the work. The proposed rule change has received no negative feedback. The proposed change would force the delegation to take place in a contractual manner and go back to the original engineer of record for review and approval.

Mr. Flury advised the Committee that as a general rule, JAPC does not approve and the use of and/or in a rule. He recommended that in subsection (10), it should remain as written.

Upon motion by Mr. Charland to allow Mr. Flury to proceed with rulemaking on Rule 61G15-32.002, seconded by Dr. Earle, the motion passed.

Mr. Flury advised the Committee that they needed to determine whether this rule change would impact small business and whether a SERT would be required. Mr. Rimes noted that yes, there would be an impact.

Upon motion that there will be in impact on small business by Mr. Tomasino, seconded by Dr. Earle, the motion passed.

6. Review of proposed changes to Rule 61G15-21.001

Mr. Flury explained that this proposed rule change was before the Committee because examination will be computer based in the near future. Additionally, the structural examination will change to a 16 hour examination. Ms. Flynn explained that the proposed changes were suggested at the NCEES Annual Meeting. Mr. Burke suggested that this proposed language be kept for review at a later date.

7. Review of technical change to Rule 61G15-22.011

Mr. Flury explained that this rule was previously approved by the Board. When the final language was provided, the date was not changed. The proposed change is technical and only removes the date.

8. Review of proposed changes to Rule 61G15-19.004

Mr. Flury explained that this proposed language is the result of a change in Chapter 455 which provides for discipline if an engineer is convicted of a crime and additionally, it sets up a penalty range. Other changes to this rule were made in response to JAPC concerns which were the broad range of penalties.

Upon motion by Mr. Charland approving the proposed changes, seconded by Dr. Earle, the motion passed.

Mr. Flury advised the Committee that he did not believe that this proposed change would have an impact on small businesses.

9. Review of proposed changes to Rule 61G15-19.0051

Mr. Flury advised the Committee that this proposed change relates to a change in Chapter 455 that requires a licensee to report a criminal conviction or plea of nolo contendere. After discussions with Mr. Rimes, they thought it would be more appropriate to provide a rule relating to a notice of non-compliance instead of discipline. It was their thought that most people had no knowledge of this new law. He suggested that a notice of non-compliance could be issued for a certain period of time. After that time, all licensees should be aware of the law.

Upon motion by Dr. Earle to approve the proposed changes, seconded by Mr. Charland, the motion passed.

Mr. Flury advised the Committee that there would be no impact on small businesses.

Upon motion by Mr. Charland that there was no impact on small businesses, seconded by Dr. Earle, the motion passed.

10. Review of proposed changes to Rule 61G15-31 (Structural Rules)

Mr. Flury advised the Committee that he made a change to Rule 61G15-31.001 in order to have consistency with the other responsibility rules. Mr. Charland noted that the second sentence added by Mr. Flury would need to be removed. Mr. Flury noted removal of the second sentence.

Upon motion by Dr. Earle to approve the Structural Rules and the change to 31.001, seconded by Mr. Charland, the motion passed.

11. Review of proposed changes to Rule 61G15-20.007

Mr. Burke noted that Dr. Earle wished to discuss this rule. Dr. Earle advised that at the University of Florida, they stopped accepting CLEP courses for admission to the University. He further noted that the Committee may want to take a look at that rule and limit the acceptance of CLEP courses to humanities and social sciences.

Mr. Burke advised that he would like this language to be brought to the November Educational Review Committee meeting and determine how that Committee would like the language to read and bring it back to the next Rules Committee Meeting.

Ms. Flynn noted that we have advised previously that we accept some CLEP courses. It is Ms. Flynn's concern that perhaps we limit mentioning this at Board Meetings.

12. Review of proposed changes to Rule 61G15-20.0010

Mr. Flury noted that the applications we currently use with this rule are outdated. He suggested that this rule be brought to the full FBPE Board Meeting in October with the updated applications.

13. Review of proposed changes to Rule 61G15-20.0015

Mr. Flury noted that the applications we currently use with this rule are outdated. He suggested that this rule be brought to the full FBPE Board Meeting in October with the updated applications.

14. Review of proposed changes to Rule 61G15-22.012

Mr. Flury noted that this rule relates to how continuing education providers report courses. Mr. Burke asked whether the new system was working. Ms. Flynn noted that there had been some questions with providers but that it does appear to be working.

Mr. Burke asked Mr. Barton whether they were having any problems with the new requirement. Mr. Barton noted that the problems they were having were with the Department's reporting tool. It is archaic and requires far too many steps on the reporter's part. He noted that Ms. Ingram is working with him on these issues.

Mr. Flury noted that language would need to be added as to the location of the reporting tool. He noted that the website address could be placed in the rule.

Upon motion by Mr. Charland to approve the proposed language with the addition of the website address, seconded by Mr. Wallis, the motion passed.

Upon motion by Mr. Tomasino that there would be no impact on small business because it is a DBPR requirement and not a Board requirement, seconded by Mr. Charland, the motion passed.

15. Discussion regarding new reporting requirements of Section 120.525, F.S.

Provided for informational purposes.

16. Old Business.

James Schock, P.E., S.I., addressed the Committee on behalf of the Building Officials of Florida and the City of Jacksonville regarding the requirements of the authorized representative. The City of Jacksonville and the Florida Building Officials Association is opposed to any change in Rule 61G15-35.004 that may weaken the requirements of the authorized representative.

Their concern is for life safety. For example, unlike a person that might be working under the responsible charge of another where that person in responsible charge has the opportunity to check calculations, review drawings prior to issuing and generally overseeing that person's work, field work is very different. When reinforcement is inspected in these large complex threshold structures, it is normally covered with concrete within hours or less and there is no opportunity to check the representative's work until there is a catastrophic failure which may and will put human life in jeopardy. The inspection must not be taken lightly because they are far too critical and important.

He noted that it is important to review criteria for the authorized representative. For example, an ICC certified Building Inspector need not have any experience or education but only needs to pass the examination. This is not adequate experience to perform these types of inspections.

Finally, Mr. Schock advised that it was the official position of the City of Jacksonville and the Building Officials of Florida that this rule should not be opened and if it is, it should only be made more restrictive.

Mr. Burke noted an email regard the dual seal and that we were still waiting on word from the Surveyor's Board. Mr. Tomasino noted his disagreement with the dual seal. Mr. Burke indicated that once the Rule takes effect, we would place something on the website and in the newsletter.

17. New Business.

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

TO BE DETERMINED