

Minutes of the
Florida Board of Professional Engineers
Rules Committee
May 19, 2009
8:30 a.m. – Tallahassee

1. Call to Order.
2. Roll Call.

Board Members Present:

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

Staff Members Present:

Carrie A. Flynn, Executive Director
Patrick Creehan, Prosecuting Attorney
John J. Rimes, III, Prosecuting Attorney
Wendy Gregory, Executive Assistant

Michael Flury, Attorney General's Office – Counsel to the Board

3. Guests Present

Dennis Barton, Engineering Educators

4. Review Proposed Draft of Rule 61G15-23.001, F.A.C., relating to seals acceptable to the Board.

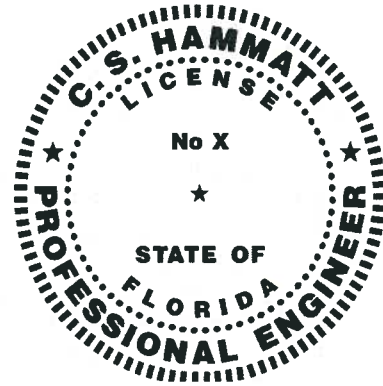
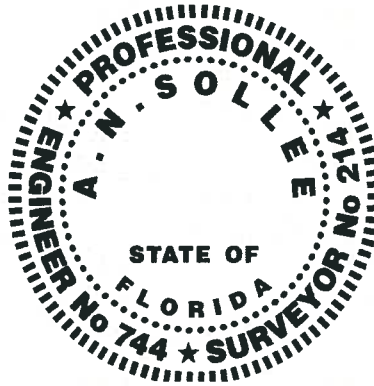
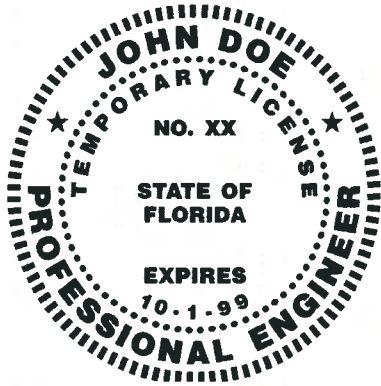
The Committee discussed the proposed draft of Rule 61G15-23.001, F.A.C. After discussion the committee made the following changes to the Rule.

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of ~~embossing impression~~ 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. All engineers must be utilizing a seal as illustrated in this rule no later than January 1, 2006.



(2) (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 otherwise comply with these provisions and which do not provide an opaque and permanent impression or permanent ink representation are also acceptable to the Board.

Specific Authority 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, amended —2010.

Upon motion by Mr. Wallis seconded by Dr. Earle the rule as modified was accepted for presentation to the full Board for consideration. The motion passed.

Mr. Flury called on the Committee to determine the needed a Statement of Estimated Regulatory Costs.

Upon motion by Mr. Tomasino seconded by Mr. Wallis the rule change was determined to have a positive impact on small businesses and a Statement of Estimated Regulatory Costs (SERC) would not be require. The motion passed.

Mr. Burke asked Ms. Flynn to outline procedures for notification to engineers. Ms. Flynn outlined notification by an article on the website and newsletter. Further, if needed a personal email could be mailed directly to the engineers if an email address is available.

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.

Rulemaking Authority 471.008 FS. Law Implemented 471.015(7) FS. History–New 3-21-01, Amended 4-5-04, 5-6-09.

Mr. Burke explained the reason for reconsideration of this rule addressing Special Inspectors. In the April Board meeting there were expressed concerns with this Board's requirements for authorized representatives.

Mr. Flury advised the Committee of this rules effective date and further changes would require additional rulemaking.

After r discussion, the Committee decided to take no further action on amending the Rule at this time.

Prior to the September Rules Committee meeting, Mr. Charland will research the options for certification process that might meet the intent of the rule. The purpose for this research is to provide additional options for increasing the field of individuals eligible to work as authorized representatives.

Comments would b shared with the committee for the next meeting.

5. Review draft language regarding Professional Engineers with disabilities

Mr. Burke explained the purpose of this proposed rule. In a recent disciplinary case there was evidence of the engineer sustaining an injury and stating he was unable to sign and seal documents. Mr. Rimes explained the current Rules require that a "written signature" must be applied when signing and sealing. There is no provision for an engineer that is unable to provide his "written signature" unless he files a Petition for Variance & Waiver. This is a cumbersome process.

61G15-23.002(x) Any Engineer who is physically unable by reason of disability or illness to apply the engineer's autograph signature to documents may apply to the Board for an exemption from the requirement that the signature be an autograph and that the Engineer may use a signature stamp in lieu of affixing the Engineer's autograph signature. Such a request must be filed utilizing FBPE FORM – and must be accompanied by a statement from a qualified medical health professional(s) attesting to the fact that illness or disability precludes the Engineer from affixing the Engineer's autograph signature to engineering documents. Upon receipt of a completed FORM, FEMC is authorized to grant an exception from the autograph signature requirement for a period not to exceed six (6) months. Approval of requests for a permanent exemption or for a longer period of time shall be reviewed and acted upon by the Board.

After discussion by the Committee determined staff would have to create an application to be used by the licensee if they request an exception to the signing rule due to health issues. The application would be presented to the full Board.

Upon motion by Mr. Wallis seconded by Dr. Earle, the rule was opened for development.

6. Review comments to Rule 61G15-19.004, FAC. by JAPC on disciplinary guidelines

Mr. Flury explained the comment from Marjorie Holladay with JAPC which asks the Board to “explain whether the penalties imposed for the enumerated violations in this Rule comply with subsection 455.2273(3), Florida Statutes.” Mr. Flury will be working with Holladay on resolving the issue and no action explained the Committee did not need to take an action on the comment at this time.

7. Review Florida Engineering Society’s (FES) recommended amendments to the Structural Responsibility Rules (61G15-31.001-012, F.A.C.)

Mr. Burke asked Mr. Charland if he agreed with the revisions to the rule by FES. Mr. Charland advised he did agree with the revisions. Mr. Charland then inquired whether Mr. Flury had reviewed the rule to determine whether the language was consistent with other responsibilities rules.

Mr. Flury advised he did have a few recommendations for uniformity.

Upon motion by Mr. Tomasino seconded by Dr. Earle, the rule was open for rule development.

8. Review Fire Protection System Rules

Mr. Rimes stated Mr. Foster had provided language for committee review. After further discussion, it was decided that language would be drafted and the rule would be presented to Mr. Dewar and Mr. Foster for review and comment.

9. Review Proposed Amendment of Rule 61G15-20.0015, F.A.C.

Mr. Flury explained that presently there is a provision which allows someone who is licensed in another state for 15 years and has 20 years of professional level engineering experience to achieve licensure by endorsement even though they have an engineering degree from a foreign institution. This language allows for inclusion of any domestic non-ABET/EAC programs to be included also.

61G15-20.0015 Application for Licensure by Endorsement.

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE/002(06-01), entitled “Application For Licensure By Endorsement”, which is hereby incorporated herein by reference, effective 9-27-01, copies of which may be obtained from the Board office. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that:

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

(b) The applicant holds a valid license to practice engineering issued by another state or territory of the United States, provided that the criteria for issuing the license was substantially the same as the licensure criteria which existed in Florida at the time the license was issued.

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

shall deem that the applicant has passed an examination substantially equivalent to part I, fundamentals, and part II, principles and practice, of the engineering examination.

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

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

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

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

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 4-9-07.

Upon motion by Mr. Wallis seconded by Dr. Earle, the rule language was accepted.

10. Review comments to Rules 61G15-23.002, F.A.C.

Mr. Rimes explained the comments were provided after the rule changes were made. This gentleman had concerns that we are mandating two addresses if the engineer's address is different from the business the engineer has been work through. No action was necessary on this item.

11. Old Business.

12. New Business.

a. Date, Time and Location of Next Rules Committee

September 15, 2009; 1:00 p.m.
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303