



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Connection

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July 2018

From the Executive Director: Watch for Changes to Renewal

By **Zana Raybon**, FBPE Executive Director

Since the staff at FBPE is gearing up for the biennial renewal, which begins in November, I thought now would be a good time to alert licensees to some changes.

First, when you renew online this year, Professional Engineer licensees will be given the option of paying a reduced fee if you renew your license early. The usual fee for renewal is \$98.75, which includes a mandatory unlicensed activity fee to combat unlicensed activity. However, from Nov. 5, 2018, through Jan. 15, 2019, the fee will be reduced by \$10, to \$88.75.

This reduction is being made to encourage Professional Engineers to renew earlier rather than later. This way licensees can get their new licenses before the old ones expire.

Speaking of receiving new licenses: One of the other changes will be the way licenses are distributed. Starting with this renewal, we will be sending the new licenses out electronically. You will no longer have to wait six to eight weeks to get your new license. Once you complete the renewal process, you will be able to download your printable license from a secure webpage.

We know that licensees often need a new license in hand sooner because they are needed for bids or proposals. This will alleviate the delay usually caused by renewing at the last minute and then having to wait to receive the new license in the mail.

While you are waiting for renewal to begin in November, you should be sure to complete all your continuing education requirements, which includes one hour of Florida laws and rules, one hour of professional engineering ethics, four hours of technical area of practice and 12 hours in any topic that pertains to the practice of engineering. It is important to complete all these hours prior to Feb. 28, 2019. Otherwise, you may be subject to disciplinary action by the Board (see a related article on this in this newsletter).

If you received your license by examination during the April 2017, October 2017, or April 2018 exam administrations, you are not required to complete continuing education during this renewal. However, you must pay the renewal fee. Also, if your license is inactive, you are not required to take continuing education but you must pay the fee. If your license is not currently inactive and you wish to change the status, you must do so prior to renewing your license.

On a final note, you should receive a postcard reminder shortly before renewal opens. You will also receive several email reminders, and renewal information will be posted on the [FBPE website](#). It is your



responsibility to update your contact information if you want to rely on notices to remind you of renewal. All licenses expire on Feb. 28, 2019, and must be renewed on or prior to that date.

If you have any questions about renewing, please be sure to visit our website or call us at (850) 521-0500. We are looking forward to a smooth and uneventful renewal period.

Chair's Corner: Having Good Ethics Is a Must

By **Ken Todd**, PE, CFM, FBPE Chair (2018)

From time to time, it is good to be reminded of the engineer's responsibility to act in an ethical manner.

As the next PE renewal cycle approaches, licensed engineers need to have taken one hour of FBPE-approved ethics as part of the continuing education requirement for license renewal in Florida.

Occasionally the question is asked, why do Professional Engineers need to take a course on laws and rules and ethics every renewal cycle? Practicing good ethics can be complicated in a business and legal world that is in constant change. Therefore, I would like to spend a little time reminding all of the PE licensees of the importance of practicing good ethics in our profession.



What is ethics? The American Heritage Dictionary defines ethics as a set of rules or standards governing the conduct of the members of a profession. This is especially important in the engineering profession because the practice of engineering will have a direct impact on the public's quality of life. Additionally, the ethical standards practiced by an engineer will affect the engineer's clients and employer.

Therefore, it is imperative that as members of the engineering profession, we have good ethics that exhibit the highest standards of honesty and integrity, and not be guilty of misconduct.

Misconduct can be defined as including, but not limited to: being untruthful, deceptive, or misleading in any professional report, statement, or testimony, whether or not under oath. In addition, it includes omitting relevant and pertinent information from such report when the result of such omission could reasonably lead to a fallacious conclusion on the part of the client, employer, or the general public.

I have read that one of the most common types of misconduct is being untruthful. This type of an ethical violation can come via being untruthful on an application or a report, failing to disclose a conflict of interest, or advertising qualifications that are dubious.

Other types of misconduct could include expressing an engineering opinion without having all the facts, the failure to use due care in the practice of engineering, or the signing and sealing of a report or set of construction drawings not done under your supervision as a PE.

One way we can reduce the opportunity for misconduct is by periodically reviewing the laws dealing with practice of engineering in Chapter 471, Florida Statutes, and the engineering rules in Chapter 61G15, Florida Administrative Code.

Additionally, an engineer can read the Code of Ethics produced by an engineering organization, such as the [American Society of Civil Engineers](#), the Florida Engineering Society, or the [National Society of Professional Engineers](#). Because a Code of Ethics is not always viewed the same by all individuals, it is also helpful to "bounce" ethical situations off a trusted colleague who can assist you in making the

proper decision for an ethical dilemma. When this is done it will help each PE develop a solution to the “ethical problem” that is above reproach, and potentially prevent an ethical violation turning into a complaint alleging misconduct being filed against the PE.

FBPE Bids Farewell to Two Board Members

Longtime board members Anthony J. Fiorillo, PE, SI, CGC, and William C. Bracken, PE, SI, CFM, have left the Florida Board of Professional Engineers. Mr. Fiorillo resigned in April; Mr. Bracken resigned in June.

Mr. Fiorillo was appointed to the Board in October 2012, and served as its chair in 2017. He is a Special Inspector of Threshold Buildings and a Certified General Contractor in Florida. In addition, he is also a licensed PE in Florida and multiple other states, as well as an LEED Accredited Professional. Mr. Fiorillo is the executive vice president of Engineering Consulting Services, and serves on the board of directors for its parent company, ECS Ltd.

He is responsible for the operations management, including directing, planning, approving and implementing overall corporate services strategies and personnel management. Corporate Services includes human resources, legal, risk management, accounting, accounts payable, marketing, business development, information technology, training, and national accounts.

Mr. Fiorillo holds B.S. and M.S. degrees in civil engineering and a master’s degree in business administration. He has served on many committees of the Florida Engineering Society, and is a graduate of the Florida Engineering Leadership Institute. He is a past president of the Central Florida Chapter of NAIOP (the Commercial Real Estate Development Association), and served on its national board of directors. He has also been an active member of the Central Florida Boys & Girls Club board of directors, Commercial Real Estate for Women, American Hotel and Lodging Association, International Council of Shopping Centers, Associated Builders and Contractors, and Associated General Contractors, among others.

Mr. Bracken was appointed to the Board in January 2012, and served as its chair in 2015 and 2016. He founded Bracken Engineering in Tampa in 1996, and served as its president and principal engineer for 22 years. He is currently executive vice president, national director of forensic engineering for J.S. Held. His career has centered on structural engineering, specializing in the fields of Codes, Fire Rescue, and Standards of Care, and his practice has encompassed design, analysis, research, publishing, instruction, and forensics.

Mr. Bracken is a licensed Professional Engineer in Florida and multiple other states, a Special Inspector of Threshold Buildings, a Certified Floodplain Manager, and a Master Instructor for the International Code Council. He has published and presented on forensic engineering, structural rehabilitation, and the innovative use of current technology. In addition, he has worked closely with the University of South Florida, where he received both his B.S. and M.S. degrees in civil engineering, and serves on the College



William Bracken (left) accepts a plaque for his service as an FBPE member from Vice Chair Kevin Fleming.

of Engineering's Advisory Board. Mr. Bracken is a recognized Fellow within the Structural Engineering Institute and a Board Certified Diplomate of the National Academy of Forensic Engineers. He has also been recognized by the Florida Fire Chiefs' Association and FEMA for his efforts in support of Urban Search and Rescue.

We wish to express our gratitude for the invaluable service Mr. Fiorillo and Mr. Bracken have provided by serving on the Board, and to their dedication to the engineering profession. We wish each continued success in their future endeavors. They will be missed.

Sobh Appointed to Fill FBPE Vacancy

Walid M. Sobh, PE, 55, has been appointed by Gov. Rick Scott to fill a vacancy on the Florida Board of Professional Engineers. Mr. Sobh's term runs May 1 through Oct. 31, 2018.

Mr. Sobh has been with Engineering Consulting Services Ltd. for 19 years, and is currently president of ECS Florida LLC. A licensed Professional Engineer in Florida, North Carolina, and South Carolina, Mr. Sobh received his bachelor and master of science degrees in civil engineering from the University of North Carolina at Charlotte. He has over 28 years of experience in geotechnical engineering and construction materials testing, including subsurface exploration for shallow and deep foundations, pile installations, pile driving analyzer testing, threshold inspection services, and forensic engineering.



Walid M. Sobh, PE

Mr. Sobh has been married for 27 years to Denise Sobh, and has two children, Jad and Laith. Jad, 23, is an honorably discharged member of the Florida and North Carolina National Guards, and has attended UNC at Charlotte. Laith, 16, is a sophomore at Lake Nona High School in Orlando. Mr. Sobh enjoys boating, fishing, golfing, and cooking.

CE Audit Finds 10 Percent Out of Compliance

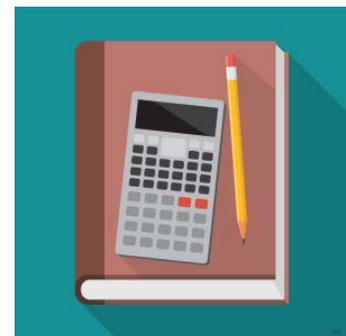
By William Bracken, PE, SI, CFM

By the close of the 2017 licensure renewal, the Florida Board of Professional Engineers had renewed 31,722 engineering licenses. Then, after the close of the licensure renewal period and as required by Rule 61G15-22.006, Florida Administrative Code, *Demonstrating Compliance*, board staff conducted an audit of the licenses renewed so as to verify compliance with the continuing education requirements.

Florida's CE requirements are found in Section 471.017, Florida Statutes, *Renewal of License*, and call for a minimum of 18 hours of qualifying CE.

Specifically, licensees are required to obtain one hour of professional ethics and one hour of Florida-specific laws and rules, both of which are to be obtained from a FBPE approved CE provider. In addition, Florida licensees are required to obtain four hours in their area of practice and 12 hours that relate to any topic pertinent to the practice of engineering.

Section 471.017, F.S., also establishes the requirement that the Board verify compliance with the CE requirements, and Rule 61G15-22.006(2), F.A.C., establishes the requirements for that verification by



way of an audit. Specifically, this rule states that the Board will “randomly audit a minimum of 3 percent of licensees to assure that the continuing education requirements are met.” Therefore, 1,051 licenses were randomly selected and notified that they were being audited.

Given that the statutory CE requirements have been in place for the past two renewal cycles, or more than five years, it was very surprising when the audit found that 112 of the 1,051 licensees audited were out of compliance. Of greater concern to FBPE is, based on an extrapolation of these numbers, that potentially 10 percent, or 3,000, of Florida’s licensees may have renewed their licenses without being able to prove that they meet the minimum CE requirements.

Licensees are required to keep CE records for purposes of complying with a CE audit. These requirements can be found within Rules 61G15-22.006(3) and within 61G15-22.008, F.A.C. Both of these rules require licensees to retain proof necessary to document completion of the CE for four years from the date of completion of the continuing education activity.

According to 61G15-22.006, “A failure to produce documentation of compliance with continuing education requirements during an audit will result in the opening of a disciplinary complaint against the licensee for violation of paragraph 61G15-19.001(6)(s), F.A.C. If a violation is proven, the penalty shall be within the guidelines established by sub-subparagraph 61G15-19.004(2)(g)4.i., F.A.C.” In other words, failure to prove that the CE requirements have been met after having renewed a license constitutes a violation of Rule 61G15-19.001(6)(s), F.A.C., and can result in a penalty ranging from a reprimand with a \$1,000 fine up to a suspension until the licensee demonstrates compliance.

It is worth noting that Rule 61G15-22.006 also states that “licensees audited in the previous biennium who failed to demonstrate compliance will be included with the group of licensees audited for the current renewal cycle.” Should a licensee then fail to comply with the CE requirements in two successive renewal cycles, the licensee would face a penalty ranging from a one-year suspension and \$1,000 fine up to revocation of the license.

A look at the Florida Engineers Management Corporation

There has been some confusion over the difference between the Florida Board of Professional Engineers and the Florida Engineers Management Corporation.

To put it simply:

- FBPE is a regulatory board, overseeing the engineering profession in Florida.
- FEMC is a not-for-profit, public-private corporation that provides administrative, investigative, and prosecutorial services to the Board.



“We were recently made aware of this confusion about FBPE and FEMC,” said Zana Raybon, FBPE executive director and FEMC president. “We want people to understand — especially the engineers who benefit from this arrangement — what a tremendous asset it is having the Board supported by an administrative staff that serves a single profession.”

The Board was originally created as the state’s Board of Engineering Examiners by the Florida Legislature in 1917. By 1980, Chapter 471, Florida Statutes, officially recognized the Board as the Florida Board of

Professional Engineers, administered by the Department of Professional Regulation (now the Department of Business and Professional Regulation).

Under Chapter 471, the Board carries out the Legislature's charge that it is "in the interest of public health and safety to regulate the practice of engineering in this state" by licensing both individual Professional Engineers and companies doing engineering work in Florida.

In 1997, the Legislature created the Florida Engineers Management Corporation to take over the duties of administering FBPE that were previously handled by DBPR. The Legislature determined "that the privatization of certain functions that are performed by the department for the Board will encourage greater operational and economic efficiency and, therefore, will benefit regulated persons and the public."

The Florida Engineering Society was instrumental in the effort to create FEMC.

In an editorial in the October 1999 issue of *FES Journal*, FES Executive Director Paul A. Ledford explained what led to the creation of FEMC:

"The Professional Engineers of Florida did not perceive that they were receiving adequate service from DBPR. DBPR was viewed as an unresponsive bureaucracy, incapable of adapting to the regulatory needs of the engineering profession. Phone calls to FBPE went unanswered or callers were sent through a voicemail maze, complaints were uninvestigated, cases determined to have merit by an FBPE Probable Cause Panel were dropped by DBPR attorneys without explanation, and FBPE was 'assessed' huge 'administrative charges' by DBPR for these services. One of the most frustrating aspects of the problem hinged on the fact that the DBPR Trust Fund contained 'earmarked' engineering license fees and disciplinary fines to the tune of \$5 million dollars. FBPE was clearly generating enough revenue to get the job done, but lack of understanding of the regulatory needs of the engineering profession and unwillingness of DBPR to request adequate funding rendered FBPE less effective than it could have and should have been. Ultimately, the health and safety of the citizens of Florida are compromised in a scenario like the one just described."

In 1998, FEMC began supporting Florida's more than 25,000 licensed Professional Engineers under a \$2.1-million annual contract with the Board and DBPR. Today, FEMC supports over 43,500 PEs, a 74-percent increase in 20 years — with no increase in its annual budget. The Corporation handles the third-highest number of engineering licensure applicants in the nation, behind only California and Texas.

On average, FEMC returns more revenue to the state than it costs to operate. From Fiscal Years 2013-14 through 2016-17, FEMC collected on behalf of FBPE over \$11.9 million from licensure fees and fines, which was then paid to the state. During this same period, FEMC's budget totaled under \$8.3 million.

FEMC is overseen by a corporate board of directors, which serves on a voluntary basis. The seven Directors include two public members, not regulated by FBPE, appointed by the secretary of the Department of Business and Professional Regulation, and five licensed Professional Engineers appointed by FBPE. Statutes subject FEMC to Florida public records laws, which require it to operate in the sunshine like state agencies.

The Corporation's staff focuses on the engineering profession and responds promptly to inquiries from engineers, engineering firms, and the public. As a result of that singular focus, the 16-member staff can

react nimbly, responsively, and creatively to changes in the profession. For example, it has a 98-percent online licensure renewal rate, the highest of any regulated profession in Florida.

In Fiscal Year 2016-17, FEMC administered 3,609 applications for PE licensure, a 140-percent increase since 1999. It also administered 459 initial Certificates of Authorization to firms providing engineering services in Florida, a 40-percent increase since 1999.

During that same fiscal year, FEMC investigated 121 complaints involving the practice of engineering, which resulted in 29 prosecutions by FBPE. Results of the prosecutions included seven reprimands, four licensure suspensions, four probations, and administrative fines totaling \$23,000.

FEMC also audits Professional Engineers to ensure they are completing the required 18 hours of continuing education every two-year licensure period. This year, FEMC audited 1,000 PEs and found that around 10 percent could not provide adequate documentation that they had completed their CE requirements despite attesting to the fact during licensure renewal. Final disposition of these cases is pending.

Ms. Raybon said, “FEMC supports the Board’s responsibility of ensuring the competency of engineers in Florida — through licensure, disciplinary actions, and continuing education — for the health and safety of the people of Florida.”

Caution: Spam Emails Sent With FBPE Address

You may have recently received an email that appears to have been sent from the Florida Board of Professional Engineers, had a PDF attachment, and possibly used the subject line “INFORMATION FOR LICENSEE,” “UPDATE FOR LICENSEES,” or “INFORMATION FOR MEMBERS.” This email was not sent by FBPE, and should be deleted immediately.

FBPE does not send out emails or attachments asking for your personal or professional information, or asking for you to verify your information.

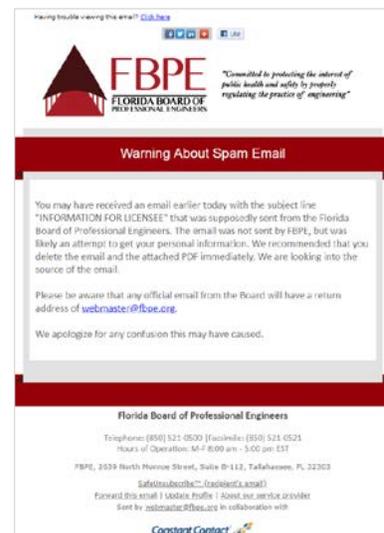
Emails sent out by FBPE are formatted to resemble our website (see image at right), and are sent through the email service Constant Contact.

The email you received was likely a phishing attempt, aimed at getting your personal information. These types of emails will often appear to be sent from a familiar email address, such as one at FBPE.org, but the actual return address is completely different and unrelated.

We are looking into the source of the email. We apologize for any confusion this may have caused.

FBPE Reaches Out to Educate, Inform

In the past quarter, FBPE staff participated in a number of outreach events for a range of audiences, elementary school students to government officials.





FBPE Executive Director Zana Raybon discusses licensure with engineering students at the University of Central Florida.

In late March, FBPE Executive Director Zana Raybon, joined by FBPE Assistant Executive Director Rebecca Sammons and Public Information Officer William Lampkin, talked about the benefits of becoming a licensed Professional Engineer to over 1,500 students at the [University of Florida](#) and the [University of Central Florida](#) colleges of engineering. In April, she did the same to engineering students at Valencia College and via a webinar to employees at AT&T.

In May, Ms. Raybon was joined by members of the American Concrete Institute/American Society of Civil Engineers/Florida Engineering Society Student Chapter at the FAMU-FSU College of Engineering for the [2018 Kidsfest](#) in Tallahassee. For the 18th annual event organized by Kids Incorporated, Ms. Raybon handed out STEM activity sheets, color-changing FBPE cups and other goodies to kids and their families, while the engineering students helped kids explore engineering by working with them to construct a bridge using only interlocking wood strips.



Ms. Raybon talks to elementary students at the Tallahassee School of Math and Science.

Later that month, Ms. Raybon gave a series of short talks to kindergarteners and elementary school children at the Tallahassee School of Math and Science explaining what an engineer does and encouraging the students in their STEM studies.

In June, FBPE Investigators Wendy Anderson and Jeannie Jones attended the Building Officials Association of Florida annual conference in Orlando, where they staffed a table handing out posters regarding unlicensed engineering activity and answering questions from officials.

FEMC Recognized as Family Friendly Workplace

The Florida Engineers Management Corporation was recognized as a “Family Friendly Workplace” by the Tallahassee Family Friendly Workplace Task Force in April.

FEMC received four out of five stars and was among about 50 local businesses earning three stars or higher in 2018. The Corporation also received a four-star rating in 2017.

The award is part of the Family First Initiative, begun in 2015 by the City of Tallahassee Mayor’s Office. The goal is to highlight local businesses that “are doing incredible things for their employees, going above and beyond legal requirements.”



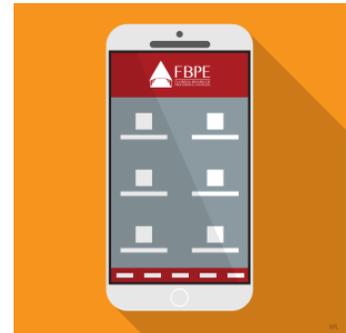
FBPE Executive Director Zana Raybon shows off the 2018 "Family Friendly Workplace" certificate.

FBPE Updates Its Mobile App

FBPE has been busy re-engineering its mobile app to make it cleaner, more responsive, and easier-to-use. The revamped FBPE App puts the information you need the most right at your fingertips, wherever you are.

With the new app on your smart phone or tablet, you can quickly access information on:

- Public records requests,
- Licensure application and renewal,
- Continuing education,
- Unlicensed activity,
- Disciplinary actions,
- Upcoming Board events,
- Plus, the latest FBPE news, and much, much more.



Now FBPE will be able to more quickly update the app’s content so that it’s never out of date.



The new app isn’t an update of your existing FBPE app, so you will need to delete the old one and download the new app. To confirm you have the revised app, make sure the app has the new, red icon (shown at left).

The revised FBPE App is available in the [iTunes App Store](#) and the [Google Play Store](#).

Are You Keeping Your Licensure Records Updated?

With each newsletter email distribution, new license mailing, or renewal reminder campaign, FBPE receives a number of returned communications due to bad email addresses, invalid mailing addresses, lack of forwarding information, etc.

If you aren't keeping [your contact information updated](#), you jeopardize receiving important information regarding policy/law changes, deadline notifications, receipt of certificate replacements, and much more.



Licensure renewal opens in November 2018, so there is no time like the present to remind Professional Engineers and Certificate of Authorization holders about the importance of keeping their licensure records current.

As a Professional Engineer or a Certificate of Authorization holder, it is *your* responsibility to keep your licensure records updated. This includes information such as name, mailing address, email address, or name of the PE in responsible charge for a firm.

This information should be provided within 30 days of when the change occurs to ensure proper delivery of licensure correspondence and uninterrupted Board service. We also encourage licensees to provide the most current email address since we routinely provide special notices, information, and the quarterly newsletter electronically.

Please keep in mind, too, that if you have unsubscribed from FBPE emails and newsletters sent via Constant Contact, you will no longer receive important notices from the Board, such as information and reminders about licensure renewal. Please visit the [FBPE Email Subscription page](#) to re-authorize FBPE to send you email.

For Engineers

A licensee can make changes to their licensure records via two methods: by submitting changes through DBPR's online portal, or by submitting a request to FBPE to have your records updated.

You can access your account by going to myfloridalicense.com and selecting *Licensee Login* (at the top right of the page). Should you receive a message, such as "this account is linked to another email" or "enter an activation code," while trying to access your account and you need assistance, please contact the Board office at (850) 521-0500 and select the option to speak to someone in FBPE's Licensure department.

To submit your changes to FBPE, select the [Change Contact Information](#) page under the *Licensure* section and complete the online form. You can submit changes to your mailing address, phone number, or email address using this form.

If you experience problems using either of these methods, email board@fbpe.org with your change request. Note: When emailing FBPE with your request to update your records with new information, you *must* include your full name, license number, old *and* new addresses, phone number, and email address.

For those individuals needing to change their name or obtain a new copy of their license, you *must* submit a copy of a marriage certificate, divorce decree, or court order, along with the [Order Form for Duplicate Licenses and Certificates](#) and the relevant fee. The order form can be found on the [Other Forms](#) page under the *Licensure* section.

Additional forms, such as requests to change active/inactive license status, to retire a license, and to verify licensure, are located on the [Other Forms](#) page in the *Licensure* section. If you have any questions, please contact the Board's office at (850) 521-0500.

For Certificate of Authorization Holders

Per Section, 471.023, Florida Statutes, *Certification of Business Organizations*, should a company's qualifying engineer change, it is the company's responsibility to submit a [Certificate of Authorization \(Change of Engineer\) application](#), along with the relevant fee, to FBPE within 30 days to request a new qualifying engineer. If the qualifying engineer no longer wishes to qualify a company, it is the engineer's responsibility to advise FBPE in writing of his/her desire to no longer act as qualifying engineer for the company.

If a company changes its name, it is the company's responsibility to submit a [Certificate of Authorization \(Change of Company Name\) application](#), along with the relevant fee, proof of registration, and other accompanying documentation, to FBPE within 30 days.

These forms are located on this website by selecting *Application Process* under the *Licensure* section and then [Certificate of Authorization](#). Should you have any questions regarding the application forms, the process of applying for a CA, or changing the qualifier or company name, please contact the FBPE office at (850) 521-0500, ext. 110.

Legal Department: Latest Engineer Discipline

Pursuant to Rule 61G15-37.001(11), Florida Administrative Code, the Florida Engineers Management Corp. is required to post all Final Orders involving active disciplinary cases to the website until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void. Included in this section are the most recent cases in which final action has been taken by the Board, a brief description of the licensee's violation and discipline as well as a link to the final order. [View actions.](#)

Mark Your Calendar

We regularly update our calendar to ensure you stay up to date with the latest events. [Check out the calendar online at our website.](#)

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