



# FBPE

## Board Training Manual

June 17, 2015  
Daytona Beach, FL

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Section A. FBPE Board of Directors,  
Structure, Roster & Section 471.007,  
F.S.

# Florida Board of Professional Engineers (FBPE)

## Organization & Responsibilities

The Florida Board of Professional Engineers is established under Chapter 471, Florida Statutes, and is comprised of eleven members, nine of whom are Professional Engineers and two of whom are laypersons who are not and never have been engineers or members of any closely related profession or occupation. Of the nine who are Professional Engineers, three must be civil engineers, one must be an electrical engineer, one must be a mechanical engineer, one must be in engineering education, one must be a structural engineer, one must be an industrial engineer and one must be from any discipline of practice other than civil engineering. All members are appointed by the Governor for terms of four years each.

The Florida Legislature found that it was necessary, in the interest of public health and safety, to regulate the practice of engineering in the State of Florida and thus created Chapter 471, Florida Statutes, the Engineering Registration Law. Under this law, the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

The Florida Board of Professional Engineers meets six times a year in locations around the state. The schedule of meetings can be found on this website under the heading Calendar. All meetings of the Board are open to the public. Licensees and members of the public are welcome and encouraged to attend.

## Florida Statutes – Section 471.007

### 471.007 - Board of Professional Engineers.

There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are licensed engineers, three shall be civil engineers, one shall be a structural engineer, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an industrial engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering. Members shall be appointed by the Governor for terms of 4 years each.

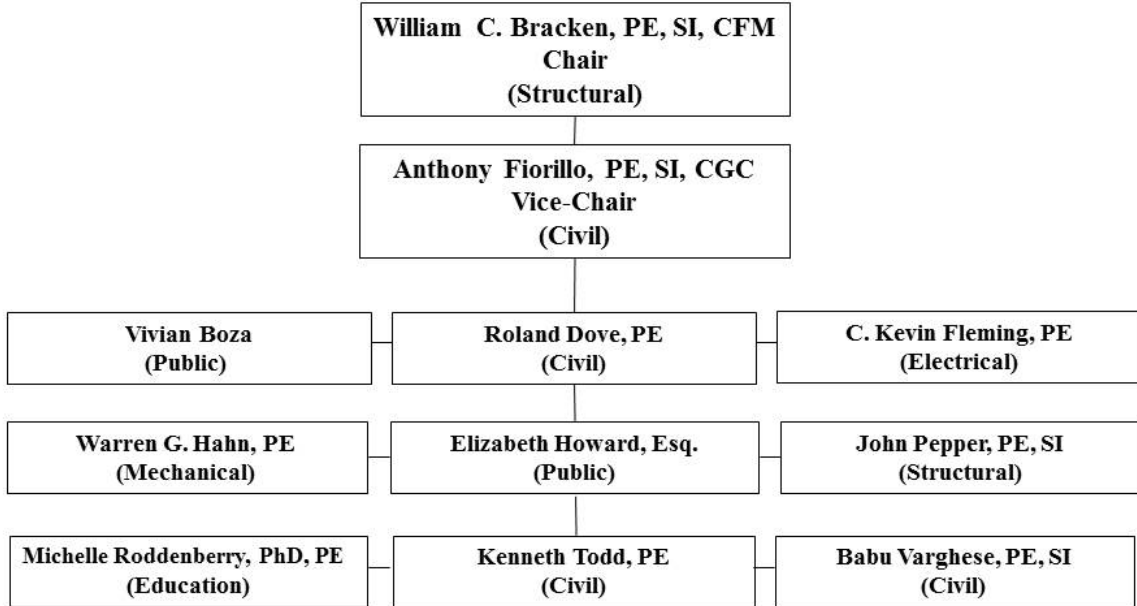
History. ss. 3, 42, ch. 79-243; ss. 5, 9, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 152, ch. 94-218; s. 19, ch. 2002-299; s. 1, ch. 2004-332.

# Organizational Chart



**FBPE**  
FLORIDA BOARD OF  
PROFESSIONAL ENGINEERS

## Florida Board of Professional Engineers Board Members



### a. Contract Monitor

Yvette Pressley  
Chief Legal Counsel  
Department of Business & Professional  
Regulation  
1940 North Monroe Street  
Tallahassee, FL 32399-2202  
(Office) 850-717-1242  
(Fax) 850-922-1278  
yvette.pressley@dbpr.state.fl.us

## FBPE Board Member Roster

<p><b>William Bracken, P.E. , S.I.-Chair (Discipline other than Civil Seat)</b>                  2701 West Busch Blvd., Ste. 200                  Tampa, FL 33618                  813-243-4251 work  <a href="mailto:wbracken.fbpe@gmail.com">wbracken.fbpe@gmail.com</a>  <b>Term Began: 1-30-12</b>  <b>Term Ends: 10-31-15 (1<sup>st</sup> Term)</b></p>	<p><b>Anthony Fiorillo, P.E., S.I.-Vice Chair (Civil Seat)</b>                  2815 Directors Row, Ste. 500                  Orlando, FL 32809                  407-859-8378 work                  407-895-6325 home                  321-231-1753 cell  <a href="mailto:afiorillo@ecslimited.com">afiorillo@ecslimited.com</a>  <b>Term Began: 1-30-12</b>  <b>Term Ends: 10-31-18 (2<sup>nd</sup> Term)</b></p>
<p><b>Vivian Boza, Public Member</b>                  7186 SW 35<sup>th</sup> Ave.                  Gainesville, FL 32608  <a href="mailto:vsboza@gmail.com">vsboza@gmail.com</a>                  352-256-4603  <b>Term Began: 7-22-13</b>  <b>Term Ends: 10-31-15 (1<sup>st</sup> Term)</b></p>	<p><b>Roland Dove, P.E. (Civil Seat)</b>                  3014 US Highway 19                  Holiday, FL 34691                  727-938-1516                  727-412-2171 (cell)  <a href="mailto:Sei2@verizon.net">Sei2@verizon.net</a>  <b>Term Began: 3-28-14</b>  <b>Term Ends: 10-31-17 (1<sup>st</sup> Term)</b></p>
<p><b>G. Kevin Fleming, P.E. (Electrical Seat)</b>                  McGinniss &amp; Fleming Engineering, Inc.                  1401 Miccosukee Road, Suite 200                  Tallahassee, FL 32308                  850.681.6424 – Work  <a href="mailto:kfleming@mfe-inc.com">kfleming@mfe-inc.com</a>  <b>Term Began: 3-27-15</b>  <b>Term Ends: 10-31-18 (1<sup>st</sup> Term)</b></p>	<p><b>Warren G. Hahn, P.E. (Mechanical Seat)</b>                  4525 West Beachway Dr.                  Tampa, FL 33609                  Office:                  3060 S. Dale Mabry Hwy                  Tampa, FL 33629                  813-831-8599 Work                  813-786-3241 Cell  <a href="mailto:wghahn@hahneng.com">wghahn@hahneng.com</a>  <b>Term Began: 3-15-10</b>  <b>Term Ends: 10-31-17 (2<sup>nd</sup> Term)</b></p>
<p><b>Elizabeth Howard (Public Member)</b>                  Boyd &amp; Jenerette, PA                  201 N. Hogan St., Ste. 400                  Jacksonville, FL 32202                  904-353-6245 – Work                  904-626-1635-Cell  <a href="mailto:EHoward@Boyd-Jenerette.com">EHoward@Boyd-Jenerette.com</a>  <b>Term Began: 3-27-15</b>  <b>Term Ends: 10-31-18 (1<sup>st</sup> Term)</b></p>	<p><b>John Pepper, P.E., S.I. (Structural Seat)</b>                  6135 Northwest 167<sup>th</sup> St., Ste. E26                  Hialeah, FL 33015                  PO Box 266348                  Weston, FL 33326                  305-655-1115                  305-775-2855 cell  <a href="mailto:pepper@peggroup.com">pepper@peggroup.com</a>  <b>Term Began: 7-22-13</b>  <b>Term Ends: 10-31-16 (1<sup>st</sup> Term)</b></p>

<p><b>Michelle Rambo Roddenberry, Ph.D., P.E.</b>  <b>(Educational Seat)</b>  2525 Pottsdamer St., Rm. A129  Tallahassee, Fl 32310-6046  850-410-6125 work  850-556-2292 home  <a href="mailto:mroddenberry@fsu.edu">mroddenberry@fsu.edu</a>  <b>Term Began: 3-27-12</b>  <b>Term Ends: 10-31-17 (2<sup>nd</sup> Term)</b></p>	<p><b>Kenneth S. Todd, Jr., P.E.</b>  <b>(Civil Seat)</b>  289 Mulberry Grove Rd.  Royal Palm Beach, FL 33411  561-792-7222 home  561-355-4600 work  561-324-8306 cell  <a href="mailto:ktodd@pbcgov.org">ktodd@pbcgov.org</a>  <b>Term Began: 1-30-12</b>  <b>Term Ends: 10-31-15 (1<sup>st</sup> Term)</b></p>
<p><b>Babu Varghese, P.E.</b>  <b>(Civil Seat)</b>  1622 Southwest 103 Lane  Davie, FL 33324  954-452-7999  <a href="mailto:babu@abtechengineering.com">babu@abtechengineering.com</a>  <b>Term Began: 2-20-15</b>  <b>Term Ends: 10-31-16 (1<sup>st</sup> Term)</b></p>	
<p><b>Board Counsel</b>  <b>Lawrence D. Harris</b>  Assistant Attorney General  Administrative Law Bureau  Office of the Attorney General  PL-01, The Capitol  Tallahassee, Florida 32399-1050  Office: (850) 414-3771  Fax: (850) 922-6425</p>	<p><b><u>PCP Member:</u></b>  Bob Matthews  3347 Southeast 18<sup>th</sup> Place  Cape Coral, FL 33904  909-238-4937  <a href="mailto:MatthewsRL@cdmsmith.com">MatthewsRL@cdmsmith.com</a></p>

## Section B. NCEES



In the course of this training session you will note references to NCEES. What is NCEES? Rather than summarize the following mission statement is drawn from the NCEES website.

**NCEES is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States.**

The Florida board like all states and US territories are members of NCEES. There is a geographic breakdown of Boards by zones and Florida is a member of the Southern Zone. As a Board you are kept informed of ongoing issues within NCEES by your designated liaison, presently the Board Chair.

The zone meets each spring and actions from the zone meeting are presented in the Annual meeting which occurs once a year. NCEES funds the travel for one designated person from each Board. This ensures representation for many Boards which face travel constraints preventing Board funded travel.

Travel to the zone and annual meetings is discussed in the Board meeting for authorization. Typically the travel will include the Executive Director and Assistant Executive Director and any FBPE Board member. If funding is available and members of the FBPE do not wish to participate travel for one FEMC members has been approved in the past. FEMC Members cannot vote on issues, attendance simply provides an increased understanding of what role the FBPE plays as a member Board of NCEES.

We are providing a copy of the first page of the website for information purposes. Please feel free to visit the website for increased understanding of NCEES.



ABOUT NCEES

EXAMS

RECORDS

LICENSURE

CREDENTIALS EVALUATIONS

LICENSING BOARDS

SEARCH  GO  
Home  
A-Z index [MY NCEES](#)  
Contact us [QUICK LINKS](#)

## Welcome to NCEES

NCEES is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States.

[More about NCEES >](#)

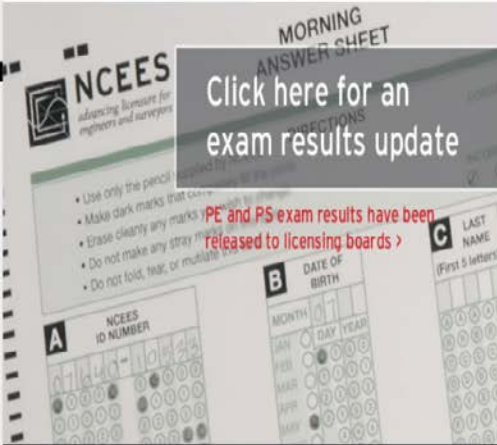
## NCEES News

[NCEES publishes new version of PE Reference Handbook](#)  
[more >](#)

[Licensure Exchange June 2015](#)  
Read the latest issue of Licensure Exchange. [more >](#)

[2015 #PSnoboundaries Geocaching Contest winner announced](#)  
The winner will receive a trip for two to the Geocaching Block Party in Seattle. [more >](#)

[All News >](#)



Click here for an exam results update

PE and PS exam results have been released to licensing boards >



Log into MyNCEES for NCEES exam results and practice exams. [more >](#)

Prepare for your exam by working through actual exam questions. [more >](#)

Let an NCEES Record track what you've accomplished so you're free to work on what's ahead. [more >](#)

### Students

Learn about the licensure process and what comes next. [more >](#)

### Engineers

Find out more about engineering licensure, including the path to the P.E. [more >](#)

### Surveyors

Find out how to become a licensed surveyor. [more >](#)

### International

For professionals who are interested in practicing in the United States. [more >](#)

### Educators

Learn about resources for those who teach engineering or surveying. [more >](#)

### Volunteers

Become an important part of NCEES while giving back to your profession. [more >](#)

Section C. NCEES Exam  
Administration Agreement

**EXAM ADMINISTRATION AGREEMENT BETWEEN  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

**AND**

**NATIONAL COUNCIL OF EXAMINERS FOR  
ENGINEERING AND SURVEYING**

**EXAM ADMINISTRATION AGREEMENT BETWEEN  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

**AND**

**NATIONAL COUNCIL OF EXAMINERS FOR  
ENGINEERING AND SURVEYING**

## **AGREEMENT**

This agreement (the Agreement) is hereby entered into, effective as of \_\_\_\_\_, 2009, by and between the Florida Board of Professional Engineers (the Board), an entity organized under the laws of Florida whose address is 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, and the National Council of Examiners for Engineering and Surveying (NCEES) an entity organized under the laws of South Carolina whose address is 280 Seneca Creek Road, Clemson, South Carolina 29633-1686.

## **RECITALS**

WHEREAS, NCEES and the Board wish to enter into an agreement pursuant to which NCEES will administer in Florida certain examinations developed and owned by NCEES (the "NCEES Examinations"); and

WHEREAS, the Board has represented and warranted to NCEES that the Board is a duly constituted legal entity with the power and authority to enter into this Agreement, and that the individual signing this Agreement has the legal authority to do so and thereby to bind the Board;

NOW, THEREFORE, in consideration of the respective obligations undertaken herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, NCEES and the Board mutually agree as follows:

### **A. NCEES SERVICES**

1. Subject to the terms and conditions stated herein, NCEES agrees to provide the following test administration services for the Board (directly or through subcontractors supervised by NCEES):
  - a. Administer the following NCEES Examinations to candidates who the Board identifies as eligible to take those Examinations:  
  
Fundamentals of Engineering  
Principles & Practice of Engineering  
Structural Engineering
  - b. Provide a toll-free telephone number for candidates
  - c. Design and print exam scheduling materials

- d. Distribute exam scheduling materials to Board-approved candidates
- e. Process all scheduling forms and fees received from candidates who have been approved by the Board as eligible to take an NCEES Examination
- f. Schedule all eligible candidates for the examination
- g. Produce rosters of all eligible applicants identified by the Board
- h. Obtain, equip and arrange for the staffing of facilities for administration of examinations
- i. Provide all test materials and related supplies
- j. Maintain exam security in accordance with NCEES policies
- k. Recruit and train test administrators and proctors
- l. Ensure proper collection and disposition of examination materials

**B. BOARD RESPONSIBILITIES**

Subject to the terms and conditions stated herein, and in addition to any other obligations referenced in this Agreement, the Board shall have the following obligations:

The Board shall be responsible for identifying which candidates are eligible to take NCEES Examinations, based upon the Board's rules and policies. This responsibility will include communicating with prospective candidates, receiving and processing their applications for licensure and authorization to take the NCEES Examinations, and notifying NCEES which candidates are eligible to take NCEES Examinations.

**C. TERM**

Subject to the termination provisions set forth below, the initial term of this Agreement shall be two (2) years, beginning on the effective date of this Agreement. Unless terminated by one of the parties by giving one hundred eighty (180) days' written notice to the other party prior to the end of the then-current term, this Agreement shall automatically renew for additional one-year periods.

**D. FEES**

1. No fees or other payments will be due from or payable by the Board under this Agreement. Instead, NCEES shall be entitled to retain all test administration fees paid by or on behalf of individual candidates who register to take NCEES Examinations in Florida. The test administration fee shall be in addition to any book or scoring fees or any other examination-related fees. The current test administration fee shall be ninety dollars (\$90) per candidate for each NCEES Examination that the candidate registers to take.
2. Except as otherwise expressly provided in paragraph E.3 of this Agreement, all test administration fees paid by candidates shall be non-refundable, regardless of whether the candidate actually takes the examination in question.
3. NCEES shall have the right to increase the test administration fee for NCEES Examinations periodically in its reasonable discretion during the term of this Agreement, but in no event shall fees be increased more than once in any given calendar year.

**E. STANDARD OF NCEES PERFORMANCE AND LIABILITY FOR BREACHES**

1. NCEES shall have the right to establish reasonable policies for exam administration, which shall include but not necessarily be limited to all such policies established by the NCEES.
2. NCEES shall be liable to the Board for any damages suffered by the Board as the result of a material breach by NCEES of this Agreement, subject to the following limitations:
  - a. NCEES shall not be liable for any damage or injury caused by or arising out of the act, neglect, default or omission of any persons or entities other than NCEES and its employees and subcontractors;
  - b. NCEES shall not be liable for any loss or damage caused by or arising out of circumstances over which NCEES had no control;
  - c. NCEES shall not be liable for any indirect, special or consequential loss or damages, or for any exemplary or punitive damages; and
3. NCEES will take reasonable steps to ensure that application- and examination-related documents (whether in paper or electronic format) are properly handled



and processed. In the unlikely event that a mistake occurs in the handling or processing of application- or examination-related materials, including answer booklets, or in the administration of examinations, NCEES will correct the error if possible or permit the affected candidate(s) to retest at no additional fee or receive a refund of his or her original examination fee. These remedies are the exclusive remedies available to candidates [or the Board] for errors in the handling or processing of application- or examination-related documents, or in the administration of examinations.

**F. ADA COMPLIANCE**

1. NCEES shall have the responsibility for receiving, evaluating and deciding all disability-based requests from candidates for testing accommodations or modifications. NCEES shall also have responsibility for establishing the documentation and other policies that will apply with respect to such requests.
3. NCEES shall have the responsibility for ensuring that the NCEES Examinations are administered in locations that are accessible to disabled candidates, as required by the Americans with Disabilities Act of 1990 ("ADA").

**G. TESTING IRREGULARITIES**

1. NCEES and the Board shall have joint responsibility for investigating and responding to irregularities that occur during or in connection with the administration of NCEES Examinations, including but not limited to instances of suspected candidate misconduct. NCEES will provide the Board with timely notice of all such testing irregularities, and the Board will provide NCEES with timely reports regarding the status of its investigations and the information obtained during the course of those investigations.
2. Any decision to invalidate a test score on a completed examination because of suspected candidate misconduct or other irregularity will be made by the Board, with input, when appropriate, from NCEES. NCEES shall retain the authority, however, to (a) refuse to permit a candidate to test if the candidate does not have proper identification or otherwise has failed to comply with NCEES' requirements and policies for exam registration and admission; and (b) remove a candidate from a testing center because of suspected misconduct, either before or after the candidate completes an examination. If a candidate is removed prior to concluding an examination, the examination will not be scored.

**H. TERMINATION**

1. The Board may terminate this Agreement for any or no reason by giving NCEES written notice at least one hundred eighty (180) days before the effective date of termination.

2. NCEES may terminate this Agreement for any or no reason by giving the Board written notice at least one hundred eighty (180) days before the effective date of termination.

**I. RIGHTS TO MATERIALS**

Nothing in this Agreement shall be deemed to grant to the Board, whether by implication, estoppel, forfeiture or otherwise, any ownership, license, entitlement or other proprietary rights relating to inventions, patents, trademarks, service marks, trade secrets, copyrights or franchise, with respect to any NCEES Examinations or other NCEES intellectual property. All such rights shall be and remain exclusively those of NCEES.

**J. FORCE MAJEURE**

Neither party shall be responsible for delays or failures in performance resulting from acts beyond its control. Such acts shall include but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations superimposed after the fact, fire, failure by public or private carrier or utility, communication line failures, power failures, or earthquakes or other disasters. Should an event of force majeure occur, the parties agree to renegotiate any test administration schedule that has been affected, and, if applicable, any associated costs. A party affected by an event of force majeure shall provide timely notice to the other party and shall take reasonable steps to remove such party's inability to fulfill its obligations hereunder with a minimum of delay.

**K. NOTICES**

1. All notices pursuant to this Agreement shall be in writing and shall be delivered to the recipient at the address set forth below:

For the Board:        Director of Board Operations  
Florida Board of Professional Engineers  
2507 Callaway Road  
Suite 200  
Tallahassee, F.L. 32303  
Telephone:    850-521-0500  
Facsimile:    850-521-0521

For NCEES:        Executive Director  
National Council of Examiners for  
Engineering and Surveying  
280 Seneca Creek Road  
Clemson, S.C. 29633-1686  
Telephone:    864-654-6824  
Facsimile:    864-654-6033

2. Either party may change the designated recipient for notices under this Agreement by sending a notice to that effect to the other party; NCEES may do likewise.
3. Notices shall be deemed to be effective when received by the party to whom the notice is being given, as follows:
  - a. In the case of personal delivery, registered mail or commercial courier on delivery; and
  - b. In the case of facsimiles or telegrams, twenty-four (24) hours following confirmation of the transmissions.

**L. RELATIONSHIP OF THE PARTIES**

NCEES will be performing services under this Agreement as an independent contractor, and not as an agent or employee of the Board. Nothing in this Agreement shall be construed as creating an agency relationship, joint venture or partnership between the parties, as creating any fiduciary duties or obligations, or as making any employee or representative of either party an employee or agent of the other party.

**M. AMENDMENTS**

No change, alteration or amendment to this Agreement shall be effective unless it is in writing and signed by duly authorized representatives of both parties.

**N. GOVERNING LAW**

This Agreement shall be governed by and construed under the laws of the State of South Carolina.

**O. DISPUTE RESOLUTION**

All disputes under or relating to this Agreement that cannot be informally resolved through the good faith efforts of the parties shall be resolved through binding arbitration, to be held in Atlanta, Georgia, in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Each party shall bear its own costs and expenses relating to such arbitration, except as otherwise determined by the arbitrator(s).

**P. THIRD-PARTY BENEFICIARIES**

Nothing in this Agreement shall entitle any person or entity to any rights as a third-party beneficiary under this Agreement; provided, however, that certain Board obligations set forth herein regarding (1) compliance with NCEES policies and (2) coordinating with NCEES in the event of a testing irregularity, are intended by the parties to be enforceable rights of NCEES.

**Q. OTHER TERMS AND CONDITIONS**

Nothing in this Agreement shall limit NCEES right to provide similar services for other jurisdictions.

**R. WAIVER**

Any waiver of a breach of this Agreement shall not operate or be construed as a waiver of any subsequent breach.

**S. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties with respect to NCEES' administration of NCEES Examinations for the Board and supersedes all prior written

or oral statements or agreements. This Agreement does not affect, however, any agreements between the parties relating to other subjects (such as the scoring of NCEES Examinations), nor does it affect the Board's obligation to comply with the policies and procedures set forth in the NCEES Security and Administrative Procedures Manual or the NCEES Manual of Policy and Position Statements, which policies and procedures shall also be complied with by NCEES to the extent they relate to exam administration. The headings used in this Agreement are for convenience only and shall not limit, alter or affect the meaning of the Agreement.

**T. ASSIGNMENT**

Neither party may assign this Agreement without the other party's prior written consent, and any attempt to the contrary shall be void and of no legal effect. Subject to the foregoing restriction, this Agreement shall be binding upon, and enforceable against, the parties, their employees and agents, and their authorized successors and assigns.

IN WITNESS WHEREOF, the parties hereunder have executed this Agreement through their respective duly authorized officers with the intent that it be binding and effective as of the day and year first above written.

**NCEES**

**STATE BOARD**

By: Jay T. Carter  
Title: Executive Director  
Date: 5/12/09

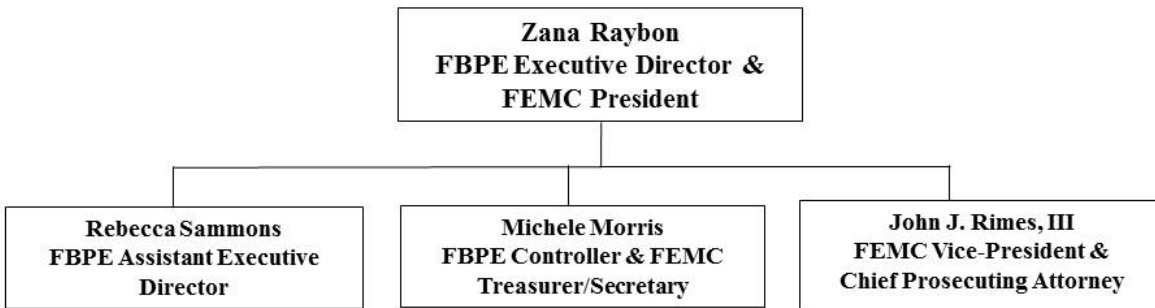
By: Carrie Lynn  
Title: Executive Director  
Date: May 19, 2009

# Section D. FEMC/FBPE Staff Organizational Chart

# FEMC/ FBPE Staff Organizational Charts

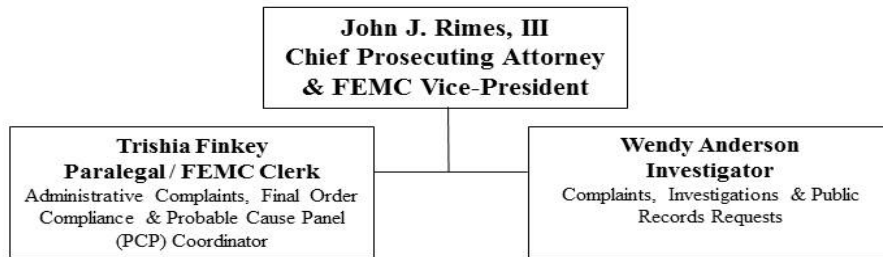


## Florida Board of Professional Engineers Administration





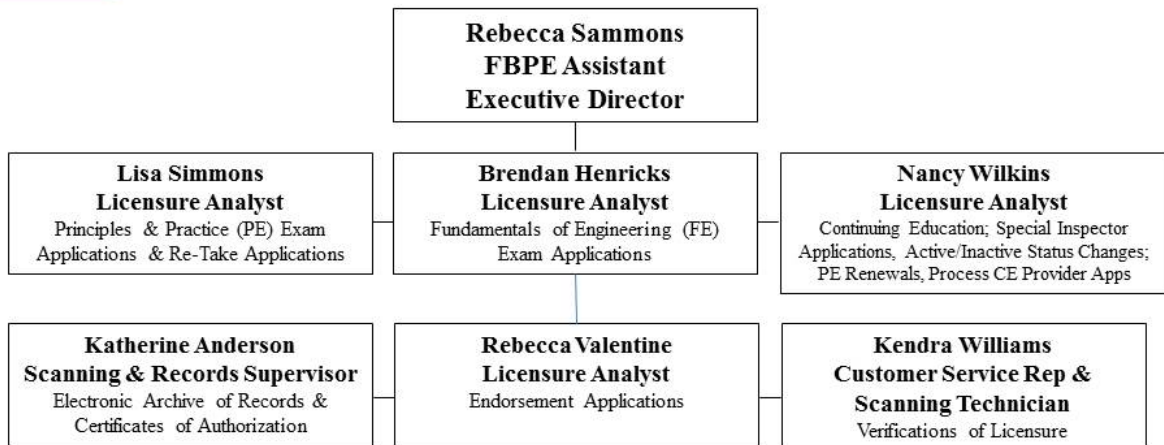
**Florida Board of Professional Engineers**  
**Legal Department**





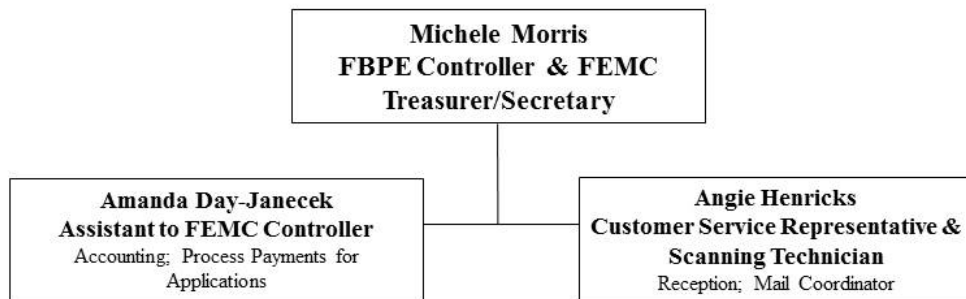


## Florida Board of Professional Engineers Applications & Licensure Department



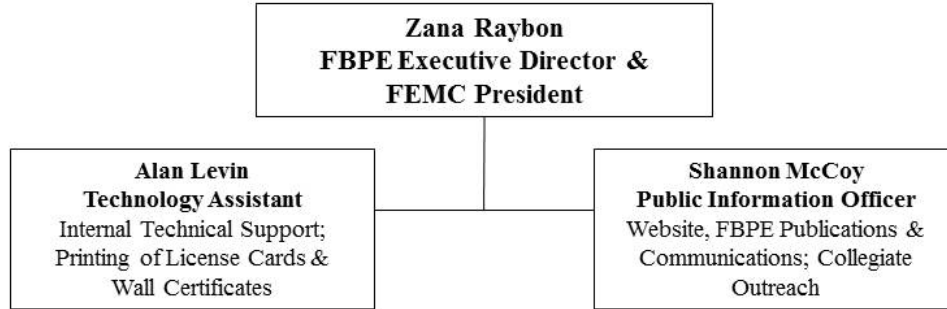


**Florida Board of Professional Engineers**  
**Finance & Accounting**





**Florida Board of Professional Engineers**  
**Technology & Communications**



## Section D1. Administration

## Administration

### **Zana Raybon**

#### **Executive Director/FEMC President**

This position serves a dual function as the President of the Florida Engineers Management Corporation (FEMC) and as the Executive Director for the Florida Board of Professional Engineers (FBPE). This position is responsible for overall management of the corporation to ensure all responsibilities and service for FBPE is completed. Coordinates with the Department of Business and Professional Regulation (DBPR) Contract Monitor to ensure compliance with the contract between FEMC and DBPR, attends all NCEES zone and annual meetings. Receives and responds or directs response to queries received from NCEES, FES, FICE and other engineering associations and/or societies. Receives and responds Board Member queries. Prepare FBPE newsletter articles as needed.

### **Rebecca Sammons**

#### **Assistant Executive Director**

In the absence of the Executive Director would be responsible for all duties assigned to President/Executive Director outlined above. Additional duties are oversight of all liaison duties with DBPR Technology and FEMC's IT Contractor to provide Versa and IT services to FEMC staff. Oversees all day to day activities of FEMC staff and ensures efficiency and effectiveness of staff in carrying out all responsibilities. Receives and responds Board Member queries. Prepare FBPE newsletter articles as needed. Manages team of application and licensure analysts, coordinating work load and cross desk training of analysts; monitor licensure analysts to ensure compliance with state mandated deadlines; coordinates scheduled application/education review committee meetings coordinate with the NCEES on examinations and receipt of grades; prepares and coordinates renewal plans; interoffice memorandums, notifications to members of both the FEMC and FBPE Boards; Establishes calendar for President's use in daily operation; Processes application for Retired Status and Prepares list for Board consideration and updates Versa after board action; Contacts hotels for purposes of arranging meeting sites for Board and Committee meetings; Arranges a block of rooms for the Board members; Prepares travel projections for board and staff travel prior to travel; Prepares and submits quarterly report to contract monitor at DBPR; Assists Management and Board with contract renewal with DBPR; Notifies applicants who requested an informal hearing of the details for their informal hearing before the board; Coordinates with Executive Director, and legal in preparation of meeting agendas; Prepare meeting books for board meetings and send to board members; Upload Board meeting files to website for public viewing; Submits notices of Board and Committee meetings to the Florida Administrative Weekly; Prepares minutes of the meetings; Prepares task list for Executive Director following meetings and ensure that tasks are being completed; and Provides assistance to other sections of the office when time allows.

## **John Rimes**

### **Prosecuting Attorney/ FEMC Vice President**

Oversees investigative and prosecutorial duties provided by FEMC to the FBPE. (Detailed description is located in the Legal Section of the manual.) Assist in preparing newsletter articles as needed.

## **Michele Morris**

### **Controller/FEMC Treasurer/Secretary**

This position is responsible for finances, certain portions of human resources and administrative duties. (Detailed description is located in the Finance Section of the manual.)

### **Manager of Licensure & Applications**

Manages team of application and licensure analysts, coordinating work load and cross desk training of analysts; monitor licensure analysts to ensure compliance with state mandated deadlines; coordinates scheduled application/education review committee meetings coordinate with the NCEES on examinations and receipt of grades; prepares and coordinates renewal plans; receives and processes applications for Special Inspector for review by the Application Committee; issues Notice of Approval to the approved applicants; processes Notice of Denial to DBPR and FEMC Agency Clerks for filing and then forward Notice of Denial, Election of Rights and Explanation of Rights via certified mail to denied applicants.

### **Executive Assistant to the Executive Director/FEMC President**

Serves as a personal assistant to the FEMC President/FBPE Executive Director and the Assistant Executive Director in preparation of letters to the public, interoffice memorandums, notifications to members of both the FEMC and FBPE Boards; Establishes calendar for President's use in daily operation; Processes application for Retired Status and Prepares list for Board consideration and updates Versa after board action; Contacts hotels for purposes of arranging meeting sites for Board and Committee meetings; Arranges a block of rooms for the Board members; Prepares travel projections for board and staff travel prior to travel; Prepares and submits quarterly report to contract monitor at DBPR; Assists Management and Board with contract renewal with DBPR; Notifies applicants who requested an informal hearing of the details for their informal hearing before the board; Coordinates with Executive Director, Assistant Executive Director and legal in preparation of meeting agendas; Prepare meeting books for board meetings and send to board members; Upload Board meeting files to website for public viewing; Submits notices of Board and Committee meetings to the Florida Administrative Weekly; Prepares minutes of the meetings; Prepares task list for Executive Director following meetings and ensure that tasks are being completed; and Provides assistance to other sections of the office when time allows.

## Section D2. Legal

## LEGAL

### **John Rimes**

#### **Chief Prosecuting Attorney**

Supervisor of the investigative and prosecutorial duties provided by FEMC to the Board. Duties include supervision of the preparation of database reports regarding disciplinary cases probation compliance. Prosecutorial duties include review of complaints, coordination of investigations, review of consultant reports, preparation of administrative complaints, preparation of probable cause panel materials, litigation of cases at the Division of Administrative Hearings, preparation of Board materials, presentation to Board of cases for final action, and preparation of Appellate Briefs and conducting of oral arguments.

### **Trishia Finkey**

#### **Legal Assistant/FEMC Clerk/ Final Order Compliance & PCP Coordinator**

Serves as legal assistant for processing of engineering complaints, including preparation of complaints and orders; maintaining an audit of active and closed cases; and assisting with preparation for DOAH hearings, PCP and FBPE Meetings. Duties as FEMC Clerk include stamp filing and storage of documents; maintaining a current list of documents filed monthly and yearly; and preparing records for Appellate cases. Responsible for tracking probation compliance and communicating with probationers; maintaining files of active disciplinary cases; preparing probable cause panel materials; distributing informational material and filed copies of final orders to complainant; communicating with and handling invoices and payments to consultants; assisting investigators as needed.

### **Wendy Anderson**

#### **Complaints Analyst/Investigator**

Duties include gathering information; conducting interviews; collecting data such as plans, records and statements; working with the Board attorney as well as Board consultants. Additional duties include preparation of investigative reports for presentation to the probable cause panel and the Board of Professional Engineers, as well as quarterly reports and responds to requests for public records.



# Complaint Process

Do you have a complaint regarding a particular engineer? Do you suspect a PE has committed negligence in engineering or not complied with the Board's Rules governing the practice of engineering? If so, please contact the Florida Board of Professional Engineers (FBPE) or the Florida Engineers Management Corporation (FEMC) at (850) 521-0500.

When you call the FBPE or FEMC, you will be requested to speak with one of our investigators. This is where the investigative process begins. The investigator will take down the specifics of your complaint as well as any and all information that you can provide. You 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 you may have. 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.

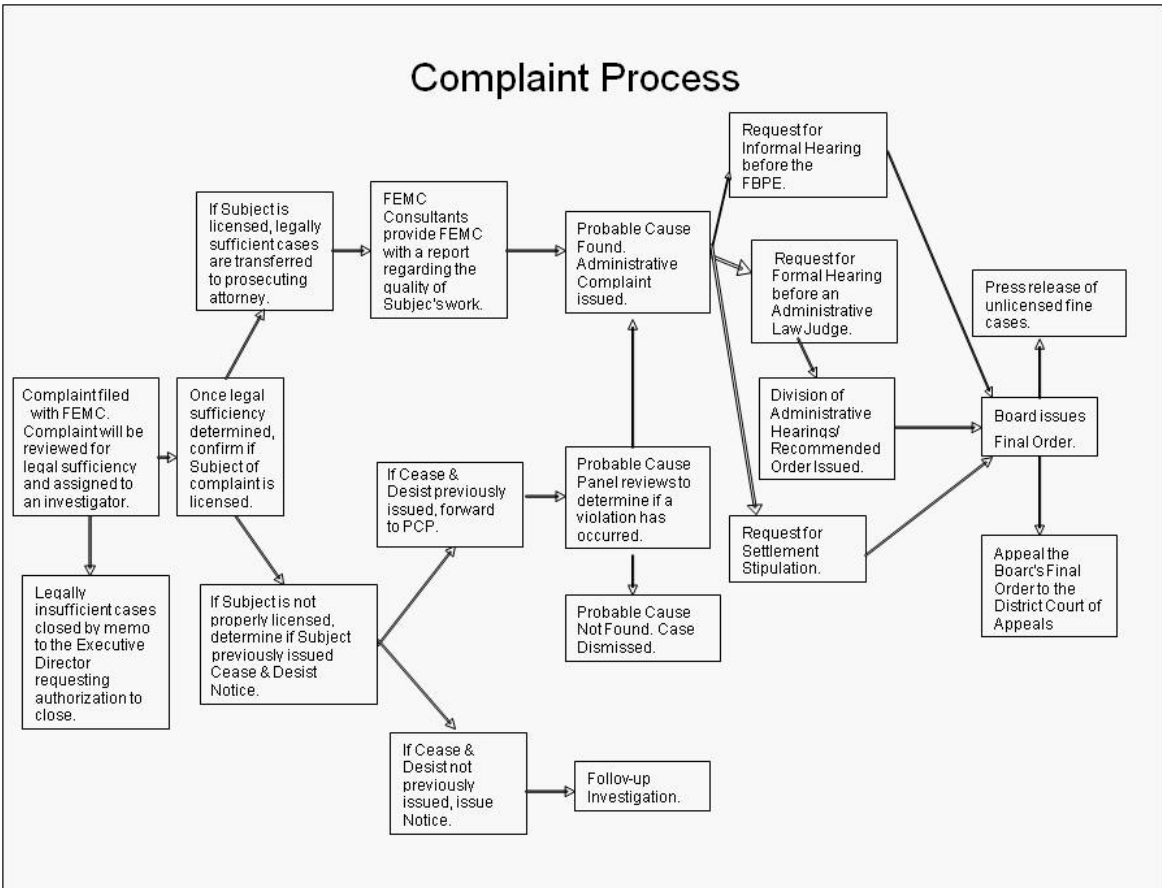
Lastly, the PE may determine to enter into a Settlement Stipulation with the FEMC prosecutor to try to

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 recommended 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.

# Complaint Process



## Section D3. Applications and Licensure

# Applications & Licensure

## Applications & Licensure Staff

Rebecca Sammons, Assistant Executive Director

Brendan Henricks, Licensure Analyst, Fundamentals

Lisa Simmons, Licensure Analyst, Principles & Practice Applications

Rebecca Valentine, Licensure Analyst, Endorsement Applications with NCEES Records and Endorsement (Comity) Applications

Nancy Wilkins, Licensure Analyst, Continuing Education Provider Applications & Special Inspector Applications

Kendra Williams, Scanning Technician

Katherine Anderson, Scanning & Records Supervisor and Certificate of Authorization Applications

## Staff Responsibilities

### **Rebecca Sammons**

#### **Assistant Executive Director**

Manages team of application and licensure analysts, coordinating work load and cross desk training of analysts; monitor licensure analysts to ensure compliance with state mandated deadlines; coordinates scheduled application/education review committee meetings coordinate with the NCEES on examinations and receipt of grades; prepares and coordinates renewal plans.

### **Licensure Analyst (Exams and Endorsements)**

Process Principles & Practice Examination Applications for review by the Application Review Committee of the Board; issues Notice of Approval to the approved applicants; processes Notice of Denial to DBPR and FEMC Agency Clerks for filing and then forwards Notice of Denial, Election of Rights and Explanation of Rights via certified mail to denied applicants; schedules examination for approved applicants and issues Candidate Approval Notifications containing examination registration information for NCEES registration; provide monthly statistical data on applications that have been approved, denied or incomplete.

## **Licensure Analyst (Continuing Education & Special Inspector)**

Process Continuing Education applications for licensure for review by Application Committee of the Board or Executive Director for renewals; Issues Notice of Approval to those applicants that are approved; prepares a Notice of Denial to those applicants that are denied; prepares course credit codes, provider number and passcode for issuance to Provider along with CE reporting tool; provides assistance to Continuing Education Providers with the use of continuing education reporting tool, PDH credit issues and updating licensure records when required; assists licensees with renewal process; receives and processes applications for Special Inspector for review by the Application Committee; issues Notice of Approval to the approved applicants; processes Notice of Denial to DBPR and FEMC Agency Clerks for filing and then forward Notice of Denial, Election of Rights and Explanation of Rights via certified mail to denied applicants.

## **Licensure Analyst (Certificate of Authorization)**

Process Certificate of Authorization applications for review by Application Committee of the Board; Issues Notice of Approval to those applicants that are approved for licensure of Certification of Authorization; prepares a Notice of Denial to those applicants that are denied; processes the CA files or printing of certificates.

## **Scanning Supervisor**

Scan print, photographs, and other documents and import into designated software; properly handle archival materials, including licensure and renewal applications; index all scanned documents utilizing software provided; prepare a transmittal list of scanned and destroyed records; handles all issues with Laserfiche.

## **Scanning Technician**

Scan print, photographs, and other documents and import into designated software; properly handle archival materials, including licensure and renewal applications; index all scanned documents utilizing software provided; prepare a transmittal list of scanned and destroyed records; perform research for licensure verifications.

## Section D4. Finance and Accounting



## Finance & Accounting

### **Michele Morris**

#### **Controller**

This position is responsible for financial, human resources and administrative duties.

Financial: Budgetary duties include compilation of monthly financial statements with variable and comparative income statements; preparation of budget analysis and proposals based on financial statements to the FBPE and FEMC Boards; invoice quarterly draw requests pursuant to legislative appropriation and recommend budget transfers when appropriate.

Accounting duties accounts receivable, accounts payable, FEMC deposits, bank reconciliation, payroll and related payroll taxes, quarterly payroll returns and annual payroll returns (W-2, 1096's, and 1099's), and administering the SEP IRA retirement contributions for employees.

Annual audit duties include gathering and preparing financial information required by auditors such as contract revenue reconciliations, accrued leave and prepaid insurance schedules, and preparing required statewide financial forms for submission to DBPR. The comptroller advises FBPE and FEMC Boards on audit findings.

Human Resources: Maintains personnel files, personnel record keeping including the administration of employee insurance and benefits, audits employee timesheets, records annual leave balances and assists FEMC management in personnel related issues.

Administration: Coordinates with insurance company for corporate insurance policies, secures vendor contracts, manages finance and administrative staff, and establishes policies and procedures.

### **Amanda Day-Janecek**

#### **Assistant to the Controller**

Responsible for the accounting of and depositing of monies received from licensees and new applicants and updating database; forwarding documents and monies to the appropriate staff; and making bank deposits. Prepares monthly reconciliation reports. Processes refund applications and handles notifications of returned checks from DBPR. Assists the comptroller with maintaining inventory records, ordering office supplies, gathering information for the annual financial audit and other special tasks as assigned.

### **Angie Henricks**

#### **Customer Service Representative/ Receptionist**

Responsible for answering all incoming calls, greeting visitors, receiving and sorting incoming mail, distributing mail to the appropriate staff, recording monies that are received with documents into a and forwarding same to the accountant.

# Section D5. Information Technology & Communications

# Information Technology and Communications

## Staff Responsibilities & Organizational Chart

### **Zana Raybon**

#### **Executive Director**

This position serves a dual function as the President of the Florida Engineers Management Corporation (FEMC) and as the Executive Director for the Florida Board of Professional Engineers (FBPE). This position is responsible for overall management of the corporation to ensure all responsibilities and service for FBPE is completed. Coordinates with the Department of Business and Professional Regulation (DBPR) Contract Monitor to ensure compliance with the contract between FEMC and DBPR, attends all NCEES zone and annual meetings. Receives and responds or directs response to queries received from NCEES, FES, FICE and other engineering associations and/or societies. Receives and responds Board Member queries. Prepares FBPE newsletter articles as needed.

### **Alan Levin**

#### **Technology Assistant**

In-house IT technician responsible for coordination with IT contractor and DBPR on equipment connectivity issues. Serves as backup knowledge champion for Versa. Maintains data files for printed licenses and is responsible for printing of all licenses and certificates. Performs names changes for licensees.

### **Shannon McCoy**

#### **Public Information Officer**

Design and development of all FEMC/FBPE publications; maintain FBPE website and social networking sites including responding to technology inquiries; prepares and compiles quarterly report for submission to DBPR; prepares and compiles annual report for submission to DBPR; prepares and distributes electronic newsletters to all licensees and mailing list; serve on IT Committee (includes assisting with budget development; addressing technology issues and improvements and training as needed).

## Section E. Finance

**FEMC TRAVEL REIMBURSEMENT EXPENSES**  
Effective July 1, 2006

Per Diem Expenses:

Per Diem shall be calculated using four (4) six (6) hour periods beginning at midnight:

12:00 am to 6:00 am = \$20.00

6:00 am to 12:00 pm = \$20.00

12:00 pm to 6:00 pm = \$20.00

6:00 pm to 12:00 am = \$20.00

Total amount for 24 hour period = \$80.00

Meal Allowances:

Breakfast - \$6.00 (When travel begins before 6:00 am and extends beyond 8:00am)

Lunch - \$11 (When travel begins before 12:00 noon and extends beyond 2:00 pm)

Dinner - \$19 (When travel begins before 6:00 pm and extends beyond 8:00 pm)

Mileage Allowance:

A traveler is entitled to a mileage allowance of 44.5 cents per mile.

FLORIDA ENGINEERS MANAGEMENT CORPORATION  
for the  
FLORIDA BOARD of PROFESSIONAL ENGINEERS

TRAVELER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

HEADQUARTERS: \_\_\_\_\_

TRAVEL DATE	TRAVEL PERFORMED FROM POINT OF ORIGIN TO DESTINATION	REASON FOR TRAVEL	HOURS OF DEPARTURE AND HOURS OF RETURN	BOARD MEMBER COMPENSATION \$50/DAY	MEALS FOR CLASS A & B TRAVEL	PER DIEM OR ACTUAL LODGING EXPENSES	MAP MILEAGE CLAIMED	VICINITY MILEAGE CLAIMED	OTHER AMOUNT	DESCRIPTION
Please print the information in the spaces provided.				COLUMN TOTAL	COLUMN TOTAL	COLUMN TOTAL	COLUMN TOTAL @ .45 CENTS/MILE	COLUMN TOTAL @ .45 CENTS/MILE	COLUMN TOTAL	SUMMARY TOTAL
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

I hereby certify or affirm that the above expenses were actually incurred by me as necessary travel expenses in the performance of my official duties; attendance at a conference or convention was directly related to official duties; any meals or lodging included in a conference or convention registration fee have been deducted from this travel request and that this claim is true and correct in every material matter and conforms with the requirements of Section 112.061, Florida Statutes.

AMOUNT DUE \$ -

TRAVELER'S SIGNATURE: \_\_\_\_\_

**FEMC USE ONLY**

APPROVED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

DATE PREPARED: \_\_\_\_\_ TITLE: \_\_\_\_\_

## FEMC's Budget Information

The Legislature has appropriated Two Million Seventy Thousand Dollars (**\$2,070,000.00**) allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

The Department has approved the use of One Hundred Thousand Eight Hundred Seventy Five Dollars (**\$100,875.00**) from the unlicensed activity funds allocation. The unlicensed activity funds are to be utilized by the FBPE to perform the duties related to unlicensed activity pursuant to Chapter 455, Florida Statutes.

The total amount of this Agreement shall be Two Million One Hundred Seventy Thousand Eight Hundred Seventy-Five Dollars (**\$2,170,875**) subject to appropriation and release by the Legislature. Subject to approval by the Department of Financial Services pursuant to Section 216.181, Florida Statutes, and upon FEMC's request to the Department, the Department will fund FEMC in the manner set forth below provided that FEMC has certified in writing the following: that FEMC has implemented all fiscal controls and audit mechanisms required by law to assure compliance with reporting requirements of Section 471.038, Florida Statutes; that FEMC has acquired sufficient technology capability and staff and is sufficiently prepared to carry out the duties and responsibilities of the Agreement; and that FEMC is in full compliance with this Agreement. An advance payment not to exceed 25 percent of the contract amount may be made as soon after July 1, 2013, as feasible. The remaining funding will be provided in equal payments on a quarterly basis beginning on or after October 1, 2013; January 1, 2014; and April 1, 2014 FEMC shall submit separate requests for funds from the operating and the unlicensed activity accounts. To allow for timely processing of fund disbursements the requests should be submitted to the Contract Monitor and the Director of Budget and Financial Management by the 15<sup>th</sup> of the month preceding the start of the quarter. **The current contract expires on June 30, 2017 and it subject to appropriation and release of funding by the Legislature each fiscal year.**

In the event FEMC's expenses exceed its draw in any given quarter, and the cash balance available is insufficient to cover those expenses, FEMC may request an advance of funds, not to exceed Two Hundred Thousand Dollars (\$200,000.00). Advancement of funds is subject to the approval of budget release pursuant to sections 216.192(1) and 216.177(2)(a), Florida Statutes.

Funding is contingent on the Legislature appropriating money for FEMC's budget in a "grant and aids category."

## Section F. Legal Investigation and Prosecution



**Pre-Probable Cause – Sections 455.225, 455.224, 455.227, 455.2277, 455.228, Chapter 471, F.S., and Rule 120.60, F.A.C.**

**455.225 - Disciplinary proceedings. - Disciplinary proceedings for each board shall be within the jurisdiction of the department.**

(1)(a) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board.

(b) When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the

department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3)(a) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm to a person, or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Each board, or the department if there is no board, shall establish by rule those violations which are minor violations under this provision. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(b) The department may issue a notice of noncompliance for an initial offense of a minor violation, notwithstanding a board's failure to designate a particular minor violation by rule as provided in paragraph (a).

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such

additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department when there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his or her designee, who shall issue the final summary order.

(9) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. However, this exemption does not apply to actions against unlicensed persons pursuant to s. 455.228 or the applicable practice act. Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

History.— s. 1, ch. 74-57; s. 5, ch. 79-36; s. 289, ch. 81-259; s. 33, ch. 81-302; s. 12, ch. 83-329; s. 8, ch. 84-203; s. 3, ch. 85-311; s. 5, ch. 86-90; s. 8, ch. 88-1; s. 5, ch. 88-277; s. 1, ch. 88-279; s. 3, ch. 89-162; s. 1, ch. 90-44; s. 5, ch. 90-228; s. 7, ch. 91-137; s. 2, ch. 91-140; s. 54, ch. 92-33; s. 21, ch. 92-149; s. 132, ch. 92-279; s. 55, ch. 92-326; s. 23, ch. 93-129; s. 314, ch. 94-119; s. 79, ch. 94-218; s. 305, ch. 96-406; s. 211, ch. 96-410; s. 1082, ch. 97-103; s. 2, ch. 97-209; s. 3, ch. 97-228; s. 142, ch. 97-237; s. 21, ch. 97-261; s. 4, ch. 97-264; s. 18, ch. 97-273; s. 4, ch. 98-166; s. 31, ch. 2000-160.

Note.— Former s. 455.013.

#### **455.224 - Authority to issue citations.**

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the

sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

History.— s. 6, ch. 91-137; s. 53, ch. 92-33; s. 20, ch. 92-149; s. 23, ch. 93-129; s. 313, ch. 94-119; s. 78, ch. 94-218; s. 20, ch. 97-261; s. 161, ch. 99-251.

#### **455.227 - Grounds for discipline; penalties; enforcement.**

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

- (n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
- (o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
- (p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
- (q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
- (r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
- (s) Failing to comply with the educational course requirements for domestic violence.
- (t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.
- (u) Termination from a treatment program for impaired practitioners as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

- (a) Refusal to certify, or to certify with restrictions, an application for a license.
- (b) Suspension or permanent revocation of a license.
- (c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.



History.— s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106.

#### **455.2277 - Prosecution of criminal violations.—**

The department or the appropriate board shall report any criminal violation of any statute relating to the practice of a profession regulated by the department or appropriate board to the proper prosecuting authority for prompt prosecution.

History.— s. 25, ch. 92-149.

#### **455.228 - Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.**

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.225, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department

determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.2281 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department.

History.— s. 3, ch. 84-271; s. 6, ch. 90-228; s. 58, ch. 92-33; s. 26, ch. 92-149; s. 23, ch. 93-129; s. 11, ch. 94-119; ss. 83, 84, ch. 94-218; s. 213, ch. 96-410; s. 25, ch. 97-261; s. 34, ch. 2000-160; s. 13, ch. 2010-106.

#### 120.60 Licensing.—

(1) Upon receipt of a license application, an agency shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information the agency is permitted by law to require. An agency may not deny a license for failure to correct an error or omission or to supply additional information unless the agency timely notified the applicant within this 30-day period. The agency may establish by rule the time period for submitting any additional information requested by the agency. For good cause shown, the agency shall grant a request for an extension of time for submitting the additional information. If the applicant believes the agency's request for additional information is not authorized by law or rule, the agency, at the applicant's request, shall proceed to process the application. An application is complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. An application for a license must be approved or denied within

90 days after receipt of a completed application unless a shorter period of time for agency action is provided by law. The 90-day time period is tolled by the initiation of a proceeding under ss. 120.569 and 120.57. Any application for a license which is not approved or denied within the 90-day or shorter time period, within 15 days after conclusion of a public hearing held on the application, or within 45 days after a recommended order is submitted to the agency and the parties, whichever action and timeframe is latest and applicable, is considered approved unless the recommended order recommends that the agency deny the license. Subject to the satisfactory completion of an examination if required as a prerequisite to licensure, any license that is considered approved shall be issued and may include such reasonable conditions as are authorized by law. Any applicant for licensure seeking to claim licensure by default under this subsection shall notify the agency clerk of the licensing agency, in writing, of the intent to rely upon the default license provision of this subsection, and may not take any action based upon the default license until after receipt of such notice by the agency clerk.

(2) If an applicant seeks a license for an activity that is exempt from licensure, the agency shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

(3) Each applicant shall be given written notice, personally or by mail, that the agency intends to grant or deny, or has granted or denied, the application for license. The notice must state with particularity the grounds or basis for the issuance or denial of the license, except when issuance is a ministerial act. Unless waived, a copy of the notice shall be delivered or mailed to each party's attorney of record and to each person who has made a written request for notice of agency action. Each notice must inform the recipient of the basis for the agency decision, inform the recipient of any administrative hearing pursuant to ss. 120.569 and 120.57 or judicial review pursuant to s. 120.68 which may be available, indicate the procedure that must be followed, and state the applicable time limits. The issuing agency shall certify the date the notice was mailed or delivered, and the notice and the certification must be filed with the agency clerk.

(4) When a licensee has made timely and sufficient application for the renewal of a license which does not automatically expire by statute, the existing license shall not expire until the application for renewal has been finally acted upon by the agency or, in case the application is denied or the terms of the license are limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(5) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the entry of a final order, the agency has served, by personal service or certified mail, an administrative complaint which affords reasonable notice to the licensee of facts or conduct which warrant the intended action and unless the licensee has been given an adequate opportunity to request a proceeding pursuant to ss. 120.569 and 120.57. When personal service cannot be made and the certified mail notice is returned undelivered, the agency shall cause a short, plain notice to the licensee to be published once each week for 4 consecutive weeks in a

newspaper published in the county of the licensee's last known address as it appears on the records of the agency. If no newspaper is published in that county, the notice may be published in a newspaper of general circulation in that county. If the address is in some state other than this state or in a foreign territory or country, the notice may be published in Leon County.

(6) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency suspension, restriction, or limitation of a license, the agency may take such action by any procedure that is fair under the circumstances if:

(a) The procedure provides at least the same procedural protection as is given by other statutes, the State Constitution, or the United States Constitution;

(b) The agency takes only that action necessary to protect the public interest under the emergency procedure; and

(c) The agency states in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. The agency's findings of immediate danger, necessity, and procedural fairness are judicially reviewable. Summary suspension, restriction, or limitation may be ordered, but a suspension or revocation proceeding pursuant to ss. 120.569 and 120.57 shall also be promptly instituted and acted upon.

(7) No agency shall include as a condition of approval of any license any provision that is based upon a statement, policy, or guideline of another agency unless the statement, policy, or guideline is within the jurisdiction of the other agency. The other agency shall identify for the licensing agency the specific legal authority for each such statement, policy, or guideline. The licensing agency must provide the licensee with an opportunity to challenge the condition as invalid. If the licensing agency bases a condition of approval or denial of the license upon the statement, policy, or guideline of the other agency, any party to an administrative proceeding that arises from the approval with conditions or denial of the license may require the other agency to join as a party in determining the validity of the condition.

History.—s. 1, ch. 74-310; s. 10, ch. 76-131; s. 1, ch. 77-174; ss. 6, 9, ch. 77-453; s. 57, ch. 78-95; s. 8, ch. 78-425; s. 1, ch. 79-142; s. 6, ch. 79-299; s. 2, ch. 81-180; s. 6, ch. 84-203; s. 2, ch. 84-265; s. 1, ch. 85-82; s. 14, ch. 90-51; s. 762, ch. 95-147; s. 26, ch. 96-159; s. 326, ch. 96-410; s. 12, ch. 97-176; s. 7, ch. 2003-94; ss. 4, 5, ch. 2010-279; HJR 9-A, 2010 Special Session A.

<sup>1</sup>Note.—Section 5, ch. 2010-279, provides that “[t]his act shall take effect upon becoming a law.” Passed by the Senate and the House of Representatives over the Governor’s veto November 16, 2010. House Joint Resolution 9-A, 2010 Special Session A, provides that C.S. for C.S. for H.B. 1565, which became ch. 2010-279, is effective November 17, 2010.

## Post Probable Cause – Chapter 120, F.S.

The entire chapter is in the Government in the Sunshine/ Florida Statutes Manual.

## Final Order Compliance – Section 471.033(1) (k), F.S.

### 471.033 - Disciplinary proceedings.

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department.

(b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations.

(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed engineer.

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(g) Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering.

(h) Violating chapter 455.

(i) Practicing on a revoked, suspended, inactive, or delinquent license.

(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.

(k) Violating any order of the board or department previously entered in a disciplinary hearing.

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

(2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

(4) The management corporation shall reissue the license of a disciplined engineer or business upon certification by the board that the disciplined person has complied with all of the terms and conditions set forth in the final order.

History.— ss. 15, 42, ch. 79-243; ss. 8, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 3, ch. 85-134; ss. 10, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 145, ch. 92-149; s. 217, ch. 94-119; s. 336, ch. 97-103; s. 5, ch. 97-241; s. 111, ch. 98-166; s. 13, ch. 98-287; s. 119, ch. 2000-141; s. 172, ch. 2000-160; s. 10, ch. 2000-372; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 29, ch. 2002-299; s. 4, ch. 2003-293; s. 4, ch. 2005-147; s. 53, ch. 2009-195; s. 45, ch. 2010-106.

## Section G. Applications & Licensure

## Applicable Licensure Florida Statutes & Rules

The sections of Chapter 471, Florida Statutes and 61G15 Florida Administrative Code that apply to application and licensure are outlined as follows.

### Chapter 471, Florida Statutes:

- Section 471.013 - Examinations; prerequisites
- Section 471.015 - Licensure
- Section 471.017 - Renewal of License

### 61G15 Florida Administrative Code:

- Rule 61G15-18.011 - Definitions
- Rule 61G15-18.015 - Educational Advisory Committee
- Rule 61G15-20.001 - Definitions
- Rule 61G15-20.0010 - Application for Licensure by Examination
- Rule 61G15-20.0015 - Application for Licensure by Endorsement
- Rule 61G15-20.0016 - Laws and Rules Study Guide
- Rule 61G15-20.0017 - Application for Retired Status
- Rule 61G15-20.002 - Experience
- Rule 61G15-20.005 - Rules Governing Candidates Qualifying Under the Provision of Section 471.013(1) (a) 3, F.S.
- Rule 61G15-20.006 - Educational Requirements
- Rule 61G15-20.007 - Foreign Degrees
- Rule 61G15-21.001 - Written Examination Designated; General Requirements
- Rule 61G15-21.002 - Areas of Competency and Grading Criteria
- Rule 61G15-21.004 - Passing Grade
- Rule 61G15-21.007 - Re-examination
- Rule 61G15-21.009 - Endorsement
- Rule 61G15-20.007 - Foreign Degrees
- Rule 61G15-21.009 - Endorsement

### Section 471.017 – Renewal of License

- (1) The management corporation shall renew a license upon receipt of the renewal application and fee.
- (2) The board shall adopt rules establishing a procedure for the biennial renewal of licenses.
- (3) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 4 professional development hours, for each year of the license renewal period. For each renewal period for such continuing education, 4 hours shall relate to this chapter and the rules adopted under this chapter and the remaining 4 hours shall relate to the licensee's area of practice. The board shall adopt rules that are consistent with the guidelines of the National Council of Examiners for Engineering and Surveying for multijurisdictional



licensees for the purpose of avoiding proprietary continuing professional competency requirements and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required professional development hours.

History.— ss. 7, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 213, ch. 94-119; s. 11, ch. 98-287; s. 36, ch. 2000-356; s. 7, ch. 2000-372.

### Application Process/Packets

Application packets may be accessed from our web page site [www.fbpe.org](http://www.fbpe.org) or applicants can request a packet from the Board office.

Applications are submitted to the board office. The fees are collected and deposited by the accounting section. The applications are presented to licensure analysts according to the type of application. Accounting provides copies of daily logs that analysts sign to confirm receipt of applications. A copy of this signed report is retained by the Assistant Administrator to use in collecting monthly statistics.

Analysts work with applicants by phone, fax, e-mail and written notice during the process of securing the information needed to complete the file for presentation to the Application and/or Educational Advisory Committee. Analysts are responsible for status notification during the application process:

- **Thirty (30) Day Notice** – applicant will be notified within 30 days of receipt of application; and
- **Ninety (90) Day Presentation** - presentation of application will be made to the Board within 90 days of determination of complete status.

A detailed description of the application process can be found below.

### Applications

Receipt of applications and initial entry of relevant information into Versa.

- **Intake Process**

All applications with fees attached are received by mail or walk-in at FBPE by the front desk receptionist. Receptionists will list all fees received on a “cash receipt log”. Applications include:

Engineer Intern (EI) Exam & EI Endorsement	Principles and Practice (P.E.) Exam & P.E. Endorsement
Special Inspector (SI)	Certificate of Authorization (CA)

Verification of licensure/exam	Duplicate License Requests
Continuing Education (CE)	P.E. Active/Inactive Status Change Requests
Temporary P.E. /CA	Renewal

- a. The Customer Service Representative enters basic information in Versa and opens electronic applications.
- b. The paper applications with fees attached are delivered to Finance and Accounting. Accountant Assistant and Customer Service Representative audit the applications and log to ensure all entries are correct. Accountant Assistant signs the log sheet.
- c. Accountant Assistant enters all fees received in Versa and links the fees to the correct electronic application.
- d. Accountant Assistant runs reports to reconcile all fees received with all fees entered into Versa and compiles an “application” log sheet. All reports and log sheets are attached together.
- e. All fees (checks and money orders) are deposited into the FBPE trust account fund by the FBPE Accountant.
- f. Accountant Assistant delivers the paper applications to the Central Mail Intake. The Licensure Analyst in the Central Mail Intake verifies all applications listed on log are accounted for and the Licensure Analyst and Accounting Assistant sign the log sheet.

▪ **Distribution Process**

The Licensure Analyst performs the following procedures in the Central Mail Intake:

- a. Prepares a file folder in Laserfiche displaying applicant’s name and date on which application was received is created.
- b. Files any mail received for the applicant with the application.
- c. Enters Applicant profile information into Versa.
- d. Applications are presented to the appropriate Licensure Analyst for processing.

▪ **Review of Applications**

Once applications are given to the Licensure Analyst to review, the following steps in the application process must be completed for each type of application:

- Applicant is notified by electronic notification within thirty days of receipt of all deficiencies in the application.
- Completes application worksheet which outlines qualifications and facts to be considered and outline of timelines and notifications and receipt of pertinent information.
- At such time as the application is determined complete with all documents the file must be presented to the Executive Director, Assistant Executive Director and/or the Board for approval or denial within ninety days of notification of complete status.
- The Board has delegated authority to the Executive Director and the Assistant Executive Director to review certain application files for approval.
- Approval Process

Applications for the Fundamentals Examination that evidence an EAC/ABET accredited degree are approved administratively. Administrative Review is comprised of review by analyst and approval by the Assistant Executive Director. A complete list of scheduled candidates is presented to NCEES.

Applications for Certificates of Authorization are filed with the Board Office. They are reviewed and once they are deemed complete, the licensure analyst presents them to the Assistant Executive Director for approval.

### Delegated Authority for Approval of Applications for Endorsement

By Board delegation, applications for endorsement by submission of NCEES Council Records are approved. The Model Law Council Record is transmitted electronically and reviewed. Upon approval, portions of the electronic record are printed for filing purposes. Model Law Engineers have confirmed EAC/ABET degrees, four years of experience and have passed the NCEES Fundamentals and Principles and Practice examinations. These applications are presented to the Assistant Executive Director for review and approval. A list of approved applicants is presented to the Board for ratification.

By Board delegation in December 2005, the Executive Director was authorized to review and approve certain applications for licensure by endorsement. Those applications must meet the requirements for model law designation with exception of experience. Model Law Engineers have at least twelve years of experience and Florida Law requires only four years of engineering experience. A list of approved applicants is presented to the Board for ratification.

Questionable applications and applications that do not meet the criteria set in the previous paragraph will be presented to the Board for review and approval. All determinations to deny an application will be made by the Board.

All applicants approved for licensure, shall have their information updated in Versa resulting in their inclusion on a weekly print file generated by DBPR that results in printing and issuance of a license card and/or wall certificate.

## Application for Fundamentals of Engineering Examination & Subsequent Certification as an Engineer Intern

The first step in achieving licensure by exam in Florida is to apply and be determined eligible to sit for the NCEES Fundamentals Examination. Applicants applying for this examination must meet one of the following provisions for eligibility to take the examination.

- Must be a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board and has a record of 4 years of active engineering experience of a character indicating competency to be in responsible charge of engineering; *or*
- Must be a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of 4 years or more of active engineering experience of a character indicating competence to be in responsible charge of engineering; *or*
- Must be an individual applying under the foreign degree rule. Under this rule applicants submit their application and evaluation of their foreign transcripts by an approved evaluator. Review by the Educational Advisory Committee must result in a determination of substantial equivalency to an EAC/ABET accredited degree and criteria of 61G15-20.007, F.A.C.

The review and acceptance into examination is an administrative determination for individuals that apply with an EAC/ABET accredited degree. For individuals submitting engineering technology degrees or foreign degrees the Board must determine eligibility based on a review of transcripts and/or evaluations.

A person passing the examination receives a Wall Certificate that certifies them as an Engineer Intern. With this designation they begin completion of their four years of experience. Following completion of four years of engineering experience the applicant may apply for the Principles and Practice examination.

### Engineer Intern Applications

Licensure Analyst reviews file to ensure all required information per F.A.C. 61G15-20 is included for a complete status.

#### Exam

- a) ABET graduate or in final year of ABET accredited school – Licensure Analyst proceeds with presentation of complete application to the Assistant Executive Director for administrative approval. The application is returned to the Licensure Analyst for scheduling for the next available exam.

- b) Non EAC/ABET degree – with Educational Deficiencies– Licensure Analyst proceeds with presentation of complete application, which must include education evaluation by Silny or NCEES per F.A.C. 61G15-20.007, to the Educational Advisory Committee at the next Board Application review for approval or denial. The application is returned to the Licensure Analyst in order to schedule for the next exam if approved or issuance of a Denial letter if denied. The applicants name and the Board’s decision are added to a Ratification List for Board ratification during the next noticed conference call.
- c) Non EAC/ABET Graduates – No Educational Deficiencies – Licensure Analyst proceeds with presentation of complete application to the Assistant Executive Director for administrative approval. The application is returned to the Licensure Analyst for scheduling for the next available exam.
- d) If the evaluation from one of the two approved evaluators has issues, the Executive Director returns the file to the Licensure Analyst for presentation to the next application review.

### **Application for Endorsement of Engineer Intern Status**

By Board action in 2005, an application was created and a fee established to allow endorsement of Engineer Intern Certification from other states. The applications are received and processed by Board staff. Transcripts are reviewed to determine if the applicant holds an EAC/ABET accredited engineering degree and is certified in another state. If this is proven the file is presented to the Assistant Executive Director for approval. Once approved an EI number and wall certificate is issued for the State of Florida.

- ABET graduate – Licensure Analyst proceeds with presentation of complete application to the Assistant Executive Director for administrative approval. The application is returned to the Licensure Analyst for issuance of an E.I. Certification number. The applicants name is listed on a Ratification List for Board ratification during the next conference call.
- Non EAC/ABET degree– Licensure Analyst proceeds with presentation of complete application, which must include education evaluation by Silny or NCEES per F.A.C. 61G15-20.007, to the Educational Advisory Committee at the next application Board review for approval or denial. The application is returned to the Licensure Analyst for scheduling of examination if approved or issuance of a Denial letter if denied. The applicants name and the Board’s decision are added to a Ratification List for Board ratification in the next noticed conference call.

### **Application for the Principles & Practice Examination**

Having passed the Fundamentals exam, either in Florida or in another state, a person must apply for the Principles and Practice examination to complete licensure.

Applications submitted under Section 471.013, F.S. must meet one of the three options outlined in this section of the statute to be deemed eligible for examination.

Chapter 471, Florida Statutes was amended to require an EAC/ABET accredited degree in July 1, 1984. An application for the Principles and Practice examination should evidence an EAC/ABET accredited engineering degree. Alternatives to an EAC/ABET degree are outlined as follows:

- Foreign Degrees – requires review of the educational documents by an approved evaluator to determine substantial equivalency to an EAC/ABET accredited degree. Rule 61G15-20.007, F.A.C. identifies approved evaluators and sets forth criteria that applicants must satisfy.
- Technology Degrees – requires compliance with Section 471.013(1)(a), F.S.
- Ten Year Experience Provision– requires compliance with Notice of Intent referenced in Section 471.013(1)(a)3, F.S.

Licensure Analyst reviews file to ensure all required information per F.A.C. 61G15-20 is included for a complete status.

### Exam

- a) Experience-All principles and practice application files must be reviewed by the Application Committee. If the applicant has an EAC/ABET degree, has passed the Fundamentals examination and has evidenced four years of experience, the Committee will recommend approval. The committee recommendations must be ratified by the full Board in the next noticed conference call. Once final action is ratified the Licensure Analyst issues a notice of approval or denial.
- b) For Non EAC/ABET degree holders–The Licensure Analyst proceeds with presentation of complete application, which must include education evaluation by Silny or NCEES per F.A.C. 61G15-20.007, to the Educational Advisory Committee at the next Board Application review for approval or denial. The application is returned to the Licensure Analyst in order to schedule for the next exam if approved or issuance of a Denial letter if denied. The applicants name and the Board’s decision are added to a Ratification List for Board ratification in the next noticed conference call.

### Application by Endorsement

Applicants for licensure by endorsement should meet provisions outlined in Section 471.015, F. S. that incorporate by reference requirements of Section 471.013, F.S.

An application should evidence an EAC/ABET accredited degree, passing scores on the NCEES Fundamentals and Principles and Practice examinations and four years or more of engineering experience. Exceptions to these requirements may apply as the law provides for waiving certain examinations. To determine applicability of waiver of any requirement a review of licensing criteria in existence in Florida at the time of licensure must be made.

NCEES Endorsement- applicants that evidence a NCEES council record.

- NCEES Model Law applications- This is a status given by NCEES if the Engineer possesses an EAC/ABET accredited degree, 4 years of engineering experience and have verification of passing the NCEES Fundamentals and Principles and Practice examinations. Licensure Analyst presents complete application to the Assistant Executive Director for administrative approval. The application is returned to the Licensure Analyst for issuance of a P.E. license number. The applicants name is listed on a Ratification List for Board ratification in the next noticed conference call.
- NCEES NON-Model Law applications – This is a status given by NCEES if the Engineer is missing any one or more of the following: EAC/ABET accredited degree, 4 years of engineering experience or verification of passing the NCEES Fundamentals and Principles and Practice examinations. Complete applications are presented to the members of the application committee for review.
  - Non Model Law Application - EAC/ABET degrees must include an evaluation per Rule 61G15-20.007, F.A.C If the evaluation confirms no educational deficiencies and all other criteria for examinations and experience are evidenced the application is presented to the Executive Director for review and approval of licensure. The application is returned to the Licensure Analyst in order to issue a P.E. number if approved. The applicants name and the Board's decision are added to the list for Board ratification in the next noticed conference call.
  - Deficiencies in experience, failure to evidence passing of the Fundamentals and Principles and Practice examinations and educational deficiencies are presented to the application committee for approval or denial. The application is returned to the Licensure Analyst in order to issue a P.E. number if approved or issuance of a Denial letter if denied. The applicants name and the Board's decision are added to a Ratification List for Board ratification in the next noticed conference call.

### **Special Inspector Applications**

Licensure Analysts reviews file to ensure all required information F.A.C. 61G15-35.003 is included for complete status. Requirements are as follows:

- Must be currently licensed professional engineer whose principal practice is structural engineering in the State of Florida and whose license is active. Three years verified experience in performing structural filed inspections on threshold buildings. Two years experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. Experience in the structural inspection and/or design of at least three threshold buildings within 10 calendar years preceding submittal of the application. Three personal references with one required to be signed by a special inspector.
- Licensure Analyst proceeds with presentation of the complete application to the Application Review Committee for approval or denial of the application. If the application is approved, the application is returned to the Licensure Analyst in order to issue a special inspector license number. If denied, the analyst will issue a Denial letter. The applicants name and the Board's decision are added to the Ratification List for Board ratification in the next noticed conference call.

## Certificates of Authorization

Section 471.021 - Engineers and firms of other states; temporary certificates to practice in Florida

Section 471.023 - Certification of partnerships and corporations

To offer engineering services in Florida under the name of an Association, Fictitious Name, Partnership, Corporation or LLC, the business entity must hold a Certificate of Authorization. These applications are approved administratively. As a part of filing the application, the entity must evidence registration with the Secretary of State and they must satisfy our statutory requirement of having a Professional Engineer registered in Florida that holds title of President, Vice President, Secretary or Treasurer in the corporation, or managing member of the LLC. The application is submitted to our office. Completed applications are submitted to the Assistant Executive Director for approval and licensure.

Licensure Analyst reviews the application to ensure all required information per F.S. 471.023 and F.A.C. 61G15-18 is included for complete status.

- The applicant must have filed or registered the company with the Florida Secretary of State/Division of Corporations and the information given on the application must match the information listed with the Sec. of State/Div. of Corps.
- Analyst must ensure that the Professional Engineer listed on the application as the Engineer of record has a P.E. license in a Current, Active status and is listed on the Sec. of State/Div. of Corps. as an officer or equivalent per F.A.C. 61G15-18.011(6).
- Licensure Analyst proceeds with presentation of complete application to the Assistant Executive Director for administrative approval. The application is returned to the Licensure Analyst for issuance of a Certificate of Authorization number.



## **Verifications of Licensure to Other States**

Individuals seeking licensure in another state are required to evidence successful completion of the Fundamentals and/or Principles and Practice examination, history of disciplinary proceedings or other pertinent information to the state receiving the verification. The request for verification of licensure history requires a \$25.00 fee.

## **Verifications of Licensure/ Exam Applications**

Licensure Analysts researches information such as discipline on the license, date of exam/licensure, pass or fail and discipline of exam.

Licensure Analysts records all of the above information on the verification form, signs and seals it with the Florida Board of Professional Engineers seal and forwards the completed form to the appropriate State Board office or NCEES by mail or e-mail.

## **Duplicate License Applications**

Technology Assistant downloads electronic data from DBPR's FTP website and stores the information on the FBPE network.

Technology Assistant enters applicant's information into a Master spreadsheet for the mail merge in order to print the license/certificate.

Technology Assistant requests blank license paper from Audit control and proceeds with printing license.

Technology Assistant enters record information from each license printed into a spreadsheet and gives it and all licenses printed to Audit Control for verification of correct information.

Technology Assistant mails the license card and certificate and update spreadsheet for audit control.

## **Florida Building Code Training**

Section 471.0195 – Florida Building Code training for engineers

All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for

building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

The Florida Board of Professional Engineers delayed action on a proposed rule to implement Chapter 471.0195, F.S., at its December 1, 2010 meeting. After extensive discussion on problems associated with writing a rule that could practically implement the statute, the Board deferred action. The Board further directed staff to inform Florida licensees that no Florida PE would be disciplined for violation of Section 471.0195, F.S. not taking a Florida Building Code course until a rule is adopted". The major sticking point for the Board is to define "any specialized or advanced course" and apply it in a practical way to a licensee's area of practice. The Board will continue to work on the rule and bring it to the Board at such time as appropriate.

### Continuing Education Requirements

Professional Engineers are required to evidence compliance with Section 471.017, F.S. for renewal of their license. The Board shall require a demonstration of professional competency of engineers as a condition of license renewal or re-licensure. Every licensee must complete 18 professional development hours, for each year of the license renewal period. For each renewal period for such continuing education, 1 hour shall relate to this chapter and the rules adopted under this chapter; 1 hour shall relate to this chapter and the ethics adopted under this chapter and the remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule 61G15-22.002. The accompanying rules are as follows:

#### 61G15 Florida Administrative Code:

Rule 61G15-22.001 - Continuing Education Requirements

Rule 61G15-22.002 - Definitions

Rule 61G15-22.003 - Qualifying Activities for Area of Practice Requirement

Rule 61G15-22.004 - Conversion of Education Units to PDH

Rule 61G15-22.005 - Non-Qualifying Activities

Rule 61G15-22.006 - Demonstrating Compliance

Rule 61G15-22.008 - Record Keeping

Rule 61G15-22.009 - Exemptions

Rule 61G15-22.010 - Continuing Education Courses in Laws and Rules

Rule 61G15-22.0105 - Approval of Continuing Education Courses in Laws and Rules

Rule 61G15-22.011 - Board Approval of Continuing Education Providers

Rule 61G15-22.012 - Obligations of Continuing Education Providers

Rule 61G15-22.013 - Evaluations of Providers

Rule 61G15-22.014 - Duration of Providers Status

### Continuing Education Applications

Licensure Analysts reviews file to ensure all required information F.A.C. 61G15-22.011 is included for complete status.

- Requirements

- a) Applicants for continuing education provider must be; a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restriction pursuant to any order of the Board, or an engineering firm that possesses an active certification of authorization. Applicants must supply the name, address and telephone number, description of the types of courses or seminars, description of staffing capabilities, sample of intended course materials, list of anticipated locations to conduct the course, a complete course curriculum for each course, a description of the means of updating the course in response to rule or law changes and a description of means to evaluate the licensees participation in the course.
- b) Licensure Analyst proceeds with presentation of the complete application to the Application Review Committee at the next Board Application review for approval or denial of the application. If the application is approved, the application is returned to the Licensure Analyst in order to issue a Continuing Education provider number. If denied, the analyst will issue a Denial letter. The applicants name and the Board's decision are added to the Ratification List for Board ratification in the next noticed conference call.

#### Continuing Education Renewal Applications

- Renewal applications, if there are no major changes to the original application, per Board direction are presented to the Executive Director for approval.

#### PE Active / Inactive Status Change Applications

Manager for Application and Licensure reviews the file to insure all the information required is included and is accurate.

- ACTIVE TO INACTIVE - the applicant must have an active license in good standing and have fulfilled the continuing education requirements for the current biennium. Applicants must comply with Chapter 455 and F.A.C. 61G15 while on inactive status.
- Manager for Application and Licensure proceeds with working the applications in the License Ease system to place in Inactive status.
- INACTIVE TO ACTIVE - For Inactive to Active applications, licenses that are inactive for more than one (1) year may be reactivated upon application to the FBPE and demonstration to the Board by the licensee of having completed twelve (12) hours of engineering related education per inactive year or portion thereof, in excess of one (1) year. The education shall be related to the licensee's area of practice. In addition, the

licensee shall have completed four (4) hours of education that shall involve the law and rules governing the practice of engineering in a course approved by the Board. Licensees who can demonstrate that they have continued the active practice of engineering during the inactive period, either through an active license to practice in another state or through practice in an exempt setting during that period, shall only be required to comply with the laws and rules requirement.

- a) Manager for Application and Licensure proceeds with working the applications in the License Ease system to reactivate the license to current, active standing.

## **Temporary Endorsement Applications**

Applications submitted are handled by the Endorsement desks and the materials to be submitted by the applicant are the same as an endorsement application. Applicants for temporary licensure may use NCEES records to supplement the application.

- A letter describing the project, its scope and its duration must be included in the application package.
- All temporary licensure applications are reviewed within ten (10) days of receipt due to the short nature of the projects and limited time of licensure.
- Once the application is complete, the applicant should be contacted to coordinate licensure to the dates the applicant expects to begin work on the project. This ensures that the start date of the project and the start date of licensure match and the project can be completed.
- In the case of an engineer who is employed by a company that is coming into Florida and the engineer is the potential licensed Florida PE that the company plans on using for the project; the Company will need to submit an application for a Temporary Certificate of Authorization to offer these services in Florida for the project.
- The analyst should coordinate with the Certificate of Authorization desk to insure the application for a temporary certificate of authorization is progressing. Once both are complete and ready for signature, the analyst should coordinate with the PE to assure the start dates for each license and the project start date all match. This will ensure that the project can be completed within the time frames for the temporary license and certification of authorization.

## **Temporary Certificate of Authorization Applications**

Applications are assigned to the endorsement/ca desk. The materials required in the request for temporary are the same as a standard certificate of authorization application.

- A letter describing the project, its scope and its duration must be included in the application package.
- All temporary licensure applications are reviewed within ten (10) days of receipt due to the short nature of the projects and limited time of licensure.
- Once the application is complete, the analyst should coordinate licensure to the dates the engineer expects to begin work on the project. This ensures that the start date of the project; the start date of PE licensure and the certificate of authorization dates match and the project can be completed within the three (3) month time frame.

## Renewal Applications

Licensure Analyst reviews the renewal application to ensure all required information per F.A.C. 61G15-22/ F.S. 471.017(3) & 471.023(4) is included for approval.

- If all requirements are met the Licensure Analyst will approve the renewal application.
- The renewed license/C of A will be mailed to the applicant within 4-6 weeks after the renewal is approved.

## Application Denial Process

- Committee votes to deny.
- Conference call is noticed Board ratifies recommendations of the application committee as final Board action.
- Denial letters are drafted citing pertinent Rule/Statute and basis for denial.
- Denial letter are filed with FEMC Clerk, who then files with the Clerk at The Department of Business and Professional Regulation, per contract with DBPR.
- The DBPR Clerk files the letter, notifies FEMC and the letters are returned to FEMC by legal staff.
- The letter is by mail with the Explanation and Election of Rights forms.
  - a) Election of Rights. The Election of Rights form must be turned in 21 days of the received date on the denial letter. The applicant must elect to supplement and/or to have a formal or informal hearing.
  - b) Election to Supplement- With receipt of the Election of Rights form the applicant has 90 days to supply supplemental information. If the 90 days passes the file processed for hearing to bring closure to the file.

- c) Requests for Formal or Informal Hearings. The file is given to the Executive Assistant who coordinates with the Executive Director as follows:
  - Formal hearing- the applicant disputes the facts of the denial; the file is copied and forwarded to Board Counsel.
  - Informal hearing-the applicant does not dispute the facts of the denial and an informal hearing is scheduled for Board Meeting.

## License/ Certificate

- Professional Engineer License

- a) This License can be obtained by Exam or Endorsement.
- b) The license is required to renew every odd year and renewal requires completion of 8 hours of Continuing Education per Rule 61G15-22 F.A.C.
- c) Failure to renew by February 28, deadline results in delinquent status.
- d) Failure to renew for 2 renewal cycles license goes Null & Void.

- EIT Certificate

- a) Applicant passes the NCEES Fundamentals examination, a number is generated in Versa, a Wall Certificate is issued reflecting the EI number. This proves the individual has passed the Fundamentals examination and is achieving experience for future licensure. Experience must be completed under a professional or practicing engineer.
- b) Certificates can be obtained by endorsing EIT from another state.
- c) An EIT Certificate never expires.

- Certificate of Authorization

- a) Certificates can be obtained by a company desiring to offer engineering services in Florida. Rule 61G15-18.011 (6), F.A.C. defines titles of 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 cooperation or LLC, as documented by the corporate charter or by laws 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.
  - If approved the CA number is generated in Versa and a License Card is issued
  - A Certificate of Authorization is required to renew every odd year per F.S. 471.023(4)
    - After 2 renewal cycles without renewing, the Certificate of Authorization will go Null & Void.

- Temporary P.E. License

- a) This License is for an out of state PE who will come into Florida for a limited time to work on one project.
  - Temporary licensure is limited to one (1) project and for no longer than three (3) months in duration.
  - Temporary licensure can only be obtained one (1) time and cannot be renewed or re-applied for by an individual. Temporary licenses expire in three (3) months.
- **Temporary Certificate of Authorization**
  - a) This certificate is for an out of state engineering company who will come into Florida for a limited time to work on one project.
    - Temporary certificates of authorization are limited to one (1) project and for no longer than three (3) months in duration.
    - Temporary certificates of authorization can only be obtained one (1) time and cannot be renewed or re-applied for by a company. Temporary certificates of authorization expire in three (3) months.

## **Board / Committee Responsibilities to Applications & Licensure**

The Board Chair appoints Board members to serve on the Application and Educational Advisory Committees. These Committees review applications to make a determination of eligibility. The files are presented in alpha order and are accompanied by a list of the applicant's name in alpha order. The action taken by the committee is entered on this list.

- **Educational Advisory Committee**

This Committee is tasked with reviewing the education of any applicant who is not a graduate of an EAC/ABET accredited program. For foreign degree holders, the Committee reviews evaluations prepared by approved evaluators to ensure that the applicant has demonstrated his/her engineering education is substantially equivalent to an EAC/ABET accredited program, pursuant to Rule 61G15-20.007, F.A.C. For applicants attempting to articulate their education upon achieving an advanced degree in engineering pursuant to Rule 61G15-20.001(2)(b), F.A.C., the Committee must review all pertinent education materials, catalogues, transcripts, course descriptions and/or syllabi, and evaluations, if any, by Board Consultants and determine whether the applicant has demonstrated substantial equivalence pursuant to Rule 61G15-20.007, F.A.C.
- **Application Review Committee**

The Application Review Committee determines eligibility for entry into the examination or that an applicant by endorsement meets requirements of Section 471.015 to incorporate requirements of Section 471.013, F.S. The Committee members review the

worksheet and recommendation provided by the licensing analyst, the application, verifications of experience and personal references to determine eligibility. Applicants holding engineering technology degrees must demonstrate eligibility based on having been enrolled or having graduated from such a program within the State University System prior to July 1, 1979.

An application for the Principles and Practice examination should show evidence of transcripts, four or more years of engineering experience that is verified by practicing or professional engineers and a verification of having passed the Fundamentals examination.

An application for endorsement should show evidence of transcripts, four or more years of experience, and verification of both examinations.

Some endorsement applications require special review to determine if examinations may be waived based on years of licensure and experience.

Some endorsement applications will require review and approval of education by the Educational Advisory Committee prior to reviewing for experience and examinations.

- **Continuing Education Provider Approval**

There are two categories of continuing education providers exempt and approved. No fee or application is required for exempt status. Designation occurs from Board action to declare exempt status. Approved providers must submit an application, fee and all information necessary to complete the file. A review of the file must confirm compliance with 61G15-22, F.A.C. and when completed will be presented to the Board for approval or denial.

- **Ratification of Licensure Actions**

The Board ratifies actions of the Application Review Committee by conference call or as a business item on the Board meeting agenda. The information presented for ratification is a complete list of names and the recommendation of the Committee. Upon ratification of actions all applicants are licensed.

Individuals denied are provided with a Notice of Denial, Explanation and Election of Rights pursuant to Chapter 120, Florida Statutes. Should an applicant elect to supplement his/her application, the application and supplemental information is presented to the Application Committee. If the denial is upheld and the applicant has requested an Informal Hearing the file is transferred to the Assistant Executive Director for scheduling the hearing. The applicant is notified, by certified mail of the date, time and location of the hearing.

Following the hearing a Final Order is issued. Final Orders are prepared by the Board's Legal Counsel (Assistant Attorney General) and they are forwarded to the Board office.



Upon receipt the Executive Director signs the order and it is filed with the DBPR Agency Clerk and FEMC's Clerk. The original order is mailed by certified mail to the applicant and one copy is filed in the applicant's file.

If the Final Order approves the candidate for licensure, a licensure analyst issues the license. If the Final Order upholds the denial the file is closed.

If the applicant elects a Formal Hearing, the file is then copied and forwarded to the Board Counsel for a response to the Petition.

### Applications & Licensure Performance Standards & Measures

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation ("FEMC"), the following performance standards and measurable outcomes are adopted:

#### 61G15-37.001, FLORIDA ADMINISTRATIVE CODE

(6) At least 90 days before the end of a licensure cycle, FEMC shall forward a licensure renewal notification to active or inactive licensees at the licensee's last known address of record with FEMC.

(7) At least 90 days before the end of a licensure cycle, FEMC shall forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with FEMC.

(8) Upon receipt of an application for a license, FEMC shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information FEMC is permitted by law to require.

(9) Every application for a license shall be approved or denied within 90 days after receipt of a completed application.

(10) If an applicant seeks a license for an activity that is exempt from licensure, FEMC shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

*Rulemaking Authority 471.038(3)(n) FS. Law Implemented 471.038(3)(m) FS. History—New 11-12-02, Amended 4-8-07, 9-13-0*

## Section H. Questionnaire for Gubernatorial Appointments

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**QUESTIONNAIRE**  
*for*  
**GUBERNATORIAL APPOINTMENTS**

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**GOVERNOR RICK SCOTT**

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**QUESTIONNAIRE**  
*for*  
**GUBERNATORIAL APPOINTMENTS**

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Please Return To:  
400 South Monroe Street  
Capitol Building, Suite 705  
Tallahassee, Florida 32399

FOR THE GOVERNOR'S APPOINTMENTS OFFICE

The information from this page has been requested and will be used exclusively by the GOVERNOR'S OFFICE.  
**Please type or use black ink.**

1. Board of Interest: \_\_\_\_\_
2. Current Employer and Occupation: \_\_\_\_\_
3. Are you applying for reappointment: Yes  No
4. \*Do you have a disability? Yes  No  If "Yes", please describe your disability that would qualify you for this appointment, if applicable.
  
5. \*Sex: Male  Female
6. \*Race: White  Native-American/Alaskan Native   
Hispanic-American  Asian/Pacific Islander   
African-American
7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

Email address \_\_\_\_\_

Cellular Telephone Number \_\_\_\_\_

\_\_\_\_\_  
Applicant's Name, including name  
commonly used (Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis.

## QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. **Please type or print in black ink.**

	Date Completed		
1. Name: _____			
MR./MRS./MS.	LAST	FIRST	MIDDLE/MAIDEN
2. Business Address: _____			
STREET	OFFICE #	CITY	
POST OFFICE BOX	STATE	ZIP CODE	AREA CODE/PHONE NUMBER
3. Residence Address: _____			
STREET	CITY	COUNTY	
POST OFFICE BOX	STATE	ZIP CODE	AREA CODE/PHONE NUMBER
Specify the preferred mailing address:	Business <input type="radio"/>	Residence <input type="radio"/>	Fax # _____
			(optional)
4. A. List all your places of residence for the last ten (10) years.			
ADDRESS	CITY & STATE	FROM	TO
B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.			
ADDRESS	CITY & STATE	FROM	TO
5. Date of Birth: _____	Place of Birth: _____		
6. Social Security Number: _____			
7. Driver License Number: _____	Issuing State: _____		

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

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9. Are you a United States citizen? Yes  No  If "No" explain:

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If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of registration: \_\_\_\_\_ B. Current party affiliation: \_\_\_\_\_

12. Education

A. High School: \_\_\_\_\_ Year Graduated: \_\_\_\_\_  
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION DATES ATTENDED CERTIFICATES/DEGREES RECEIVED

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13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of service: \_\_\_\_\_

B. Branch or component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

DATE PLACE NATURE DISPOSITION

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15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME &amp; ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION/JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No   
 If "Yes", list:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



D. Identify all association memberships and association offices held by you that relate to this appointment:

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18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?  
Yes  No  If "Yes", list:

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE TITLE</u>	<u>DATE OF ELECTION OR APPOINTMENT</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: \_\_\_\_\_
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>MEETINGS ATTENDED</u>	<u>MEETINGS MISSED</u>	<u>REASON FOR ABSENCE</u>

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes  No  If "Yes", give details:

<u>DATE</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

- A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_
- B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No

If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_  
\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No

If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE TITLE &amp; NUMBER</u>	<u>ORIGINAL ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION/DATE</u>

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD &amp; TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

**CERTIFICATION**

**STATE OF FLORIDA, COUNTY OF**

Before me, the undersigned Notary Public of Florida, personally appeared \_\_\_\_\_, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

\_\_\_\_\_  
Signature of Applicant-Affiant

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public-State of Florida

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.

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IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0158