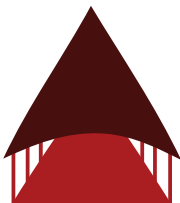




Engineer Regulation & Enforcement in the State of Florida

*Committed to protecting the interest of public
health and safety by properly regulating
the practice of engineering.*



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Online at **fbpe.org**



General Facts & Information

The Florida Legislature has determined, in the interest of public health, life, property, and safety, to regulate the practice of engineering in Florida. To accomplish this task the Legislature created Chapter 471, Florida Statutes.

Licensees are expected to know the laws and rules governing their professions and are expected to provide services in accordance with current regulations, codes, and ordinances, and recognized standards. When appropriate, the Florida Board of Professional Engineers has the authority to discipline those individuals and firms (licensed and unlicensed) that offer or practice engineering in Florida. The Board has the power to suspend, revoke, or refuse to issue, restore, or renew a Certificate of Authorization for a firm, or an engineering license for an individual, or place on probation, fine, or reprimand any firm, professional engineer, or individual found guilty of violating Florida Statutes and Rules.

The legal department, consisting of the chief prosecuting attorney, an investigator, and a paralegal/compliance officer, manage the complaint and disciplinary processes. The department's duties include review of complaints, coordination of investigations, preparation of probable cause panel and board meeting materials, preparation of administrative complaints and orders, litigation of cases at the Division of Administrative Hearings, handling appeals to the court system, and assuring compliance with Board decisions.

For detailed information on how to file a complaint, review individuals currently being disciplined, and access Florida's current laws and rules, refer to their pages under the *Legal* section at fbpe.org.

The Complaint Process Defined

Complaints are filed with the Florida Board of Professional Engineers from many sources and any member of the public may file a complaint. The majority of written complaints received by FBPE are from consumers of engineering services and building department officials. Professional engineers and professionals from related fields, such as contractors, surveyors, and architects, also file many of the complaints that form the basis for investigations. You may file a complaint if you feel that a licensee, firm, or individual has violated the provisions of law outlined in Chapter 455, F.S., Chapter 471, F.S., and Chapter 61G-15, Florida Administrative Code.

Once you file a complaint, it is forwarded to a FEMC engineering consultant for review. The preliminary opinion and complaint documents are analyzed to determine if what you have alleged is against the law. If your complaint is not a violation of law, you will receive a letter indicating the file is being closed. If it is determined that the allegation you have made would constitute a violation of the engineering laws or rules, you will be notified that an investigation will take place. Following the investigation, the case will go to the FBPE Probable Cause Panel, which is similar to a grand jury, and it will determine if the case should be recommended to the full FBPE for discipline. The FBPE then serves as jury in the case and decides guilt or innocence, as well as the level of discipline if the accused is found guilty.

The Board *does* accept anonymous complaints. However, the Board encourages the complainant to include his or her name and phone number in case additional information is required.

Please understand that if you file an anonymous complaint, the investigator will be unable to contact you for clarification or for further

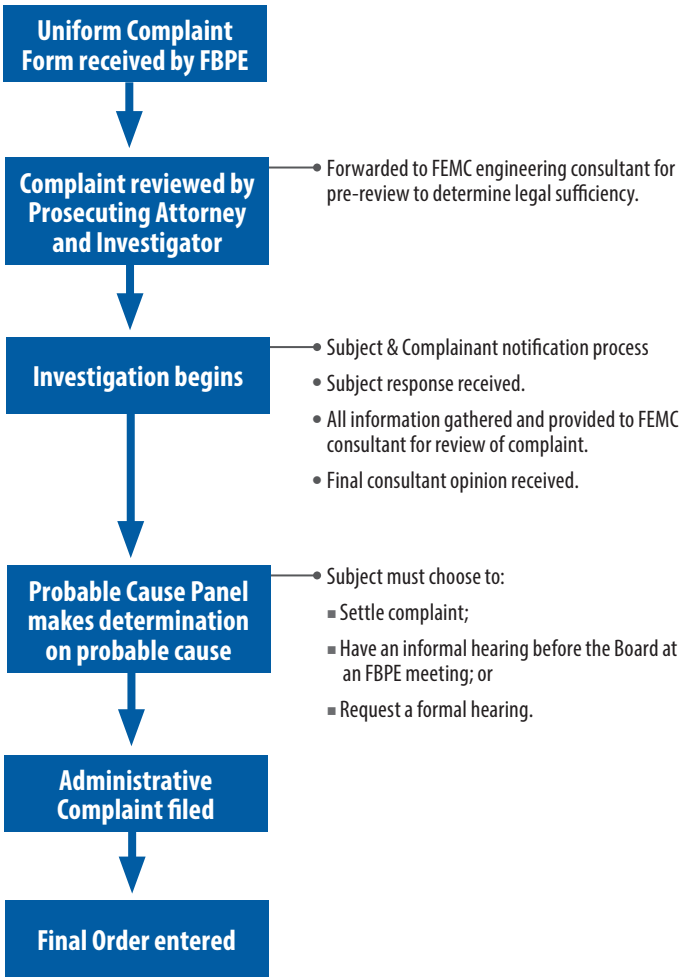


information. It is important that you include all of the information necessary to prove that a violation has occurred. Too much information is better than not enough information!

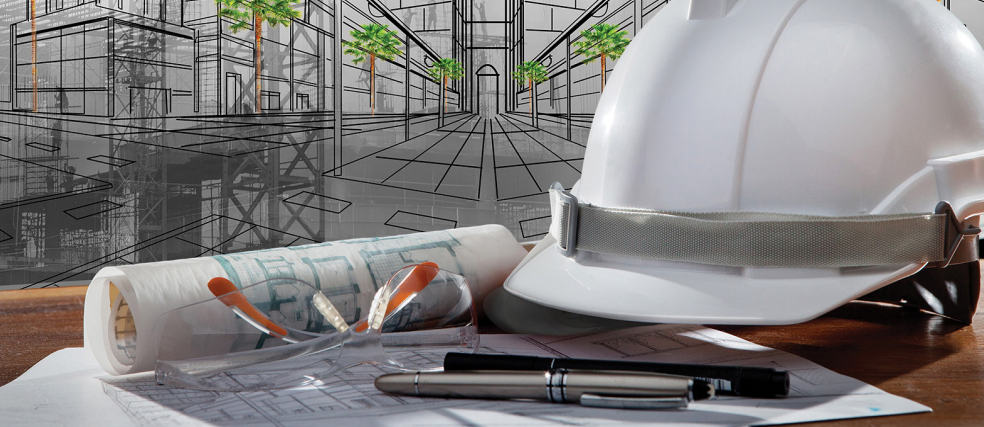
Further understand, you will not be notified of the results of the investigation of your “anonymous” complaint.

Additionally, it is important to note that Section 455.225, F.S., states: “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 complaint or witness acted in bad faith or with malice in providing such information.”

Complaint Process Overview



To file a complaint, go to the *Complaints* page under the *Legal* section at fbpe.org, and download the *Uniform Complaint Form*, or request a form from the Board’s office.



Unlicensed Practitioners Affect Everyone

The unlicensed practice of engineering is a serious threat to the health, safety, and welfare of the general public and to the profession itself.

Typically, the FBPE receives cases involving firms practicing without a Certificate of Authorization, individuals using the protected title Professional Engineer or any variation thereof, and individuals practicing without a professional engineer license. In most cases, the violations occur due to a lack of knowledge of the laws and rules by the offenders, as well as the public.

What Constitutes Unlicensed Activity?

- Firms practicing or offering to practice engineering without a Certificate of Authorization;
- Individuals practicing engineering without a license;
- Using a name or title tending to indicate that a person holds an active license as engineer. Examples include: Professional Engineer, Agricultural Engineer, Air-Conditioning Engineer, Architectural Engineer, Civil Engineer, etc.;
- Presenting as his or her own the license of another; and
- Practicing on a revoked, suspended, inactive, or delinquent license.

Generally, the FBPE issues a notice to Cease & Desist for first-time offenders. A second offense is investigated and presented to the Probable Cause Panel. Historically, a second offense results in a fine.

To file a complaint involving either licensed or unlicensed activity, download a copy of the *Uniform Complaint Form* located on the *Complaints* page under the *Legal* section at fbpe.org, or request a form from the Board's office. If you want to talk to someone about a potential violation, please call the Board office at (850) 521-0500 and ask to speak to an investigator.

How Can I Tell if an Engineer Has Been Disciplined?

The public may find it necessary to determine whether a professional engineer has been disciplined by the Board. At myfloridalicense.com, you may see various closure methods for complaints filed.

Complaint Closure Methods

Cease & Desist: When an unlicensed individual or company has either practiced engineering without a license or a company has offered engineering services without a Certificate of Authorization, a Cease & Desist will be issued advising the offender to cease the activity. Once compliance occurs an affidavit is executed by the subject of the complaint.

Citation: A Citation is issued in lieu of disciplinary action for certain relatively minor transgressions, which the Board has determined can be resolved by the payment of a fine and compliance in the future.

Legally Insufficient: A complaint that has been filed and reviewed can be deemed to be Legally Insufficient when:

- No facts were found to justify investigating the complaint or,
- The complaint alleged a violation of law that was outside the purview of the Board to take action.

This is most often used when a complaint is filed regarding something that is not within the Board's jurisdiction, for example, an engineer is practicing another profession, unlicensed activity when no unlicensed activity has occurred, or an issue that is not a violation of Board laws and rules.

Closing Order: When a complaint is legally sufficient, has been fully investigated and reviewed by the Probable Cause Panel (PCP), and found to have no violation of Board laws and rules, a Closing Order will be issued.

Letter of Guidance: A Letter of Guidance (LOG) will be issued when there is probable cause for the Probable Cause Panel to believe that a violation of Board laws or rules occurred, that the violation is relatively minor, and, in the PCP's opinion, does not rise to the level of having an Administrative Complaint issued. A LOG generally gives the professional engineer a written warning of certain behaviors to avoid in the future. A LOG does not constitute discipline of a PE's license.

Final Order: A Final Order means that disciplinary action has been taken against a professional engineer or a company that holds a Certificate of Authorization. Depending on the seriousness of the violation, the penalties and terms imposed may vary.

Pursuant to Rule 61G15-37.001(11), F.A.C., current cases where a final order has been issued are summarized and posted on the Board's website until the offender completes probation and other recommended penalties imposed by the Board, or until the licensee becomes inactive, retires, relinquishes the license, or permits the license to become null and void. If you are aware of an engineer that has been disciplined but cannot locate them on the current list under the *Legal* section of our website, you can submit a public records request at publicrecords@fbpe.org.

About the Board of Professional Engineers

With over 41,000 active licensed engineers in Florida, the Florida Board of Professional Engineers is committed to protecting the interest of public health and safety by properly regulating the practice of engineering.



Established under Florida statute, the Florida Board of Professional Engineers comprises 11 members, nine of whom are licensed professional engineers representing multiple disciplines and two laypersons who are not and never have been engineers or members of any closely related profession or occupation.

FBPE is dedicated to always providing quality service, timely assistance, and accurate information, and encourages any communication as it relates to ensuring the quality of engineering in Florida.

About the Florida Engineers Management Corporation

Under Section 471.038, F.S., administrative, investigative, and prosecutorial services are provided to the Florida Board of Professional



Engineers by the Florida Engineers Management Corporation. FEMC is a non-profit, single-purpose corporation that operates through a contract with the Department of Business and Professional Regulation.

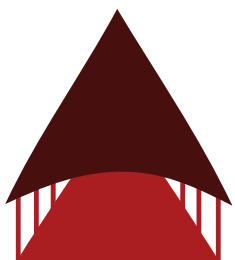
The FEMC Board of Directors is composed of seven members. Five members are appointed by the Florida Board of Professional Engineers and must be Florida registrants. Two members are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

As designated by the Legislature, FEMC staff provide services to FBPE, such as reviewing applications, licensing qualified applicants, investigating any and all alleged violations, and enforcing prosecution of any individual or firm found to be in violation of Florida Statutes or Rules for this profession.

For more information on Board members and for contact information, go to fbpe.org and select "About FBPE" or "About FEMC."



**Licensure • Education • Compliance
Enforcement • Communication**



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

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