

**Minutes for
The Florida Board of Professional Engineers
April 12, 2017 beginning at 1:00 p.m. or soon thereafter and
April 13, 2017 beginning at 8:30 a.m., or soon thereafter
Crowne Plaza Orlando Universal
Orlando, Florida**

Part I – Wednesday, April 12, 2017

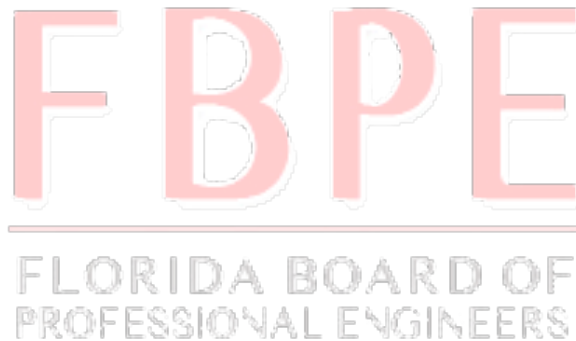
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Fleming called the meeting to order. Ms. Raybon called the roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

Kevin Fleming, P.E., Vice Chair
William Bracken, P.E., S.I.
Roland Dove, P.E.
Warren Hahn, P.E.
John Pepper, P.E., S.I.
Kenneth Todd, P.E.
Babu Varghese, P.E., S.I.
Vivian Boza, Public Member
Elizabeth Ferguson, Public Member



Board Members Absent:

Anthony Fiorillo, P.E., S.I., Chair
Michelle Roddenberry, Ph.D., P.E.

Attorney General's Office:

Lawrence Harris, Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Assistant Executive Director

Upon motion by Mr. Fleming, seconded Mr. Hahn, to excuse the absence of Mr. Fiorillo, the motion passed.

Upon motion by Mr. Bracken, seconded Mr. Hahn, to excuse the absence of Dr. Roddenberry, the motion passed.

C. Introduction of guests and announcements as to presentations at a time certain

Andrew Lovenstein, P.E., FSEA
Art Nordlinger, P.E., IEEE
Jeff Arey, P.E., FEMC Board Member
Charlie Geer, P.E., FES
Angela Fairchild, FES

D. FBPE Mission and Scope

#1. FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

#2. FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

E. Approval of the Agenda

Mr. Fleming asked that two items under the Structural Rules Committee (items G#6c & G#6d) be moved to the Advisory Attorney's report and a new item #4 would be added under the Advisory Attorney's report.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, to approve the agenda as amended, the motion passed.

F. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Dove, seconded by Mr. Todd, to approve the consent agenda, the motion passed.

#1. Minutes from the February 1-2, 2017 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from March 24, 2017 FBPE Ratification Conference Call*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: May 9, 2017 at 8:30am)**

(Kevin Fleming, P.E., Chair; William Bracken, P.E., S.I.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from March 14, 2017 Meeting*

Approved under consent agenda.

#2. Applications Review – Experience Committee **(Next Meeting: May 9, 2017 at 1pm via conference call)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; Kevin Fleming, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.; Babu Varghese, P.E.)

(a) Committee Chair's Report.

#3. Applications Review – Education Committee **(Next Meeting: May 9, 2017 at 3pm via conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Members: Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: July 17, 2017 at 2pm)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Kevin Fleming, P.E.; Warren Hahn, P.E.; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

(b) Minutes from March 20, 2017 Rules Committee Conference Call

Upon motion by Mr. Dove, seconded by Ms. Boza, to approve minutes from the March 20 Rules Committee meeting as presented, the motion passed.

(c) Public Hearing on Rule 61G15-21.001

Ms. Raybon discussed the proposed changes and why the changes are necessary:

61G15-21.001 ~~Written~~ Examination Designated; General Requirements.

(1) Pursuant to sections 471.013 and 471.015(1), F.S., ~~The Florida Board of Engineers hereby determines that a written an~~ examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida, except as provided in ~~subsections Section~~ 471.015(3) and (5), F.S. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). ~~The examination consists of two parts, Part I, or the fundamentals examination, and Part II, or the principles and practices examination. After January 1, 2014, the fundamentals examination will be a computer based examination rather than written.~~

(a) Part I of the examination provided by NCEES is the Fundamentals of Engineering examination.

(b) Part II of the examination provided by NCEES for all disciplines other than structural is the Principles and Practices of Engineering examination, and is given by discipline. ~~National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.~~

(c) For Part II of the examination ~~for structural engineering,~~ in lieu of the Principles and Practices of Engineering examination, an applicant can take the sixteen (16) hour Structural Engineering examination provided by NCEES. ~~either the structural component of the civil engineering exam or can take the separate structural examination which is sixteen (16) hours, consisting of an eight (8) hour vertical forces component and eight (8) hour lateral forces component.~~

(2) National examination security requirements as established by the NCEES shall be followed throughout the administration of the examination.

(3) Applicants for licensure by examination must be graduates of a Board-approved engineering program as defined in Rule 61G15-20.001(2), F.A.C. Acceptance into the fundamentals examination, either in Florida or elsewhere, does not indicate automatic acceptance for the principles and practice examination, nor does it exempt said applicant from meeting the licensure eligibility criteria set forth in Chapter 471, F.S. and Chapter 61G15, F.A.C.

Rulemaking Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, 3-9-04, 2-3-05, 2-2-12, 9-25-13.

Mr. Pepper discussed the first paragraph and that it looks like the engineer intern is licensed. Discussion followed. Mr. Harris stated that we could change the language to state “or becoming an engineer intern in the State of Florida.”

The new proposed language will be as follows:

61G15-21.001 ~~Written~~ Examination Designated; General Requirements.

(1) Pursuant to sections 471.013 and 471.015(1), F.S., The Florida Board of Engineers hereby determines that a written an examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern becoming an engineer intern in the State of Florida, except as provided in subsections Section

471.015(3) and (5), F.S. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). ~~The examination consists of two parts, Part I, or the fundamentals examination, and Part II, or the principles and practices examination. After January 1, 2014, the fundamentals examination will be a computer based examination rather than written.~~

(a) Part I of the examination provided by NCEES is the Fundamentals of Engineering examination.

(b) Part II of the examination provided by NCEES for all disciplines other than structural is the Principles and Practices of Engineering examination, and is given by discipline. ~~National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.~~

(c) For Part II of the examination ~~for structural engineering,~~ in lieu of the Principles and Practices of Engineering examination, an applicant can take the sixteen (16) hour Structural Engineering examination provided by NCEES. ~~either the structural component of the civil engineering exam or can take the separate structural examination which is sixteen (16) hours, consisting of an eight (8) hour vertical forces component and eight (8) hour lateral forces component.~~

(2) National examination security requirements as established by the NCEES shall be followed throughout the administration of the examination.

(3) Applicants for licensure by examination must be graduates of a Board-approved engineering program as defined in Rule 61G15-20.001(2), F.A.C. Acceptance into the fundamentals examination, either in Florida or elsewhere, does not indicate automatic acceptance for the principles and practice examination, nor does it exempt said applicant from meeting the licensure eligibility criteria set forth in Chapter 471, F.S. and Chapter 61G15, F.A.C.

Rulemaking Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, 3-9-04, 2-3-05, 2-2-12, 9-25-13.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the amended language and open the rule for development, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Dove, seconded by Mr. Bracken, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Dove, seconded by Mr. Bracken, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

(d) Public Hearing on Chapter 61G15-23

Mr. Bracken discussed the proposed changes to Chapter 61G15-23:

**CHAPTER 61G15-23
SEALS**

61G15-23.001	Signature, Date and Seal Shall Be Affixed
61G15-23.002	Seals Acceptable to the Board
61G15-23.003	Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents
61G15-23.004	Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents
61G15-23.005	Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

61G15-23.001 Signature, Date and Seal Shall Be Affixed.

(1) A professional engineer shall sign, date and seal:

(a) All final plans, prints, specifications, reports, or other documents prepared or issued by the licensee and being filed for public record;

(b) All final documents provided to the owner or the owner's representative.

(2) Additional Final and Non-Final Documents.

(a) A professional engineer may sign, date and seal documents required by any public entity or any provision of contract which requires the signing, dating and sealing of additional original documents.

(b) A professional engineer shall not sign, date and seal any documents which are not final documents unless the professional engineer states any limitations on the use of those documents on the face of those documents by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for limited use, are not final and are not intended for permit, construction, or bidding purposes.

(3) A professional engineer may only sign, date and seal engineering plans, prints, specifications, reports or other documents if that professional engineer was in responsible charge, as that term is defined in subsection 61G15-18.011(1), F.A.C., of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document(s) in question. Professional engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall indicate the name and address of the agency on all documents that are required to be signed, dated and sealed.

(4) Additional Requirements for Plans or Prints, Engineering Specifications and Calculations, and Engineering Reports or Other Documents. When an engineer signs, dates and seals any of the following types of documents plans or prints under the provisions of Section 471.025, F.S., and subsection (1) of this rule, the following additional information must be included:

(a) Plans and Prints. Every sheet within the plans and prints must be signed, dated and sealed by the professional engineer in responsible charge.

1. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

2. If the engineer signing, dating and sealing engineering plans or prints is practicing through a duly authorized

engineering business; the title block shall contain the printed name, address and certificate of authorization number of the engineering business.

(b) Engineering Specifications and Calculations. An index sheet shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the engineering specifications or calculations.

1. The index sheet must be signed, dated and sealed by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on the index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible.

2. The index sheet shall include at a minimum:

a. The printed name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

b. If the engineer signing, dating and sealing calculations or specifications is practicing through a duly authorized engineering business; the printed name, address and certificate of authorization number of the engineering business.

c. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

d. Identification of the applicable building code and chapter(s) and Florida Fire Prevention Code, when applicable, that the design is intended to meet.

e. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering Reports or Other Documents.

1. A signature page or cover letter shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the report with sufficient information provided so that the user will be aware of each portion for which each professional engineer is responsible.

2. If the engineer signing, dating and sealing an engineering report or other document is practicing through a duly authorized engineering business, the printed name, address and certificate of authorization number of the engineering business shall be placed on the signature page or cover letter.

(d) The date that the signature and seal is affixed as provided herein shall be entered on said plans, prints, specification, reports or other documents immediately adjacent to the signature of the professional engineer.

Rulemaking Authority 471.008, 471.025 FS. Law Implemented 471.025, 471.033(1)(a), (e), (j) FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05, 11-16-09, 2-2-12, 11-3-15, 10-26-16.

61G15-23.002 Seals Acceptable to the Board.

(1) Only the following seals are authorized to be used pursuant to Section 471.025, F.S.;

(a) Wet Seals: A Wet Seal is any seal physically applied to a printed document capable of leaving a permanent ink representation or other form of opaque permanent impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.;

(b) Embossing Seals: An Embossing Seal is any seal physically applied to a printed document capable of leaving a permanent crimped representation or other form of permanent raised impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.; or

(c) Digitally Created Seals: A Digitally Created Seal is any seal created as part of the document and not physically applied that is an opaque permanent representation that complies with subsection 61G15-23.002(2), F.A.C.

(2) Wet Seals, Embossing Seals and Digitally Created Seals shall be a minimum of 1-7/8 inches in diameter and shall be of a design similar to those set forth in subsections (a), (b) and (c) below.

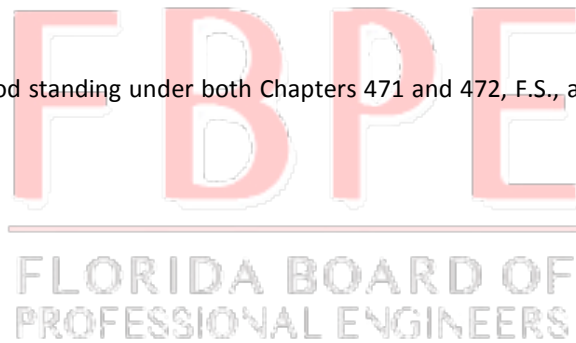
(a) The seal must contain the licensee's given name, the licensee's license number immediately preceded by the designation "No", the words "PROFESSIONAL ENGINEER" and the words "STATE OF FLORIDA" similar to that depicted here:



(b) If the seal is for a temporary license it must also contain the words “TEMPORARY LICENSE” and the date that the license expires in the form of “Month – Day – Year” immediately preceded by the word “EXPIRES” similar to that depicted here:



(c) For Professional Engineers who are in good standing under both Chapters 471 and 472, F.S., a seal similar to that depicted here may be used.



(d) Seals may contain an abbreviated form of the licensee’s given name or a combination of initials representing the licensee’s given name provided the surname listed with the Board appears on the seal and in the signature.

Rulemaking Authority 471.025, 471.033(2) FS. Law Implemented 471.025, 471.033(1)(a) FS. History–New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00, 2-22-01, 2-5-04, 1-31-08, 5-6-09, 11-3-15.

61G15-23.003 Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents.

Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be physically signed, dated and sealed as provided herein by the professional engineer in responsible charge.

(1) The licensee shall sign by hand an original of the licensee’s signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee’s signature shall not be used.

(2) The licensee must then use a wet seal, a digitally created seal, or an embossing seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

Rulemaking Authority 471.025(1), 668.006 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended 9-4-05, 5-6-09, 1-5-12, 8-20-12, 12-10-13, 11-3-15.

61G15-23.004 Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "certification authority," and "digital signature" shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S.

(2) A professional engineer utilizing a digital signature to electronically sign and seal engineering plans, specifications, reports or other documents shall have their identity authenticated by a certification authority and shall assure that the digital signature is:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it; and,

(d) Linked to a document in such a manner that the digital signature and correspondingly the document is invalidated if any data in the document is changed.

(3) The affixing of a digital signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

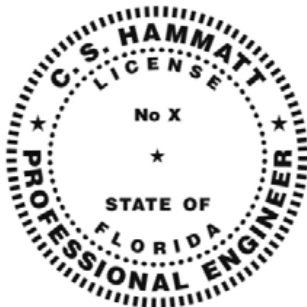
(b) The date that the digital signature was placed into the document must appear on the document in accordance with subsection 61G15-23.001(4), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

(c) The engineering plans, specifications, reports or other documents being digitally signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

- 1. The same information required by subsection 61G15-23.002(2), F.A.C. if a digitally created image of the seal is not used;
- 2. The item has been digitally electronically signed and sealed using a Digital Signature; and,
- 3. Printed copies of this the document are not considered signed and sealed and all signatures must be verified on any electronic copies.

(d) Formatting of seals and text similar to that depicted below may be used.

- 1. When a digitally created seal is used:



This item has been digitally electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

- 2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been ~~digitally~~ ~~electronically~~ signed and sealed by C. S. Hammatt, PE. On [DATE] ~~using a Digital Signature~~.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

(e) When engineering plans, specifications, reports or other documents contain multiple sheets or pages, the licensee may apply a single digital signature per electronically transmitted item as set out in Rule 61G15-23.001, F.A.C. A digital signature applied to an item in electronic form shall have the same force and effect as signing all of the individual sheets or pages contained within that item unless otherwise limited as specified in subsection 61G15-30.003(3), F.A.C.

(f) In the case where multiple licensees sign and seal a single item, each licensee shall apply their digital signature and include qualifying language with those items required in paragraph (e) of this rule thoroughly describing what portions the licensee is taking responsibility for.

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(d), 668.006 FS. History—New 11-3-15.

61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) No change.

~~(2) A professional engineer utilizing an electronic signature to electronically sign and seal engineering plans, specifications, reports or other documents using the Florida Department of Transportation (FDOT) Professionals' Electronic Data Delivery System (PEDDS) software shall:~~

~~(a) Create a "signature" file that contains the licensee's given name, the licensee's license number, a brief overall description of the engineering documents to be signed and sealed, a list of the electronic files to be signed and sealed, and the SHA-1 authentication code or Secure Hash Standard for each electronic file to be signed and sealed. The SHA-1 or Secure Hash Standard authentication code is described in Federal Information Processing Standard Publication 180-4 "Secure Hash Standard," August 2015, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05976>.~~

~~(b) Create a "signature" report that contains the licensee's given name, the licensee's license number, a brief overall description of the engineering documents to be signed and sealed and the SHA-1 authentication code of the signature file;~~

~~(c) Print and manually sign, date and seal the signature report in compliance with Rule 61G15-23.003, F.A.C.;~~

~~(d) Transmit the signed, dated and sealed signature report to the receiving party along with the signed, dated and sealed signature file, either by hardcopy or electronic scan, if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009; and,~~

~~(e) The signature file is considered to be signed and sealed if the signature file's authentication code matches the authentication code on the manually signed, dated and sealed signature report. Each electronic file listed within the signed and sealed signature file is considered to be signed and sealed if the listed SHA-1 authentication code in the signature file matches the electronic file's SHA-1 authentication code.~~

(3) A professional engineer utilizing an electronic signature to ~~electronically~~ sign and seal engineering plans, specifications, reports or other documents ~~other than through the FDOT PEDDS system~~ shall:

(a) Create a static electronic version, such as PDF, of the engineering document(s) that is to be ~~electronically transmitted signed and sealed~~;

(b) No change

(c) Create a printable “signature report” that contains the licensee’s given name, the licensee’s license number, and a list of the electronic files to be signed and sealed that includes a brief description of each engineering document and the SHA-1 authentication code of each engineering document;

(d) Print and ~~physically manually~~-sign, date and seal the “signature report” in compliance with Rule 61G15-23.003, F.A.C.; and,

(e) Transmit the signed, dated and sealed “signature report” to the receiving party along with each electronically signed, dated and sealed engineering document either by hardcopy or electronic scan, ~~if~~ scanned and sent electronically. ~~the~~The hardcopy ~~of the~~ signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C. Each engineering document is considered to be electronically signed and sealed if the document’s SHA-1 authentication code matches the SHA-1 authentication code on the physically signed, dated and sealed “signature report.”

(4) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) through (b) No change.

~~(c) A scanned, facsimile, digitally created or copied image of the licensee’s signature shall not be used on electronically signed and sealed engineering plans, specifications, reports or other documents.~~

~~(c)(d)~~The engineering plans, specifications, reports or other documents being electronically signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. No change.

2. The item has been electronically signed and sealed using a SHA-1 authentication codes; and,

3. Printed copies of the document are not considered signed and sealed and all SHA-1 authentication code must be verified on any electronic copies.

~~(d)(e)~~Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, to accept the proposed rule amendments as presented, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

(e) Email from Mr. Said – Re: Rule 61G15-30.009

Mr. Bracken addressed this email and stated that no action was necessary because this is addressed in our rules.

(f) Letter from Mr. Barrineau – Re: Rule 61G15-31.008

Mr. Bracken addressed the letter and stated that the committee discussed this issues, and the committee felt that there was no conflict between the two.

(g) Email from Ms. Hill – Re: Shop Drawings

This item is still being reviewed and will be brought back to the Board at a later date.

#5. Joint Engineer/Architect Task Force Committee

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

#6. Structural Rules Committee

(Kevin Fleming, P.E., Chair; Anthony Fiorillo, P.E., S.I.; John Pepper, P.E., S.I.; Babu Varghese, P.E., S.I.)

(Public Advisors to the committee: Doug Barkley, P.E., FES Representative; Ron Milmed, FSEA Representative)

(a) Committee Chair's Report.

Mr. Fleming reported on the mission of the committee.

(b) Minutes from March 13, 2017 Committee Meeting*

Approved under consent agenda.

(c) Public Hearing on Rule 61G15-35.003 (SI Application) & Comments from JAPC (Exhibit G#6c) moved to Advisory Attorney's Report

(d) Public Hearing on Rule 61G15-35.004 (Exhibit G#6d) moved to Advisory Attorney's Report

(e) Email from Mr. Pepper/Mr. Schock – Re: Background on Threshold Inspections and Legislative History

Mr. Fleming addressed the email from Mr. Schock. Discussion followed. The Board asked that Ms. Raybon make a formal request/public records request for the legal research on threshold inspections and legislative history.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to authorize Ms. Raybon to make a formal request/public records request for the legal research on threshold inspections and legislative history, the motion passed.

#7. Electrical Rules Committee **(Next Meeting: TBD)**

(Kevin Fleming, P.E., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

(Public Advisors to the committee: Charlie Geer, FES, FSEA Representative; Art Nordlinger, P.E., IEEE Representative; Alfonso Fernandez-Fraga, P.E.; Ralph Painter, P.E.)

(a) Committee Chair's Report.

Mr. Fleming stated that the committee has met and will be meeting again in May.

#8. CE Rules Committee **(Next Meeting: TBD)**

(Kenneth Todd, P.E., Chair; William Bracken, P.E., S.I.; Babu Varghese, P.E., S.I.;)
(Public Advisors to the committee: William Dunn; Art Nordlinger, P.E.; Fred Bloetscher;
Patrick Ferland; Jamie Gold; Gerry Ward; Al Garza; Rick Barber; Brett Cunningham)

(a) Committee Chair's Report

Mr. Todd stated that the committee has met four times since the last meeting and has put together a list of concerns for the committee. Mr. Todd stated that there was a concern that he would like input from the Board on, specifically that when the audit was done roughly 19% could not provide the required documentation. Mr. Todd asked what the Board can do to lower that number. Discussion followed. Mr. Rimes mentioned that the Board may want to look at removing the word "random" from the CE rule dealing with the audit.

(b) Minutes from January 25, 2017 Committee Meeting*

Approved under consent agenda.

(c) February 14, 2017 Committee Meeting*

Approved under consent agenda.

(d) Minutes from March 7, 2017 Committee Meeting*

Approved under consent agenda.

(e) Minutes from March 21, 2017 Committee Meeting*

Approved under consent agenda.

H. NCEES

(William Bracken, P.E., FBPE Liaison for 2017 NCEES Southern Zone Meeting)

#1. 2017 NCEES Southern Zone Meeting Information

Provided for informational purposes.

I. Advisory Attorney's Report

#1. Rules Report

Mr. Harris presented the Rules Report for the Board's review and consideration.

Mr. Harris discussed the proposed rule amendments to Rule 61G-15-35.003 and the changes to the application:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on threshold buildings and two (2) years of experience in the structural design of threshold buildings. ~~after having achieved licensure as a professional engineer.~~ For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on Threshold Buildings and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C. at the time of application.

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/~~TBI~~/006 (02/17) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/~~TBI~~/006 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06472>.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/~~TBI~~/006.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name;
2. Florida license number;
3. A list of projects submitted for experience credit. For each project identified, the following shall be clearly listed:
 - a. The beginning and ending experience dates;
 - b. The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and
 - c. a description of work performed sufficient to clearly demonstrate that the minimum qualification criteria has been met;
4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;
5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and
6. Completed form FBPE/~~TBI~~/006.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

~~(3) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., shall also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.~~

(4) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Board office.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 553.79(5)(a), FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 2-28-16, 6-6-16, _____.

Mr. Harris addressed the concerns from JAPC and asked if we could remove the Date of Birth and replace it with a request for the PE Number.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to accept the proposed rule amendments as presented and the amended changes to application, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Pepper, seconded by Mr. Dove, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Pepper, seconded by Mr. Dove, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

Mr. Harris discussed the proposed rule amendments to Rule 61G15-35.004:
Rule 35.004:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective July 1, 2016, those qualifications shall include:

(a) Licensure as a professional engineer or architect; or

(b) Graduation from a four-year engineering education program in civil, structural or architectural engineering; or

(c) Possession of a professional Architecture degree; or

(d) Registration as a building inspector or general contractor; or

(e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work; or

(f) Possess current certifications in the following area(s) at the time of submission of the Threshold Building Affidavit;

1. If inspecting ~~Prior to inspection of~~ concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications of such certification established by ACI on January 1, 2013;

2. If inspecting ~~Prior to inspection of~~ masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013;

3. If inspecting ~~Prior to inspection of~~ post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on January 1, 2013;

4. If inspecting ~~Prior to inspection of~~ structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013 or AISC on January 1, 2013;

5. If inspecting ~~Prior to inspection of~~ soil related components, certification from the International Code Council in basic soil special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013.

(3) Special Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) Special Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization of relevant check lists, use of a Daily Inspection Report and insuring that the Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Rulemaking Authority 471.008 FS. Law Implemented 471.015(7) FS. History—New 3-21-01, Amended 4-5-04, 5-6-09, 2-4-13, 12-23-15.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to accept the proposed rule amendments as amended:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective July 1, 2016, those qualifications shall include:

(a) Licensure as a professional engineer or architect; or

(b) Graduation from a four-year engineering education program in civil, structural or architectural engineering; or

(c) Possession of a professional Architecture degree; or

(d) Registration as a building inspector or general contractor; or

(e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work; or

(f) Possess current certifications in the following area(s) at the time of submission of the Threshold Building Affidavit;

1. ~~If inspecting~~ ~~Prior to inspection of~~ concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications of such certification established by ACI on or before January 1, ~~2013~~ 2017;
 2. ~~If inspecting~~ ~~Prior to inspection of~~ masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on or before January 1, ~~2013~~ 2017;
 3. ~~If inspecting~~ ~~Prior to inspection of~~ post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on or before January 1, ~~2013~~ 2017;
 4. ~~If inspecting~~ ~~Prior to inspection of~~ structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on or before January 1, ~~2013~~ 2017 or AISC on or before January 1, ~~2013~~ 2017;
 5. ~~If inspecting~~ ~~Prior to inspection of~~ soil related components, certification from the International Code Council in basic soil special inspection pursuant to the qualifications for such certification established by ICC on or before January 1, ~~2013~~ 2017;
- (3) Special Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.
- (4) Special Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Rulemaking Authority 471.008 FS. Law Implemented 471.015(7) FS. History—New 3-21-01, Amended 4-5-04, 5-6-09, 2-4-13, 12-23-15.

The motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

#2. Review of Chapter 61G15 for compliance with section 120.695(2) F.S.

Mr. Harris stated that an entire copy of 61G15 is included in the meeting materials. The Board needs to review the rules to see if any other rules could be resolved with an issues of noncompliance. This has to be certified to the legislature and the governor by June 30.

#3. New Application for Certificate of Authorizations and Draft New Rule 61G15-20.100, F.A.C.

Mr. Harris discussed the proposed new rule and application:

61G15-20.100 Certificates of Authorization

(1) Pursuant to section 471.023, Florida Statutes, the practice or offer to practice engineering or engineering services to the public through a business organization is permitted only if the business organization possesses a Certificate of Authorization issued by the Board. In addition, Certificates of Authorization must be renewed every two (2) years, and each business organization issued a Certificate of Authorization must notify the Board of any change in the name of the business organization or the business organization's qualifying Professional Engineer within thirty (30) days of such change.

(2) Applications for an initial Certificate of Authorization or renewal of a Certificate of Authorization, or notification of the change of name of the business organization or of the qualifying Professional Engineer, shall be made on Form FBPE/030, 04/17, Application for Certificate of Authorization, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/certificate-of-authorization/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> . All applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C. *Rulemaking Authority 471.008, 471.011(1), FS. Law Implemented 471.023, FS. History—New.*

Upon motion by Mr. Pepper, seconded by Mr. Todd, to accept the proposed rule as amended and the amended changes to application:

(1) Pursuant to section 471.023, Florida Statutes, the practice or offer to practice engineering or engineering services to the public through a business organization is permitted only if the business organization possesses a Certificate of Authorization issued by the Board. In addition, Certificates of Authorization must be renewed every two (2) years, and each business organization issued a Certificate of Authorization must notify the Board of any change in the name of the business organization or the business organization's qualifying Professional Engineer within thirty (30) days of such change.

(2) Applications for an initial Certificate of Authorization or ~~renewal~~ of a Certificate of Authorization, or notification of the change of name of the business organization or of the qualifying Professional Engineer, shall be made on Form FBPE/030, 04/17, Application for Certificate of Authorization, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/certificate-of-authorization/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> . All applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C. *Rulemaking Authority 471.008, 471.011(1), FS. Law Implemented 471.023, FS. History—New .*

The motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly

increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

#4. Refresher on Public Records

Mr. Harris addressed the issue of public records and any contact between Board members including cell phone records, text messages or emails.

J. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

Ms. Raybon discussed Exhibit O#8. Discussion followed on how to handle this issue and any more issues like this in the future.

Upon motion by Mr. Pepper, seconded to by Mr. Hahn, to delegate authority to staff to approve routine retired status applications and for staff provide a list at the following Board meeting for the Board to ratify, the motion passed.

#2. Renewal Update

Ms. Raybon reported on renewal and that the renewal statistics summary that was provided.

#3. Discussion on SB 582

Ms. Raybon asked Mr. Geer to give an update on SB582. Mr. Geer stated that it looks like the bill will not pass both houses.

#4. Appoint Three Funded Delegates to the 2017 NCEES Annual Meeting in Miami, FL (August 23-26)

Ms. Raybon stated that we are entitled to three funded delegates for the 2017 NCEES Annual meeting which is being held in Miami.

The board appointed Mr. Fleming, Dr. Roddenberry and Ms. Raybon as the funded delegates. If Dr. Roddenberry is funded by NCEES because she is a committee chair, then Mr. Fiorillo will be a funded delegate.

#5. 2017 FBPE/FEMC Meeting Calendar

Provided for informational purposes

K. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes

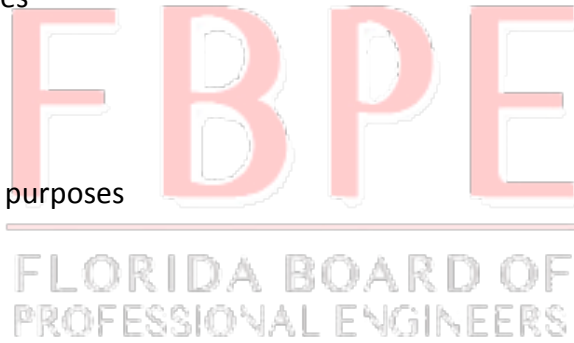
#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes

(b) Total open cases by year

Provided for informational purposes



L. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

M. Chair's Report

N. Action Items from Previous Board Meetings

#1. Email from Mr. Fey, P.E. – Fire Alarm/Fire Sprinkler System Requirements

#2. Email from Kathy McKinney-Tovar – Re: Question about PE Certification of SPCC Plans in Florida

O. Correspondence to the Board

#1. Email from Mr. Andrew Schrader, P.E. – Re: Update from Recent FBC Joint Meeting

Provided for informational purposes

#2. Letter from Mr. Doug Thaler – Re: Thank You

Provided for informational purposes

#3. Email from Alex Baki – Re: Questions concerning the change to PE Licensure

This competition has already taken place.

#4. Email from Mr. Rob Harrell – Re: Truss Design Drawings – Rule 61G15-31.003(5)

Mr. Fleming addressed the email. Discussion followed. This item was referred to the Rules committee.

#5. Email from Mr. Eric Sauer – Re: Engineers operating an sUAS

Mr. Fleming addressed the email. Discussion followed. The Board decided that this is outside the Board's jurisdiction.

#6. Email from Robyn Weitknecht, P.E. – Re: Digital Signatures and Certification Authorities

Mr. Rimes discussed this issue of certification authority. Discussion followed.

Mr. Rimes stated that staff can respond with the basic language from the rules and statute.

This item was referred to the Rules Committee for further review and to ask for more information from this individual and DocuSign.

#7. Email from John Marchioni – Re: ATCH CoSign/DocuSign

This item was handled under item number #6.

#8. Email/Complaint from Mr. Iman Lanier – Re: Retired Status Application Process

Mr. Fleming will respond.

Part II
Informal Hearing Agenda
(Thursday, April 13, 2017)

Review of FBPE Mission and Scope:

FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.

P. Ratification of Actions from Application Review, April 12, 2017

Ms. Sammons stated that the ratification list needs to be amended to state that FE applicant Abel Camberio Herrera was reviewed and conditionally approved by Ms. Ferguson and Mr. Todd for lacking three (3) hours of general education.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the ratification list as amended, the motion passed.

Q. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Jeffery Conley

Mr. Conley was present and sworn in prior to addressing the Board.

Mr. Harris explained the basis of the denial of Mr. Conley's application. Mr. Conley holds an AS in Civil Engineering Technology– Delaware Technical & Community College and a BS in Structural Design and Construction Engineering Technology – Penn State University- Harrisburg-The Capital College. The denial of the application is based on education. Mr. Conley has a technology degree.

Upon motion by Mr. Hahn, seconded by Ms. Boza, that Mr. Conley was properly served with the notice of intent to deny and timely requested a hearing before the board, the motion passed.

Upon motion by Mr. Hahn, seconded by Ms. Ferguson, to accept into evidence the complete application file and the supplemental materials contained in the meeting materials, the motion passed.

Mr. Harris stated that Mr. Conley is arguing that according to the Florida endorsement statute there are two routes for being licensed in Florida. The first is that he satisfy the requirements for licensure by examination, as set out in FS 471.013 and the other route is based on FS 471.015(3)(b), which specifically says that a license can be issued to an individual by endorsement if the standards in the other state were substantially the same as Florida's standards at the time the applicant was licensed in the other state.

Mr. Harris stated that although Mr. Conley requested a hearing involving disputed issues of material fact, there do not appear to be any disputed issues of material fact, but rather a legal dispute about the interpretation and application of the statute's terms. Upon motion by Mr. Hahn, seconded by Ms. Boza, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact for the denial, the motion passed.

Mr. Conley addressed the Board.

Discussion followed.

Mr. Harris stated that we are discussing FS 471.015(3)(a) & (b) as it relates to Mr. Conley's technology degree and him being licensed in other states with the technology degree and a requirement to have additional experience. Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that there are no material facts in dispute, that his application for licensure be denied based on the legal conclusions that an engineering degree is necessary requisite to licensure in Florida and as a matter of law, the licensure standards of another state that allows a technology degree with additional experience are not substantially the same as Florida's licensure criteria, the motion passed.

Mr. Harris mentioned that Mr. Conley would be getting a final order and he will have a denial on his record but he might have to report this denial to any other state that he applies. Mr. Harris mentioned that he could withdraw his application and the final order would not be issued. Mr. Conley stated that he would not withdraw his application and he wanted the final order issued.

R. Informal Hearing on Denial of Application for Principles and Practice Examination

#1. Irina Perez Lara

Mr. Harris discussed the basis for denial of Ms. Lara's application. Ms. Lara holds a BS in Civil Engineering from Higher Polytechnic Institute Jose Antonio Echeverria, Cuba. Ms. Lara was denied based on experience. Ms. Lara submitted an Election of Rights form requesting a hearing involving disputed issues of material fact ("Formal Hearing"). Pursuant to section 120.569(2)(c), F.S., a Petition for a Formal Hearing must include the items required by uniform Rule 28-106.201, F.A.C., including a statement of all disputed issues of material fact and a statement of the specific facts the petitioner contends warrant reversal of the Board's decision. Ms. Lara was notified by letter dated November 23, 2016 of the requirement to submit a Petition which contained this mandatory required information within twenty-one (21) of days of receipt of that letter. No petition was received within the required 21-day period. Since Ms. Lara did not provide the required information within the mandated 21-day period, pursuant to section 120.569(2)(c), F.S., the Board may deny the request for a formal hearing, and instead provide a hearing not involving disputed issues of material fact ("Informal Hearing").

Upon motion by Mr. Bracken, seconded by Ms. Ferguson, no legally sufficient petition was filed that would warrant referral to DOAH for a formal hearing, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that Ms. Lara's request for a formal hearing be denied and she be granted a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that Ms. Lara was properly served with the notice of intent to deny and she was offered the option of hearing and the Board is holding a 120.57(2), F.S. hearing not involving disputed issues of material facts and Ms. Lara is not present, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to accept into evidence the complete application file contained in the meeting materials, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact for the denial which are that Ms. Lara's experience is not creditable as engineering experience as demonstrating her fitness to be placed in responsible charge of engineers and her work experience was not done under the supervision of an engineer, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the Board adopt the conclusions of law from the notice of intent to deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to allow Ms. Lara five business days to withdraw her application upon notification of the status of this hearing, the motion passed.

S. Board Appearance on Application for Principles and Practice Examination

#1. Joseph Lisiecki

Mr. Lisiecki was present and sworn in prior to addressing the Board. Mr. Harris discussed the reason for the appearance.

Mr. Lisiecki holds a BS in Mechanical Engineering from University of North Florida. At the January 10, 2017 Application Review, the Application Committee of the Florida Board of Professional Engineers requested asked that Mr. Lisiecki provided more details on projects including the names of the project. After providing the requested information, the Application Committee of the Florida Board of Professional Engineers re-reviewed his application with the supplemental materials and are now requesting that Mr. Lisiecki appear to explain his experience.

Mr. Lisiecki addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the application of Mr. Lisiecki, the motion passed.

T. Board Appearance on Application for Licensure by Endorsement

#1. Veronica Narvaez-Lugo

Ms. Lugo was present and sworn in prior to addressing the Board. Mr. Harris discussed the reason for the appearance.

Ms. Lugo holds BS in Civil Engineering – University of Puerto Rico, Mayaguez Campus and a MS in Technology Management – University of Phoenix. At the July 19, 2016 Application Review, the Application Committee of the Florida Board of Professional Engineers denied the application based on experience. Ms. Lugo requested to supplement. At the November 18, 2016 Application Review, the Application Committee of the Florida Board of Professional Engineers asked Ms. Lugo to appear to explain her experience. (Ms. Lugo asked to have her appearance delayed until April 2017 due to health reasons).

Ms. Lugo addressed the Board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Pepper, to approve the application of Ms. Lugo, the motion passed.

U. Hearing on Petition for Waiver and Variance of Rule 61G15-35.003(1)

#1. Gregory Reinke

Mr. Bracken addressed the petition and the application of Mr. Reinke.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, to grant the petition, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that not granting the petition would violate the principles of fairness, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, to approve the SI application of Mr. Reinke, the motion passed.

Part III
Disciplinary Hearings
(Thursday, April 13, 2017)

V. INFORMAL HEARING

- #1. RHH Consulting & Engineering Group
FEMC Case Number: 2015050230
Probable Cause Panel Date: July 19, 2016
Probable Cause Panel: Fiorillo, Fleming, & Matthews

Mr. Rimes stated that this case was continued from the February Board meeting to allow RHH Consulting to make changes to their website. Mr. Rimes outlined the facts of the case. The charges relate to a violation of 471.023, FS: Offering Engineering Services without a Certificate of Authorization.

Mr. Rimes stated that this is an Informal Hearing and at the February Board meeting, the Board moved the entire file in evidence.

Mr. Rimes also stated that Mr. Hunkins sent an email stating that he would not be attending the Board meeting due to a business engagement.

Mr. Rimes stated that changes have been made but now there is audio on their website which reflects that they offer engineering services.

The Probable Cause Panel Recommendation was Administrative Complaint:
Administrative Fine of \$5,000.00; Administrative Costs of \$273.20; Reprimand.

The file went before the full Board on February 02, 2017. The website was not sufficiently updated and continued to contain information, which in the Board's opinion, offered engineering services. The Board directed Mr. Hunkins to remove all of the language related to the offer of engineering services and to appear before the full Board at its regularly scheduled meeting in April 2017. FEMC Investigator Wendy Anderson provided a recording of that February Board Meeting to Mr. Hunkins on March 15, 2017. As of March 28, 2017 modifications have been made to the website

Upon motion by Mr. Bracken, seconded by Mr. Todd, to accept into evidence the email from Mr. Hunkins about his attendance at the Board meeting and the audio from their website, the motion passed.

Upon motion by Mr. Bracken, seconded by Ms. Ferguson, that the alleged violations in the administrative complaint do violate the practice act, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to impose a maximum fine of \$5,000, the motion passed.

Mr. Rimes discussed what action the Board could take if RHH does not pay the fine and that it would be involve going to circuit court and seeking injunctive relief. Discussion followed.

W. DEFAULT

#2. Stephen Gaydosh, P.E.
P.E. Number: 38464
FEMC Case Number: 2016012649
Probable Cause Panel Date: January 10, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Mr. Jeffery A. Hegewald, Esquire

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

Mr. Rimes stated that Mr. Gaydosh returned the signed Settlement Stipulation last week.

Upon motion by Mr. Todd, seconded by Ms. Boza, that the respondent was properly served with the complaint and failed to file an election of rights required by law within the required time, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Pepper, that by failing to respond in writing as required by law the respondent has waived his right to request a hearing and to grant the motion that the respondent has forfeited his right to an administrative hearing under section 120.569 and 120.57(1) and convene a hearing under section 120.57(2), F.S., the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to admit the complete investigate file into evidence, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Varghese, that the Board adopt the findings of facts contained within the complete file including the administrative complaint as the board's findings of facts and to accept the conclusions of law contained in the allegations of law contained in the administrative complaint as the Board's conclusions of law and find the facts as established constitute a violation of law, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Pepper, to suspend his license immediately until appearance before the Board and the Board reserves the right to impose further discipline as the board deems warranted, the motion passed.

X. REQUEST FOR REINSTATEMENT OF INACTIVE LICENSE

#3. Aldo Messulam

FEMC Case Number:

2014017182

Mr. Rimes addressed the request from Mr. Messulam.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to reactive his license effective immediately, the motion passed.

Y. Old Business

#1. Review and Approval of Signing and Sealing Webinar - provided prior to the meeting to the board members via email

Mr. Bracken discussed the webinar. Discussion followed.

Upon by Mr. Hahn, seconded by Mr. Todd, to approve the Signing and Sealing webinar and have staff post the webinar on the FBPE website, the motion passed.

Z. New Business

AA. Public Forum

BB. Adjourn

Next Board Meeting: June 21-22, 2017
Crowne Plaza Orlando Universal
7800 Universal Blvd.
Orlando, FL 32819

