

**Florida Board of Professional Engineers
Rules Committee Minutes
July 17, 2017
2 p.m. – FBPE Office via conference call
Tallahassee, FL**

1. Call to Order, Roll Call, Determination of Quorum and Address Absences

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

Committee Members Present:

William Bracken, P.E., S.I., Chair
Roland Dove, P.E.
Kevin Fleming, P.E.
Warren Hahn, P.E.

Others:

Larry Harris, Assistant Attorney General, Board Counsel

Staff Present:

Zana Raybon, Executive Director
Rebecca Sammons, Assistant Executive Director

Committee Members Absent:

Elizabeth Howard, Public Member

2. Introduction of Guests and Announcements

Kim VanKeuren, ATC
William Garret, ATC
Wendy Anderson, FEMC Investigator

3. Review/Open **Rule 61G15-19.0051 – Notice of Noncompliance**

Mr. Harris went over the proposed language to Rule 61G15-19.0051. Discussion followed on the proposed language.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to approve the proposed amended changes to Rule 61G15-19.0051 as follows:

61G15-19.0051 Notice of Noncompliance.

(1) As an alternative to investigation and prosecution, when a complaint is received, FEMC shall provide a licensee with a notice of noncompliance for an initial offense for the following violations:

- (a) Failure to date documents when affixing signature and seal.
- (b) Practice with an inactive or delinquent license less than one month.
- (c) Firm practicing without a current certificate of authorization less than one month.
- (d) Failing to report a criminal conviction or plea of nolo contendere, regardless of adjudication, pursuant to Section 455.227(1)(t), F.S., if the licensee self-reports after 30 days from the date of conviction or plea but within one (1) year after the date of the conviction or plea.
- (e) Failure to complete a Board approved Advanced Building Code as required by Rule 61G15-22.001 (3) prior to submission of engineering documents in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, to an Authority Having Jurisdiction.

(2) A second offense shall result in issuance of a citation pursuant to Rule 61G15-19.0071, F.A.C.

Rulemaking Authority 455.225 FS. Law Implemented 455.224 FS. History–New 4-2-00, Amended 5-5-10, 8-26-13.

The motion passed.

Mr. Bracken talked about the auditing of licensees for CEU and getting more information from staff and bringing this information to the full board for their input.

4. Open Rule 61G15-20.018 – Application for Low Income and Military Veterans Fee Waiver

Mr. Harris went over the proposed rule language and the proposed applications.

Mr. Harris stated that there are some formatting changes and wording changes that need to be made to the application but he would like to recommend that the committee proceed with the rule and application and the revised application will be brought to the full board in August.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Dove, to approve the proposed rule as follows:

61G15-20.018 Application for Low Income and Military Veterans Fee Waiver

(1) Pursuant to sections 455.02(3)(b) and 455.219(7)(a), F.S., the Board shall waive the initial application and licensing fees for members of the Armed forces and their spouses or surviving spouses. Application for waiver of the initial application and licensing fees shall be made on Form FBPE/XXX, 08/17, Military Member/Veteran/Spouse Application for Fee Waiver and Military Service Verification, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> .

(2) Pursuant to section 455.219(7)(a), F.S., the Board shall waive the initial licensing fee for a low-income individual, as defined in that section. Application for waiver of the initial licensing fee by a low-income individual shall be made on Form FBPE/XXX, 08/17, Application for Low Income Waiver of Initial Licensing Fee, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/zzzzzzzzzz> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> .

Rulemaking Authority 455.02(3), 455.219(7), FS. Law Implemented 455.02(3), 455.219(7), FS. History–New _____.

The motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Dove, to approve the proposed applications with the caveat that staff and Mr. Harris will revise them based on formatting and grammatical needs and bring the final applications to the board in August. The motion passed.

5. Review/Open Rule 61G15-21.007 – Re-Examination

Mr. Harris went over the proposed rule language and the proposed applications.

Mr. Harris stated that there are some formatting changes and wording changes that need to be made to the application but he would like to recommend that the committee proceed with the rule and application and the revised application will be brought to the full board in August.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to approve the proposed amended rule language as follows:

61G15-21.007 Re-examination; Additional requirements after third failure; Examinations in additional disciplines.

(1) Re-examinations. Any applicant desiring to retake either Fundamentals or Principles and Practice of the examination must reapply to the Board by submitting a completed application and remitting the appropriate reapplication fee. Applicants wishing to retake Fundamentals of Engineering shall reapply using Form FBPE/XXX, Application for Fundamentals of Engineering Re-Examination, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-zzzzzzzzzz/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> . Applicants wishing to retake Principles and Practices of Engineering, shall reapply using Form FBPE/YYY, Application for Principles and Practice Re-Examination, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/zzzzzzzzzz/> 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.

(2) Additional Requirements after third failure. If an applicant fails three (3) times to pass either the examination, the applicant must take additional courses in order to reapply for

examination. The applicant may either:

~~(a1)~~ Submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a) and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(c), F.A.C.; or

~~(b2)~~ Submit evidence of completion of one of the following board approved engineering examination review courses; the selected course must cover content for the examination in the engineering discipline the applicant intends to take.

~~i.(a)~~ Schools with an ABET approved engineering program;

~~ii.(b)~~ Kaplan Engineering Education;

~~iii.(c)~~ School of PE;

~~iv.(d)~~ Testmasters Educational Services, Inc.;

~~v.(e)~~ SmartPros, Ltd.;

~~vi.(f)~~ Professional Publications, Inc.; or

~~vii.(g)~~ State and National Engineering Professional Associations approved by the Board.

(3) Examination in additional engineering discipline. Applicants wishing to take the Principles and Practices of Engineering Examination in an additional engineering discipline shall apply on Form FBPE/ZZZ, Application for Additional Discipline, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/zzzzzzzz/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> , and submit the required application fee.

Rulemaking Authority 455.217(2), 471.008 FS. Law Implemented 455.217(2), 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08, 11-3-15.

The motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to approve the proposed applications with the caveat that staff and Mr. Harris will revise them based on formatting and grammatical needs and bring the final applications to the board in August. The motion passed.

6. Review/Open **Rule 61G15-23.004 – Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents** (emails from April 2017 FBPE Board meeting)

Mr. Bracken mentioned that this issue was brought to the committee after it was presented to the board at the April 2017 board meeting and it relates to certification of engineers identities authenticated by a third party certification party. Mr. Rimes talked about this issue, the rule and the board's position on this issue in the past.

Ms. VanKeuren addressed the committee on how DocuSign works and ATC uses it. Mr. Garrett addressed this also. Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that this not in violation of our current rules and it does not have to be an independent third party certification authority but it cannot be the actual person signing and sealing. The motion passed. The committee would suggest looking at this and defining it and putting it in our rules (there does need to be some type of recognition towards some type of standard that an individual couldn't just set up a series of shells and do this).

7. Review/Open **Rule 61G15-31.003 – Design of Structures Utilizing Prefabricated Wood Trusses** (email from April 2017 FBPE Board meeting)

Mr. Bracken discussed this email. Discussion followed. The committee decided no change to the rules were required.

8. Old Business

9. New Business

10. Adjourn

- a. Date, Time and Location of Next Rules Committee Meeting
November 8, 2017 at 8:30 a.m. **(via conf. call)**
FBPE Office
2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303

