

**Florida Board of Professional Engineers
Rules Committee Minutes
March 13, 2018
1 p.m. – FBPE Office via conference call
Tallahassee, FL
888-392-4560**

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
Kevin Fleming, P.E.
PJ Shah, P.E.
Elizabeth Howard, Public Member

Others:

Larry Harris, Assistant Attorney General, Board Counsel

Staff Present:

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

2. Introduction of Guests and Announcements

Kenneth Todd, P.E., FBPE Chair
Warren Hahn, P.E.
Bruce Tumin, P.E.
Wendy Anderson, FEMC Investigator
Scott Drury, P.E., FBPE Board Member

3. Review/Open **Rules 61G15-20.0018 – Application for Low Income and Military Veterans Fee Waiver and Rule 61G15-20.0019 – Active Duty Armed Forces Member/Spouse Application for Licensure** (proposed rules, proposed forms and comments from JAPC, proposed forms)

Mr. Harris went over the rule and application and stated that the application forms were initially approved by the by the board in August. Mr. Harris stated that staff has been working on getting the final draft of the forms ready pursuant to new requirements from statute and

coordinating with DBPR to ensure consistency with the requirements. Mr. Harris also stated that he has included in the materials the comments from JAPC on our applications, the comments from JAPC on the applications proposed by DBPR and the response from DBPR to the comments from JAPC. Discussion followed.

Mr. Harris went over the comments from JAPC on our proposed applications.

The committee made the following recommendations in response to the comments from JAPC:

- Form MVL 002 – Page 4, Section III- Affirmation – Mr. Harris will respond
- Form FBPE/LI 001 – Page 3, Section II – Fee Waiver Requirements – to incorporate the federal poverty guidelines in our rules
- Form FBPE/LI 001 – Page 4, Section III – Mr. Harris will respond
- Form FBPE/MVL 003 – Page 2 - to correct the title at the top of the application as suggested
- Form FBPE/MVL 003 – correct the citations as noted
- Form FBPE/MVL 003 – page 6 & 7, Section III(a) & (b) - to remove the background questions

4. Review/Open **Rule 61G15-22.006 – Demonstrating Compliance**

Mr. Harris went over the proposed language and why the language is being proposed. Discussion followed.

The committee recommends the following change to Rule 61G15-22.006:
61G15-22.006 Demonstrating Compliance; Audits; Investigations.

(1) In order to demonstrate compliance with continuing education requirements, licensees must affirmatively declare completion of the continuing education requirements upon licensure renewal.

(2) The Board will randomly audit a minimum of three percent (3%) of licensees to assure that the continuing education requirements are met.

(a) In addition, licensees audited in the previous biennium who failed to demonstrate compliance will be included with the group of licensees audited for the current renewal cycle.

(b) A failure to produce documentation of compliance with continuing education requirements during an audit will result in the opening of a disciplinary complaint against the licensee for violation of paragraph 61G15-19.001(6)(s), F.A. C. If a violation is proven, the penalty shall be within the guidelines established by paragraphs 61G15-19.004(2)(g)4.i., F.A.C.

(3) The licensee shall retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the continuing education pursuant to an audit for four (4) years from the date of completion of the continuing education activity.

In addition, the Board shall use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

(4) In addition to auditing licensee compliance as provided in subsection (2), to monitor licensee compliance with continuing education requirements, any investigation conducted pursuant to

section 455.225, F.S. shall be expanded to include investigation of compliance with continuing education requirements.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3) FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 455.225(1)(a), 471.008, 471.017(3) FS. History—New 9-16-01, Amended 7-13-04, 8-20-12, .

5. Review/Open **Rule 23.004 and 23.005**

Mr. Harris went over the proposed language from the December 2017 FBPE board meeting. Mr. Harris stated that the board received a comment on the proposed rule.

Discussion followed on the concerns of the PE and how to address his concerns.

Mr. Bracken will mark up the rule and bring to the board meeting in April and he asked staff to attach the exhibit to the proposed changes that he will be submitting.

6. Review/Open **Rule 61G15-24.001 – Fees (offering a sliding scale on the renewal fee for renewing early)**

Mr. Harris stated that this rule is on the committee agenda because staff and the board asked about offering a sliding scale on renewal fees based on when a PE renews in order to provide incentives for early renewal and to reduce the staff workload in the days before the renewal deadline. Discussion followed on how to do this and the dates for the reduced fee. Staff was asked to bring a recommendation to the full board at the April 2018 board meeting.

7. Review/Open **Rule 61G15-27.001 – Procedures for a Successor Professional Engineer Adopting as His Own Work of Another Engineer**

Mr. Fleming talked about the memo and the proposed changes.

Discussion followed on the proposed language.

The committee recommends the following change to the full board:

61G15-27.001 Procedures for a Successor Professional Engineer Adopting As His Own the Work of Another Engineer.

(1) A successor professional engineer seeking to reuse already sealed ~~contract documents~~ plans, prints, engineering specifications and/or engineering calculations used for permitted works under the successor professional engineer's seal must be able to document and produce upon request evidence that he has in fact recreated all the work done by the original professional engineer. In other words, calculations, site visits, research and the like must be documented and produceable upon demand. Further, the successor professional engineer must take all professional and legal responsibility for the ~~documents~~ plans, prints, engineering specs

and/or engineering calculations used for permitted works which he sealed and signed and can in no way exempt himself from such full responsibility. Plans, prints, engineering specifications and/or engineering calculations used for permitted works need not be redrawn by the successor professional engineer; however, justification for such action must be available through well kept and complete documentation on the part of the successor professional engineer as to his having rethought and reworked the entire design process. A successor professional engineer must use his own title block, seal and signature and must remove the title block, seal and signature of the original professional engineer before reusing any sealed ~~contract documents~~ plans, prints, engineering specifications and/or engineering calculations used for permitted works.

(2) Prior to sealing and signing work a successor professional engineer shall be required to notify the original professional engineer, his successors, or assigns ~~by certified letter to the last known address of the original professional engineer~~ of the successor's intention to use or reuse the original professional engineer's work. Notification shall be by certified letter or other verifiable communication to last known physical or electronic address of the original professional engineer. The successor professional engineer will take full responsibility for the drawing plans, prints, engineering specifications and/or engineering calculations used for permitted works as though they were the successor professional engineer's original product.

Specific Authority 471.033(2) FS. Law Implemented 471.033(1)(j), 471.005(6) FS. History—New 8-25-87, Amended 4-21-88, 8-3-88, Formerly 21H-27.001.

8. Review/Open **Rule 61G15-32.004 - Design of Water Based Fire Protection Systems** (at the request of Mr. Hahn and as follow up to the email from Mr. Bruce Tumin in Oct. 2017)

Mr. Bracken talked about the rule.

Mr. Hahn talked about the rule, why it was on the agenda and that it may require a sub-committee.

Mr. Tumin addressed the committee on why the rule should be changed. Mr. Hahn talked about establishing a technical committee on this issue.

Mr. Harris advised the committee that looking at the proposed language as it has been supplied to the committee that there may be anti-trust issues with the proposed changes. Discussion followed.

Mr. Todd mentioned that he would at establishing a subcommittee on this issue at the April Board meeting.

9. Discussion on 3rd Party Authorizations (email from Mr. Bracken-Jan./Feb. 2018 FBPE Board meeting)

Mr. Bracken discussed this form and it was decided after discussion with the committee and staff that this form is not needed.

10. Old Business

11. New Business

12. Adjourn

a. Date, Time and Location of Next Rules Committee Meeting

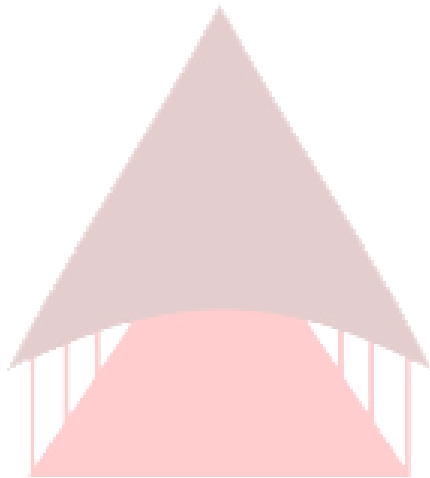
July 17, 2018 at 1pm. **(via conf. call)**

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FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS