Minutes for
The Florida Board of Professional Engineers
August 7, 2019 beginning at 1:00 p.m. or soon thereafter and
August 8, 2019 beginning at 8:30 a.m., or soon thereafter
The Shores Resort & Spa
Daytona Beach Shores, Florida

Part I – Wednesday, August 7, 2019

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

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

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

Board Members Present:
Kenneth Todd, P.E., Chair
Babu Varghese, P.E., S.I., Vice Chair
Kevin Fleming, P.E.
Dylan Albergo, P.E.
Scott Drury, P.E.
Pankaj (PJ) Shah, P.E.
Vivian Boza, Public Member

Attorney General's Office:
Lawrence Harris, Senior 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

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

Andrew Lovenstein, P.E., FSEA
Art Nordlinger, P.E., IEEE
Fraser Howe, P.E., ASCE, Florida Section
Chris Farr, FASPE
Eric Knauth, P.E., FASPE
Billy Smith, FASPE
Satya Lory, P.E., FEMC Board Member
Angelina Fairchild, P.E., FES

Charles Davis, Professor, Valencia College

TIME CERTAIN OF 1:30 PM - This is item is under Board Correspondence:

#1. Letter from Jeffrey Buckholz, P.E. to Gov. DeSantis – Re: FBPE Response to his request for clarification on peer review

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

Upon motion by Ms. Boza, seconded by Mr. Albergo, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

Upon motion by Ms. Boza, seconded by Mr. Albergo, to approve the consent agenda, the motion passed.

Mr. Fleming would like to amend the language on page 13 –June 2019 FBPE Minutes under section "R" dealing with that Sergio Pena to say "…that experience demonstrated by Mr. Pena is exempt from chapter 471." The motion passed.

#1. Minutes from June 5-6, 2019 FBPE Board Meeting*

Approved as amended under consent agenda.

#2. Minutes from July 1, 2019 FBPE Board Meeting Conference Call*

Approved under consent agenda.

#3. Minutes from July 17, 2019 FBPE Probable Cause Panel Meeting*

Approved under consent agenda.

#4. Minutes from July 18, 2019 FBPE Board Meeting Conference Call*

Approved under consent agenda.

#5. Minutes from July 26, 2019 FBPE Ratification Conference Call*

Approved under consent agenda.

#6. Application for Retired Status*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: September 11, 2018 at 8:30am)**
(Robert Matthews, P.E., Chair; Kevin Fleming, P.E.; Scott Drury, P.E.) (Alternate Current Board Member: P.J. Shah, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) Committee Chair's Report.

Mr. Drury mentioned that a county was issuing engineering licenses to contractors and this item will be on the next board agenda.

#2. Applications Review – Experience Committee **(Next Meeting: September 11, 2019 at 1pm via conference call)**
(PJ Shah, P,.E., Chair; Dylan Albergo, P.E.; Scott Drury, P.E.; Kevin Fleming, P.E.; Kenneth Todd, P.E.; Babu Varghese, P.E., S.I.,)

(a) Committee Chair's Report.

#3. Applications Review – Education Committee **(Next Meeting: September 11, 2019 at 3pm via conference call)**
(Babu Varghese, P.E., S.I., Chair; Scott Drury, P.E.; PJ Shah, P,.E.; Kenneth Todd, P.E.) (Alternate Members: Vivian Boza, Public Member)

(a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: August 7, 2019 at 8:30am in conjunction with the August board meeting and via conference call)**
(Kevin Fleming, P.E., Chair; Dylan Albergo, P.E.; Kenneth Todd, P.E.,)

(a) Committee Chair's Report.
Mr. Fleming stated the committee met earlier in the day and talked about five rules and will have a report on the rules later in the meeting.

#5. Fire Protection Rules Committee **(Next Meeting: TBD)**
(Scott Drury, P.E., Chair; Kevin Fleming, P.E.; Babu Varghese, P.E., S.I.)
(Public Advisors to the committee: Steve Kowkabany, P.E.; Warren Hahn, P.E.; Bruce Tumin, P.E.; Karl Thompson; Clay Whitfield)

(a) Committee Chair's Report

Mr. Drury stated that the committee has completed their work and that maybe this committee should be disbanded at the next board meeting if there is no other business for the committee.

#6. Mechanical Rules Committee **(Next Meeting: TBD)**
(Scott Drury, P.E., Chair; Kevin Fleming, P.E.)

Mr. Drury stated that the committee has not met yet and the committee needs a third board member.

#7. Joint FBPE-FEMC Committee **(Next Meeting: TBD)**
(FBPE Board Members: Kevin Fleming, P.E.; Dylan Albergo, P.E.)
(FEMC Board Members: Barney Bishop, Committee Chair, Public Member; John Stewart, Public Member)

#8. Certificate of Authorization Committee **(Next Meeting: TBD)**
(Kenneth Todd, P.E.; PJ Shah, P.E.)
(Public Advisors to the committee: Andrew Lovenstein, P.E.; Charlie Geer, P.E.)

H. NCEES
(Kenneth Todd, P.E., FBPE Liaison)

#1. 2019 NCEES Annual Meeting Information & Schedule of Events

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.

#2. Annual Regulatory Plan

Mr. Harris discussed the annual regulatory plan.

Upon motion by Mr. Albergo, seconded by Mr. Drury, to delegate the chair to finalize the plan with staff and board counsel and authorize Mr. Todd to sign the plan, the motion passed.

#3. Public Hearing on Rule 61G15-20.001 – Definitions

Mr. Harris went over the proposed rule amendment to Rule 61G15-20.001. Discussion followed on the rule amendment.

The proposed rule amendment is as follows:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) "Year" shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET or EAC/M-ABET). The term "engineering program" is synonymous with the term "engineering science" used in section 471.013(1)(a)1. and "engineering degree," as used elsewhere in this Chapter; or

(b) Engineering programs accredited by the Canadian Engineering Accreditation Board (CEAB) in 1980 or later (which, for the purpose of title 61G15, F.A.C., is considered equivalent to EAC/ABET); or

(c) Engineering technology programs accredited by the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (ETAC/ABET); or

(d) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a), ~~or~~ (2)(b), or (2)(c), above, and who:

1. holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1); or

2. holds a baccalaureate degree from an engineering technology program that is not accredited by ETAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.008(1), F.A.C.; or

(e) ~~(d)~~ In the case of an applicant who holds a non-engineering baccalaureate degree coupled with a master's and/or doctoral degree in engineering, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C. or subsection 61G15-20.008(1), F.A.C., respectively; or

(f) ~~(e)~~ Programs which have been approved by the Board of Professional Engineers under the provisions of section 455.11(3), F.S.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#4. Public Hearing on Rule 61G15-20.0010 – Application for Licensure by Examination

Mr. Harris discussed the proposed rule amendment. Discussion followed.

This rule amendment was tabled.

#5. Public Hearing on Rule 61G15-20.0015 – Application for Licensure by Endorsement

Mr. Harris discussed the proposed rule amendment. Discussion followed.

This rule amendment was tabled.

#6. Public Hearing on Rule 61G15-20.002 – Experience

Mr. Harris discussed the proposed rule amendment.

The proposed rule amendment is as follows:

61G15-20.002 Experience.

(1)(a) In order to qualify for licensure ~~meet the prerequisites for entry into the engineering examination~~, an applicant is required to have the requisite number ~~four~~ of years of acceptable experience in engineering at the time of application for licensure and ~~four years of~~ acceptable educational qualifications. In determining whether an applicant's experience background is sufficient to meet the requirements set forth in sections 471.0153~~(2)~~(21~~)~~)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in section 471.005(7), F.S. The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

(b) Because the evaluation of experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

1. The acquisition of acceptable engineering experience should logically follow and constitute an application of the engineering education previously obtained.

2. Engineering experience obtained prior to the completion of the approved engineering program ~~degree~~ is usually of a subprofessional nature. If the full-time experience is obtained within the 2 years immediately preceding completion of the approved engineering program ~~degree~~, and involves tasks and responsibilities consistent with the disciplines of engineering, experience credit may be awarded at 50% of actual time. In any event, the total engineering experience credit allowable for pregraduation experience shall not exceed 12 months.

3. Experience credit is based on a 40 hour per week full-time employment basis. Applicants whose employer authorizes or requires less than 40 hours per week may still be determined to be employed full-time but must demonstrate sufficient hours worked to establish 40 hour per week equivalency. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the pursuit of a master's or doctoral degree while obtaining full-time work experience.

4. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

5. Experience must not be obtained in violation of the licensure act.

6. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.
7. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable.
8. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
9. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of four years or more that is approved by the Board.
10. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the Board is creditable.
11. Experience may not be anticipated. The experience must have been gained by the time of the application.
12. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
13. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
14. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
15. Engineering experience gained after licensure as a Professional Engineer in another jurisdiction is creditable.
(2) In order to verify an applicant's experience record, the Board will require evidence of employment from employers or supervisors who are employed in the engineering profession or are professional engineers, who shall set forth the quality and character of the applicant's duties and responsibilities. In addition to the employer verification, an applicant must list three current personal references who are professional engineers. Should the Board find the information submitted by the applicant is insufficient or incomplete, the Board may require the applicant to supply additional references or evidence regarding the applicant's experience and background or both so that an intelligent decision may be made on whether admittance to the examination is allowable.
The Board will accept as equivalent to one year's experience a master's degree in engineering from an EAC/M-ABET-accredited program or from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level. The Board will also accept as equivalent to one year's experience a doctorate in engineering from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level. Experience equivalents will be given for the master's or doctoral degree only if the applicant has earned a prior engineering or engineering technology degree from a college or university that solely meets the requirements of a Board-approved engineering program as defined in subsection 61G15-20.001(2), F.A.C. Experience equivalents shall not be given for a master's or doctoral degree if credits earned for the degree are used to satisfy educational requirements of rules 61G15-20.007, F.A.C or 61G15-20.008, F.A.C. The combination of experience equivalents and work experience shall not exceed the number of actual months during which the experience is claimed.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#7. Public Hearing on Rule 61G15-20.006 – Educational Requirements

Mr. Harris discussed the proposed rule amendment.

The proposed rule amendment is as follows:

61G15-20.006 Educational Requirements.

(1) The evaluation of curricula and standards of accreditation for approval of degree programs required by section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in section 471.005(7), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET) and found in the applicable Annual Report of EAC/ABET or ETAC/ABET.

(2) A non-EAC/ABET or ETAC/ABET accredited engineering ~~degree~~ program ~~(hereinafter "engineering program")~~ which seeks approval pursuant to section 471.013(1)(a), F.S., shall submit the following to the Board:

(a) A completed application form "Request for Evaluation" [FBPE/007 (11-07)] and "Self-Study Report" [FBPE/008 (1-08)] hereby incorporated by reference (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303);

(b) A current catalog and student and faculty handbook.

(3) The Board's survey and evaluation of an engineering program shall consist of two elements:

(a) A review of the documents submitted by the applicant. The purpose of the review is initially to determine if the application is complete. The applicant will be notified if the application is not complete. If the application is complete, the Board will begin the survey and evaluation of the engineering program and will provide the documents to any outside consultants which the Board may retain to survey and evaluate the engineering program.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit will encompass all elements of the standards for approval set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no approval may be granted by the Board.

(4) The Meaning of Approval.

(a) Purpose.

1. Approval of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET or ETAC/ABET will be applied for approval of an engineering program.

2. In practical terms a graduate of an engineering program that has been certified by the State of Florida will be eligible for the Fundamentals and Principles and Practice examinations, or for licensure by endorsement.

3. Application for approval is entirely voluntary on the part of the school.

(b) Standards.

1. To be approved, engineering programs must meet the standards set forth by the Board in this rule as judged by the Board. These standards are sometimes stated in a fashion that is not susceptible to quantification or to precise definition because the nature of the evaluation is qualitative in character and can be accomplished only by the exercise of professional judgment by qualified persons.

2. In these standards, the words "must" and "should" have been chosen with care. Use of the word "must" indicates that Florida considers meeting the standard to be absolutely necessary if the program is to be certified. Use of the word "should" indicates that Florida considers an attribute to be highly desirable and makes a judgment as to whether or not its absence may compromise substantial compliance with all of the requirements for approval.

(5) Objectives.
(a) An essential objective of a program in engineering education leading to a Bachelor's of Science in Engineering (BSE) or Bachelor's of Science in Engineering Technology (BSET) degree must be to meet the standards herein described for approval that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify approval of a program that fails to meet the standards as set forth in this rule.
(b) Approval is granted on the basis of evidence of an appropriate balance between the size of the enrollment in each class and the total resources of the program, including the faculty, physical facilities, curricular time and methods of instruction, and the budget. If there is to be substantial change in any of the above functions, the Board must be notified in writing so that reevaluation may be instituted.
(6) Governance.
(a) Preferably an engineering school should be a component of a university that has other graduate and professional degree granting programs. The environment of a university fosters intellectual challenge, the spirit of inquiry, the seeking of new knowledge and the habit of lifelong learning.
(b) The engineering school must be accredited by an accrediting organization recognized by the U.S. Department of Education.
(7) Administration.
(a) General.
1. Administrative officers and members of an engineering school faculty must be appointed by, or on the authority of, the governing body of the engineering school.
2. If the engineering school is part of a university, the dean must have ready access to the university chief executive officer and to such other university officials as may be necessary to fulfill the dean's responsibilities. If the engineering school is not part of a university, the dean must have ready access to the chief officer of the governing body.
3. The dean must be qualified by education and experience to provide leadership in engineering education, in scholarly activity and research, and in the practice of professional engineering. The dean should have the assistance of such professional associates and staff as are necessary for administration of admissions, student affairs, academic affairs, business affairs, physical facilities and other activities normally associated with the office of the dean.
4. The manner in which the engineering school is organized, including the responsibilities and privileges of administrative officers, faculty, students and committees must be formally set forth in writing. It is through committee structure and function that faculty and at times students and others become involved in decisions concerning admissions, promotions, curriculum, library, research, etc. The number and composition of committees may vary among engineering programs.
5. A budget, showing available revenue sources and expenditures must be prepared for the engineering school at regular and specified periods. To facilitate effective planning, each engineering program should know in advance a reasonable estimate of its available operating resources.
(b) Geographically Separated Campuses.
1. If components of the program are conducted at sites geographically separated from the main campus of the engineering school, the administration of the engineering school must be fully responsible for the conduct, and maintenance of the quality of the educational experiences offered at these sites and for identification of the faculty at all sites. In order to ensure that all educational components of the school's program are equivalent in quality, the principal academic officer of each geographically separated site must be administratively responsible to the chief academic officer of the engineering school conducting the certified program. Similarly, the faculty in each discipline, in all sites, must be functionally integrated by administrative mechanisms that ensure comparable quality of the geographically separated segments of the program.
2. A large number of program sites or a significant distance between sites may require extra academic and administrative controls in order to maintain the quality of the entire program.

(c) Design and Management.

1. The program's faculty must be responsible for the design, implementation, and evaluation of the educational program. A faculty committee should undertake this responsibility with full support of the chief academic officer and staff. The curriculum of the program leading to the professional engineering or engineering technology degree must be designed to provide a general professional education, recognizing that, this alone, is insufficient to prepare a graduate for independent, unsupervised practice throughout a professional lifetime.

2. The committee responsible for curriculum should give careful attention to the impact on students of the amount of work required. The committee should monitor the content provided in each discipline in order that objectives for education of an engineer are achieved without attempting to present the complete, detailed, systematic body of knowledge in that discipline. The objectives, content, and methods of teaching and learning utilized for each segment of the curriculum, as well as for the entire curriculum, should be subjected to periodic evaluation. Undue repetition and serious omissions and deficiencies in the curriculum identified by these evaluations should be corrected. Review and necessary revision of the curriculum is an ongoing faculty responsibility.

(d) Content.

1. The engineering faculty is responsible for devising a curriculum that permits the student to learn the fundamental principles of engineering, to acquire skills of critical judgment based on evidence and experience, and to develop an ability to use principles and skills wisely in solving engineering problems. In addition, the curriculum must be designed so that students acquire an understanding of the scientific concepts underlying engineering. In designing the curriculum, the faculty must introduce current advances in the basic engineering sciences.

2. The curriculum cannot be all-encompassing. However, it must include the sciences basic to engineering and ethical, behavioral, and socioeconomic subjects pertinent to engineering. There should be presentation of material on engineering ethics and human values. The faculty should foster in students the ability to learn through self-directed, independent study throughout their professional lives.

3. The required subjects which must be offered are probability and statistics, differential calculus, integral calculus, and differential equations; general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional courses may include linear algebra, numerical analysis, and advanced calculus, life sciences (biology), earth sciences (geology), and advanced chemistry or physics.

4. The curriculum should provide grounding in the body of knowledge represented in the disciplines that support the fundamentals of engineering practice, such as, mechanics, thermodynamics, electrical and electronic circuits, and materials science. Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

5. The faculty committee responsible for curriculum should develop, and the chief academic officer should enforce, the same rigorous standards for the content of each year of the program leading to the BSE or BSET. The final year should complement and supplement the curriculum of the individual student so that each student will acquire appropriate competence in general engineering care regardless of subsequent career specialty.

6. The curriculum should include elective courses designed to supplement the required courses and to provide opportunities for students to pursue individual scholarly interests. Faculty advisors must be available to guide students in the choice of elective courses. If students are permitted to take electives at other institutions, there should be a system centralized in the dean's office to screen the student's proposed extramural program prior to approval and to ensure the return of a performance appraisal by the host program. Another system, devised and implemented by the dean, should verify the credentials of students from other schools wishing to take courses at the school, approve assignments, maintain a complete roster of visiting students, and provide evaluations to the parent schools.

(e) Evaluation of Student Performance.

1. The faculty must establish principles and methods for the evaluation of student performance and make decisions regarding promotion and graduation. The varied measures utilized should determine whether or not students have attained the school's standards of performance.

2. The faculty of each discipline should set the standards for performance by students in the study of that discipline. The faculty should review the frequency of examinations and their scheduling, particularly when the students are enrolled in several subjects simultaneously. Schools should develop a system of evaluation that fosters self-initiated learning by students rather than frequent tests which condition students to memorize details for short-term retention only. Examinations should measure cognitive learning, mastery of basic engineering skills, and the ability to use data in realistic problem solving. If geographically separated campuses are operated, a single standard for promotion and graduation of students should be applied.

3. The engineering school must publicize to all faculty members and students its standards and procedures for the evaluation, advancement, and graduation of its students and for disciplinary action. The school should develop and publish a fair and relatively formal process for the faculty or administration to follow when taking any action that adversely affects the status of a student.

4. The institutions must maintain adequate records. These records should include summaries of admission credentials, attendance, measurement of the performance and promotion of the student, and the degree to which requirements of the curriculum have been met. Evaluation of each student in each course should be part of the record.

5. Academic Counseling. The chief academic officer and the directors of all courses must design and implement a system of evaluation of the work of each student during progression through each course. Each student should be evaluated early enough during a unit of study to allow time for remediation. Course directors and faculty assigned to advise students should consider this duty a primary responsibility. All course directors or departmental heads, or their designates, should serve as expert consultants to the chief academic officer for facilitation of performance of both students and faculty.

(8) Resources for the Educational Program.

(a) Finances. The cost of conducting a certified educational program leading to the BSE or BSET must be supported by sufficient financial resources. Dependence upon tuition must not cause schools to seek enrollment of more students than their total resources can accommodate and provide with a sound education experience.

(b) Faculty.

1. Members of the faculty must have the capability and continued commitment to be effective teachers. Effective teaching requires knowledge of the discipline, and an understanding of pedagogy, including construction of a curriculum consistent with learning objectives, subject to internal and external formal evaluation. The administration and the faculty should have knowledge of methods for measurement of student performance in accordance with stated educational objectives and national norms.

2. Persons appointed to faculty positions must have demonstrated achievements within their disciplines commensurate with their faculty rank. It is expected that faculty members will have a commitment to continuing scholarly productivity, thereby contributing to the educational environment of the engineering school.

3. In each of the major disciplines basic to engineering sciences, a sufficient number of faculty members must be appointed who possess, in addition to a comprehensive knowledge of their major disciplines, expertise in one or more subdivisions or specialties within each of these disciplines.

4. In addition, engineers practicing in the community can make a significant contribution to the educational program of the engineering school, subject to individual expertise, commitment to engineering education, and availability. Practicing engineers appointed to the faculty, either on a part-time basis or as volunteers, should be effective teachers, serve as role models for students, and provide insight into contemporary engineering methods.

5. There must be clear written policies for the appointment, renewal of appointment, promotion, retention and dismissal of members of the faculty. The appointment process must involve the faculty, the appropriate departmental heads and the dean. Each appointee should receive a clear definition of the terms of appointment, responsibilities, line of communication, privileges and benefits.

6. The education of engineering students requires an academic environment that provides close interaction among the faculty members so that those skilled in teaching and research in the basic sciences can maintain awareness of the relevance of their disciplines to engineering problems.

7. The dean and a committee of the faculty must determine engineering school policies. This committee

typically consists of the heads of major departments but may be organized in any manner that brings reasonable and appropriate faculty influence into the governance and policymaking processes of the school. The full faculty should meet often enough to provide an opportunity for all to discuss, establish, or otherwise become acquainted with engineering school policies and practices.

(c) Library.

1. The engineering school library should be a major component of the school's program of teaching and learning. Attitudes of lifelong learning can only be instilled by instruction in the production, storage and retrieval of new knowledge. Use and importance of the library can be imparted to students by example of faculty.

2. The engineering students and faculty must have ready access to a well-maintained and catalogued library, sufficient in size and breadth to support the educational programs offered by the institution. The library should receive the leading national and international engineering periodicals, the current numbers of which should be readily accessible. The library and any other learning resources should be equipped to allow students to learn new methods of retrieving and managing information, as well as to use self-instructional materials. A professional library staff should supervise the library and provide instruction in its use.

3. If the library serving the engineering school is part of a university library system, the professional library staff must be responsive to the needs of the engineering school, the faculty, resident staff and students who may require extended access to a journal and reference book collection, some of which may be virtual. The librarian should be familiar with the methods for maintaining relationships between the library and national library systems and resources, and with the current technology available to provide services in non-print materials. If the faculty and students served by the library are dispersed, the utilization of departmental and branch libraries should be facilitated by the librarian and by the administration and faculty of the school.

(9) Site Visit.

(a) The site visit team shall consist of the Educational Advisory Committee and individual(s) designated by the Board who are or have been engineering educators and practitioners experienced in engineering program evaluation. The applicant must assist the Board in making all necessary arrangements for the site visit, including the opportunity to meet trustees, owners or their representatives, administrators, faculty, students, and any others connected with the program.

(b) Following the site visit, the Educational Advisory Committee will report its findings to the Board.

(10) Board Approval.

(a) Upon receipt of a report from the Educational Advisory Committee, the Board will notify the applicant of its intent to grant or deny approval. Approval must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of engineering.

(b) If the Board gives notice of its intent to deny the application for approval, the notice shall include a specific list of deficiencies and what the Board will require for compliance. The Board shall permit the applicant, on request, to demonstrate by satisfactory evidence, within 90 days, that it has remedied the deficiencies specified by the Board.

(c) If the Board gives notice of its intent to approve the application, it shall specify which type it intends to grant: provisional or full approval.

(d) Provisional approval may be granted where deficiencies exist but are not of such magnitude to warrant denial entirely. The Board shall determine the period of provisional approval, not to exceed three (3) years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of approval. The Board may, however, extend the period within which deficiencies may be remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional approval.

(e) Full approval will be granted to an engineering school which is in substantial compliance with all of the standards set forth in this rule. The school shall submit to the Board evidence of continued compliance annually.

(f) Periodic surveys and evaluations of all approved schools shall be made at least every four (4) years.
(g) Renewal applications will be evaluated on the basis of standards existing at the time renewal is acted upon by the Board. A site visit may be required as an element of the evaluation.

Upon motion by Mr. Drury, seconded by Mr. Shah, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#8. Public Hearing on Rule 61G15-20.007 – Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The proposed rule amendment is as follows:

61G15-20.007 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET must demonstrate:

(a) 30 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are in excess of the requirements of paragraph (1)(c).

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential calculus and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus. Computer skills and/or programming courses cannot be used to satisfy mathematics requirements.

2. The hours in basic sciences, must include at least two courses. These courses must be in general chemistry, calculus-based physics, biological sciences, or earth sciences (geology, ecology, or oceanography), but the two courses may not be in the same area. For an applicant who has earned both a baccalaureate degree in engineering and a graduate degree in engineering, only one of the two courses is required. Additional courses towards the requisite 30 hours of mathematics and basic sciences may include physical science, natural science, and/or an advanced science. ~~Astronomy~~, computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, construction management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: Earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level.

(c) 45 college semester credit hours of engineering science and engineering design taught within the

college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate-level engineering courses may be included to fulfill curricular requirements in this area. A maximum of six credit hours will be granted for thesis, dissertation, special topics and independent study at any level. Graphics, surveying, or engineering technology courses will not be considered to meet engineering science and design requirements. Cooperative training, practicums, internships, and continuing education activities will not receive credit.

~~(d) In addition, competency in English must be presented. Satisfactory evidence includes the following: transcripts of course work completed; course content syllabi; testimonials from employers; college level advanced placement tests; Test of English as a Foreign Language (TOEFL) scores of at least 550 on the paper-based version, 80 on the internet-based version, or 213 on the computer-based version.~~

(2) An applicant whose only educational deficiency is under paragraph (1)(b), above, shall be entitled to receive conditional approval to take the Fundamentals of Engineering examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours required in paragraph (1)(b), above.

(3) College Level Examination Programs (CLEP) examinations that are outlined at http://clep.collegeboard.org/exams may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b), above. CLEP exams in biology, chemistry, natural sciences, and/or calculus may be used to meet the requirements of paragraph (1)(a), above. For credit to be given, the applicant shall achieve a passing score as determined by CLEP; 3 credit hours shall be granted for each exam, unless the applicant provides evidence that a college or university with an EAC/ABET or accredited engineering program will grant more credit. College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.

(4) The FBPE education committee shall make the final decision regarding equivalency of education credentials and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement. The applicant requesting an equivalency determination by the Board bears the burden of presenting evidence regarding equivalency to the Board.

(5) An applicant with an engineering degree from a non-EAC/ABET-accredited degree program must request an evaluation of his or her credentials through either of the following: National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clemson, South Carolina 29678; or Joseph Silney & Associates, Inc., P.O. Box 248233, Coral Gables, Florida 33124.

(6) Credit toward meeting the education requirements will only be given for coursework with a Grade of 'C' or better.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#9. Public Hearing on Rule 61G15-20.008 – Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees

Mr. Harris discussed the proposed rule. Discussion followed.

The proposed rule is as follows:

61G15-20.008 Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees.

(1) Applicants having a baccalaureate degree in engineering technology from programs that are not accredited by ETAC/ABET must demonstrate:

(a) A minimum of 24 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are not used to satisfy the requirements of paragraph (1)(c).

1. A minimum of 9 semester hours of mathematics which must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential calculus and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus. Computer skills and/or programming courses cannot be used to satisfy mathematics requirements.

2. A minimum of 12 semester hours in basic sciences, must include at least three courses. These courses must be in general chemistry, calculus-based physics, biological sciences, or earth sciences (geology, ecology, or oceanography), but no more than two of the three courses may be in the same area. For an applicant who has earned both a baccalaureate degree in engineering technology and a graduate degree in engineering, only two courses are required. Additional courses towards the requisite 24 semester hours of mathematics and basic sciences may include physical science, natural science, and/or an advanced science. Computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) A minimum of 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, construction management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: Earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering or ETAC/ABET engineering technology program in a related discipline at the baccalaureate level.

(c) A minimum of 40 college semester credit hours of engineering technology, engineering science, or engineering design taught within the college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering technology courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Course work should incorporate hands-on laboratory work as described in ETAC/ABET criteria, and shall contain a sufficiently designed engineering technology program to provide minimal competency in the use of engineering algorithms and procedures. Graduate-level engineering courses may be included to fulfill curricular requirements in this area. A maximum of six credit hours will be granted for thesis, dissertation, special topics and independent study at any level. Graphics or surveying courses will not be considered to meet engineering technology, science and design requirements. Cooperative training, practicums, internships, and continuing education activities will not receive credit.

(d) Credit will also be given for other technical coursework that enhances the applicant's ability to practice engineering as defined in Chapter 471.005(7), F.S.
(2) An applicant whose only educational deficiency is under paragraph (1)(b), above, shall be entitled to receive conditional approval to take the Fundamentals of Engineering examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours required in paragraph (1)(b), above.
(3) College Level Examination Programs (CLEP) examinations that are outlined at http://clep.collegeboard.org/exams may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b), above. CLEP exams in biology, chemistry, natural sciences, and/or calculus may be used to meet the requirements of paragraph (1)(a), above. For credit to be given, the applicant shall achieve a passing score as determined by CLEP; 3 credit hours shall be granted for each exam, unless the applicant provides evidence that a college or university with an EAC/ABET or ETAC/ABET accredited engineering program will grant more credit. College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.
(4) An applicant with an engineering technology degree from a non-ETAC/ABET-accredited degree program must request an evaluation of his or her credentials through Joseph Silny & Associates, Inc., P.O. Box 248233, Coral Gables, Florida 33124.
(5) The FBPE education committee shall make the final decision regarding equivalency of education credentials and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement. The applicant requesting an equivalency determination by the Board bears the burden of presenting evidence regarding equivalency to the Board.
(6) Credit toward meeting the education requirements will only be given for coursework with a Grade of 'C' or better.

Upon motion by Mr. Albergo, seconded by Mr. Varghese, to propose the rule and that the proposed rule will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#10. Public Hearing on Rule 61G15-22.0001 – License Renewal

Mr. Harris discussed the proposed rule amendment and the revised application. Discussion followed.

The rule amendment is as follows:

61G15-22.0001 License Renewal.

(1) Active or Inactive Status. To renew an active or inactive status license, the licensee must remit to FEMC a completed renewal application and the biennial renewal licensure fee for active or inactive status licenses as specified by rule 61G15-24.001, F.A.C. The application form FBPE/020, 12/17, Professional Engineer License Renewal Application and Instructions, is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at https://www.flrules.org/Gateway/reference.asp?No=Ref-09413. All applications for renewal of inactive status licenses must also contain a statement certifying that the licensee has neither practiced engineering in Florida nor violated any of the provisions of section 471.033, F.S., since the date on which the license was first placed on inactive status.
(2) Delinquent status.

(a) Pursuant to section 455.271(6)(a), F.S., ~~licensees with delinquent status licenses must affirmatively apply for either active or inactive status during the renewal cycle in which the license becomes delinquent;~~ failure to renew a delinquent status license ~~do so~~ by the end of the renewal cycle renders the license void without further action by the Board.
(b) Application for renewal of a delinquent status license shall be made on form FBPE/020, and shall be accompanied by all fees as specified by section 455.271(7), F.S., and rule 61G15-24.001, F.A.C. In addition, applications for renewal of a delinquent status license must be accompanied by documentation of the licensee's compliance with the continuing education requirements established by section 471.017(3)(a), F.S., and rule 61G15-22.001, F.A.C.
(3) Members of the Armed Forces and Spouses. Members of the United States Armed Forces serving on active duty, or having been discharged within the twenty-four (24) months preceding renewal; or spouses or surviving spouses of active duty members, may renew a license as specified in sections 455.02(1) and (2), F.S. Applications for renewal shall be made by remitting to FEMC Form FBPE 040, 12/18, Renewal Application Military Change of Status, which is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at https://www.flrules.org/Gateway/reference.asp?No=Ref-10315.

Upon motion by Mr. Shah, seconded by Mr. Drury, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

The board authorized Mr. Drury to review the application and make the necessary formatting and grammatical changes as needed and then submit the final application for adoption.

#11. Public Hearing on Rule 61G15-22.0002 – Licensure Change of Status (and application)

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-22.0002 Licensure Change of Status; Reactivation; Reinstatement of Void Licenses.

(1) Active to Inactive Licensure Status Change. Licensees may inactivate their license and change their licensure status from active to inactive by remitting to FEMC a completed Application To Change Status from ACTIVE TO INACTIVE, Form FBPE/021, 12/16, and the fee specified by rule 61G15-24.001, F.A.C. The application form FBPE/021 is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at https://www.flrules.org/Gateway/reference.asp?No=Ref-07863.
(2) Reactivation of Inactive Licenses ~~to Active Licensure Status~~. Licensees may reinstate an inactive license and change their licensure status from inactive to active by remitting to FEMC a completed Application To Reactivate Inactive ~~Change~~ Status License ~~from INACTIVE TO ACTIVE~~, Form FBPE/022, 08/19~~12/16~~, the fee specified by rule 61G15-24.001, F.A.C., and proof of completion of eighteen (18) hours of continuing education obtained within the two (2) years immediately prior to application and in compliance with subsection 61G15-22.001(1), F.A.C. The application form FBPE/022 is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at https://www.flrules.org/Gateway/reference.asp?No=Ref- .
(3) Reinstatement of Void Licenses. Persons previously licensed as professional engineers in Florida may

not re-apply for licensure by examination or by endorsement pursuant to section 471.013 or 471.015, F.S. Rather, pursuant to sections 455.271(6) and 471.019, F.S., any person previously licensed as a professional engineer in Florida whose Florida license has become void must apply for reinstatement of the previous license. Application for reinstatement shall be made on form FBPE/XXX, 08/19, Application to Reinstate Void License, which is incorporated herein by reference and which may be obtained from www.fbpe.org/index.php/licensure/other-forms or at https://www.flrule.org/Gateway/reference.asp?No= . In addition to a completed application form, all applications for reinstatement shall be accompanied by the following.
(a) the fees specified by rule 61G15-24.001;
(b) documentation of satisfaction of any disciplinary obligations imposed against the void license; and
(c) documentation of one of the following.
1. Current active practice as a professional engineer in another U.S state or territory. Such documentation shall include verification of active licensure in good standing and compliance with such state or territory's continuing education requirements; or
2. Applicants not currently in active practice as a professional engineer, must provide proof of completion of thirty-six (36) hours of continuing education, including 2 hours of professional ethics and a 1 hour course in Florida Laws and Rules. With the exception of the 1 hour Florida Laws and Rules course, which can be taken online, the remaining 35 hours must be in person; online or distance learning will not be accepted.
Documentation of any or all of the above may be met by submission of an NCEES Record Number and/or NCEES CPC Tracking registration number.

Upon motion by Mr. Albergo, seconded by Ms. Boza, to propose the rule amendment and application and that the proposed rule amendment and application will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed. The board authorized Mr. Drury to review the application with the rule amendments and make the necessary formatting and grammatical changes as needed and then submit the final application for adoption with the rule.

#12. Public Hearing on Rule 61G15-22.001 – Continuing Education Requirements –

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eighteen (18) continuing education hours during each license renewal biennium as a condition of license renewal. Four (4) hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) hour shall relate to chapter 471, F.S., and the rules of the Board. The remaining hours may relate to any topic pertinent to the practice of engineering as defined in rule 61G15-22.002, F.A.C. The one (1) hour of professional ethics must be obtained from a professional ethics course approved for credit in any US jurisdiction. The one (1) hour of laws and rules required by section 471.017, F.S., must be obtained from courses approved by the Board pursuant to rule 61G15-22.0105, F.A.C.
(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.
(3) Beginning with the Fifth Edition of the Florida Building Code, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems

covered by the Florida Building Code, as identified within section 553.73(1)(a), F.S., shall:
(a) Complete at least one (1) advanced Florida Building Code course within twelve (12) months of each edition of the Florida Building Code effective date,
(b) Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Code edition year, and Code or course focus. This course may also count towards the area of practice requirement for continuing education set forth in rule 61G15-22.001, F.A.C.
(4) The Board shall approve all Advanced Florida Building Code courses. Courses submitted for approval shall have been designated an "Advanced" course by the Florida Building Commission and shall be within the discipline of civil structure, mechanical, electrical or general engineering.

Upon motion by Mr. Fleming, seconded by Ms. Boza, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#13. Public Hearing on Rule 61G15-22.006 – Demonstrating Compliance, Audits, Investigations

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

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) Licensees whose void license was reactivated during the previous renewal cycle will be included within the group of licensees audited for the current renewal cycle.
(c) 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 sub-subparagraph 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.

Upon motion by Mr. Shah, seconded by Mr. Fleming, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule

and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#14. Public Hearing on Rule 61G15-20.100 – Certificates of Authorizations

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-20.100 ~~Certificates of Authorization.~~ Qualified Business Organizations

(1) Pursuant to section 471.023, F.S., the practice or offer to practice engineering or engineering services to the public through a business organization, or by a business organization or other person practicing under a fictitious name, is permitted only if the business organization is qualified by a Florida licensed professional engineer. ~~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~~ A qualifying agent who is the professional engineer qualifying the business organization 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 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-08595. All applications must be accompanied by the fee as specified in rule 61G15-24.001, F.A.C.~~

~~(3) Applications for renewal of a Certificate of Authorization shall be made on Form FBPE/031, 06/17, Certificate of Authorization Renewal Application And Instructions, 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-08596. All renewal applications must be accompanied by the fee as specified in rule 61G15-24.001, F.A.C.~~

Upon motion by Mr. Shah, seconded by Ms. Boza, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#15. Public Hearing on Rule 61G15-19.001 – Grounds for Disciplinary Proceedings

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-19.001 Grounds for Disciplinary Proceedings.

(1) Pursuant to section 471.033(2), F.S., the Board, to the extent not otherwise set forth in Florida Statutes, hereby specifies that the following acts or omissions are grounds for disciplinary proceedings pursuant to section 471.033(1), F.S.

(2) A professional engineer shall not advertise in a false, fraudulent, deceptive or misleading manner. As used in section 471.033(1)(f), F.S., the term "advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content" shall include without limitation a false,

fraudulent, misleading, or deceptive statement or claim which:
(a) Contains a material misrepresentation of facts;
(b) Omits to state any material fact necessary to make the statement in the light of all circumstances not misleading;
(c) Is intended or is likely to create an unjustified expectation;
(d) States or implies that an engineer is a certified specialist in any area outside of his field of expertise;
(e) Contains a representation or implication that is likely to cause an ordinary prudent person to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;
(f) Falsifies or misrepresents the extent of his education, training or experience to any person or to the public at large, tending to establish or imply qualification for selection for engineering employment, advancement, or professional engagement. A professional engineer shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments;
(g) In any brochure or other presentation made to any person or to the public at large, incident to the solicitation of an engineering employment, misrepresents pertinent facts concerning a professional engineer's employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his works.
(3) A professional engineer, corporation or partnership, or other qualified business organization ("firm") shall not practice engineering under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection 61G15-19.001(2), F.A.C. When a qualified business organization or individual is practicing engineering as a sole proprietor under a combination of his own given name, and terms such as "engineering," "and associates" or "and company," then said person or qualified business organization is practicing engineering under a fictitious name, and must be qualified by a Florida professional engineer ~~register with the FBPE and obtain a registration number obtain a certificate of authorization~~ pursuant to section 471.023(2), F.S. ~~The name of a corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. An engineering firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer, registered architect, land surveyor, landscape architect, or professional geologist, in any state.~~
(4) A professional engineer shall not be negligent in the practice of engineering. The term negligence set forth in section 471.033(1)(g), F.S., is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles. Professional engineers shall approve and seal only those documents that conform to acceptable engineering standards and safeguard the life, health, property and welfare of the public.
Failure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.
(5) A professional engineer shall not be incompetent to practice engineering. Incompetence in the practice of engineering as set forth in section 471.033(1)(g), F.S., shall mean the physical or mental incapacity or inability of a professional engineer to perform the duties normally required of the professional engineer.
(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in section 471.033(1)(g), F.S., shall include, but not be limited to:
(a) Expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon;
(b) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;
(c) Performing an engineering assignment when not qualified by training or experience in the practice

area involved;
1. All professional engineer asbestos consultants are subject to the provisions of sections 469.001 – 459.014 and chapter 471, F.S., and chapter 61G15-19, F.A.C., and shall be disciplined as provided therein.
2. The approval of any professional engineer as a "special inspector" under the provisions of chapter 553, F.S., does not constitute acceptance by the Board that any such professional engineer is in fact qualified by training or experience to perform the duties of a "special inspector" by virtue of training or experience. Any such professional engineer must still be qualified by training or experience to perform such duties and failure to be so qualified could result in discipline under this chapter or chapter 471, F.S.;
(d) Affixing a signature or seal to any engineering plan of document in a subject matter over which a professional engineer lacks competence because of inadequate training or experience;
(e) Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;
(f) Becoming involved in a conflict of interest with an employer or client, without the knowledge and approval of the client or employer, but if unavoidable a professional engineer shall immediately take the following actions:
1. Disclose in writing to his employer or client the full circumstances as to a possible conflict of interest; and,
2. Assure in writing that the conflict will in no manner influence the professional engineer's judgment or the quality of his services to his employer or client; and,
3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer;
(g) Soliciting or accepting financial or other valuable considerations from material or equipment suppliers for specifying their products without the written consent to the engineer's employer or client;
(h) Soliciting or accepting gratuities directly or indirectly from contractors, their agents or other parties dealing with the professional engineer's client or employer in connection with work for which the professional engineer is responsible without the written consent of the engineer's employer or client;
(i) Use by a professional engineer of his engineering expertise and/or his professional engineering status to commit a felony;
(j) Affixing his seal and/or signature to plans, specifications, drawings, or other documents required to be sealed pursuant to section 471.025(1), F.S., when such document has not been personally prepared by the engineer or prepared under his responsible supervision, direction and control;
(k) A professional engineer shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows or has reason to believe is engaging in business or professional practices of a fraudulent or dishonest nature;
(l) If his engineering judgment is overruled by an unqualified lay authority with the results that the public health and safety is threatened, failure by a professional engineer to inform his employer, responsible supervision and the responsible public authority of the possible circumstances;
(m) If a professional engineer has knowledge or reason to believe that any person or firm is guilty of violating any of the provisions of chapter 471, F.S., or any of these rules of professional conduct, failure to immediately present this information to FEMC;
(n) Violation of any law of the State of Florida directly regulating the practice of engineering;
(o) Failure on the part of any professional engineer or qualified business organization ~~certificate holder~~ to obey the terms of a final order imposing discipline upon said professional engineer or qualified business organization ~~certificate holder~~;
(p) Making any statement, criticism or argument on engineering matters which is inspired or paid for by interested parties, unless the professional engineer specifically identifies the interested parties on whose behalf he is speaking, and reveals any interest he or the interested parties have in such matters;
(q) Sealing and signing all documents for an entire engineering project, unless each design segment is signed and sealed by the professional engineer in responsible charge of the preparation of that design segment;
(r) Revealing facts, data or information obtained in a professional capacity without the prior consent of the professional engineer's client or employer except as authorized or required by law.

(s) Renewing or reactivating a license without completion of Continuing Education (CE) hours and subject areas as required by section 471.017, F.S., and rule 61G15-22.001, F.A.C.
(7) A professional engineer who performs building code inspector or plans examiner duties in accordance with section 471.045, or 468.603(6), (7), F.S., shall be subject to disciplinary action for commission of the following:
(a) Violating or failing to comply with any provision of chapter 471, F.S., or the rules of the Board of Professional Engineers;
(b) Having been convicted of a crime in any jurisdiction which directly relates to the practice of building code inspection or plans examination;
(c) Making or filing a false report or record, inducing another to file a false report or record, failing to file a report or record required by state or local law, impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.
(8) A professional engineer shall not be negligent in the practice of engineering while performing duties as a special inspector. Negligence is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering and special inspection principles. Failure to comply with the procedures set forth in the Responsibility Rules for Professional Engineers Providing Threshold Building Inspection, as adopted by the Board of Professional Engineers, shall be considered non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the engineer.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#16. Public Hearing on Rule 61G15-19.004 – Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners (including qualified business organizations ~~registered with the Board holders of certificate of authorization~~) guilty of violating chapter 471, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of chapter 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of chapter 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board's discretion. All impositions of probation as a penalty shall include successful completion

of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Other terms may be imposed by the Board at its discretion.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Violating any provision of section 455.227(1), 471.025 or 471.031, F.S., or any other provision of chapter 471, F.S., or rule of the Board or Department. (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S.)	Reprimand and $1,000.00 fine, to One (1) year suspension, two (2) years' probation and $5,000 fine.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
1. Failure to sign, seal or date documents. (Section 471.025(1), F.S.)	Reprimand to one (1) year probation.	Reprimand and one (1) year probation to Revocation.
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended. (Section 471.025(2), F.S.)	Suspended license: Revocation and $1,000.00 fine. Revoked license: Referral to State's Attorney's office.	Suspended license: Revocation and $5,000.00 fine. Revoked license: Referral to State's Attorney's office.
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform. (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and $1,000.00 fine; to $5,000.00 fine, one (1) year suspension and two (2) years' probation.	Reprimand, $5,000.00 fine, one (1) year suspension and two (2) years' probation to Revocation.
4. Firm practicing without <u>proper qualification</u> ~~being registered with the Board~~ ~~certificate of authorization~~. (Section 471.023, F.S., and subsection 61G15-19.001(3), F.A.C.)	~~Reprimand~~, $1,000.00 fine to ~~one (1) year suspension and~~ $5,000.00 fine.	~~Reprimand, one (1) year suspension and~~ $5,000.00 fine ~~to Revocation.~~
5. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer. (Sections 471.031(1)(a), (b), F.S.)	$1,000.00 fine to $5,000.00 fine.	$5,000.00 fine and referral to State Attorney's office.
6. Presenting as his or her own the	$1,000.00 fine to	$5,000.00 fine and

license of another. (Section 471.031(1)(c), F.S.)	$5,000.00 fine.	referral to State Attorney's office.
7. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter. (Sections 471.031(1)(d), (g), F.S.)	$1,000.00 fine to $5,000.00 fine and suspension.	Reprimand and $5,000.00 fine to Revocation.
8. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to chapter 455 or 471, F.S. (Sections 471.031(1)(f), and 455.227(1)(j), F.S.)	$1,000.00 fine and reprimand; to $5,000.00 and suspension.	Reprimand and $5,000.00 fine to Revocation.
9. Having been found liable for knowingly filing a false complaint against another licensee. (Section 455.227(1)(g), F.S.)	$1,000.00 fine and reprimand; to $5,000.00 per count and suspension.	Reprimand and $5,000.00 fine to Revocation.
10. Failing to report a person in violation of chapters 455, and 471, F.S., or the rules of the Board or the Department. (Section 455.227(1)(i), F.S.)	Reprimand to $5,000.00 and suspension for one (1) year.	Reprimand and $5,000.00 fine to Revocation.
11. Failing to perform any statutory or legal obligation. (Section 455.227(1)(k), F.S.)	Reprimand to one (1) year suspension and a $1,000.00 fine.	Reprimand and a $5,000.00 fine to Revocation,
12. Exercising influence on a client for financial gain. (Section 455.227(1)(n), F.S.)	Reprimand to one (1) year suspension and $5,000.00 fine.	Reprimand and $5,000.00 fine to Revocation.
13. Improper delegation of professional responsibilities. (Section 455.227(1)(p), F.S.)	$1,000.00 fine and probation for one (1) year, to suspension.	Reprimand and $5,000.00 fine to Revocation.
14. Improperly interfering with an investigation or inspection or disciplinary proceeding. (Section 455.227(1)(r), F.S.)	$1,000.00 fine and probation for one (1) year; to suspension.	Reprimand and $5,000.00 fine to Revocation.
(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department. (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)	One (1) year suspension and $1,000.00 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney.	Revocation and $5,000.00 fine if licensed; if not licensed, denial of license and referral to State Attorney.
(c) Having a license to practice engineering acted against or denied by another jurisdiction. (Sections 471.033(1)(c) and 455.227(1)(f), F.S.)	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes.	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes.
(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to, a crime which relates to the practice or ability to practice. (Sections 471.033(1)(d) and	Depending on the severity of the crime, from Reprimand $1,000.00 fine, and one (1) year probation, to	Depending on the severity of the crime, from one (1) year suspension with 2 years' probation to

455.227(1)(c), F.S.)	Revocation.	Revocation.
2. Conviction of crime related to building code inspection or plans examination. (Paragraph 61G15-19.001(7)(a), F.A.C.)	Reprimand $1,000.00 fine, and one (1) year probation.	One (1) year suspension with 2 years' probation to Revocation.
(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing. (Sections 471.033(1)(e), 455.227(1)(l), F.S., and paragraph 61G15-19.001(7)(c), F.A.C.)	Reprimand and $1,000.00 fine to one (1) year suspension, two (2) years' probation.	One (1) year suspension, 2 years' probation, and $1,000.00 fine, to Revocation and $5,000.00 fine.
(f) Fraudulent, false, deceptive or misleading advertising. (Sections 471.033(1)(f), F.S., and subsection 61G15-19.001(2), F.A.C.)	Reprimand to one (1) year probation and $5,000.00 fine.	One (1) year probation and $5,000.00 fine to Revocation.
(g) Fraud, deceit, negligence, incompetence or misconduct. (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	Reprimand, two (2) years' probation and $1,000 fine, to one (1) year suspension and $5,000.00 fine.	One (1) year suspension and $5,000.00 fine to Revocation.
2.a. Negligence. (Subsection 61G15-19.001(4), F.A.C.)	Reprimand, two (2) years' probation and $1,000 fine, to $5,000.00 fine, five (5) year suspension and ten (10) years' probation.	Two (2) years' probation and $1,000.00 fine, to $5,000.00 fine and Revocation.
b. Negligence in procedural requirements. (Subsections 61G15-30.003(2), (3) and (5), F.A.C.; rules 61G15-30.005 and 61G15-30.006, F.A.C.)	Reprimand to two (2) years' probation and $1,000.00 fine.	Two (2) years' probation and $1,000.00 fine, to $5,000.00 fine and Revocation.
c. As a special inspector.	Reprimand, two (2) years' probation and $1,000 fine, to $5,000.00 fine.	Two (2) years' probation and $1,000.00 fine, to $5,000.00 fine and Revocation.
3. Incompetence. (Subsection 61G15-19.001(5), F.A.C.)	Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation.	Suspension until ability to practice proved followed by two (2) year probation, to Revocation.
4. Misconduct. (Subsection 61G15-19.001(6), F.A.C.)	Reprimand and $1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and $5,000.00 fine.

a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion. (Paragraph 61G15-19.001(6)(a), F.A.C.)	Reprimand and $1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and $5,000.00 fine.
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion. (Paragraph 61G15-19.001(6)(b), F.A.C.)	Reprimand and $1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and $5,000.00 fine.
c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies. (Paragraph 61G15-19.001(6)(e), F.A.C.)	Reprimand, $5,000.00 fine per count and suspension for five (5) years, to Revocation.	Five (5) years suspension to Revocation.
d. Soliciting or accepting gratuities without client knowledge. (Paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine, to one (1) year suspension, two (2) years' probation and $5,000.00 fine.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
e. Failure to preserve client's confidence. (Paragraph 61G15-19.001(6)(r), F.A.C.)	Reprimand, one (1) year probation and $1,000.00 fine, to one (1) year suspension, two (2) years' probation (if pecuniary benefit accrues to engineer).	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
f. Professional judgment overruled by unqualified person. (Paragraph 61G15-19.001(6)(l), F.A.C.)	Reprimand, one (1) year probation and $1,000.00 fine, to one (1) year suspension, two (2) years' probation and $5,000.00 fine.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
g. Use of name/firm in fraudulent venture. (Paragraph 61G15-19.001(6)(k), F.A.C.)	Reprimand, one (1) year probation and $1,000.00 fine, to $5,000.00 fine, one (1) year suspension and two (2) years' probation.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
h. Undisclosed conflict of interest. (Paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand, $1,000.00 fine and two (2) years' probation, to Revocation and $5,000.00 fine.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.

i. Renewing or reactivating a license without completion of continuing education hours. (Paragraph 61G15-19.001(6)(s), F.A.C.)	Reprimand, $1,000.00 fine, to suspension until licensee demonstrates compliance.	One (1) year suspension and $1,000.00 fine to Revocation.
(h) Violating any provision of chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	Depending on the severity of the violation, Reprimand and $1,000.00 fine per count, to $5,000.00 fine and revocation.	Depending on the severity of the violation, One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
(i) Practicing on a revoked, suspended, inactive or delinquent license, <u>or through a business organization not properly qualified.</u> (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. Delinquent license.	Fine based on length of time in practice while inactive; $100.00/month or $1,000.00 maximum, renewal of license or cease practice.	
2. Inactive license.	Fine based on length of time in practice while inactive; $100.00/month or $1,000.00 maximum, renewal of license or cease practice.	
3. Suspended license.	Revocation and $1,000.00 fine.	
4. Revoked license.	Referral to State Attorney.	Referral to State Attorney.
<u>5. Business Organization not properly qualified</u>	<u>Reprimand; $500 fine to $5,000.00 fine, and one (1) year suspension</u>	<u>One (1) year suspension and $5,000.00 fine to Revocation</u>
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control. (Section 471.033(1)(j), F.S., and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and $1,000.00 fine, to $5,000.00 fine, one (1) year suspension and two (2) years' probation.	One (1) year suspension, two (2) years' probation and $5,000.00 fine to Revocation.
(k) Violating any order of the board or department. (Sections 471.033(1)(k), 455.227(1)(q), F.S., and paragraph 61G15-19.001(6)(o), F.A.C.)	Depending on the severity of the violation, from Suspension until compliant with the order of the Board and $1,000.00 fine, to	Depending on the severity of the violation, Suspension until compliant with the order of the Board and $1,000.00 fine, to

	Revocation and $5,000.00 fine.	Revocation and $5,000.00 fine.
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	$1,000.00 fine and probation for one (1) year, to $5,000.00 fine and suspension.	Reprimand and $5,000.00 fine to Revocation.
(m) Failing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction. (Section 455.227(1)(t), F.S.)	Reprimand to $5,000.00 fine.	Six (6) month suspension to $5,000.00 fine and Revocation.

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty. The fact that an Administrative Law Judge of the Division of Administrative Hearings may or may not have been aware of the below mentioned aggravating or mitigating circumstances prior to a recommendation of penalty in a Recommended Order shall not obviate the duty of the board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.
4. Violation of the provision of the practice act wherein a letter of guidance as provided in section 455.225(3), F.S., has previously been issued to the licensee.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.
3. Restitution of any damages suffered by the licensee's client.
4. The licensee's professional standing among his peers including continuing education.
5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#17. Public Hearing on Rule 61G15-19.0051 – Notice of Noncompliance

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is 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) Licensee practicing through a business organization ~~Firm~~ ~~practicing~~ that is not properly qualified with the Board ~~a current certificate of authorization~~ for 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 course as required by subsection 61G15-22.001(3), F.A.C., 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.

(f) Failure to produce documentation of compliance with continuing education requirements within sixty (60) days of notification to the licensee of the requirement to produce said documentation – paragraph 61G15-22.006(2)(b), F.A.C.

(g) Failure to comply with the location, content, or formatting requirements of paragraphs 61G15-23.004(3)(a)-(d) or 61G15-23.005(4)(a)-(d), F.A.C.

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

Upon motion by Ms. Boza, seconded by Mr. Fleming, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#18. Public Hearing on Rule 61G15-19.0071 – Citations

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-19.0071 Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in section 455.224, F.S., and which is served upon a licensee or qualified business organization ~~certificateholder~~ for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in section 455.225, F.S., FEMC is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been ~~duly~~ properly qualified with the board ~~certified~~. The fine shall be $100 for each month or fraction thereof of said activity, up to a maximum of $5,000. (See sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) Practice with an inactive or delinquent license more than one month or if a Notice of Noncompliance

has previously been issued for the same offense. The fine shall be $100 for each month or fraction thereof. (See section 471.033(1)(i), F.S.)
(c) Business organization ~~Firm~~ practicing without being properly qualified with the board ~~a current certificate of authorization~~ more than one month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be $100 for each month or fraction thereof. (See Section 471.023, F.S.)
(d) Failure to notify the Board of a change in the principal officer of the corporation or partner in a partnership who is the qualifying professional engineer for said corporation or partnership within one month of such change. The fine shall be $500. (See section 471.023(4), F.S.)
(e) Unlicensed practice of engineering. The fine shall be up to $250 for each month depending on the severity of the infraction practice, up to a maximum of $5,000.00. (See section 455.228(3)(a), F.S.)
(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Professional Engineers. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of section 471.033(1)(k), F.S., which will result in further disciplinary action. All fines and costs are to be made payable to "Florida Engineers Management Corporation – Citation."
(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.
(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to chapter 119, F.S., unless otherwise exempt from the provisions of chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to rule 61G15-19.004, F.A.C.
(7) Subsequent violation(s) of the same rule or statute shall require the procedure of section 455.225, F.S., to be followed. In addition, should the offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of section 455.255, F.S., shall apply.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#19. Public Hearing on Rule 61G15 – Chapter 35 - Responsibility Rules of Professional Engineers providing Threshold Building Inspection

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:
61G15-35.001 General Responsibility. (Repealed)
61G15-35.002 Definitions. (~~Repealed)~~
61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.
61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services.
61G15-35.00**5** Qualification Program for Special Inspectors **(Limited)** of Threshold Buildings
61G15-35.00**6** Common Requirements to All Engineers Providing **Inspection Services for the restoration/repair of Threshold Building**

61G15-35.002 Definitions.

(1) Special Inspectors of Threshold buildings, also referred to as Threshold Inspectors can perform inspections on all threshold buildings per Section 553.79(5)(a)

(2) Special Inspectors of Threshold buildings (Limited), also referred to as Threshold Inspectors (Limited) can only perform inspections on the restoration/repair of the threshold buildings and shall not be permitted to do the inspections on the new construction of threshold buildings.

61G15-35.003 Same as before
61G15-35.004 Same as before

61G15-35.005 Qualification Program for Special Inspectors (Limited) **of Threshold Buildings.**

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings (Limited), also referred to as Threshold Inspectors (Limited), 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 of repair/restoration of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of threshold buildings. 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 the repair/restoration of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and possess each of the certifications identified in paragraph 61G15-35.006(2)(f), F.A.C., at the time of application.

(2) Applications.

(a) The instructions and application form for Special Inspector (Limited)**,** Form FBPE/??? (08/18) is hereby incorporated by reference, "Application for Special Inspector (Limited) Certification." Copies of Form FBPE/??? 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-____.

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

(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.

a. Project descriptions. For each project identified, the following shall be clearly listed: (I) The beginning and ending experience dates,

(II) The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and,

(III) A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria have been met, including the components designed or inspected and details of the threshold/special inspection plan.

b. Credible experience. The Board will only grant experience for work on projects identified pursuant to sub-subparagraph (2)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in engineering basis. No additional experience credit is allowed for overtime work in excess

of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management).
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/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) Roster of Special Inspectors (Limited). 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.

61G15-35.006 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors (Limited).
(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 January 1, 2017, 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 certification(s) in the following area(s);
1. If inspecting 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, 2017 and certification from International Concrete Repair Institute (ICRI) in Structural Concrete Repair pursuant to the qualifications for such certification established by ICRI on January 1, 2016.
2. If inspecting 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, 2017,
3. If inspecting 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, 2017,
4. If inspecting 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, 2017 or AISC on January 1, 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.

Upon motion by Mr. Varghese, seconded by Mr. Albergo, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#20. Public Hearing on Rule 61G15-23.001 – Signature, Date and Seal shall be Affixed

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

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 <u>qualified</u> business <u>organization,</u> the title block shall contain the printed name <u>and</u> address ~~and certificate of authorization number~~ of the engineering <u>qualified</u> business <u>organization</u>.

(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 qualified ~~authorized~~ engineering business organization; the printed name and address ~~and certificate of authorization number~~ of the qualified engineering business organization.
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 qualified ~~authorized~~ engineering business organization; the printed name and address ~~and certificate of authorization number~~ of the qualified engineering business organization.
(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.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#21. Public Hearing on Rule 61G15-24.001 – Schedule of Fees

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:

61G15-24.001 Schedule of Fees.
(1) Pursuant to Section 471.011, F.S., the Board hereby establishes the following fees for applications, licensing and renewal, temporary registration, late renewal, licensure by endorsement, reactivation fee, and replacement of certificate.
(2) Engineering licensure fees (individuals and firms):
(a) Application fee for licensure by examination or endorsement – $125.00 non-refundable.
(b) Initial license fee – $100.00.
(c) Biennial renewal fee – $93.75.
(d) Delinquency fee – $25.00.
(e) Temporary license (individual) – $25.00.
(f) Temporary license (qualified business organization) ~~Certificate of Authorization (firm) –~~ $50.00.
~~(g) Application fee for a Certificate of Authorization (firm) – $125.00 non-refundable.~~

~~(h) Initial fee for Certificate of Authorization – $100.00.~~
~~(i) Biennial Renewal fee for Certificate of Authorization (firm) – $93.75.~~
RENUMBER (j) – (p) ACCORDINGLY
(j) Inactive Status fee – $125.00.
(k) Reactivation fee – $150.00.
( ) Reinstatement fee - $150.00
(l) Change of Status fee (Active/Inactive) – $93.75.
(m) Duplicate Certificate – $25.00.
(n) Special Inspector Certification fee – $100.00.
(o) Application fee for Special Inspector Certification – $125.00.
(p) Engineer Intern Endorsement fee – $100.00.
(3) Engineer Intern application fee – $30.00.
(4) Continuing Education provider fees:
Application fee for continuing education provider status – $250.00.
(5) Unlicensed Activity Fee collected by the Department of Business and Professional Regulation pursuant to Section 455.2281, F.S. – $5.00.
(6) Discount for Early Renewal. For active or inactive status licensees who renew their license no later than January 15 of the year the biennium ends, the biennial renewal fee is discounted by ten dollars ($10), to $83.75. Licensees renewing after this date receive no discount and must pay the full fee specified in paragraph (2)(c). ~~There is no discount for early renewal of Certificates of Authorization.~~

Upon motion by Mr. Drury, seconded by Mr. Shah, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#22. Public Hearing on Rule 61G15-22.009 – Exemptions

Mr. Harris discussed the proposed rule amendment. Discussion followed.

The rule amendment is as follows:
61G15-22.009 Exemptions.
(1) ~~New~~ Licensees who have achieved licensure by examination~~, pursuant to Section 471.013, F.S.,~~ shall be exempt for their first renewal period. This exemption does not apply to licensees by endorsement, licensees who directly registered for examination with NCEES, or to licensees upon reinstatement of previously void licenses. This exemption does not apply to the requirement of section 471.0195, F.S., regarding Advanced Building Code training.
(2) Any licensee whose license is placed in retired status shall be exempt thereafter.
(3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.

Upon motion by Mr. Fleming seconded by Mr. Varghese, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#23. Public Hearing on Rule 61G15-30.0007 – Prime Professional's Responsibility

This rule was referred to the Rules Committee.

#24. Public Hearing on Rule 61G15-27.001 – Procedures for a Successor Professional Engineer Adopting As His Own the Work of Another Engineer

Mr. Harris discussed the proposed rule amendment from the Rules Committee Meeting from the earlier meeting. Discussion followed.

The rule amendment is as follows:

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 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~~ shall do so in compliance with section 471.025(4) F. S.. In other words, calculations, site visits, research and the like must be documented and producible upon demand. ~~Further, the successor professional engineer must take all professional and legal responsibility for the plans, prints, engineering specifications, 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, prints, engineering specifications, and/or engineering calculations used for permitted works.

(2) Prior to sealing and signing such work a successor professional engineer shall be required to notify the original professional engineer, his successors, or assigns 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 the last known physical or electronic address of the original professional engineer.

(3) A professional engineer's reliance upon and legal use of another's engineering work, in the normal course of providing original service, is not reuse or adoption of such other engineer's work as contemplated by section 471.025(4), F.S., and the professional engineer relying upon such work is not a "successor engineer" as used in that section. Such engineering work includes but is not limited to, geotechnical reports, soil investigation reports, legal surveys, and other works that may be sealed, but which are used to support the professional engineer's work and are not adopted as the professional engineer's original service or work product.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to propose the rule amendment and that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of $200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#25. Public Hearing on Rule 61G15-37.001 – Performance Standards and Measurable Outcomes

This rule was pulled from the agenda and no action was taken.

J. Executive Director's Report

#1. Possible ABET Changes

Ms. Raybon went over the proposed changes to the EAC/ABET criteria for the number of hours for math and basic sciences and engineering science and design. Discussion followed on the proposed change.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that the board issue a resolution of non-support of the modifications to the ABET education criteria and ask that the chair represent that fact at the NCEES annual meeting, the motion passed.

#2. Certification of DBPR Contract

Ms. Raybon stated that we are required by contract to submit a certification every year.

#3. Application for Reappointment to FEMC Board – Stephen Kowkabany, P.E.

Ms. Raybon stated that Mr. Kowkabany's term expires in October and he would like to be reappointed to the FEMC board as he is the current chair of that board.

Upon motion by Mr. Drury, seconded by Mr. Albergo, to reappoint Mr. Kowkabany to the FEMC board for another four year term, the motion passed.

#4. 2019 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#5. Proposed 2020 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.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

M. Chair's Report

N. Action Items from Previous Board Meetings

#1. Email from PE about FDOT Project Control as it relates to signing and sealing project control sheets

#2. Follow-up on Complaint about CE Provider Course

O. Correspondence to the Board

#1. Emails about adding a Plumbing Exam under the NCEES Mechanical PE Exam

Mr. Smith addressed the board regarding a request by ASPE to have a plumbing option added to the NCEES Mechanical PE exam and he stated that they need 10 states/boards to agree to support their request. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to support the proposal of ASPE that was presented to the board and delegate board staff to issue a letter on behalf of the board to NCEES memorializing said support, the motion passed.

#2. Request for Advisory Opinion concerning FAC 61G15-23.001

Mr. Harris went over the request.

Mr. Rimes discussed this issue and further discussion followed.

The board decided it needs more information before it can take action on this item.

#3. Comments on Newsletter Article by FBPE Board Member Drury

Provided for informational purposes.

#4. Letter from Jerry Finley, P.E.

Mr. Todd discussed the letter. Discussion followed.

The board decided that no response was needed.

#5. Letter from Jeffrey Buckholz, P.E. to Gov. DeSantis – Re: FBPE Response to his request for clarification on peer review –**TIME CERTAIN OF 1:30PM**

Mr. Todd discussed the letter.

Mr. Harris also discussed the letter and how the board should respond.

Mr. Harris will respond to Dr. Buckholz about the board's response from today' meeting and include information about a declaratory statement.

#6. Letter from Allen Douglas, FES Executive Director – Re: Clarification on rules as to minimum requirements on signing and sealing of electronic plans

Mr. Todd addressed the letter from Mr. Douglas. Discussion followed. FES would like the board to have some FAQ's on signing and sealing on the board's website. He has also requested that FEMC update the signing and sealing webinar to include the most recent rule change and post it on the board's website. FES will provide board staff with a list of questions that they get on a regular basis that board staff can use on for the FAQ for signing and sealing.

P. Public Forum

Q. Community Involvement

Part II
Informal Hearing Agenda
(Thursday, August 8, 2019)

R. Ratification of Actions from Application Review, August 7, 2019

Upon motion by Mr. Shah, seconded by Mr. Albergo, to approve the ratification list, the motion passed.

S. Informal Hearing on of Application for Principles and Practice Examination

#1. David Hengelbrok

Mr. Hengelbrok was present and sworn in prior to addressing the board.

Mr. Harris explained the basis for the denial. Mr. Hengelbrok holds a BS in Civil Engineering from the University of Florida. The denial was based on the fact that he lacks the required 48 months of verified engineering experience.

Mr. Hengelbrok addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Varghese, to vacate the notice of intent to deny and approve the application of Mr. Hengelbrok, the motion passed.

#2. Manasa Koppal

Mr. Harris explained the basis for the denial. Ms. Koppal holds a BS in Civil Engineering from the National Institute of Technology - Karnataka/India and an MS in Structural Engineering from Virginia Tech. The denial is based on education. Ms. Koppal lacks 4.3hours of general education.

Upon motion by Mr. Fleming, seconded by Ms. Boza, that Ms. Koppal was properly served with the notice of intent to deny and she requested a section 120.57(2), F.S. hearing not involving disputed issues of material facts; to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Ms. Koppal; that the board adopt the factual allegations in the notice of intent to deny as the board's findings of fact, the motion passed.

Upon motion by Mr. Drury, seconded by Mr. Albergo, to uphold denial of the application of Ms. Koppal but to stay the order for 10 business days to allow the applicant withdraw

her application; if the application is not withdrawn within the time period, the final order will be entered, the motion passed.

#3. Sergio Pena

Mr. Pena was present and sworn in prior to addressing the board.

Mr. Harris explained the basis for the denial. Mr. Pena holds a BS in Mechanical Engineering from Florida International University. The denial is based on the fact that he lacks the required 48 months of qualified engineering experience.

Mr. Pena stated that he took and passed the April 2019 NCEES PE Exam in Nevada.

Mr. Pena addressed the board. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Shah, to vacate the notice of intent to deny and approve his application once Mr. Pena submits an FBPE Endorsement Application (staff will move the monies and any take care of any other items necessary in moving from one application to another), the motion passed.

T. Informal Hearing on Denial of Application for Special Inspector

#1. Zachary Nord

Mr. Nord was present and sworn in before addressing the board.

Mr. Harris explained the basis for the denial. Mr. Nord's application was denied based on the fact that his design and inspection experience is for façade and waterproofing, which is not acceptable. The supplemental documents provided did not clear the deficiencies and were not completed properly.

Mr. Nord addressed the board. Discussion followed.

Mr. Nord stated that he would like to withdraw his application.

Upon motion by Ms. Boza, seconded by Mr. Albergo, to vacate the notice of intent to deny and allow the request to withdraw, the motion passed.

U. Hearing on Petition on Wavier and Variance of Rule 61G15-20.002 and take action on application

#1. Jeffrey Crain

Mr. Harris went over the basis for the petition. Discussion followed.

Upon motion by Ms. Boza, seconded by Mr. Albergo, to deny the petition and approve the application of Mr. Crain, the motion approved.

V. Request to Vacate Notice of Intent to Deny and allow to withdraw Application

#1. Everett Horton

Mr. Harris went over the request from Mr. Horton to vacate the notice of intent deny and allow him to withdraw his application.

Upon motion by Mr. Shah, seconded by Mr. Varghese, to vacate the notice of intent to deny and allow Mr. Horton to withdraw his application, the motion passed.

Part III
Disciplinary Hearings
(Thursday, August 8, 2019)

W. Settlement Stipulation

#1. LeBlanc, Dewey, P.E.

P.E. Number:	35683
FEMC Case Number:	2018019986
Probable Cause Panel Date:	November 07, 2018
Probable Cause Panel:	Matthews, Drury & Albergo
Probable Cause Panel Date:	January 16, 2019
Probable Cause Panel:	Matthews, Drury & Albergo

Mr. LeBlanc was present and sworn in prior addressing the board. Mr. LeBlanc waived the right to have counsel at the meeting.

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 and Florida Statute 471.033 (1) (a) Violating any provision of s. 455.227 (1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department.

The Probable Cause Panel recommendation was an Administrative Complaint: Administrative Costs of $1,160.25; Administrative Fine of $1,000; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from

occurring in the future. Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint: Administrative Costs of $1,160.25; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future. Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

Mr. LeBlanc addressed the board.

Upon motion by Mr. Varghese, seconded by Mr. Fleming, to accept the settlement stipulation, the motion passed.

#2. Cabrera, Norman, P.E.

P.E. Number:	74093
FEMC Case Number:	2017059599
Probable Cause Panel Date:	January 16, 2019
Probable Cause Panel:	Matthews, Drury & Albergo
Represented by:	Diane Perera, P.A.

Mr. Cabrera was present and sworn in prior addressing the board. Mr. Cabrera waived the right to have counsel at the meeting.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033, F.S.: Engaging in fraud or deceit, negligence, incompetence or misconduct, in the practice of engineering.

The Probable Cause Panel recommendation was an Administrative Complaint: Administrative Costs of $2,932.90; Administrative Fine of $1,000.00; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future. 2 years' Probation; Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; Project/Plan Reviews on Structural project at 6 and 18 month intervals; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is Administrative Costs of $2,932.90; Letter of Guidance; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; and Successful completion of the Board's Study Guide.

Mr. Cabrera addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to accept the settlement stipulation, the motion passed.

#3. Le, Khanh Q., P.E.

P.E. Number:	70935
FEMC Case Number:	2017011835
Probable Cause Panel Date:	May 07, 2018
Probable Cause Panel:	Fleming, Bracken, & Matthews
Probable Cause Panel Date:	March 13, 2019
Probable Cause Panel:	Matthews, Drury & Albergo
Represented by:	Diane Perera, P.A.

Mr. Le was present and sworn in prior addressing the board. Mr. Le waived the right to have counsel at the meeting.

Mr. Rimes outlined the facts of the meeting. 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.

The Probable Cause Panel recommendation was an Administrative Complaint: Administrative Fine of $2,000.00 (1,000.00 per count); Administrative Costs of $18,209.50; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; 2 years' Probation; Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; Project/Plan Reviews at 6 and 18 month intervals; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is Administrative Complaint: Administrative Fine of $1,000.00; Administrative Costs of $3,109.50; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; Successful completion of the Board's Study Guide. And if and when he does Fire Protection engineering services 2 years' Probation w/ Project/Plan Reviews at 6 and 18 month intervals.

Mr. Le addressed the board. Discussion followed.

Upon motion by Mr. Varghese, seconded by Mr. Shah, to accept the settlement stipulation, the motion passed.

#4. Khatri, Dilip, P.E.

P.E. Number:	73315
FEMC Case Number:	2018017604

Probable Cause Panel Date: March 13, 2019
Probable Cause Panel: Matthews, Drury & Albergo

This case was tabled until the October 2019 FBPE Board meeting.

X. Default

#5. ACS Engineering, Inc.
C.A. Number: 27235
FEMC Case Number: 2018024812
Probable Cause Panel Date: March 13, 2019
Probable Cause Panel: Matthews, Drury & Albergo

#6. ACS Engineering, Inc.
C.A. Number: 27235
FEMC Case Number: 2018030210
Probable Cause Panel Date: May 07, 2019
Probable Cause Panel: Matthews, Drury & Albergo

Mr. Rimes asked that cases 2018024812 and 2018030210 be combined and any action taken be applied to both cases. The Board granted the request and proceeded with both cases combined.

Mr. Rimes outlined the facts of the cases. The charges relate to a Section 471.033, F.S.: Engaging in fraud or deceit, negligence, incompetence or misconduct, in the practice of engineering and Section 471.033(1)(a)(violation of any provision of Chapter 471); §471.023(4), FS: …Each business organization certified under this section must notify the board within 1 month after any change in the information contained in the application upon which the certification is based.

The Probable Cause Panel recommendation was Revocation.

Upon motion by Mr. Fleming, seconded by Ms. Boza, to combine FEMC Cases: 2018024812 and 2018030210 into once case and that the respondent was properly served with the complaint and failed to file an election of rights required by law within the required time and 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 select 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. Fleming, seconded by Ms. Boza, the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of

facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to accept the PCP recommendation and revoke the license, the motion passed.

#7. Varrichio, Anthony

C.A. Number:	61582
FEMC Case Number:	2019004179
Probable Cause Panel Date:	May 07, 2019
Probable Cause Panel:	Matthews, Drury & Albergo

Mr. Rimes outlined the facts of the cases. The charges relate to a violation of §471.033(1)(k), F.S.: Violating any order of the board or department previously entered in a disciplinary hearing.

The Probable Cause Panel Recommendation was an Administrative Complaint; Administrative Costs of $52.65; Suspension of license until in compliance.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, that the respondent was properly served with the complaint and failed to file an election of rights required by law within the required time and 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 select 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. Fleming, seconded by Mr. Varghese, the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to accept the PCP recommendation as stated in the meeting materials as the discipline imposed, the motion passed.

Y. Discussion

#8. Cardona, Alberto

P.E. Number:	REVOKED
FEMC Case Number:	2017034742
Probable Cause Panel Date:	September 12, 2018
Probable Cause Panel:	Matthews, Drury & Albergo
Represented by:	Aileen Franklin, Esquire

Mr. Rimes discussed the request to have the costs waived. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to vacate the portion of the final order requiring the payment of costs due to the financial situation of Mr. Cardona, the motion passed.

Z. Continuation of Public Hearings on Rules listed under Advisory Attorney's Report (if needed)

AA. Old Business

BB. New Business

CC. Adjourn