

**Florida Board of Professional Engineers
Rules Committee Minutes
March 17, 2022 at 10 am
via video conference**

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

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

Committee Members Present:

Kevin Fleming, P.E., Chair
Scott Drury, P.E.
Denise Ramsey, P.E.

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

2. Introduction of Guests and Announcements

Wendy Anderson, FEMC Investigator
Angelina Fairchild, P.E. FES
Andrew Lovenstein, P.E., FSEA
Tom Grogan, P.E., FSEA
Alfonso Fernandez-Fraga, P.E.



3. Review/Open Rules **61G15-19.0051 and 61G15-19.0071(3)(c)** - (Email from FEMC Investigator)

Mr. Harris discussed the reason for the item being on the agenda and the proposed rule change as stated in the meeting packet. Discussion followed.

Upon motion by Ms. Ramsey, seconded by Mr. Drury, to approve the proposed language and present it to the full board at the next board meeting, the motion passed.

4. Review/Open Rule **61G15-20.006 and Rule 61G15-20.0017** – (referred from Feb. 2022 FBPE Bd Mtg)

Mr. Harris discussed the current rule, the proposed rule change and the comments from JAPC. Discussion followed.

The committee asked Mr. Harris to talk to Ms. Holladay at JAPC about the committee's concern and bring the rule back to the full board at the next board meeting.

5. Review/Open Rules **61G15-26.001(2)** - (Email from FEMC Investigator)

Mr. Rimes discussed the rule and the reason for changing it. Mr. Harris talked about the proposed rule amendment. Discussion followed.

Upon motion by Mr. Drury, seconded by Ms. Ramsey, to approve the proposed rule amendment and refer it to the full board for action, the motion passed.

6. Review/Open Rules **61G15-23.004** - (Email from FEMC Investigator)

Mr. Rimes talked about the email and the rule. Discussion followed.

Staff was directed to contact FDOT to talk about this issue.

7. **Discussion on email from Mr. Douglas Ernst – Signing/Sealing Multi-Discipline Projects**

Mr. Drury talked about this item and that the board referred it to the committee at the February 2022 board meeting.

Mr. Drury stated that in his opinion this is more of an industry problem instead of a board issue. Discussion followed.

Mr. Fleming and Mr. Harris agreed to draft a response and have this item placed on the April 2022 board meeting again for the board's review and action.

8. **Discussion on email from Mr. Fernandez-Fraga – Refrigerated warehouses and in general reports and plan reviews and inspections (email from Feb. 2022 FBPE Bd Mtg)**

Mr. Fleming talked about this issue.

Mr. Fernandez-Fraga talked about his email and that, at the February 2022 board meeting, the board mention that he may want to file a declaratory statement.

Mr. Harris described the process for filing a declaratory statement and what is needed for it. Discussion followed.

Ms. Ramsey talked about her proposed changes to the rule. Discussion followed.

Upon motion by Ms. Ramsey, seconded by Mr. Drury, to change HVAC to HVACR in the rule and add IIAR as a reference standard where the example standards are listed, the motion passed.

The proposed rule change will be referred to the full board in April for their review and action.

9. Discussion on Florida Statutes Chapter 455.275(1) – Licensee required to keep address current with the board - (Email from FEMC Investigator)

Ms. Anderson stated that the statute requires a licensee to be current with their obligations. If a licensee is under discipline and owes money but the licensee has a payment plan or fees that are not due, are they current with their obligations? Discussion followed.

Staff was asked to talk with the department about how to handle this during renewal. Inquire whether a renewal application can be opened but not allow the licensee to complete it if they are not current with their obligations and tell them the reason for not being able to renew. Staff was asked to report on this at the April board meeting, if possible.

10. Review/Open Rule 61G15-23.001 – Request by FBPE Board Member Varghese

This item was tabled and referred to the full board in April for their review and action.

11. Discussion on Structural Engineer Certification (bill in legislature)

Mr. Grogan and Mr. Lovenstein discussed the SE certification and how to handle the certification if the bill is signed by the governor. Mr. Harris stated that this is a certification that is not mandatory. Discussion followed.

FSEA is going to monitor progress, and if signed by the Governor, FSEA will draft some initial rule and application language for the Board's further consideration in order to start the discussion.

12. Old Business

13. New Business

The committee set a May 11th Rules Committee meeting at 1:30pm.

14. Adjourn