

**Florida Board of Professional Engineers
Rules Committee Minutes
March 28, 2023 @ 10am
via video conference**

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

Ms. Ramsey called the meeting to order. Ms. Sammons called roll call.

Committee Members Present:

Denise Ramsey, P.E., Chair
Yassi Myers, P.E.
John Pistorino, P.E., S.I.
James Gonzalez, 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

2. Introduction of Guests and Announcements

Wendy Anderson, FEMC Investigator
Andrew Lovenstein, PE, FSEA
Angelina Fairchild, PE, FES

3. Review/Open Rule **61G15-20.0011 – Florida Board Recognized Structural Engineer Program**

Mr. Harris discussed the proposed rule and draft application. Discussion followed.

The following proposed rule language will be presented to the full board at the April 2023 board meeting:

61G15-20.0011 Structural Engineering Recognition Program For Professional Engineers.

Pursuant to Section 471.055, F.S., the Board establishes the following minimum requirements for Florida licensed professional engineers who specialize in structural engineering and who have exceeded required minimum professional engineer licensing standards in that specialty area to receive recognition through the Structural Engineering Recognition Program for Professional Engineers.

(1) Any professional engineer currently licensed in good standing in the state of Florida who desires Recognition as a Structural Engineer in Florida shall submit [an application to the Board. The instructions and application Form FBPE/030 \(04/23\), entitled, "FBPE Application for Recognition in the Florida Structural Engineer Recognition Program" is hereby incorporated by reference, copies of which may be obtained from the Board office at 2400 Mahan Drive, Tallahassee, Florida 32308; from the Board's website at FBPE.org/FBRSE or at https://www.flrules.org/Gateway/reference.asp?No=Ref-. request to the Board. A printable online request may be found on the board's website at FBPE.org/FBRSE.](#) The Board shall Recognize only those applicants who have completed the [Application online request](#), including submission of required documentation, and who have demonstrated to the Board that they have:

(a) No Change.

(b) Prior to January 1, 2004, passed a 16-hour state-written examination equivalent in scope and content to the examination identified in paragraph (1)(a), above. For purposes of this rule, the board identifies the following examinations as equivalent in scope and content: the 16-hour Western States Structural Engineering examination OR

(c) Passed the NCEES Structural II exam plus an 8-hour state-written structural examination prior to January 1, 2011. For purposes of this rule, the board will accept the following 8-hour examinations: 8-hour NCEES Civil: Structural Examination; 8-hour NCEES Architectural Engineering Examination; 8-hour California Structural Engineering Seismic III Examination; or 8-hour Washington Structural Engineering III Examination, OR

(d) No Change.

(e) ~~Held active license(s) or registration(s) (as applicable) in any single or combination of US Jurisdictions and:~~

~~1.~~ Has at least five (5) years of experience after licensure as a Professional Engineer in any jurisdictions(s) designing significant structural engineering projects. For purposes of this rule, "significant structural engineering projects" is defined as the design of structural components and structural systems of any of the following:

~~1a.~~ Buildings three stories or greater.

~~2b.~~ Risk Category III or IV buildings, as defined by Table 1604.5 RISK CATEGORY OF BUILDINGS AND OTHER STRUCTURES in the current Florida Building Code in effect at the time of application or equivalent classification in another jurisdiction.

~~3c.~~ Vehicular Bridges ~~designed to the standards of the Federal Highway Administration or a state equivalent.~~

(f) Been Certified as a Special Inspector of Threshold Buildings pursuant to section 471.015(7), F.S. prior to February, 2016, or if so certified after February, 2016, sought certification based on principal practice in the area of structural engineering as defined in Rule 61G15-35.003(1)(a) and (b), F.A.C. Certification as a Special Inspector (Limited) will not qualify an applicant for recognition.

~~2. The license(s) and/or registration(s) must have been awarded at least 5 years prior to the application date, and must remain valid continuously through the application process, and~~

~~3. The license(s) and/or registration(s) must not have been disciplined or otherwise acted against for a violation related to the field of structural engineering.~~

(2) Any Florida Licensed PE recognized by the Florida Board may be so indicated by using the designation "Florida Board Recognized Structural Engineer" or "FRSE." A professional engineer who is recognized by the program may identify such recognition in her or his professional practice, including marketing and advertising materials.

(3) No Change.

(4) Upon submission of the [Application request form](#), the Board will timely notify an applicant of any documentation and/or information that is required to complete the request.

(a) It is the Applicant's responsibility to supply documentation/information that will enable the Board to determine that Applicant has the appropriate experience designing significant structures.

~~(b)(a)~~ Examples of documentation/information required includes, but is not limited to, written proof of passage of examinations, verifications of out of state licensure, or for applicants by experience, a signed and sealed statement of experience describing demonstrating the scope of applicant's work on significant structural engineering projects.

(b) If an applicant fails to supply any requested documentation and/or information that is required to complete the request within one (1) year of notification, the request will be presented to the Board for review and decision on the request as submitted.

(5) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.

4. Review/Open Rule 61G15-21.007 - Re-examination; Additional Requirements After Third Failure; Examinations in Additional Disciplines (referred from Feb. 2023 FBPE Bd Mtg)

Mr. Harris discussed the rule and statute and the reasons behind both. Further discussion followed.

The following proposed rule language will be presented to the full board at the April 2023 board meeting:

61G15-21.007 Re-examination; Additional Requirements After Third Failure; Examinations in Additional Disciplines.

~~(1) Re-examinations. Any applicant desiring to retake either the Fundamentals of Engineering or Principles and Practice of Engineering examination must reapply to the Board by submitting a completed application and remitting the appropriate reapplication fee. Applicants wishing to retake Fundamentals of Engineering shall reapply using Form FBPE/013, Application for Fundamentals of Engineering Re-Examination (08/17), which is incorporated by reference herein and may be obtained from [https://fbpe.org/licensure/application-process/fundamentals-examination/FE Re-Exam Application](https://fbpe.org/licensure/application-process/fundamentals-examination/FE-Re-Exam-Application) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09068>. Applicants wishing to retake Principles and Practice of Engineering shall reapply using Form FBPE/012, Application for Principles and Practice Re-Examination (08/17), which is incorporated by reference herein and may be obtained from [https://fbpe.org/licensure/application-process/principles-practices-examination/PE Re-Exam Application](https://fbpe.org/licensure/application-process/principles-practices-examination/PE-Re-Exam-Application) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09069>. All applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C.~~

~~(2) As required by section 471.013(1)(e), F.S., Additional Requirements after third failure. If an applicant fails three (3) times to pass either the Fundamentals of Engineering or the Principles and Practices of Engineering examinations, the applicant must take additional courses in order to reapply for examination. The applicant may either:~~

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

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

1. Schools with an ABET approved engineering program;
2. Kaplan Engineering Education;
3. School of PE;
4. Testmasters Educational Services, Inc.;
5. SmartPros, Ltd.;
6. Professional Publications, Inc., [PF](#)

~~(3) Examination in additional engineering discipline. Applicants wishing to take the Principles and Practices of Engineering Examination in an additional engineering discipline shall apply on Form FBPE/010, Principles and Practice Additional Discipline Application (08/17), which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/principles-practice-examination/PE-Additional-Discipline-Examination> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09070>, and submit the required application fee.~~

Rulemaking Authority 455.217(2), 471.008 FS. Law Implemented 455.217(2), 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08, 11-3-15, 2-19-18.

5. Review Open **Rule 61G15-19.004 - Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances** (referred from Feb. 2023 FBPE Bd Mtg)

Mr. Harris discussed the proposed language. Discussion followed.

The following proposed rule language will be presented to the full board at the April 2023 board meeting:

<p>i. Renewing or reactivating a license without completion of continuing education hours.</p> <p>(Paragraph 61G15-19.001(6)(s), F.A.C.)</p>			
<p>1. Failure to complete Florida Board approved Laws and Rules or Professional Ethics course prior to renewal.</p>	<p>Remedial action only, complete Florida Laws and Rules Study Guide.</p>	<p>\$250 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to hours required for biennial renewal OR completion of Auburn University Online Ethics Course.</p>	<p>Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.</p>
<p>2. Failure to complete Board approved Laws and</p>	<p>Remedial action only, complete Florida Laws and</p>	<p>\$500 fine and 2 hours live or live streaming CE for each</p>	<p>Reprimand, one (1) year suspension,</p>

Rules and Professional Ethics prior to renewal	Rules Study Guide.	hour of missing CE, in addition to hours required for biennial renewal OR completion of Auburn University Online Ethics Course.	completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
3. Failure to complete any state's Laws and Rules and/or Professional Ethics courses.	Remedial action only, complete Florida Laws and Rules Study Guide, and complete Florida Board approved courses in both areas in addition to CE required for biennial licensure renewal.	\$250 fine, Florida Laws and Rules Study Guide, and complete Florida Board approved courses in both areas in addition to CE required for biennial licensure renewal.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
4. Failure to complete any/all required CE prior to licensure renewal/reactivation; all credits completed prior to initiation of complaint.	Remedial action only: Florida Laws and Rules Study Guide and Auburn University Online Ethics Course.	\$250 fine and Florida Laws and Rules Study Guide.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
5. Failure to complete any/all required CE prior to licensure renewal/reactivation, all hours completed prior to Administrative Complaint being filed.	Remedial action only: Florida Laws and Rules Study Guide, Auburn University Online Ethics Course and required Board appearance.	\$500 fine and Florida Laws and Rules Study Guide.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
6. Failure to complete any/all required CE prior to licensure renewal/reactivation; no	Reprimand, \$5,000 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to	Reprimand, required Board Appearance , one (1) year suspension, completion of 36 hours live CE in addition to	Five (5) year suspension of Florida license and

response to audit or complaint prior to service of Administrative Complaint.	hours required for biennial renewal, AND completion of Auburn University Online Ethics Course and required Board Appearance .	hours required for biennial renewal, and completion of Auburn University Engineering Ethics Course.	\$5,000 fine.
--	--	---	-------------------------------

6. Review/Open Rule **61G15-23.003** – Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents. (Referred from Dec. 2022 FBPE Bd Mtg)

Mr. Harris discussed this item. Further discussion followed.

The committee decided that there is no need for changes to the rule at this time.

7. Review/Open Rule **61G15-20.0018 and 20.0019** – **Application for Low Income and Military Veterans Fee Waiver** (referred from Feb. 2023 FBPE Bd Mtg)

See Item #8.

8. Discussion on **HR7939 - SEC 705A** – Portability of Professional Licenses of Servicemembers and their Spouses - (referred from Feb. 2023 FBPE Bd Mtg)

Mr. Harris discussed this item and item #7. Further discussion followed. The committee asked staff to contact the department to see how they handle military applicants who are requesting the waiver.

Mr. Harris suggested that the board wait until the department takes action on the bill and see how the department handles it.

9. Review/Open Rules **61G15-30.007 - Prime Professional’s Responsibility and 61G15-33.003 – Design of Power Systems** (referred from Dec. 2022 FBPE Bd Mtg - email from C Bennett)

Mr. Harris discussed this issue. Mr. Harris will respond that the committee doesn’t see the need to amend the rule at this time.

10. Review/Open Rules **61G15-32.004, .005, .006, .007 and .008**

Mr. Harris discussed the proposed rule amendments. Further discussion followed.

Mr. Harris will respond to JAPC.

11. Review/Open Rule **61G15-23.001** – **Signature, Date and Seal Shall Be Affixed** (referred from March 15th PCP meeting)

Ms. Ramsey discussed this issue. Further discussion followed. This item will be placed on the April 2023 board meeting agenda for discussion.

12. Old Business

13. New Business

14. Adjourn

