

**Florida Board of Professional Engineers  
Rules Committee Minutes  
July 10, 2024 @ 2pm  
Tallahassee, FL  
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, Sr. 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  
Bill Lampkin, FBPE Public Information Officer  
Angelina Fairchild, P.E., FES  
Jaime Ghitelman  
Alfonso Fernandez-Fraga, P.E.

3. Review/Open **Rule 61G15-19.001 – Grounds for Disciplinary Proceedings** (Email from Angelina Fairchild)

Mr. Harris explained the proposed rule. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to present the proposed rule amendment as amended to the full board for action, the motion passed.

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

- a. (i) – F.A.C., might be confusing to engineers. It currently states: *(i) First time failure to complete a Florida Board Approved Laws and Rules and/or Professional Ethics Continuing Education course, as required by subsection 61G15-22.001(1), F.A.C., if a non-approved L&R or PE course was taken prior to licensure renewal. (from FEMC Investigator Wendy Anderson)*
- b. The revision to include the word “permit” would align this paragraph with FL Statute 471.0195. The requirement is not intended for preliminary plans or submittals not intended for construction. (from Angelina Fairchild)

Mr. Harris presented the proposed rule amendments. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

5. **Review/Open Rule 61G15-19.006 – Mediation** (from FEMC Investigator Wendy Anderson)

Mr. Harris stated that the statute requires this rule. No further action was taken.

6. **Review/Open Rule 61G15-20.0010 - Application for Licensure as Professional Engineer** - Review subsection (3) regarding the 15/20 rule. Discuss whether experience needs to be verified, and whether 3 of last 5 years of practice should be active.

Mr. Harris discussed this item. Further discussion followed. Staff was asked to add this item to the August 2024 FBPE board meeting agenda for discussion and action.

7. **Review/Open Rule 61G15-23.001 – Procedures of Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports and Other Documents** (email from Andrew Fisher, P.E.)

Ms. Anderson stated she received a telephone call on 3/25/24 from an engineer who questioned whether bid documents are required to be signed and sealed. He was directed to 61G15-23.001 which is noted below. Ms. Anderson interprets this subsection as indicating that bid documents should be signed and sealed. Does the language in subsection (b) need to be clarified?

(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.

Mr. Harris discussed this item. Further discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to propose the following language to the full board in August:

**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 **by clearly stating "NOT FINAL"** 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 qualified engineering business organization; the title block shall contain the printed name and address of the qualified engineering business organization.

(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 engineering business organization; the printed name and address 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 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 engineering business organization, the printed name and address 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.

(5) Additional Requirements for Multi-Dimensional Models. The Florida Board of Professional Engineers recognizes that the practice of engineering is evolving into increasingly frequent contractual requirements for licensees to submit final work product as an electronic multidimensional model. Accordingly, when a licensee's contract requires the submission of an electronic multidimensional model as final work product; which by contract, law, or rule must be signed, dated, and sealed, the licensee shall utilize the process specified in paragraph (4)(b), above, regarding engineering specifications or calculations.

(6) As detailed in paragraph 61G15-30.003(1)(b), F.A.C., signed and sealed documents are presumed to comply with all applicable codes and standards in effect at the time of sealing. Unless the documents are amendments to documents previously signed and sealed by the engineer, and that fact is clearly noted at the time of submission, the licensee must affirmatively indicate on the documents any other edition of a code or standard, other than those currently in effect, with which the licensee intends the documents to comply.

Rulemaking Authority 471.008, 471.025 FS. Law Implemented 471.025, 471.033(1)(a), (e), (j) FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05, 11-16-09, 2-2-12, 11-3-15, 10-26-16, 12-29-19, 6-29-21, 11-15-21.

The motion passed unanimously.

8. Review/Open **Rule 1G15-23.004(3)(g) and 61G15-23.005(4)(e)** (from FEMC Investigator Wendy Anderson)

Ms. Anderson stated that both rules relate to issues that arose during the pandemic. They both state, to some extent, the same thing:

***(g) Beginning on the effective date of this rule amendment, November 2, 2020, and continuing until December 31, 2020, the restriction contained in subparagraph (3)(c)3., above,***

***and the text of required language illustrated in subparagraphs (3)(d)1. and 2., that printed copies of digitally signed and sealed plans or documents are not considered signed and sealed is removed, and printed copies of said plans or documents are deemed validly signed and sealed for any purpose allowed by law. After December 31, 2020, the existing restriction is reinstated. Any licensee seeking to use printed copies of digitally signed and sealed plans or documents must retain an original copy of the signed and sealed plans.***

Mr. Harris discussed the rule language and the comments from staff.

Upon motion from Mr. Pistorino, seconded by Ms. Myers, to eliminate the paragraph and present the rule to the full board in August for action, the motion passed unanimously.

9. Review/Open **Rule 61G15-29 – Certifications** (from FEMC Investigator Wendy Anderson)

Ms. Anderson stated that we receive a lot of complaints related to certifications. It is a pattern among the engineers to sign a certification that is extraordinarily general in nature. They may state:

***Please accept this letter as our certification that the above referenced project was constructed such that the design, intent and functionality of the project conform to the approved construction plans. There were no authorized changes to the project, therefore per LDC Section 754-72 (c), record drawings are not required.***

Mr. Harris discussed this rule. Further discussion followed.

Ms. Ramsey discussed 61G15-30.009 and changing the rule from three to five years. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to propose the rule amendment as presented and send it to DBPR before it goes to the full board for review, the motion passed.

10. Review/Open Rule **61G15-32.008 – Design of Fire Alarms, Signaling Systems, and Control Systems** (Email from Mr. Alfonso Fernandez-Fraga – referred from April 2024 FBPE Bd Mtg)

Mr. Fernandez-Fraga explained his email. Discussion followed. Mr. Fernandez-Fraga will work with staff and Mr. Harris on proposed language.

11. Review/Open **Rule 61G15-22.001 – Continuing Education Requirements** (Email from Angelina Fairchild)

Ms. Fairchild stated that the revision would clarify the minimum ABC course duration that is acceptable and clarify that, when applicable, it could apply towards the area of practice CE requirements.

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

Upon motion by Mr. Gonzalez, seconded by Ms. Myers, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

12. Review/Open Rule **61G15- 22.011 – Board Approval of Continuing Education Providers**

The following was referred from April 2024 FBPE Bd Mtg:

- a. Can a business registry be a CE provider?
- b. Should rule be amended to require CE providers to provide separate certificates for each course or to enumerate all the courses more clearly on a single certificate?

Mr. Harris discussed the rule. Further discussion followed.

Staff will work on the application and language and bring it to the board for review and action.

13. **Discussion on whether to add a rule that addresses failures to respond and issues a fine**

FEMC Investigator Wendy Anderson shared a copy of a MD rule (Regulation 09.23.03.11 - Failure to Respond) from a recent NCEES Law Enforcement seminar.

Ms. Raybon discussed this item. Discussion followed. Mr. Harris will draft language for the next committee meeting.

14. Old Business

15. New Business

16. Adjourn