

Florida Board of Professional Engineers
Evaluation of Damaged Structures Committee Minutes
August 5, 2025, at 1 pm
via video conference

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

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

Committee Members Present:

John Pistorino, P.E., S.I., Committee Chair
Dylan Albergo, P.E.
Jeb Mulock, P.E.
Pankaj Shah, P.E.

Committee Members Absent:

Christopher Dawson, 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, P.E., FSEA
Angelina Fairchild, P.E., FES
Babu Varghese, P.E., S.I.
Thomas Grogan, P.E., FSEA
Jamie Graham, P.E., FES
Jaime Ghitelman, P.E., FES
Daniel Frate, P.E.
Steven Johnson, P.E.

3. Review of Proposed Rules

Mr. Harris discussed the proposed rules.

Mr. Pistorino discussed the proposed rules.

Mr. Pistorino discussed insurance rules for roofs over 10 years old, while Mr. Rimes explained that the Building Commission must adopt rules for milestone inspections by December 31, 2024, including inspection criteria and reporting forms. Mr. Grogan raised concerns about the long timeframe between storms and insurance claims, noting that claim windows have been reduced from 5 to 3 years, though litigation can still occur much later.

The committee discussed the quality of engineering reports, particularly focusing on forensic analyses of existing structures. Mr. Varghese emphasized the need for clear criteria for preparing reports, while Mr. Pistorino argued for including detailed technical information to ensure expertise in specific areas like roofing. Mr. Albergo and Mr. Rimes debated the effectiveness of current rules in addressing poor-quality reports, with Mr. Rimes explaining the challenges in prosecuting engineers without specific responsibility rules for forensic report writing. The group agreed on the importance of education and enforcement to improve report quality and discussed potential solutions to address these issues.

Mr. Rimes clarified that engineers licensed in one state can render opinions on projects in other states, provided they use data from those states, as long as they do not practice engineering in the state where the project is located. He explained that the court, not the state board, decides whether someone is an expert witness. Mr. Lovenstein and Mr. Johnson expressed disagreement with this interpretation, believing it allows unlicensed engineers to practice in states where they are not licensed. The discussion concluded with a focus on setting standards for forensic engineering reports, with Mr. Rimes suggesting that engineers should follow accepted engineering responsibility standards when conducting such work.

Mr. Pistorino discussed the development of engineering standards for evaluating damaged buildings, with a focus on roofing systems and an expansion to other areas, including wall openings, exterior cladding, and foundation settlement. Mr. Pistorino emphasized the need for specific expertise in different roofing types and highlighted concerns about unqualified engineers making claims about building damage. Mr. Johnson asked if evaluating damaged buildings would be considered part of engineering practice, to which Mr. Pistorino agreed, stressing the importance of expertise in such evaluations.

The committee discussed proposed rules for engineers evaluating damaged structures, focusing on whether to regulate who can write such reports and what standards should be required. Mr. Harris emphasized that the rules should only apply to Florida PEs and not prevent non-engineers from writing damage assessments. Mr. Frates explained that the standards are meant to ensure engineers use accepted methodologies, not to enforce current building codes on existing structures. The committee agreed to establish a new rule chapter for evaluating damaged structures, with Mr. Pistorino suggesting it should be broader than just storm damage and include adverse conditions like fire and flooding. They decided to move forward with a motion to create this new rule chapter, with Mr. Pistorino offering to make revisions based on the discussion.

The committee discussed proposed responsibility rules for engineering reports, with Mr. Albergo expressing concerns about the need for such rules and questioning potential antitrust implications. Mr. Rimes and Mr. Grogan raised concerns about making engineering practices more restrictive than other professions, while Mr. Varghese highlighted issues with insurance inspections and the treatment of different types of damage. The group explored the possibility of using ASTM standards for expert reports as an alternative to prescriptive responsibility rules, with John Rimes noting that a similar approach was considered but not implemented in the early 2010s.

The committee discussed requirements for engineering reports, focusing on whether to adopt ASTM E2713 and ASCE 11 as standards. Mr. Pistorino proposed a comprehensive set of requirements, but Andrew suggested simplifying the proposal by incorporating relevant ASTM guidelines while removing unnecessary details. Dylan Albergo proposed using ASTM standards with a few additional requirements, rather than creating an entirely new rule. Mr. Harris suggested adopting specific chapters of an existing ASTM standard and allowing local modifications, similar to the Florida Building Code process. The committee agreed that establishing rules for damage reports was important, and Mr. Pistorino suggested sending the current proposal to stakeholders for feedback before finalizing.

The committee discussed the need for rules regarding damaged buildings, with Mr. Pistorino proposing a new rule to address this gap. Mr. Albergo suggested adding relevant language to an existing rule instead of creating a new responsibility rule. The committee agreed that the majority of forensic engineering reports are done by engineers, though other professionals like architects and contractors also contribute. The board decided to continue the conversation on how to proceed with establishing rules for damaged buildings, without making a final decision on whether to create a new responsibility rule.

The committee agreed to continue working on refining a list of responsibility rules, with Mr. Pistorino taking the lead to rewrite and simplify the content. Mr. Harris offered to clean up the draft after Mr. Pistorino's revisions, and Ms. Sammons will distribute the updated version for further review. Mr. Rimes emphasized the importance of creating broad and generic standards that align with industry practices to minimize potential pushback. The group decided to reconvene once Mr. Pistorino completes his revisions within the next month.

4. Set date for next meeting
5. Adjourn