

**Florida Board of Professional Engineers
Rules Committee Minutes
September 22, 2025 @ 1 pm
FBPE Office
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
John Pistorino, P.E., S.I.
Brock Shrader, P.E.

Committee Members Absent:

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

Upon motion by Mr. Pistorino, seconded by Mr. Shrader, to excuse the absence of Mr. Gonzalez, the motion passed.

2. Introduction of Guests and Announcements

Jamie Graham, P.E., FES
Andrew Lovestein, P.E., FSEA
Jamie Ghitelman, P.E., FES
Tom Grogan, P.E., FSEA

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

Mr. Harris explained the SERC questions and procedures for rule changes in the future.

The committee discussed rulemaking requirements for continuing education providers, focusing on whether new rules would have an adverse impact on economic growth, job creation, or investment. Mr. Harris explained that the changes aim to streamline existing requirements rather than impose new ones, and clarified that while all providers must be approved, the board's role remains unchanged as the Department of Professional Regulation handles approvals. The committee reviewed proposed rule edits and agreed to proceed with the new impact assessment criteria. Mr. Harris asked the new SERC questions.

1. Will this rule likely have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

2. Will this rule likely have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

3. Will this rule likely increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

Per the licensing database, there are _____ Florida L&R providers that would be affected.

(c) Will there be a cost to the agency, and to any other state and local government entities, to implement and enforce the proposed rule, and what is the anticipated effect on state or local revenues?

No

(d) Will there be any transactional costs incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule? In answering this question, you have to consider all of the following elements. IF ANY ONE IS "YES" THEN THE ANSWER TO THIS QUESTION IS YES. IF each and every one is "NO," then the answer to this is "NO."

1. Filing fees.
2. Expenses to obtain a license.

3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative costs and other overhead.
16. Reduced sales or other revenue.
17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

No. The fundamental requirements are not being altered, the rule amendments simplify and streamline those existing requirements.

(e) Will there be an impact on small businesses as defined by s. 288.703, and will there be an impact on small counties and small cities as defined in s. 120.52?

No

(f) Will there be market impacts likely to result from compliance with the proposed rule, including?

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.
4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

No

(g) Is there any additional information that we should consider in determining whether or not to develop a SERC prior to moving forward with proposing this rule?

No

(h) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received.

Upon motion by Mr. Shrader, seconded by Mr. Pistorino, to accept the proposed language and SERC answers and present to the full board at its October 2025 board meeting, the motion passed.

4. Review/Open Rule 61G15- 22.0011 – Structural Engineering Recognition Program for Professional Engineers

Mr. Harris discussed the rule and the SERC questions. Ms. Ramsey asked to discuss the rule itself and some issues with recent applications.

The committee discussed regulatory alternatives and the Structural Engineer Recognition Program. They agreed to review and potentially revise the rule language regarding experience requirements and risk categories for structural engineering applications. Brock raised concerns about how experience is calculated, particularly for projects spanning multiple years. The committee decided to develop new language for the experience requirements and planned to present it to the full board for approval. They determined that implementing the proposed changes to align with the new NCEES structural examination was not urgent, as staff could approve if they meet the requirements.

The committee discussed the 5-year experience requirement for structural engineers and its application to significant engineering projects, including buildings and bridges. Mr. Pistorino explained that the 5-year timeframe is generally supported by the industry, but he focused on evaluating significant projects based on difficulty and experience rather than risk categories. Ms. Ramsey raised concerns about the potential for legal challenges due to the current rule's inclusion of risk categories 3 and 4, which could lead to denials for applicants who meet the experience requirement but work on simpler structures. Mr. Shrader and Mr. Harris agreed that the rule, as written, may be too strict and could be interpreted ambiguously, potentially leading to denials that could be challenged.

The committee discussed changes to language regarding significant structural engineering projects, particularly focusing on risk category 3 and 4 buildings. Mr. Harris suggested using specific criteria like risk category 3 or 4 buildings to establish an objective standard, while Mr. Shrader and others debated whether to use "is defined" or "may be defined." Mr. Lovenstein and Mr. Grogan explained that the original intent was to ensure engineers were designing

entire buildings rather than just components, and Mr. Grogan suggested removing item number 2 from the criteria, noting that small buildings under 3 stories in risk category 3 or 4 would likely be excluded anyway.

The committee discussed criteria for structural engineering recognition, focusing on whether to include risk categories 3 and 4 in requirement 1E. Mr. Shrader proposed three options: doing nothing, removing risk categories 3 and 4, or modifying 1E2 to be more specific for those categories. Ms. Ramsey suggested adding threshold buildings like gymnasiums with assembly occupancy to strengthen the criteria. Mr. Pistorino raised concerns about the limited scope of focusing only on three-story or greater buildings, emphasizing the need to consider significant engineering projects. The committee agreed to present these options to the full board and continue discussions at the next Rules Committee meeting.

The committee discussed criteria for recognizing significant structural engineering projects, focusing on experience requirements and project thresholds. Discussion followed on whether 5 years of experience should be sufficient, with Mr. Shrader suggesting a minimum number of projects might be needed. The committee agreed that the definition of a significant project should consider building height and complexity, with Ms. Graham noting a difference between designing 3-story and 70-story buildings. Ms. Ramsey offered to draft a summary of options for the board book, which would be reviewed by the full board next week.

Mr. Harris asked the new SERC questions:

1. Will this rule likely have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No.

2. Will this rule likely have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No.

3. Will this rule likely increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

This rule applies to all applicants for Florida Structural Engineering Recognition. This number varies from year to year.

(c) Will there be a cost to the agency, and to any other state and local government entities, to implement and enforce the proposed rule, and what is the anticipated effect on state or local revenues?

No. The rule amendments are expected to be either neutral, or, potentially, a slight increase in Agency revenues.

(d) Will there be any transactional costs incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule?

In answering this question, you have to consider all of the following elements.

IF ANY ONE IS "YES" THEN THE ANSWER TO THIS QUESTION IS YES. IF each and every one is "NO," then the answer to this is "NO."

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative costs and other overhead.
16. Reduced sales or other revenue.
17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

No. There are no anticipated impacts from the amendments to the existing rule.

(e) Will there be an impact on small businesses as defined by s. 288.703, and will there be an impact on small counties and small cities as defined in s. 120.52?

No.

(f) Will there be market impacts likely to result from compliance with the proposed rule, including?

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.
4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

No.

(g) Is there any additional information that we should consider in determining whether or not to develop a SERC prior to moving forward with proposing this rule?

No.

(h) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received.

Upon motion by Mr. Shrader, seconded by Mr. Pistorino, to accept the SERC answers and present to the full board at its October 2025 board meeting, the motion passed.

5. **Review/Open Rule 61G15-20.007**

Mr. Harris discussed the rule and the SERC questions.

1. Will this rule likely have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

2. Will this rule likely have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

3. Will this rule likely increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

No

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

This rule will provide a new option for all Non-ABET/model law/endorsement applicants for licensure. Accordingly, it will affect all applicants required to obtain an educational equivalency evaluation.

(c) Will there be a cost to the agency, and to any other state and local government entities, to implement and enforce the proposed rule, and what is the anticipated effect on state or local revenues?

No. The rule amendments are expected to be either neutral or, potentially a slight increase in revenues.

(d) Will there be any transactional costs incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule? In answering this question, you have to consider all of the following elements. IF ANY ONE IS "YES" THEN THE ANSWER TO THIS QUESTION IS YES. IF each and every one is "NO," then the answer to this is "NO."

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative costs and other overhead.
16. Reduced sales or other revenue.
17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative filing fees, the cost

of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

No. The requirements for this rule are already in place, the addition of another provider is not likely to impact these items in any way.

(e) Will there be an impact on small businesses as defined by s. 288.703, and will there be an impact on small counties and small cities as defined in s. 120.52?

Yes. The existing providers may lose some customers to the new provider. No way to anticipate this impact.

(f) Will there be market impacts likely to result from compliance with the proposed rule, including?

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.
4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing required education, training, or testing.

Yes. There could be a change (price decrease from increased competition).

(g) Is there any additional information that we should consider in determining whether or not to develop a SERC prior to moving forward with proposing this rule?

No.

(h) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received.

Upon motion by Mr. Shrader, seconded by Mr. Pistorino, to accept the SERC answers and present to the full board at its October 2025 board meeting, the motion passed.

6. Old Business
7. New Business
8. Adjourn