

**Florida Board of Professional Engineers
Rules Committee Minutes
May 5, 2026 @ 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.

Committee Members Present:

Denise Ramsey, P.E., Chair
Christopher Forehand, P.E.
John Pistorino, P.E., S.I.
Brock Shrader, P.E.
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
William Lampkin, FBPE Public Information Officer
Jaime Graham, P.E., FES
Jaime Ghitelman, P.E., FES
Andrew Lovenstein, P.E., FSEA
Aaron
John Runkle
Kevin Beck
Lucas Parson
SEI Structural Engineering and Inspections
Michael Riemer
Phillip Vanciel
William Yanko
Jaime Ghitelman
Ed Bayo

Tom Grogan
Niboom
Henry Rand
Adam
Jerme Bernauer
Christopher Martinez
Christine Senne
Grant Renne
Andrew Lovenstein
Ryon Plancer
Adam Locke
Juan Rafols
Freddy Andrade
Katy Rollins
Rick Slider
Clark R
Gregory Kelly
Vinicius Fiabani
Darek Brandt
Veronica Bayo Clifford
Heather Anesta
Dylan O'Berry
Kari Hebrank
Ash Cohen
John Knezevich

The logo for the Florida Board of Professional Engineers (FBPE) features the letters 'FBPE' in a large, bold, red, sans-serif font. Below the letters is a thin red horizontal line. Underneath the line, the words 'FLORIDA BOARD OF PROFESSIONAL ENGINEERS' are written in a smaller, grey, sans-serif font.

Ms. Ramsey stated that the purpose of the meeting regarding the proposed rules was to hear additional public comments and gather information for future discussion by the full Board. She clarified that no final decisions would be made by the Rules Committee at this meeting.

Mr. Pistorino requested that the Committee first address the proposed rules concerning Threshold Building Inspectors before discussion of the proposed rules regarding damaged structures.

3. Review/Discussion of Comments on Proposed Rules of Damaged Structures

The Committee discussed the proposed engineering responsibility rules related to evaluations of damaged structures.

Mr. Pistorino explained that the draft rule was developed in response to complaints reviewed by the Probable Cause Panel and was intended to establish minimum standards for forensic engineering and damage evaluation reports.

Public comments raised concerns that the proposed rule was overly lengthy, restrictive, and prescriptive. Participants recommended limiting the rule to a smaller number of clearly defined minimum standards and preserving engineering judgment through additional “if applicable” language.

The following public members spoke about the proposed rule:

Tom Grogan
Ed Bayo, Esq.
Grant Renne
Andrew Lovenstein
Freddy Andrade
Jamie Graham
Christopher Martinez
Adam Locke
Jeremy Bernauer

General Comments on Proposed Rule:

- It was acknowledged that the initial draft was intentionally comprehensive, including “the kitchen sink,” with the expectation that it would generate substantial discussion.
- The rule was originally drafted in response to a series of complaints reviewed by the board’s probable cause committee.
- The proposed rule seeks to improve the quality, consistency, and predictability of forensic engineering and damage evaluation reports.
- Concerns were raised that the rule is overly prescriptive and may improperly replace professional engineering judgment with rigid reporting requirements.
- Suggested revisions included limiting the rule to a smaller number of clearly defined minimum standards and adding “if applicable” language throughout the rule to allow flexibility based on the type of damage being evaluated.
- Some participants recommended focusing the rule specifically on recurring deficiencies found in reports rather than creating a broad, all-encompassing standard.
- It was also suggested that the rule more clearly define terms such as “damage” and “damaged structures” and better specify the intended scope of application.

Public Comment / Concerns:

- A late comment received on Friday night was read aloud. The commenter supported the goal of improving the quality and consistency of damage evaluation reports but expressed concern that the proposed rule was overly prescriptive.
- The commenter stated that the rule effectively converts professional engineering judgment into a rigid checklist, whereas the true value of an engineering report lies in the engineer’s competent judgment, identification of scope, and evidence-supported conclusions.
- Tom Grogan agreed that the proposed rule is overly prescriptive and suggested focusing instead on 5 to 10 recurring deficiencies commonly found in reports.

- As an example, he recommended requiring the use of all provisions of ASCE 7 Chapter 30 when addressing wind-related issues involving components and cladding, noting that some engineers are using unapproved alternative methodologies.
- Concerns were raised that the rule, titled “Evaluation of Damaged Structures,” does not define or limit the causes of damage it applies to.
- As written, the rule would apply broadly to damage from storms, vandalism, fire, mold, vehicular accidents, sinkholes, and other causes.
- Participants noted that this broad applicability creates situations where certain mandated requirements would not be relevant to the type of damage being evaluated.
 - For example, requirements regarding wind integrity for clay tile roofing would not be applicable in a fire or sinkhole investigation.
 - Likewise, fenestration evaluation requirements would not add value in many non-storm-related cases.
- One speaker expressed concern that the specificity of the rule could increase, rather than decrease, complaints filed with the board.
- Some participants perceived the rule as punitive in nature, arguing that it appeared designed to discipline professionals rather than improve consistency through education or training.
- A review of 115 submitted comments showed that more than 100 opposed the proposed rule and provided specific reasons for their objections, while the 14 comments in support were described as more general in nature.
- Major objections identified in the public comments included:
 - Mandatory use of specific ASTM standards.
 - A requirement to include a meteorologist for certain forensic investigations.
 - Concerns that the rule was too restrictive, excessively lengthy, and overly prescriptive.
 - Recommendations that many provisions include the phrase “if applicable.”
- Participants also noted that terms such as “damage” and “damaged structures” were not clearly defined, creating ambiguity within the rule.
- One speaker asserted that many of the complaints prompting the rule originated from a single engineer rather than from the general public or consumers.
- It was further alleged that the complaints primarily came from engineers working exclusively for the insurance industry, suggesting a possible conflict of interest or hidden agenda targeting engineers representing homeowners.
- Several participants argued that the proposed rule duplicates existing standards that already establish an appropriate standard of care, including:
 - ASTM E2713 – Standard Guide for Forensic Engineering Investigations.
 - ASTM E3176 – Standard Guide for Reporting Forensic Investigations.
 - ASCE 11 – Guideline for Structural Condition Assessment of Existing Structures.
- Representatives of the Florida Structural Engineers Association (FSEA) expressed support for recommendations made by Andrew Lovenstein and indicated a willingness to work collaboratively with the board.

- An alternative approach was suggested that would create a narrowly focused rule establishing minimum standards for professional engineers signing and sealing documents in this practice area, concentrating on 5 to 10 key requirements.
- John Pistorino described a process in which companies solicit homeowners by promising to obtain insurance coverage for a new roof.
- According to the discussion:
 - An inspector, whose qualifications may be unknown to the signing engineer, evaluates the roof.
 - An engineer not licensed in Florida prepares a report recommending full roof replacement.
 - The report is then provided to a Florida-licensed engineer who signs and seals it—sometimes for a fee of approximately \$1,500—without personally visiting the site or verifying the inspector’s findings.
- It was stated that when insurance companies challenge allegedly fraudulent claims, the signing engineer may later charge substantial hourly rates for depositions and litigation support.
- Participants noted that litigation costs for a single roof replacement dispute can reportedly escalate to several hundred thousand dollars.
- Concerns were raised that insurance companies often choose to settle such claims to avoid litigation expenses, with resulting costs ultimately passed on to policyholders through increased insurance premiums.
- Some participants argued that the underlying issue primarily concerns insurance litigation and the legal definition of “damage,” which they believed falls outside the jurisdiction of the Florida Board of Professional Engineers.
- A counterpoint was also raised that insurance companies sometimes use engineers to deny legitimate claims where visible damage exists, negatively impacting homeowners as well.

Mr. Harris explained that the proposed engineering responsibility rules would likely trigger a Statement of Estimated Regulatory Costs (SERC) because the rules could impose significant costs on businesses and professionals. The board has been asking a series of SERC-related questions to gather information regarding the number of affected parties, increased expenses, impacts on competitiveness, and other economic effects.

Mr. Harris outlined that once a SERC is completed, the board would have several options: (1) discontinue rulemaking if the costs outweigh the benefits, (2) evaluate lower-cost regulatory alternatives proposed by stakeholders, or (3) proceed to legislative ratification if the rules are estimated to exceed the statutory cost threshold.

Mr. Harris further stated that the current draft rules, as written, would likely face substantial economic scrutiny and possible legal challenges related to the SERC process. He recommended considering a narrower approach focused on establishing minimum engineering documentation standards rather than extensive requirements.

The discussion emphasized creating simple, objective minimum standards that engineers must address in reports while preserving the use of professional judgment. Mr. Harris noted that a more limited and consensus-based framework could reduce economic concerns, minimize regulatory burdens, and allow the rulemaking process to move forward more efficiently.

The Committee agreed that the issues and public comments should be presented to the full Board for further consideration and direction.

4. Review/Discussion of Comments on Proposed Rules Threshold Building Inspectors

Mr. Pistorino explained that the Special Inspector (SI) role originated following a building collapse in the 1980s and was initially intended for new construction projects.

He stated that the “SI Limited” rule was later created to address inspections involving existing damaged buildings. However, its application is limited to insignificant structural elements, which has proven problematic in practice. The rule reportedly originated from a Florida Building Commission declaratory statement and was intended, in part, to provide a pathway for experienced late-career engineers in South Florida who otherwise could not qualify as Special Inspectors under the traditional requirements.

During the discussion, it was acknowledged that the current “SI Limited” rule does not fully accomplish its intended purpose.

Concerns Expressed in Opposition

The following concerns were raised regarding the proposed revisions:

- The creation of an additional SI category could create confusion within the profession and regulatory framework, as some participants believed the existing two-category structure was sufficient.
- Questions were raised regarding how current SI holders would transition into the revised structure, including whether reapplication or additional qualifications would be required.
- Concerns were expressed that the proposed changes could further reduce the already limited pool of qualified inspectors.
- One board member noted that Section 553.899, Florida Statutes, only requires a licensed architect or engineer to perform mandatory structural inspections and cautioned that adopting rules exceeding statutory requirements could create legal and administrative complications.
- It was explained that the “SI Limited” designation originated after a Florida Building Commission declaratory statement interpreted the standard SI rule as applying to existing buildings in addition to new construction projects.
- Miami-Dade and Broward Counties were reportedly requiring engineers performing work on existing threshold buildings to possess SI status. However, many experienced engineers later in their careers lacked a practical pathway to obtain that designation under the existing framework.

- While acknowledging that the current “SI Limited” designation does not fully achieve its intended purpose, one board member expressed support for revisions intended to strengthen and improve the designation.

Public Comments and Additional Concerns

- No new public comments were offered during the meeting.
- A review of previously submitted comments reflected:
 - 26 comments in favor of creating the proposed new Special Inspector (SI) category; and
 - 10 comments in opposition.
- Key concerns raised in the submitted comments included:
 - The creation of an additional SI category could lead to confusion within the profession and regulatory process.
 - The transition process for existing Special Inspectors under the proposed framework remains unclear.
 - The proposal could further limit an already small pool of qualified inspectors.
 - Current legislation only requires a licensed architect or engineer to perform mandatory structural inspections, and stricter qualification requirements could create unintended complications.
- One participant also expressed concern that potential rule changes could negatively impact their pending application for Special Inspector licensure.

Overall Discussion Themes

The discussion reflected broad recognition that the existing “SI Limited” framework has shortcomings and does not adequately address inspections involving existing threshold buildings. At the same time, concerns remained regarding implementation, workforce impacts, statutory authority, and potential unintended consequences associated with creating additional Special Inspector categories or modifying qualification standards.

The Committee agreed that the issues and public comments should be presented to the full Board for further consideration and direction.

5. Review of Group 2 Rules for §120.5435 Rule Review
 - a. 19.001
 - b. 20.002
 - c. 20.006
 - d. 32.002
 - e. “alternative engineering sources and good engineering practice” criteria.

Mr. Harris went over the proposed rule amendments and comments from JAPC (Joint Administrative Procedures Committee) on proposed rule changes, focusing on "Round 3" comments which require a vote on language modifications.. Discussion followed on each proposed rule amendment. Mr. Harris will provide draft rule language at the board meeting scheduled for later in the month.

- For Rule 61G15-19.001 (Reasonable Warnings), the committee agreed to strike the word "reasonable" from the rule language and proceed with the proposed rule amendments in subparagraph (5).
- For Rule 61G15-20.002 (Military Service Experience), new language places the burden on the applicant to demonstrate how their service was engineering-related if not in a designated engineering unit and the committee agreed to proceed with the proposed rule amendments as presented in the meeting materials.
- For Rule 61G15-20.002 (Professional References Requirement), the committee supported justifying the requirement to JAPC by explaining the references verify an applicant's "good moral character."
- For Rule 61G15-20.006 (Standards for Non-ABET Accredited Schools), the board recognized the rule was "archaic." It was proposed that the rule be simplified to require non-ABET-accredited schools to apply and demonstrate "substantial compliance" with ABET factors. Mr. Harris will work with staff to amend the proposed language and present it to the full board at the June 2026 board meeting. The committee agreed to delete several unspecified sections of the rules.
- For Rule 61G15-20.008 to state that a program "shall be designed to provide minimal competency," and the committee agreed to proceed with the proposed rule amendments as presented in the meeting materials.
- It was recommended that no changes be made to the language for rules 22.06 and 27.001.
- For Rules 61G15-32.002, 32.005(2), 32.006(2), 32.007(2) – the committee discussed the proposed language. Mr. Harris requested criteria to define how "new technologies demonstrate equivalent or improved protection." Mr. Shrader suggested mirroring language from Building Code section 104.11, which covers "alternative materials, design and methods of construction and equipment." The committee agreed to create a new definition for a term like "alternative engineering sources" based on this language to apply across relevant rules.
- A discussion occurred about how to define requirements when a specific standard does not exist. One suggestion was to require applicants to "provide adequate information as required by the authority having jurisdiction."

The Committee agreed that these rules should be presented to the full Board for further consideration and direction.

6. Review/Open Rule 61G15-35.002 – SI (Limited) and incorporated Form FBPE/ 006 & /011

Mr. Harris states that the primary objective of the proposed revisions was to clearly separate qualifying experience into the following categories:

- New construction design
- New construction inspection
- Existing building design and repairs
- Inspection of existing building repairs
- Clarifying language was added to specify that qualifying experience may be earned after graduation from an engineering program and is not limited to post-licensure experience, thereby allowing Engineer Interns (EIs) to claim qualifying experience.
- Application forms for both SI and SI Limited designations were revised to align with the updated rule language.
- Revisions include the addition of checkboxes identifying “new” or “existing” construction experience.
- Requirement explanations were added to the SI Limited application to ensure consistency with the standard SI application.

The Committee agreed that the proposed rule amendments and changes to the application should be presented to the full Board for further consideration and direction.

7. Old Business

8. New Business

Mr. Harris advised the Committee regarding new DBPR review requirements for proposed rulemaking and noted that future rulemaking efforts may experience delays due to additional departmental review procedures.

9. Adjourn