



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Connection

Volume 4 - Issue 2

Linking You with the Florida Board's Latest Engineering News & Information

Commissioning Documents

Submitted by: William C. Bracken, PE, SI, CFM

Recently the Florida Board of Professional Engineers (FBPE) was asked to provide clarification relating to commissioning submittals and whether they require signing, dating and sealing by a professional engineer. This article contains the pertinent excerpts from the FBPE's response and offers them here as guidance to those whose practice includes the preparation or issuance of commissioning submittals.



In response to the request for clarification, the FBPE reviewed **Chapter 471** of the Florida Statutes as well as, **Chapter 61G15** of the Florida Administrative Code. Its review was conducted with respect to the rules regarding signing and sealing and their application to commissioning submittals. This review found that not every report issued in conjunction with construction is required to be issued by an engineer and not every report issued by an engineer is required to be signed, dated and sealed. The specific requirements on what is to be signed, dated and sealed by engineers are found throughout **61G15 F.A.C.**

With respect to commissioning documents issued by licensed professional engineers; the signing, dating and sealing requirements do include documents that are to be filed for public record with agencies at the conclusion of construction. Specifically, when a licensed professional engineer issues final certifications, as-built/record drawings and/or reports that are filed for public record with agencies at the conclusion of construction, the engineer issuing these documents **MUST** clearly establish exactly what is being certified and what the engineer is assuming responsibility for.

It was also pointed out that the FBPE has previously opined that under rules **61G15-30.002 (4), (5), (6) & (7)** if the PE, by the PE's professional judgment, by terms of a contract, or by regulatory direction, is required to or takes professional responsibility for items that represent engineering documents or delegated engineering documents and which are prepared and/or filed for public record then the documents **would be required** by rule to be signed and sealed by a professional engineer.

However, just because an engineer has an obligation to sign, date and seal a document does not mean that only an engineer can issue that document. The FBPE provided guidance on this within its article titled "*Wind Mitigation Inspections - The FBPE's Determination*" found in the April 2013, Volume 2 - Issue 1, of the FBPE's quarterly *Connection* newsletter.

In summary, the FBPE agrees that some of the services performed in conjunction with commissioning clearly represent the practice of engineering, some services do not and some services are going to be considered incidental to one or the other. Commissioning is one of those practice areas where significant overlap exists between engineering and non-engineering services.

Regarding regulation, the FBPE does not have authority to exclude non-engineers from providing services that while tangential to engineering do not in and of themselves constitute the practice of engineering. Therefore, in practice areas where significant overlap exists, the Board's position has historically been to only pursue those unlicensed individuals who are clearly engaged in activities or are providing services that constitute engineering as defined in **Florida Statute 471.005(7)**.

You can review the previously published article mentioned in this article by going to the *Publications* page under the *Meetings and Information* page of our website or by selecting this link, <https://www.fbpe.org/index.php/file-downloads/category/52-2013-2014-newsletters>. You can also access the most current laws and rules that relate to the practice of engineering in Florida, from the *Statute and Rules* page of our *Legal* section of our website or go to <https://www.fbpe.org/index.php/legal/statutes-and-rules>.

If you have any questions or issues concerning the topic discussed in this article, send an email to board@fbpe.org.



Connection FEATURES

- 1** Commissioning Documents
- 5** CE F.A.C. Rule Change & Ethics Course Application Update
- 6** Deadline Approaching to Complete Advanced Building Code Course
- 6** Agency Rulemaking and Regulatory Plans
- 7** FBPE Adds New Committees
- 8** How to Determine if You Need a Certificate of Authorization
- 13** The Joy (and Importance) of Real-World Learning

FBPE Department NEWS

LEGAL

- 10** *Florida & the New Daubert Standard-Expert Testimony*
- 11** *Reporting Convictions to the FBPE*
- 12** *Latest Engineer Discipline*
- 12** *What Constitutes Unlicensed Activity?*

SPECIAL RECOGNITION

- 18** *Congratulations Examinees!*

In This ISSUE

- 3** FROM THE EXECUTIVE DIRECTOR - *2015 Collegiate Outreach Update*
- 4** CHAIRMAN'S CORNER - *Continuing Education Requirements*
- 7** MARK YOUR CALENDAR
- 14** LATEST NEWS FROM NCEES
 - *NCEES Adopts Position Statement on the Future of Engineering Licensure*
 - *NCEES Seeks Architectural Engineers' Expertise & Advice*
 - *New NCEES President's Term Begins*
 - *What Would You Do With \$25,000?*

Other News

- 9** *FEMC & FBPE Quarterly Reports*
- 19** *Licensure Record Accuracy Depends on You!*

Don't forget FBPE has gone mobile! Our free app is now available for download on iTunes® and GooglePlay™.



Search for "FBPE" in the AppStoreSM, GooglePlay™ Store to get connected today!



FROM THE EXECUTIVE DIRECTOR

2015 Collegiate Outreach Update

The 2015 Fall Semester is off to a great start at universities across the state and so far FBPE has scheduled several trips to various schools for its collegiate outreach. During these visits, we meet with students to discuss the path to professional licensure and what students can expect post-graduation to further their career.

Whether we are speaking to an engineering class at one of the twelve universities in the state or speaking to a student chapter of a professional or technical society, the message is pretty much the same: seek professional licensure, you will not regret it. We have been fortunate to have access to wonderful materials from the National Council of Examiners for Engineering and Surveying (NCEES) such as printed brochures and exam literature, as well as videos. We have found that the students gain a lot through these presentations and ask meaningful questions about the course of action required to obtain a professional engineering license in Florida. Our topics typically include the requirements for licensure (education, exam, and experience), what to expect on the fundamentals of engineering (FE) and principles and practice (PE) examinations, what type of experience is necessary for licensure, and the requirements for maintaining their PE license through renewal and continuing education.



So far, we have hopes to visit FAMU/FSU College of Engineering (both the Tallahassee and Panama City campuses) and the University of Florida this fall to speak to engineering students. We also plan to participate in the *Florida Association of Science Teachers (FAST) Annual Conference* to be held in Tallahassee, Florida, later this month. This is one of those opportunities where we can talk to teachers of middle school and high school students who are just starting to make decisions about their future. We enjoy having a chance to hopefully influence these young people in their decision making about choosing engineering as a career possibility. Another opportunity we take advantage of, that is similar to the *FAST Conference*, is *MATHCOUNTS*. We try to attend the statewide competition every year and talk to these “mathletes” about using their incredible math skills for engineering.

Another event that we look forward to is *Engineers Week*, which is typically observed every year during the third week of February. Next year, we plan to be active during the week of February 21-27, 2016 for E-Week by attending various functions that some of the universities will be hosting. In the past, we have visited FIU in Miami, where the school has welcomed local school children to observe engineering presentations and demonstrations, and USF in Tampa, who planned a week long program in observance of *Engineers Week*.

Lastly, in the past we have also had the chance to attend the *ASCE (American Society of Civil Engineers) Southeast Student Conference*. In addition to assisting with judging of the steel bridge competition and other events, staff has been able to interact with the students and answer questions about licensure. It is great to watch the enthusiasm these students have for engineering when they are competing in the various competitions that involve the design of steel bridges, concrete canoes and bottle rockets to name just a few.

We hope to be able to continue involvement in activities of this kind and more. If your school or organization would be interested in scheduling a visit from FBPE staff to discuss professional licensure and the steps required to get there, be sure to contact our Public Information Officer, **Shannon McCoy**, for more information. She can be reached at (850) 521-0500 ext. 108 or by email at smccoy@fbpe.org.

Zana Raybon
FBPE Executive Director
FEMC President



CHAIRMAN'S CORNER

Continuing Education Requirements

*William C. Bracken, PE, SI, CFM
FBPE Chair*



If you haven't heard, Florida now requires a total of 18 continuing education (CE) hours to renew an engineering license. There are also additional requirements placed on how those hours are to be earned. The required 18 hours of CE are to be obtained in 4 categories: Laws & Rules (1 hour), Ethics (1 hour), Area of Practice (4 hours), and Topics Pertinent to the Practice of Engineering (12 hours).

Laws & Rules

Licensees are required to obtain one (1) hour of continuing education focusing on Florida's professional engineering laws (*F.S. 471*) and rules (*F.A.C. 61G15*). This hour can be obtained by

- Successfully completing an FBPE approved laws & rules course from an FBPE approved CE provider,
- Serving on the Florida Board of Professional Engineers,
- Serving as a consultant engineer used by the Board in the resolution of Board business, including rule-making and prosecution of discipline cases and complaints, or
- Serving as a member of the Legislature or as an elected state or local official.

Ethics

Licensees are required to obtain one (1) hour of continuing education focusing on ethics for professional engineers. These courses are expected to cover the basic engineering canons. This hour can be obtained by

- Successfully completing an FBPE approved ethics course from an FBPE approved CE provider,
- Serving on the Florida Board of Professional Engineers, or
- Serving as a member of the Legislature or as an elected state or local official.

Area of Practice

Licensees are required to obtain four (4) hours of continuing education focusing on each licensee's particular area(s) of practice. These hours can be obtained by

- Successfully completing an "Advanced" Florida Building Code course approved by the FBPE within the disciplines of civil, structural, mechanical, electrical or general engineering; or
- Presenting or attending seminars, in-house or non-classroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors provided the vendor is an FBPE approved CE provider.

Topics Pertinent to the Practice of Engineering

The remaining twelve (12) hours of continuing education may correlate to any topic pertinent to the practice of engineering. These hours can be obtained in the following ways

- Up to 4 hours may be earned by serving as an officer or actively participating on a committee of a board-recognized professional or technical engineering society;
- Complete an "Advanced" Florida Building Code course approved by the FBPE within the disciplines of civil, structural, mechanical, electrical or general engineering; or
- Presenting or attending seminars, in-house or non-classroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors provided the vendor is an FBPE approved CE provider.

Activities that **DO NOT** qualify include, but are not limited to, the following:

- Self-generated courses, i.e. courses generated and presented by the licensee to himself or herself for continuing education credit,
- Personal self-improvement courses,
- Equipment demonstrations or trade show displays,
- Enrollment without attendance,
- Repetitive attendance or teaching of the same course,
- Tours of buildings, structures, schools, museums and the like, unless there is a clear objective to maintain and strengthen competency in a technical field,
- Regular employment,
- Personal, estate or financial planning, or
- Courses the content of which is below the level of knowledge and skill that reflects the responsibility of an engineer in charge.

If you have any questions about these requirements or need to confirm whether a CE course is acceptable, contact the Board office at 850-521-0500 or send an email to cedesk@fbpe.org. You can access a listing of Florida's Board-approved CE providers by going to Department of Business and Professional Regulation's (DBPR) website at <https://www.myfloridalicense.com/CESearch.asp?SID=&div=09>.

I hope that you find this reminder helpful, especially since there are only 15 months left to obtain these hours.

William C. Bracken, PE, SI, CFM is a licensed Professional Engineer and Special Inspector in the State of Florida and is the President and Principal Engineer for Bracken Engineering located in Tampa, Florida. Mr. Bracken has served on the FBPE Board since 2012 and was the Board's Vice-Chair for 2013-2014. He is currently serving his first term as the FBPE's Chair.

CE F.A.C. Rule Change & Ethics Course Application Update

In FBPE's last quarterly Connection newsletter, we provided information related to the new education requirements for Florida's engineer licensees, as well as a status on the rule update and application process for the new one (1) hour Ethics course requirement. We stated at that time, both the F.A.C. rules and a new course application would be available in mid-summer of 2015 to reflect the changes made to the Section 471.017, F.S., *Renewal of License*.

The Board has been actively working to make the appropriate changes to the Florida Administrative Code and the proposed new language within **Rule 61G15-22.0001, F.A.C.- License Renewal, Continuing Education**, has been noticed and is being reviewed for final approval. A new application for providers seeking to conduct Ethics course has also been drafted and reviewed, and our goal is to have these made officially available on our website in November of 2015.

In the interim, we **ARE** accepting applications for providers seeking to add an Ethics Course to their curriculum via the *CE Laws & Rules Provider Initial Application*. Go to our website and access the *Provider Application Process & Renewal* page under *Continuing Education* or follow this link <https://www.fbpe.org/index.php/component/jdownloads/send/3-provider-application-process/3-continuing-ed-provider-lar-initial-rev102011>.

For CE Providers Planning to Conduct Laws & Rules and Ethics Courses

- Download the application mentioned above and mark through the *Laws & Rules* course title and replace with *Ethics*. Provide all the appropriate information on the form regarding the course along with any documentation. Make a note on the application that you are requesting the fee to be waived since you are an existing and current CE Provider. Submit the application to FBPE as instructed on the form.

For CE Providers NOT Conducting Laws & Rules Courses - Adding Ethics Course Only

- If you are a CE provider **NOT** currently conducting a laws and rules course but want to add an Ethics course to your approved courses, you will use the same application mentioned above to apply. However you will have to submit the \$50.00 fee with your application.

To access the current proposed language for the update to **Rule 61G15-22.0001, F.A.C.- License Renewal, Continuing Education**, go to the Department of State's website and access the FAC and Florida Administrative Register at <https://www.flrules.org/> or follow this link, [FAC Proposed Rule Change for 61G15-22.001](#).

To view a listing of current Continuing Education providers offering Board-approved Ethics Courses go to DBPR's website at <https://www.myfloridalicense.com/CESearch.asp?SID=&div=09>. Be sure to select "Engineers" in the Board search field and "Ethics" in the Requirements search field.

If you have any questions regarding the information provided in this article please contact the Board office at (850) 521-0500, ext. 113 or email Nancy Wilkins at cedesk@fbpe.org.

Deadline Approaching to Complete Advanced Florida Building Code Course



As a reminder, **471.0195, F.S.** and **61G15-22.001 F.A.C.** require licensed engineers actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, to complete at least one (1) advanced Florida Building Code course applicable to the licensee's area of practice. Further, the course is required to be designated as "Advanced" by the Florida Building Commission, approved by the FBPE and completed within 12 months of the effective date of each edition of the Florida Building Code.

Therefore, licensees whose practice includes the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code have until **June 30, 2016** to:

- Complete at least one "Advanced" Florida Building Code course approved by the FBPE within the disciplines of civil, structural, mechanical, electrical or general engineering, **AND**
- Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Code edition year and Code or course focus.

On **July 1, 2016**, the FBPE will begin updating licensure records on DBPR's licensure portal. If the Board has not received proof of an appropriate course having been completed, the designation "Building Code Core Course Credit" listed under "Special Qualifications" will be removed as required by **Florida Statute 471.0195**.

Keep in mind that local jurisdictions have an obligation to notify the FBPE when design documents are submitted for building construction permits by Florida licensees who are not in compliance with this section. Further, the Board is required to take those actions deemed appropriate when such non-compliance is determined to exist.

To view a list of Florida approved advanced building code course providers, go to *Latest News* section on FBPE's home page at www.fbpe.org. NOTE: You will have to conduct an internet search to obtain contact and website information for listed providers, since only the provider's address information is available on DBPR's web portal. The number and types of courses offered varies from provider to provider, so they will need to be contacted directly to obtain available courses.

To view the most current laws and rules as it relates to the practice of engineering including the Florida Statute and Florida Administrative Code mentioned in this article, go to the *Legal* section of FBPE's website, and select the *Statutes and Rules* page or access this link: <https://www.fbpe.org/index.php/legal/statutes-and-rules>.

If you have any questions regarding the information discussed in this article feel free to contact the Board office at (850)521-0500 or send an email to board@fbpe.org.

Agency Rulemaking & Regulatory Plans

Pursuant to **Florida Statute 120.74(2), Administrative Procedure Act- Agency Annual Rulemaking and Regulatory Plans; reports**, each agency is required by October 1 of each year to prepare and publish its regulatory plan on its website or another state website established for the publication of administrative law records.

The regulatory plan includes a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency.

You can access FBPE's annual regulatory plan and other agency plans by going to DBPR's website at <http://www.myfloridalicense.com/dbpr/ogc/annualregplans.html> or you can select **ANNUAL REGULATORY PLAN**.

To view the Florida Statute referenced above in its entirety, go to the official site of the Florida Legislature at <http://www.leg.state.fl.us> or you can select **Florida Legislature website**.

If you have any questions regarding FBPE's regulatory plan send an email to board@fbpe.org.



FBPE Adds New Committees

The Florida Board of Professional Engineers (FBPE) utilizes numerous administrative and technical committees to help conduct its business. These committees meet on alternate months from the full Board meetings and are used to accept or solicit input from Florida's licensees. FBPE's active committees include: the *Application Review – Experience Committee* chaired by Board member *Warren G. Hahn, PE*, the *Application Review – Education Committee* chaired by Board member *Dr. Michelle Rambo-Roddenberry, PE*, the *Rules Committee* chaired by Board member *William C. Bracken, PE, SI, CFM* and the *Education Rules Committee* also chaired by Board member *Dr. Michelle Rambo-Roddenberry, PE*.

Recently, the number of committees and their makeup was updated. The FBPE added the following committees to its schedule:

- *Structural Rules Committee* chaired by Board member *Kevin Fleming, PE*. This committee is tasked with reviewing and updating *Rule 61G15-31.004, Design of Cast-in-Place Post-Tensioned Concrete Structural Systems* and *Rule 61G15-31.006, Design of Structural Systems Utilizing Open Web Steel Joists and Joists Girders*.
- *Marine Engineering Committee* chaired by Board member *Babu Varghese, PE, SI*. This committee is tasked with considering the rules that apply to Marine Engineering.
- *Traffic Engineering Committee* chaired by Board member *Kenneth Todd, PE*, was reactivated to continue considering the rules that apply to Traffic Engineering.

All FBPE Board and FBPE committee meetings are open to the public and licensees are encouraged to attend. If you are interested in learning more about these committees and how you can get involved contact the Board at board@fbpe.org.

To view a listing of upcoming meetings on our calendar, please visit the Board's website at www.fbpe.org.



Click on the **facebook** icon to go directly to our page!

MARK YOUR CALENDAR

October 2015

- 15** PE Exam Application Deadline for April 2016 Exam Cycle
- 23** FBPE at FAST Conference
- 30-31** NCEES PE & SE Exams

November 2015

- 1** Daylight Savings Time Ends
- 6** FBPE at FAMU/FSU College of Engineering-Student Presentation
- 11** FBPE Office Closed - Veteran's Day
- 13** FEMC Board Ops Conference Call
- 17** Probable Cause Panel (PCP) & Application Review Meetings
- 18** Rules Committee Meeting
- 23** Ratification Conference Call
- 26-27** FBPE Office Closed - Thanksgiving

December 2015

- 3-4** FEMC & FBPE Board Meetings
- 11** PE Exam Application Deadline for April 2016 Exam
- 24-25** FBPE Office Closed - Christmas

January 2015

- 1** FBPE Office Closed—New Year's Day

All Board meetings and other scheduled activities can be found on the calendar located on our Home page at www.fbpe.org.

How to Determine if You Need a Certificate of Authorization

In order to offer engineering services in Florida through a Corporation, Partnership, LLC, etc., there are certain requirements which must be met in order to obtain the Certificate of Authorization. Any person can own an engineering firm; the owner of an engineering firm IS NOT required to be a Florida licensed professional engineer.

Section 471.023, F.S., Certification of Business Organizations, requires that a Florida licensed professional engineer **QUALIFY** a company who wishes to obtain a Certificate of Authorization. The qualifying engineer **MUST** either be an officer of the corporation or, by resolution of the Corporation, Partnership, LLC, etc., must be designated as manager/managing member and is therefore authorized to bind the corporation in all of its activities that fall within the practice of engineering in Florida as that term is defined in **Section 471.023, F.S.**, and **Rule 61G15-18.011, F.A.C.** A firm may have as many professional engineers acting as qualifying officers of the corporation as the firm desires.

In the event the qualifying engineer no longer wishes to qualify a company, **it is that qualifier's responsibility** to advise the Florida Board of Professional Engineers (FBPE), in writing, of his/her desire to no longer act as qualifier. Should the qualifier change, **it is the company's responsibility** to submit a *Certificate of Authorization Engineer Name Change* application within 30 days to obtain a new qualifying engineer.

When obtaining or renewing a Certificate of Authorization, it is important to provide Board staff with an alternative email address not associated with the qualifying engineer. Notices or any other communications need to be provided to someone within that company other than the qualifying engineer, who may relieve him/herself of that responsibility.



Section 471.023(1), F.S., states in part:

"...No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization."

A sole proprietor utilizing his/her name as the name of their company, i.e., John Doe, PE, **IS NOT** required to obtain a Certificate of Authorization. If that person chooses to utilize a fictitious name, for example, John Doe, PE & Associates, or any other fictitious name, that company **DOES** require a Certificate of Authorization.

As referenced within **Section 471.023(4), F.S.**, "*the fact that a licensed engineer practices through a business organization does not relieve the licensee from personal liability for negligence, misconduct, or wrongful acts committed by him or her.*" **Section 558.0035, F.S., Design professionals; contractual limitation on liability** which is referenced in **Section 471.023, F.S.**, states:

558.0035, F.S.-Design professionals; contractual limitation on liability

"(1) A design professional employed by a business entity or an agent of the business entity is not individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract if:

- (a) The contract is made between the business entity and a claimant or with another entity for the provision of professional services to the claimant;*

- (b) The contract does not name as a party to the contract the individual employee or agent who will perform the professional services;
 - (c) The contract includes a prominent statement, in uppercase font that is at least 5 point sizes larger than the rest of the text, that, pursuant to this section, an individual employee or agent may not be held individually liable for negligence;
 - (d) The business entity maintains any professional liability insurance required under the contract; and
 - (e) Any damages are solely economic in nature and the damages do not extend to personal injuries or property not subject to the contract.
- (2) As used in this section, the term "business entity" means any corporation, limited liability company, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state."

As with Professional Engineering licenses, a Certificate of Authorization **MUST** also be renewed every two years. This renewal takes place at the same time as renewal for Professional Engineer licenses. Please note that the qualifying engineer for a company **MUST** first renew his/her Professional Engineer license prior to renewing the Certificate of Authorization. If the qualifying engineer **HAS NOT** renewed his/her license, the Certificate of Authorization **WILL NOT** be renewed, even if the renewal fee for the Certificate of Authorization has been paid.

For step-by-step instructions on obtaining a Certificate of Authorization and CA applications go to the *Licensure* section of our website, and select *Application Process* and the *Certificate of Authorization* page, or follow this link, <https://www.fbpe.org/index.php/licensure/application-process/certificate-of-authorization-ca>. Questions about applying for a CA or about the process can be directed to **Katherine Anderson**, at kanderson@fbpe.org or by calling the Board office at (850) 521-0500.

To view the most recent laws and rules as it relates to the practice of engineering in Florida, go to the *Statute and Rules* page under the *Legal* section of our website or access this link, <https://www.fbpe.org/index.php/legal/statutes-and-rules>.

Things to Remember:

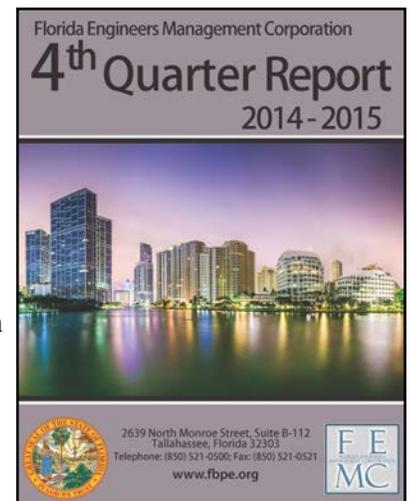
- An engineer may qualify as many companies as he/she wishes.
- The qualifying engineer is **not required** to reside in the State of Florida but **MUST** have a current active Florida Professional Engineer License.
- Only licensed professional engineers may use certain titles; be sure that unlicensed individuals working for a company such as draftsmen, engineer interns, etc., **are not** utilizing the protected titles listed in **Section 471.031(1)(b)1, F.S.** When this occurs, both the company and the qualifying engineer are subject to disciplinary action.
- Registering your company with the Florida Secretary of State, Division of Corporations, **DOES NOT** automatically give you a Certificate of Authorization, but is merely one of the requirements which must be met in order for an application for a Certificate of Authorization to be approved.

FEMC & FBPE Quarterly Reports

Each quarter FEMC/FBPE is required by contract to provide the Department of Business and Professional Regulation (DBPR) with a compliance report. These reports contain information related to licensure, legal deliverables and performance standards such as the number of applications received and processed and the status of complaints and disciplinary cases.

You can view the latest report for the 4th quarter of the 2014-2015 contract year, along with previous issues, by visiting our website at www.fbpe.org and selecting *Quarterly Reports* under the *Corporate* section.

Should you have any questions related to this report or others found on our site, please send your inquiries or comments to board@fbpe.org.



Florida & the New Daubert Standard- Expert Testimony

Submitted by: *Elizabeth B. Ferguson, Esq.
and Kellie M. Humphries*

For many years, expert witnesses offering opinions in Florida civil litigation matters have been governed by the standards outlined in *Frye v. United States*. However, that is no longer the case. In April 2013, when the Florida Legislature amended §§90.702 and 90.704, *Florida Statutes*, it adopted the *Daubert v. Merrell Dow Pharmaceuticals, Inc.* standard, which now governs the admissibility of expert witness' testimony in civil trials. Though Federal Courts have long been employing the *Daubert* standard, Florida civil practitioners must still be aware that this shift in standard provides many new ways to attack expert testimony as *Daubert* provides a "stricter" standard when it comes to expert witness testimony.



The *Frye* standard, provided that expert testimony based on new or novel scientific principles or methodology was admissible only when the underlying principles were generally accepted in the relevant scientific community. *Frye v. United States*, 293 F.2d 1013 (D.C. Cir. 1923). As such, Florida did not apply such scrutiny to pure opinion testimony. By adopting the *Daubert* standard, the legislature specifically stated that it was the intent of the legislature that the *Daubert* standard apply to all expert testimony, including pure opinion expert testimony. *Ch. 2013-107, Laws of Florida* (See the Preamble to *HB 7015* where the intent is expressed in the Whereas clauses.)

Florida's new *Daubert* standard in civil cases emulates *Federal Rule of Evidence 702*, requiring the trial court assume the role of the "gatekeeper." The *Daubert* opinion stressed the trial judge should not admit commonly accepted scientific evidence leaving it to the jury to determine its weight, but rather, should screen scientific evidence to "ensure that any and all scientific testimony or evidence admitted is not only relevant, but reliable." 509 U.S. 589. The adoption of this stricter *Daubert* standard now prohibits pure opinion testimony in Florida civil cases by qualified experts, unless their testimony meets certain criteria. Under *Daubert*, a witness qualified as an expert, by knowledge, skill, experience, training, or education may testify in the form of an opinion only if:

1. The testimony is based upon sufficient facts or data;
2. The testimony is the product of reliable principles and methods; and
3. The witness has applied the principles and methods reliably to the facts of the case.

Further, the new *Section 90.704, Florida Statutes*, specifically limits expert opinion testimony, unless the facts or data are of a type reasonably relied upon by experts in that subject area to support the opinion expressed. Facts or data that are otherwise inadmissible may not be disclosed to the jury by the proponent of the opinion or through inference, unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect.

In the first exhaustive written opinion since adoption of the new standard, the First District Court of Appeal clarified how Florida civil litigation practitioners should utilize or oppose the introduction of expert testimony under *Section 90.702* in *Booker v. Sumter County Sheriff's Office/N. Am. Risk Servs.*, 166 So.3d 189 (Fla. 1st DCA 2015). Attorneys can glean at least three lessons from this case.

First, the failure to timely raise a *Daubert* challenge to admission of expert testimony may result in the court refusing to consider the untimely motion. *Booker*, at 193. With this new, more stringent, expert witness

(Continued on page 11)

standard for civil cases, it is important for all counsel to be sure proper objections are timely raised. Generally, objections under *Daubert* must be made prior to trial by filing a motion in limine to: 1) give notice to the proponent of the testimony; and 2) allow counsel time to gather evidence to demonstrate the admissibility of the opinion. The trial court, as gatekeeper, has broad discretion in evaluating experts and their opinions and the court's determination is reviewable on an abuse of discretion standard. **General Elec. Co. v. Joiner**, 522 U.S. 136, 146 (1997).

Second, the burden of proof to establish the admissibility of an expert's testimony in a civil trial is on the proponent of the testimony, and the burden must be established by a preponderance of the evidence. *Id.*

Third, the First District Court of Appeal looked to **United States v. Hansen**, 262 F.3d 1217 (11th Cir. 2001) for a non-exhaustive, but instructive list of factors which a judge may consider when assessing the reliability of the methodology used by experts, including:

1. If it can be tested, has it been tested?
2. Has it been subjected to peer review and/or publication?
3. If error rates can be determined, have they been determined?
4. Are there standards controlling the technique's operation; if so, have they been maintained?
5. Is the methodology generally accepted as reliable within the relevant scientific community?
6. The Court also recognized an exception, which permits a judge to take judicial notice of the expert testimony that has been deemed reliable by an appellate court.

Booker, at 194.

Overall, if attorneys are cognizant of these lessons, they will have an enhanced ability to advocate for the inclusion, or exclusion, of expert witness testimony in civil trials in Florida.

If you have any questions regarding the topic covered in this article or have other concerns feel free to contact someone in the *Legal* department at the Board office by calling (850) 521-0500 or send an email to board@fbpe.org. To view the most recent version of Florida's laws and rules as it relates to the practice of engineering go to the *Statutes and Rules* page under the *Legal* section of our website at www.fbpe.org/legal/statutes-and-rules.

To view the amended Florida Statutes related to expert testimony mentioned in this article go to the Florida Legislature's website at <http://www.leg.state.fl.us>.

Elizabeth B. Ferguson, Esq. is a partner with Boyd & Jenerette P.A., located in Jacksonville, Florida, and is the Department Head for the firm's Construction Law Group. Ms. Ferguson has been Board-Certified in Construction Law since 2009 and serves as an Expedited Commercial Panel Arbitrator for the American Arbitration Association and as a professor of Construction Law at Florida Coastal School of Law. She is currently serving her first term as a Public Member on the FBPE Board.

Kellie M. Humphries is an associate with Boyd & Jenerette, P.A. located in Jacksonville, Florida, and practices complex civil litigation with a primary focus in construction law, as well as automobile and trucking negligence, premises liability, wrongful death, asbestos, bad faith and coverage.

Reporting Convictions to the FBPE

As provided in Section 455.227(1)(t), Florida Statutes, **Grounds for Discipline; Penalties; Enforcement**, all FBPE licensees are required to report in writing to the Board **within 30 days** after the licensee is convicted or found guilty of, or entered a plea of *nolo contendere* or guilty to, regardless of adjudication, a crime in any jurisdiction. Failure to timely report will result in disciplinary action being taken against the licensee.

To report this information to the Board send an email to **Wendy Anderson**, FBPE/FEMC Investigator at wanderson@fbpe.org. You **MUST INCLUDE** your name, license number, the date of the conviction, what you were convicted of or the charge to which you pled guilty along with any sentencing information (if that is available upon reporting).

You can read the above mentioned statute in its entirety at www.leg.state.fl.us/Statutes or to view all the laws and rules as it relates to the practice of engineering you can go to our website at www.fbpe.org and select *Statutes and Rules* under the *Legal* section on the *Home* page.

Latest Engineer Discipline

In the last few months, the Board has formally approved the following enforcement case based on the Florida Statutes and Rules applicable at the time of the violation. Included is a brief description of the licensee's violation and discipline imposed by the Board.

You can access the final orders for these cases and other recent engineer disciplines on our website under the Legal section at <http://fbpe.org/legal/disciplinary-actions>. If you are unsure if an engineer has been disciplined you can verify their license on www.myfloridalicense.com. Information on public cases in which an engineer has been disciplined can be obtained by sending an email request to publicrecords@fbpe.org.

Evans Engineering & Design Build Services, Inc.

Case No. 2014041716

Evans Engineering and Design Build Services, Inc. (Evans) was charged with violating **Sections 455.228(1), 471.031(1)(a), and 471.038(5), Florida Statutes**; offering to practice engineering without a Certificate of Authorization. Evans, on its website, stated the following:

1. The site contains a full webpage entitled "Civil Engineering."
2. Under the "Civil Engineering" tab, the first paragraph states: "Our engineers employ tactics which will ensure the successful completion regarding the planning, design and construction phases of any project."
3. The second paragraph states: "Our civil engineering staff..." and "The majority of our engineers are professionally certified and hold advanced degrees."
4. The heading after the second paragraph is entitled: "Engineering Services Available" which is followed by a list of engineering services provided by Respondent to include the following:
 - Wastewater Collection treatment & Disposal
 - Wastewater Pumping Systems
 - Water Supply treatment & Systems
 - Utility Studies
 - Highway, Streets & Bridges
 - Site Development Parking Lots
 - Office & Industrial Parks
 - Commercial Shopping Centers
 - Stormwater Management & Modeling
 - Drainage Studies
 - Permitting
 - Cost Estimating
 - Construction Administration & Inspections

Ruling: The case was presented to the full Board for review after no response was received to the Administrative Complaint. The Board imposed an Administrative Fine of \$5,000. A Final Order was issued on July 1, 2015.

Violation: Sections 455.228(1), 471.031(1)(a), and 471.038(5), F.S.

Disclaimer: FBPE would like to note that every effort has been made to ensure the accuracy of discipline information; however this should not be relied upon without verification from the Board office or website. It is possible that names of companies and individuals listed may be similar to the names of parties who **HAVE NOT** been disciplined or had compliant actions taken against them, so we encourage you to review licensee information on www.myfloridalicense.com, contact our office or make a public records request should you have any specific questions regarding disciplinary actions. Public records requests can be sent to publicrecords@fbpe.org.

What Constitutes Unlicensed Activity?

The unlicensed practice of engineering is a serious threat to the health, safety and welfare of the general public and to the profession itself. Typically, the FBPE receives cases involving firms practicing without a Certificate of Authorization, individuals utilizing the protected title of Professional Engineer (PE) or any variation thereof, and individuals practicing without a PE license. In most of these cases, the violations occur due to a lack of knowledge of the laws and rules associated with the practice of engineering by offenders, as well as the public.

Examples of Unlicensed Activity Include:

- Firm practicing or offering to practice engineering without a Certificate of Authorization;
- Practicing engineering without a license;
- Using a name or title tending to indicate that a person holds an active license as engineer. Examples include: Professional Engineer, Agricultural Engineer, Air-Conditioning Engineer, Architectural Engineer, Civil Engineer, etc.;
- Presenting as his or her own the license of another; and
- Practicing on a revoked, suspended, inactive or delinquent license.

The actions taken by the Board related to unlicensed activity violations are a Notice to Cease & Desist, a Citation (which is a fine), an Administrative Complaint which can come with a recommended penalty of up to \$5,000, injunctive proceedings if the action continues and criminal prosecutions.

To file a complaint involving either licensed OR unlicensed activity, download a copy of the *Uniform Complaint Form* located on the *Complaints* page under the *Legal* section on our home page at www.fbpe.org or request a form from the Board's office. If you want to talk to someone about a potential violation, please call the Board office at 850-521-0500 and ask to speak to an investigator.

The Joy (and Importance) of Real-World Learning

Written by: Nola Garcia de Quevedo

Article Reprinted with Permission from FES-Journal Issue July 2015

Engineering is a serious profession and engineers are serious people. Looking around us at any given moment, it is almost impossible to find something that is not a product of engineering. The road to becoming a licensed Professional Engineer is long, requiring an extraordinary amount of time, diligence, intelligence, creative imagination and many other resources. All of that sounds very sober and dry.

Walk into a room of second grade students designing and building a task-oriented robot, and it looks and sounds neither dry, nor sober. It sounds like they are on a playground! It looks like they are having the time of their life! Walk into a middle or high school engineering class and you will see students collaborating to solve challenging problems relating to real world issues. Real world issues like finding solutions to purify drinking water for villages in third world countries, or designing assistive devices for people confined to wheelchairs. Their demeanor looks serious sometimes, but when they discover that they found a solution using what they have learned in physics class, biology, chemistry or calculus, they are ecstatic! The students run around high fiving their teammates and sharing their discoveries with looks of sheer joy on their faces.

Teaching engineering to K-12 students is changing the future of our world. Students of all ages are becoming aware of the many disciplines of engineering through project based learning. Kindergarteners perform projects using Lego pieces, then they learn how gears work together, and about simple machines and how they are used in our world. These students are being introduced to Design Methodologies, scientific focus and problem-solving through methods that were not previously taught until the second or third year of engineering school!



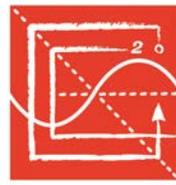
According to the National Academy of Engineering: “Historically, in U.S. elementary and secondary schools, the “E” of STEM has been virtually silent. But a small and apparently growing number of efforts are being made to introduce engineering experiences to K–12 students. Given this phenomenon, the emphasis on standards in education reform in this country, and concerns about how well we are preparing students for life and work in the highly technological 21st century, it is reasonable that we focus attention on the need for and value of standards for K–12 engineering education.”

Florida has been actively working with the Florida Engineering Society (FES), the Florida Engineering Foundation (FEF), educators and administrators to keep Florida in the forefront of states implementing engineering standards for every student in Florida. According to the Florida Department of Education: “The acronym STEM is fairly specific in nature referring to science, technology, engineering and mathematics; however, the concept of STEM encompasses much more than the sum of its parts. Workers in STEM occupations use science and math to solve problems and drive our nation's innovation and competitiveness by generating new ideas, new companies and new industries. STEM programs of study are typically classified based upon four occupational clusters: computer technology; mathematical sciences; engineering and surveying; and natural, physical and life sciences. STEM programs in Florida's Public Schools must embrace the integration of technology and engineering in science and mathematics.”

STEM Programs include the following features:

- A curriculum driven by problem-solving, discovery and exploratory learning that requires students to actively engage a situation in order to find its solution.
- Nature of technology; engineering design; and systems thinking, maintenance and troubleshooting incorporated into the science and mathematics curricula.
- Innovative instruction allows students to explore greater depths of all of the subjects by utilizing the skills learned.
- Technology provides creative and innovative ways to solve problems and apply what has been learned.
- Independent and collaborative research projects embedded in the curricula.
- Collaboration, communication, and critical thinking skills threaded throughout the curricula.
- Opportunities for mentoring by business, industry, and research organization leaders.

(Continued on page 16)



NCEES Adopts Position Statement on the Future of Engineering Licensure

On August 24, 2015, NCEES announced that the U.S. engineering and surveying licensure boards that make up NCEES voted to adopt a position statement on future engineering education requirements for licensure as a professional engineer. The decision was made during the organization's 2015 annual meeting, held August 19–22, 2015, in Williamsburg, Virginia.



The development of the position statement follows a 2014 vote to remove from the NCEES *Model Law* and *Model Rules* the additional education requirements for engineering licensure that were set to take effect in 2020 in order to allow work on implementation to continue without a set effective date. These requirements called for an engineering licensure candidate to obtain a master's degree or its equivalent before initial licensure.

The *NCEES Advisory Committee on Council Activities* was charged this year with developing a position statement that reflected the future education requirements removed in 2014, with the aim of continuing to address the issue.

In addition to asserting the organization's dedication to ensuring that the education requirements for engineering licensure continue to safeguard the public in the future, the statement outlines several pathways for a licensure candidate to obtain the body of knowledge necessary to enter the profession. It also reaffirms NCEES' commitment to engaging with technical engineering societies and other interested parties to explore additional education pathways.

"The vision of NCEES focuses on providing leadership in engineering and surveying licensure to safeguard the public and shape the future of professional licensure," said NCEES Chief Executive Officer **Jerry Carter**. *"This is a complex issue with many stakeholders; NCEES will use this position statement to guide its efforts to engage with those stakeholders and ensure that licensing standards continue to protect the public in the future."*

Ultimately, each jurisdiction will make its own decisions on future engineering licensure requirements. NCEES member boards maintain the *Model Law* and *Model Rules* as best practice manuals, but U.S. states and territories set their own licensing laws and rules. *"Each state and territory will decide individually whether to amend its requirements, but the member boards of NCEES are working together to fully consider these issues,"* Carter said.

The full text of *NCEES Position Statement 35, Future Education Requirements for Engineering Licensure* is available online at ncees.org/PS35.

Expanding International Use of Exams

Among other actions taken at the annual meeting, delegates voted to authorize the negotiation of a contract with the Egyptian Engineering Syndicate to offer the Fundamentals of Engineering exam in Egypt to graduates of the country's engineering programs, regardless of whether they are accredited by the ABET Engineering Accreditation Commission.

The Egyptian Engineering Syndicate will use the FE exam to assist with assessing the quality of the engineering education in Egypt. It also plans to require the candidates to pass the exam to practice engineering in the country. Additionally, successful candidates could use it as a step toward engineering licensure with a U.S. state or territory.

The computer-based exam will be offered in Egypt at approved Pearson VUE test centers. As at U.S.-based testing sites, examinees will be required to adhere to strict security measures to protect the integrity of NCEES licensing exams.

(Continued on page 15)

NCEES currently offers the FE exam in Egypt to students and graduates of the American University in Cairo. The agreement with the Egyptian Engineering Syndicate, which individuals are required to be a member of to practice engineering in Egypt, could potentially bring as many as 25,000 more FE examinees each year. The exam is currently administered to approximately 45,000 examinees each year in the United States.

To read more information about NCEES' exam offerings outside the United States, go to their website at <http://ncees.org/audience-landing-pages/international/>. If you are a licensed professional engineer in the U.S. and seek recognition in another country, go to NCEES' International Registry page located at <http://ncees.org/records/international-registry/> to read about how to apply for assistance.

NCEES Seeks Architectural Engineers' Expertise & Advice

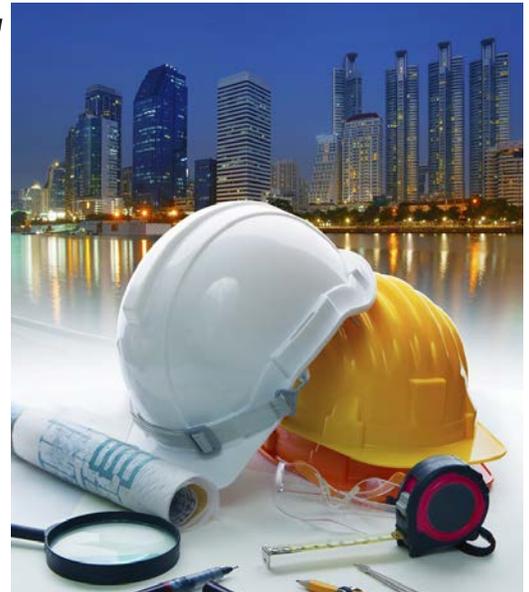
On October 9, 2015, NCEES announced that they are currently seeking licensed architectural engineers to participate in a professional activities and knowledge study, or PAKS, for the PE Architectural Engineering exam. The results of this online survey will be used to update specifications for the exam, which is used throughout the United States for licensing purposes.

NCEES requires a cross section of licensed professional engineers practicing architectural engineering—including those working in industry, consulting, the public sector, and academia—to complete an online survey. The survey will help determine the knowledge and skills required of a licensed architectural engineer with four (4) to six (6) years of experience to practice in a manner that safeguards the health, safety, and welfare of the public. The survey can be completed in about 25 minutes and contains the following sections:

- Section 1: Background & General Information
- Section 2: Professional Activities
- Section 3: Knowledge/Skills
- Section 4: Test Content Recommendations

“These studies help NCEES ensure its licensing exams remain relevant to current professional practice,” explained Director of Exam Services **Tim Miller, PE**. “The value of this PAKS depends on the number of people who participate, so NCEES is eager to get a large response from P.E.s across all areas of architectural engineering.”

For access to the online survey, visit ncees.org/PEArch. Responses must be received by **November 22, 2015**. For more information, contact NCEES Exam Development Engineer **Susan Cline, PE**, at scline@ncees.org or 864-654-6824.



New NCEES President's Term Begins

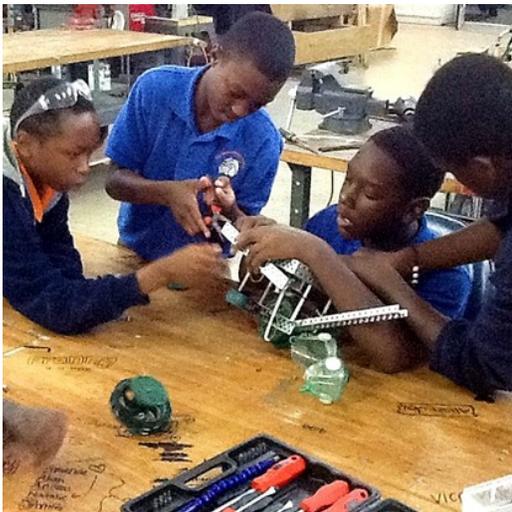
Michael Conzett, PE, began his term as the 2015-2016 NCEES President at the conclusion of the organization's annual meeting, held August 19-22, 2015 in Williamsburg, Virginia. A resident of Omaha, Nebraska, Mr. Conzett has been a member of the Nebraska Board of Engineers and Architects since 2003. He replaces outgoing president **David Widmer, PLS**, of Pennsylvania, who will remain on the NCEES board of directors as immediate past president.

Also during the annual meeting, NCEES members elected **Daniel Turner, PhD, PE, PLS**, of Alabama, president-elect for the 2015-16 term and reelected **Gary Thompson, PLS**, of North Carolina, treasurer for 2015-17.

NCEES welcomed **Theresa Hodge, PE**, of South Carolina, and **Roy Shrewsbury, PS**, of West Virginia, to its board of directors as well. Hodge and Shrewsbury will serve two-year terms as vice presidents of the Southern Zone and Northeast Zone, respectively.

Rounding out the board of directors are two members serving the second year of their two-year terms: **Christy VanBuskirk, PE**, of Iowa, returns as Central Zone vice president and **Patrick Tami, PLS**, of California, continues as Western Zone vice president.

To learn more about NCEES governance go to their website at <http://ncees.org/about-ncees/governance/>.



By integrating these practices into the everyday life of students, we are ensuring that all kids experience the thrill of creatively solving problems in real life. Even if the students do not pursue higher education in engineering or technology, they will have a foundation for better understanding of how things work and the “mystifying” world of engineering.

In 2000 I was recruited by the Dean of the College of Engineering at Florida International University to “come on board and get high school students and their teachers excited about engineering.” What I found was that many of the teachers and guidance counselors did not know how to articulate to their students what engineering really was. They had a difficult time describing the wide variety of disciplines in engineering. Today through many programs like in-school and after-school robotics programs, and through engineering clubs that participate in numerous fun and challenging competitions, the word “engineering” has become more of a household word, with at least a nominal understanding of what it really means to us, as human beings and engineering professionals.

The “*Next Generation Science Standards*,” produced by the National Academy of Sciences, April 2013, proposed the following Science and Engineering Practices Framework:

Eight practices of science and engineering Framework identified as essential for all students to learn.

1. Asking questions (for science) and defining problems (for engineering)
 2. Developing and using models
 3. Planning and carrying out investigations
 4. Analyzing and interpreting data
 5. Using mathematics and computational thinking
 6. Constructing explanations (for science) and designing solutions (for engineering)
 7. Engaging in argument from evidence
 8. Obtaining, evaluating, and communicating information
-

“Engaging in the practices of science helps students understand how scientific knowledge develops; such direct involvement gives them an appreciation of the wide range of approaches that are used to investigate, model, and explain the world. Engaging in the practices of engineering likewise helps students understand the work of engineers, as well as the links between engineering and science. Participation in these practices also helps students form an understanding of the crosscutting concepts and disciplinary ideas of science and engineering; moreover, it makes students’ knowledge more meaningful and embeds it more deeply into their worldview. The actual doing of science or engineering can also pique students’ curiosity, capture their interest, and motivate their continued study; the insights thus gained help them recognize that the work of scientists and engineers is a creative endeavor—one that has deeply affected the world they live in. Students may then recognize that science and engineering can contribute to meeting many of the major challenges that confront society today, such as generating sufficient energy, preventing and treating disease, maintaining supplies of fresh water and food, and addressing climate change. Any education that focuses predominantly on the detailed products of scientific labor—the facts of science—without developing an understanding of how those facts were established or that ignores the many important applications of science in the world misrepresents science and marginalizes the importance of engineering.” (NRC/National Research Council Framework, 2012, pp.42-43)

The Framework goes on to say that all students in all grades should engage in all eight practices. All this sounds so academic and dry, but when you have the opportunity to see it live and in person, you feel the excitement of students discovering their innate talents and gifts to create at all levels. Using their imaginations, and the foundations of science and engineering, changes the students’ view, not only of their world, but their place in that world as a productive part of society. Many schools and engineering clubs have the good fortune to be mentored by engineers of every kind, who assist the students as they find solutions for the projects and competitions that provide real world challenges for them. The engineers in turn, are re-energized in their work by “playing” with the future engineers.

My work has given me the opportunity to work with children of all ages, backgrounds, and socioeconomic standings. I have been fortunate to have professional engineering communities like the Florida Engineering Foundation, the Florida Engineering

(Continued on page 17)

Society (FES) and the Florida Institute of Consulting Engineers (FICE) fiscally support this work. They recognize the importance of impacting the future generation of engineers. Immersing all children into this environment is beneficial to everyone. Kids see themselves differently when they utilize all parts of themselves, their body, mind and spirit. At-risk students (those likely not to graduate without intervention) will realize that staying in school and moving on to post-secondary education is the only way they can become what they want and dream of. They will understand that dreams can turn into reality, if they move forward step-by-step. For students who are not at risk, immersion into the world of engineering has sparked deep passion for engineering and technologically related fields previously unknown to them. I have been blessed to see many young women enter the world of engineering, choosing to study engineering at top schools and universities across the country. Feedback from them, and their male counterparts, has been that having more of a gender balance is a positive and enjoyable addition to the school and work environment.

All in all, the introduction of engineering into the world of K-12 education is in its infancy and moving in a direction that benefits everyone!!!

For more information about FES and FICE, go to their website at www.fleng.org.

Nola Garcia de Quevedo has been a champion for the engineering profession for decades, including service as a lay member on the Florida Board of Professional Engineers from 2008 through 2015. She previously worked at Florida International University's College of Engineering where she left to start up BattleBots IQ, the first robotics program that included teacher training, curriculum and competitions for middle school, high school and post-secondary schools.

She has been directing robotics teams around the country for fourteen years, and as CEO of BattleBots IQ, Inc. she coordinated the growth of the program, produced regional and national events, facilitated teacher trainings, and worked with the manufacturing industry to bridge the gap between education and workforce development.

Ms. Garcia de Quevedo also serves as the Founder and President of StarBot Inc., a not-for-profit robotics education center that serves the South Florida community of both public and private schools. StarBot, Inc. is also a leader in bringing engineering education to many at-risk youth programs. She also created the 305 Consortium, a group that consists of local business leaders, students, teachers, parents and people who are dedicated to bringing STEM (Science, Technology, Engineering and Mathematics) programs and opportunities to the students of Miami.

What Would You Do With \$25,000?

It's official...NCEES has announced its annual call for submissions for the 2016 NCEES Engineering Award. The NCEES Engineering Award for Connecting Professional Practice and Education was established in 2009 to recognize college engineering programs for engaging their students in collaborative projects with licensed professional engineers.

The award was created to promote the understanding and value of licensure and to encourage partnerships between the engineering profession and education. EAC/ABET-accredited programs from all disciplines are invited to submit projects that integrate these principles.

Projects must be in progress or completed by **March 14, 2016**. All projects must be received by NCEES electronically by **May 2, 2016**. The following criteria will be used to evaluate the project submissions:

- Successful collaboration of faculty, students, and licensed professional engineers
- Protection of health, safety, and/or welfare of the public
- Multi-discipline and/or allied profession participation
- Knowledge or skills gained
- Effectiveness of display board, abstract, and project description



The NCEES *Engineering Award* includes six cash awards: one grand prize of \$25,000 and five awards of \$7,500 each. Use of the funds awarded is at the discretion of the winning engineering departments/colleges. NCEES encourages the use of the awards for the advancement of projects connecting professional practice and education. The grand prize winner will be recognized at the NCEES annual meeting in August 2016. All award-winning submissions will be exhibited at the event and featured on the NCEES website, in NCEES publications, and in other related professional publications.

You can view more information about the award, the submission process and criteria, as well as access the 2015 *Engineering Award* book on NCEES' website at <http://ncees.org/licensure/ncees-engineering-award/>.

Congratulations Examinees!

FBPE applauds all of the candidates that successfully passed the NCEES Fundamentals of Engineering (FE) Exam.

We wish them much success as they move towards the next step in their engineering careers!

NCEES Fundamentals of Engineering (FE) Exam Passers

(Exam Period July 1, 2015 - September 25, 2015)

Stephen Acosta
Veronique Adam
Alaym Aguilar Almarales
Paul Akin
Erik Alcantara
Warren Allen
William Allmond
German Alonso
Abdullah Alrayes
Suleiman Alshumemry
Yves Amisial
Tatiana Antonetti
Hector Arellano
Samer Attallah
Mourad Ayadi
Thomas Baker
Daniel Barak
Paul Baran, V
Juan Barrios
Matthew Barus
Freeman Bass
Roxana Bayarre
Benjamin Beaman
Matthew Belser
Christopher Bergljung
Manuel Beriguette
Joshua Bice
Antonio Birk
Tyler Blair
Mason Booth
Mark Braithwaite
Justin Broomall
Shelby Brothers
Cooper Brown
Jonathan Brumfield
Feisal Buitrago Sandoval
Eric Bulnes
Michael Burnett
Carlos Caballero
Philip Cafaro
Martin Cala
Christian Caldie
Raymond Calnen
Pablo Campo
Jacob Cano
Christian Carboni
Stefano Carnio
Jeremy Carter
Abel Cartwright

Leandro Carvajal
Thomas Casey
Enrique Catalan
Carter Chapman
Eric Coburn
John Constantinide
Luis Correa Vargas
Kelly Costello
Gary Cox
Clayton Cox
Nicholas Crews
Benjamin Crockett
Brad Crowson
Erick Cuervo Guilarte
Matthew Cullens
Christine Cunanan
Derek d'Adesky
Daniel DeLellis
Adam Diaz
Evan Dodd
Daniel Durrance
Ravindra Dyal
Timothy Easley
William Edgecomb
Joseph Edwards
Mohsen Elsayed
Michael Esteban
Anthony Fantauzzo
Larissa Faria
Matthew Feldman
Julia Felter
Fritz Fenelus
Jonatan Fernandez
Elizabeth Fernandez
Jimmy Fernandez
Elizabeth Fernandez-Cuervo
Amir Ferouz
Patrick Freisen
Blake Furbee
John Garcia
Mohamad-Waleed Gebarin
Andrew George
Allison Glunt
Rainier Gonzalez
Christopher Greene
Michael Greene
Jonell Gregor
Joel Gutierrez
Amir Hadjimiry

Daniel Happel
Christopher Harris
Jake Hemingway
Joshua Higdon
James Hogg
Weishen Hong
Brad Ingram
Patrick Jackson
Vladimir Jeune
Pengxiang Jiang
Nadjilla Johnson
Kyle Johnson
Sirisha Lakshmi Karnam
Sri Rameswar Pramod Kasturi
Amber Katada
David Keller
Gyu Dong Kim
Brittany Kociuba
Michael Kolbe
John Koney, II
Michael Krek
Tristan Ladd
Elizabeth Lamug
Christopher Lancaster
Shayn Lasa
Christopher Ledezma
David Lee
Nicolas Lescaille
Domingos Lima
Eduardo Lopez
Christian Lopez
Olguoy Louis
Brian Lucas
Paulo Luman
Sean Lynch
Christine Mahler
Earl Maier
Anthony Maniscalco
Arthur Mapugay
Natalie Marini
Jogie Marquez
Richard Martinez
Kelvin Martinez
Kenneth McCloud
Michael McGaffic, Jr.
Samuel McMullen
William Mechling
Enit Medina
Brant Meier

Rachael Meiser
Eric Millburg
Nicholas Miller
Mallorie Miller
Camden Mills
Niloufar Mirsaied Ghazi
Bassam Mohammed
Esneyder Montoya
Melanie Moore
Yarima Morales Martinez
Vanessa Moreno
Kyle Morgan
Daniella Motro
Joseph Mousa
Daniel Mugruza
Miles Mullins
Lester Nandati
Miguel Naranjo
Clayton Neff
Charles Newberry, Jr.
Maxwell Nichols
Kevin Noriega
Timothy O'Farrell
Clinton Olson
Matthew Olson
Jonathan Pannell
Kazi Pappu
Andrew Paredes
Logan Parker
Deep Patel
Dale Pearson
Jerome Pedro
Guangfeng Peng
Billy Pentz
Napoleon Perez
Michael Perez
Ricardo Pino Cruz
Michael Pinto
Ethan Plail
Stephen Poniatowicz
Dennis Popa
Vincent Pribble
Denys Purdy
Jesus Rafuls
Andrea Ramirez
Nicolas Ramos
Rebecca Rembert
Antonio Reyes
Andres Reyes

NCEES Fundamentals of Engineering (FE) Exam Passers Continued (Exam Period July 1, 2015 - September 25, 2015)

Kevin Richardson
Jonathan Ridgway
Christian Rivadeneira
Michael Rivera
Daniel Rodriguez
Neftaly Rodriguez
Yoandry Rodriguez
Jordan Rodriguez
Mario Rojas, IV
Tracy Rosas
Ashley Rubright
Robert Sacco
Don Salamon
Laura Salas
Eric Salimbene

Andres Salzberger Garmendia
Dimitri Santiago Purits
Justin Scarborough
Garrett Schwalbe
Joseph Scott
Ryan Scott
Adah Shair
Joseph Shannon
Liqing Shen
Brian Shiffer
Samantha Shuhala
Trisha Sinay
Christopher Soto
Hayley Spears
John Spitznagel

Kiel Stead
Tyler Stephens
Andrew Stricklin
Skylar Stroman
Alexander Struyk
Wesley Stuckey
Bharathi Subramanian
Tyler Swanson
Alan Tablada
Siamak Talebi
Thavavigna Thanikachalam
Camilo Torres
Dominick Tota
Jeremy Troutman
Alejandra Trujillo

Hung Tu
Ricardo Urena
Adrian Valdes
Etienne Vawters
Ezequiel Vazquez
Jose Vila Alvarez
Gage Vincent
Junren Wang
Tianyao Wang
Josselyn Webb
Buckley Weglarz
Olivia West
John Westcott
Andrew Williams
Thomas Williams

Joshua Wilson
Michael Wilson
Brian Wittenberg
Karl Wojnar
Carly Wood
Xi Yang
Emma Yarza Irusta
Kent Youngblood
Peter Youssef
Lei Zhao
David Zimmerman

Licensure Record Accuracy Depends on You!

Did you know that whenever your contact information changes it is **YOUR** responsibility to update your licensure record? FBPE wants to remind you of the importance of keeping your vital information accurate on your licensure record.

It is the responsibility of the Licensee or certificate holder to notify the Board of any change of vital information previously submitted, such as a name or address change, change of employer, or change of PE in responsible charge for a firm.

This information should be provided **within 30 days** of when the change occurs to ensure proper delivery of licensure correspondence and uninterrupted Board service. We also encourage licensees to provide the most current email address as we routinely provide special notices, information and the quarterly newsletter electronically.

To submit your changes to the FBPE, select the *Change Contact Information* page under the *Licensure* section or go to https://www.fbpe.org/index.php?option=com_chronoforms5&chronoform=LicenseContactChange and complete the interactive form. You can also manage your license account by selecting *Licensee Login* on DBPR's on-line portal at www.myfloridalicense.com. If you experience problems using either of these methods send an email to board@fbpe.org with your change request. ****NOTE**** - When emailing your request to FBPE to update your record with new information **YOU MUST INCLUDE** your full name, license number, old and new address, phone number and email.

For those individuals requesting to change their name and obtain a new copy of your license, **YOU MUST SUBMIT** a copy of a marriage certificate, divorce decree, or court order along with the appropriate order form and the \$25.00 fee. The order form can be downloaded from our website under "*Order Form for Duplicate Licenses and Certificates*" at <http://fbpe.org/licensure/other-forms>.

Additional forms can be located on the *Other Forms* page, such as requests to change active/inactive license status, retired license status, and verification of licensure. If you have any questions feel free to contact the Board's office at (850) 521-0500.





FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

2639 N. Monroe Street
Suite B-112
Tallahassee, Florida 32303
(850) 521-0500

www.fbpe.org



“Committed to protecting the interest of public health and safety by properly regulating the practice of engineering.”



2015-2016

Florida Board of Professional Engineers

The Florida Legislature found that it was necessary, in the interest of public health and safety, to regulate the practice of engineering in the State of Florida and thus created *Chapter 471, Florida Statutes*, the Engineering Registration Law. Under this law, the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state. The Board is comprised of 11 members, nine of whom are licensed professional engineers representing multiple disciplines and two laypersons who are not and never have been engineers or members of any closely related profession or occupation. All members are appointed by the Governor for terms of four years each.

William C. Bracken, PE, SI, CFM
Chair

Vivian Boza

C. Kevin Fleming, PE

Elizabeth B. Ferguson, Esq.

Michelle D. Rambo-Roddenberry, PhD, PE

Zana Raybon - Executive Director

Anthony J. Fiorillo, PE, SI, CGC
Vice-Chair

Roland P. Dove, PE

Warren G. Hahn, PE

John Pepper, PE, SI

Kenneth Todd, PE

Babu Varghese, PE, SI, CGC, CCC

Florida Engineers Management Corporation

Under *Section 471.038, Florida Statutes*, administrative, investigative and prosecutorial services are provided to the Florida Board of Professional Engineers by the Florida Engineers Management Corporation (FEMC). FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. The FEMC Board of Directors is composed of seven members. Five members are appointed by the Florida Board of Professional Engineers and must be Florida registrants. Two members are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

Shannon LaRocque, PE Chair

Jeff Arey, PE

Kimberlee DeBosier, PE

VACANT

Michele Morris
FEMC Secretary

Donald L. Goddeau, PE Vice-Chair

Stephen Kowkabany, PE

John R. Stewart

Zana Raybon FEMC President

John J. Rimes, III, Esq.
FEMC Vice President

Florida Engineers Management Corporation (FEMC) Staff

Zana Raybon
FBPE Executive Director & FEMC President

Rebecca Sammons
FBPE Assistant Executive Director

Angie Henricks
Customer Service Representative
(Receptionist & Scanning Technician)

Alan Levin
Technology Assistant
(Wall Certificates & License Printing)

Shannon McCoy
Public Information Officer
(Website, Communications, & Collegiate Outreach)

Katherine Anderson
Scanning & Records Supervisor
(Electronic Archive of Records & CA Applications)

Brendan Henricks
Licensure Analyst
(Exam/Licensure Verifications)

Lisa Simmons
Licensure Analyst
(PE Exam & Re-Take Applications)

Nancy Wilkins
Licensure Analyst
(Continuing Education, Special Inspector Applications;
Active/Inactive Status Changes)

Rebecca Valentine
Licensure Analyst
(Endorsement Applications)

Kendra Williams
Licensure Analyst
(FE Exam Applications)

John J. Rimes, III, Esq.
Chief Prosecuting Attorney & FEMC Vice-President

Wendy Anderson
Investigator
(Complaints, Investigations, Public Records Requests)

Trishia Finkey
Paralegal
(FEMC Administrative Complaints, Hearings, PCP, Final Orders)

Michele Morris
FBPE Controller & FEMC Secretary

Kevin McGavock
Accounting & Finance
(Accounting & Application Payment Processing)