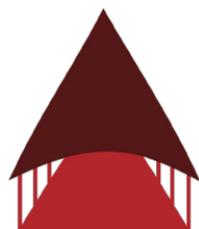




Engineer Regulation & Enforcement in the State of Florida

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



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

www.fbpe.org



General Facts & Information

The Florida Legislature has determined, in the interest of public health, life, property and safety, to regulate the practice of engineering in the State of Florida. To accomplish this task the Legislature created Chapter 471, Florida Statutes.

Licenses are expected to know the laws and rules governing their professions and are expected to provide services in accordance with current regulations, codes and ordinances and recognized standards. When appropriate, the Board has the authority to discipline those individuals and firms (licensed and unlicensed) that offer and/or practice engineering in the State of Florida. The Board has the power to suspend, revoke, or refuse to issue, restore or renew a Certificate of Authorization for a firm, or an engineering license for an individual, or place on probation, fine or reprimand any firm, professional engineer, or individual found guilty of violating Florida Statutes and Rules.

The legal department, consisting of the chief prosecuting attorney, an investigator, and a paralegal/compliance officer, manage the complaint and disciplinary processes. The department's duties include review of complaints, coordination of investigations, preparation of probable cause panel and board meeting materials, preparation of administrative complaints and orders, litigation of cases at the Division of Administrative Hearings (DOAH), handling appeals to the court system and assuring compliance with Board decisions.

For more detailed information on how to file a complaint, review individuals currently being disciplined, and access Florida's current laws and rules, refer to their pages under the *Legal* section on our website at www.fbpe.org.

About the Florida Board of Professional Engineers

With over 35,000 active licensed engineers in the State of Florida, the Florida Board of Professional Engineers is committed to protecting the interest of public health and safety by properly regulating the practice of engineering.

Established under Florida statutes, the Florida Board of Professional Engineers (FBPE) 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.

FBPE is dedicated to always providing quality service, timely assistance, and accurate information and encourages any communication as it relates to ensuring the quality of engineering in the State of Florida.

About 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 licensed professional engineers. Two members are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

Designated by the Legislature, FEMC staff provide services to FBPE such as reviewing applications, licensing qualified applicants, investigating any and all alleged violations and enforcing prosecution of any individual or firm found to be in violation of Florida statutes or rules for this profession.

For more information on Board members and contact information, go to our website at www.fbpe.org and select *About FBPE* or *About FEMC*.

The Complaint Process Defined

Complaints are filed with the Board from many sources and any member of the public may file a complaint. The majority of written complaints received by FBPE are from consumers of engineering services and building department officials. Professional engineers and professionals from related fields, such as contractors, surveyors, and architects, also file many of the complaints that form the basis for investigations. You may file a complaint if you feel that a licensee, firm or individual has violated the provisions of law outlined in Chapter 455, F.S., Chapter 471, F.S., and Chapter 61G-15, Florida Administrative Code.

Once you file a complaint, it is forwarded to a FEMC engineering consultant for review. The preliminary opinion and complaint documents are analyzed to determine if what you have alleged is against the law. If your complaint is not a violation of law you will receive a letter indicating the file is being closed. If it is determined that the allegation you have made would constitute a violation of the engineering laws or rules, you will be notified that an investigation will take place. Following the investigation, the case will go to the FBPE Probable Cause Panel (PCP), which is similar to a grand jury, and they will determine if the case should be recommended to the full FBPE for discipline. The FBPE then serves as jury in the case and decides guilt or innocence, as well as the level of discipline if the accused is found guilty.

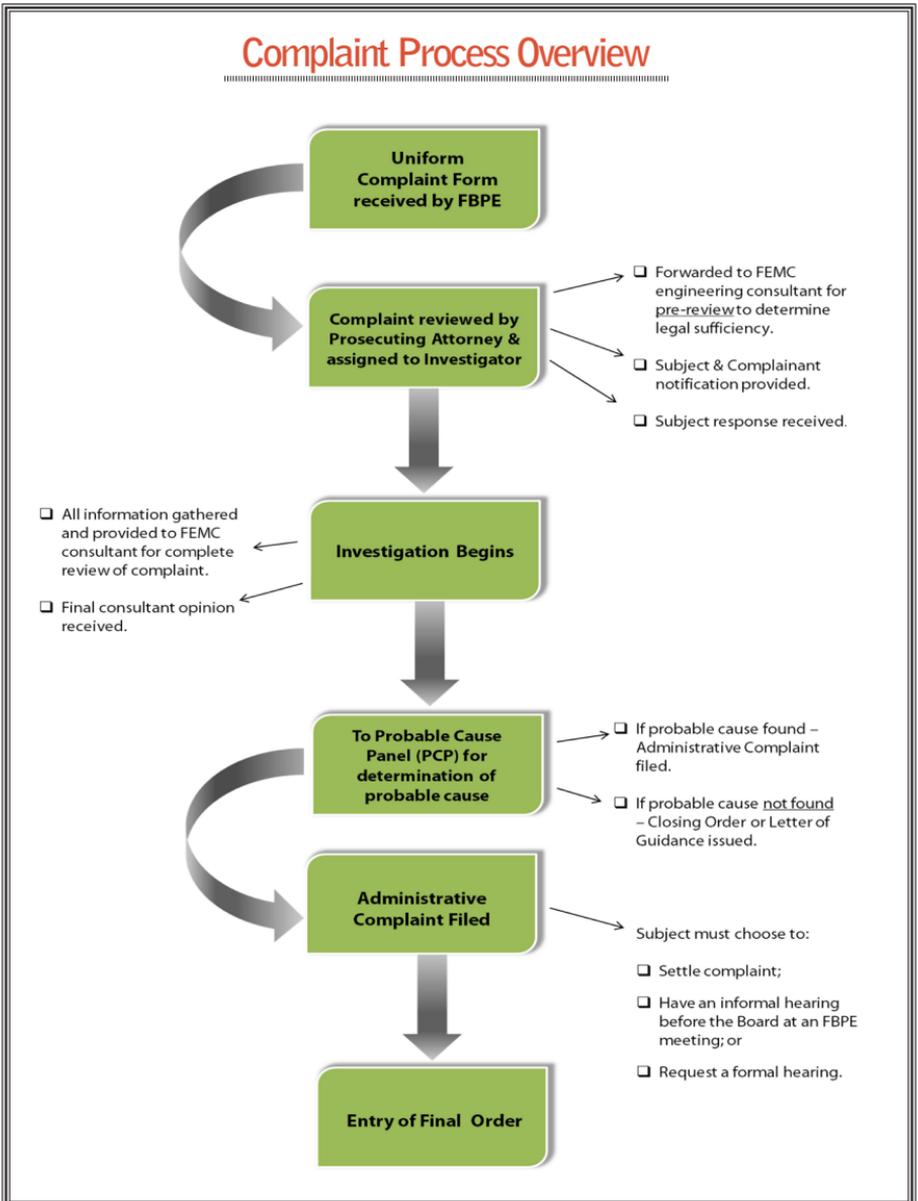
The Board DOES accept anonymous complaints. However, the Board encourages the complainant to include his or her name and phone number in case additional information is required.



Please understand that if you file an anonymous complaint, the investigator will be unable to contact you for clarification or for further information. It is important that you include all of the information necessary to prove that a violation has occurred. *Too much information is better than not enough information!!!*

Further understand, you will not be notified of the results of the investigation of your “anonymous” complaint.

Additionally, it is important to note that Section 455.225, Florida Statutes states: “*A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complaint or witness acted in bad faith or with malice in providing such information.*”



If you would like to file a complaint, go to the *Complaints* page under the *Legal* section on our home page at www.fbpe.org, and download the Uniform Complaint Form or request a form from the Board’s office.

Unlicensed Practitioners Affect Everyone!



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 PE or any variation thereof, and individuals practicing without a professional engineer license. In most of these cases, the violations occur due to lack of knowledge of the laws and rules by offenders as well as the public.

What Constitutes Unlicensed Activity?

- 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.

Generally, the FBPE issues a notice to *Cease & Desist* for first time offenders and refers second time offenders to the State Attorney's office in the county where the offender resides for criminal prosecution.

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.

How Can I Tell if an Engineer has been Disciplined?

At times, the public may find it necessary to determine whether a professional engineer has been disciplined by the Board. If you visit www.myfloridalicense.com, you may see various closure methods for complaints filed.

Complaint Closure Methods

Cease & Desist - When an unlicensed individual or company has either practiced engineering without a license or a company has offered engineering services without a Certificate of Authorization, a “Cease & Desist” will be issued advising the offender to cease the activity.

Citation - A citation is issued in lieu of disciplinary action for certain relatively minor transgressions, which the Board has determined can be resolved by the payment of a fine and compliance in the future.

Legally Insufficient - A complaint that has been filed and reviewed can be deemed to be “Legally Insufficient” when:

1. no facts were found to justify investigating the complaint or;
2. the complaint alleged a violation of law that was outside the purview of the Board to take action.

This method of closure is most often used when a complaint is filed regarding something that is not within the Board’s jurisdiction, for example, an engineer is practicing another profession, unlicensed activity when no unlicensed activity has occurred, or an issue that is not a violation of the Board’s laws and rules.

Closing Order - When a complaint is legally sufficient, has been fully investigated and reviewed by the Probable Cause Panel, and found to have no violation of the Board’s laws and rules, a “Closing Order” will be issued.

Letter of Guidance - A “Letter of Guidance” (LOG) will be issued when there is probable cause for the Probable Cause Panel (PCP) to believe that a violation of the Board’s laws and rules occurred, that the violation is relatively minor and, in the PCP’s opinion, is such that it does not rise to the level of having an “Administrative Complaint” issued. A “LOG” generally gives the professional engineer a written warning of certain behaviors to avoid in the future. A “LOG” does not constitute discipline of a PE’s license.

Final Order - A “Final Order” means that disciplinary action has been taken against a professional engineer or a company that holds a Certificate of Authorization. Depending on the seriousness of the violation, the penalties and terms imposed may vary.

Pursuant to Rule 61G15-37.001(11), current cases where a final order has been issued are summarized and posted on the Board’s website until the offender completes probation and other recommended penalties imposed by the Board, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void. If you are aware of an engineer that has been disciplined but cannot locate them on the current list under the *Legal* section of our website, you can submit a public records request at publicrecords@fbpe.org.



- Licensure
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- Enforcement
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