

**Minutes for
The Florida Board of Professional Engineers
February 11, 2015 beginning at 1:00 p.m. or soon thereafter and
February 12, 2015 beginning at 8:30 a.m., or soon thereafter
The Shores Resort
Daytona Beach Shores, Florida**

Part I – Wednesday, February 11, 2015

A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Bracken called the meeting to order. Ms. Raybon called roll.

B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

William Bracken, P.E., S.I., Chair
Anthony Fiorillo, P.E., S.I., Vice Chair
John C. Burke, P.E.
Roland Dove, P.E.
Warren Hahn, P.E., Chair
John Pepper, P.E., S.I.
Michelle Roddenberry, Ph.D., P.E.
Kenneth Todd, P.E.
Vivian Boza, Public Member
Nola Garcia, Public Member



Attorney General's Office:

Michael Flury, Sr. Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

C. Introduction of guests and announcements as to presentations at a time certain

Thomas Grogan, P.E., FSEA
Bill Palm, Engineering Educators
Jesse Wilson, NCRS
Tony Harvey, NCRS

Charlie Geer, FES/FICE
Jeff Arey, P.E., FEMC Board Member

D. Approval of the Agenda

Upon motion by Mr. Hahn, seconded by Ms. Garcia, the agenda was approved which includes the consent agenda. The motion passed.

#1. Approval of the Consent Agenda
(Items denoted with an asterisk are included in the Consent Agenda*)

E. Review and Approval of previous Board & Committee Meeting Minutes

#1. Minutes from the December 3-4, 2014 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from January 23, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.

#3. Minutes from February 2, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.



F. Committee Reports

#1. Applications Committee **(Next Meeting: March 10, 2015 at 1pm)**
(John Burke, P.E., Chair; William Bracken, P.E.; Warren Hahn, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.; Vivian Boza, Public Member; Nola Garcia, Public Member)

(a) Committee Chair's Report.

No Report.

#2. Educational Advisory Committee **(Next Meeting: March 10, 2015 at 1pm)**
(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; John Burke, P.E.)

(a) Committee Chair's Report.

No Report.

#3. Probable Cause Panel **(Next Meeting: March 10, 2015 at 8:30am)**

(Michelle Roddenberry, Ph.D., P.E., Chair; John Pepper, P.E.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board
Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from January 13, 2015 Meeting*

Approved under consent agenda.

#4. FBPE Rules Committee **(Next Meeting: March 11, 2015, at 8:30am)**

(John Burke, P.E., Chair; William Bracken, P.E.; Anthony Fiorillo, P.E.; Kenneth
Todd, P.E.)

(a) Committee Chair's Report.

(b) Minutes from January 14, 2015 Meeting

Mr. Burke reported on the minutes from the meeting.

(c) Proposed Rule Amendment to Rule 61G15-18.011-Definitions

Mr. Burke asked Mr. Todd to discuss the Traffic Engineering Rule.

Mr. Todd discussed the rule and how the committee developed the proposed
rule.

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit
the following terms have the following meanings:

(1) – (5) No change.

(6) The term "traffic engineering" involves the use of engineering principles and methodologies to carry-out operational analyses of land transportation facilities serving pedestrian, bicycle, and vehicular transit. Traffic engineering also includes the completion of detailed roadway, intersection, and parking lot designs, including the selection and implementation of all traffic control devices. In addition, traffic engineering includes the development and application of engineering standards to be used in the evaluation or design of ground transportation facilities. The following list of traffic engineering tasks shall be completed under the responsible charge of a licensed professional engineer. All resulting reports, construction drawings and plans shall be signed and sealed by the engineer in responsible charge.

(a) Operational Analysis or Design Analysis, which rely on actual, site-specific roadway, intersection or traffic signal data (such as hourly traffic volumes, peak hour factors, truck percentages, g/c ratios and signal phasing)

shall be done by or completed under the direction of a professional engineer. This includes all traffic engineering simulation programs and any roadway or intersection analysis other than those conducted at the planning level. The Highway Capacity Manual provides detailed descriptions of Operational Analysis, Design Analysis and Planning Analysis for various transportation facilities. Planning Analysis differs from Operational Analysis and Design Analysis in that it incorporates estimated or default input values into the analysis in order to determine facility operation for a future time horizon.

(b) Detailed design that involves the preparation of scaled construction drawings or maintenance plans including temporary maintenance of traffic.

(c) The development of traffic engineering designs that contain specific numerical requirements that can only be evaluated through an engineering analysis.

(d) Any roadway or intersection operational analysis, including capacity and level of service analyses, other than those conducted at the planning level.

(e) The calculation of queue lengths or the determination of turn lane lengths, other than those determined during the planning stage.

(f) The application or interpretation of engineering standards and documents, including the latest edition of: The FHWA's Manual on Uniform Traffic Control Devices (MUTCD), AASHTO's Geometric Design of Highways and Streets (aka AASHTO Green Book), AASHTO's Roadside Design Guide, AASHTO's Roadway Lighting Design Guide, FDOT's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), FDOT's Intersection Design Guide, FDOT's Traffic Engineering Manual, FDOT's Manual on Uniform Traffic Studies, and FDOT's Design Standards.

(g) Any warrant evaluation that includes: traffic signal warrants, all-way stop control warrants, and turn lane warrants.

(h) The use of site-specific traffic signal timings and any task that results in traffic signal timing or phasing recommendations.

(i) Traffic signal design or timing.

(j) Sight distance calculations and analysis.

(k) No passing zone analysis or design.

(l) Roadway signing or pavement marking design for both public and private roadways.

(m) Work zone traffic control design; including the modification of any previously developed work zone traffic control plans and the application of standard FDOT drawings to specific sites.

(n) The preparation of construction drawings, including the dimensions and specifications, for traffic calming modifications to any roadway open to public travel. Also included is any speed study, road

closure study, intersection analysis, or other traffic operational analysis used to support a traffic calming recommendation.

(o) Access management tasks involving deviations from established criteria and standards. Variations from the established standards for driveway location, median opening location and type (full vs. directional), or traffic signal spacing shall be based on a detailed traffic operational analysis.

(p) Roadway lighting analysis and design, including light level computations and lighting justification reports.

(g) Review of equipment submittals for all design listed in this rule.

(r) Detailed design of both public and private parking facilities.

(7) The term "marine engineer" as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, retaining walls, and other marine structures. Marine engineering shall not encompass the design of marine vessels.

Mr. Flury stated that the proposed language also has language dealing with the definition of "marine engineer."

Upon motion by Mr. Todd, seconded by Ms. Garcia, the language in the proposed rule amendment to 61G15-18.011 (6) dealing with Traffic Engineering is approved (not section (7) of the proposed rule amendment). The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.001(6) would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Mr. Flury stated that staff may have to do a more comprehensive SERC for this rule.

Mr. Flury discussed the proposed language for "marine engineer." Discussion followed. This proposed language was tabled and sent back to the Rules Committee for more clarification.

(d) Proposed Rule Amendment to Rule 61G15-21.007 – Re-Examination

Mr. Burke reported on the proposed rule amendment to Rule 61G15-21.007:

61G15-21.007 Re-examination.

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant may either:

(1) The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit

hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a), (b) and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(c), F.A.C.; or

(2) Submit evidence of completion of one of the following board approved engineering examination review courses offered by:

(a) Schools with an ABET approved engineering program;

(b) Kaplan Engineering Education;

(c) School of PE;

(d) Testmasters Educational Services, Inc.;

(e) SmartPros, Ltd.;

(f) Professional Publications, Inc.; or

(g) State and National Engineering Professional Associations approved by the Board.

The applicant must take a review course that covers content for the examination in the engineering discipline which the applicant intends to take.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08.

Upon motion by Mr. Hahn, seconded by Mr. Dove, the proposed rule amendment to 61G15-21.007 was adopted. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-21.007 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Bracken, seconded by Mr. Fiorillo, the proposed amendment to Rule 61G15-21.007 will have no adverse impact on small business. The motion passed.

(e) Proposed Rule Amendment to Rule 61G15-22-License Renewal, Continuing Education

Mr. Flury reported on the proposed rule amendment to Rule 61G15-22:

**CHAPTER 61G15-22
LICENSE RENEWAL, CONTINUING EDUCATION**

61G15-22.0001 Renewal of Active Licenses

61G15-22.0002 Renewal of Inactive Licenses

61G15-22.0003	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
61G15-22.001	Continuing Education Requirements
61G15-22.002	Definitions
61G15-22.003	Qualifying Activities for Area of Practice Requirement
61G15-22.004	Conversion of Education Units to PDH
61G15-22.005	Non-Qualifying Activities
61G15-22.006	Demonstrating Compliance
61G15-22.007	Noncompliance (Repealed)
61G15-22.008	Record Keeping
61G15-22.009	Exemptions
61G15-22.010	Qualifying Activities for Laws and Rules Requirement
61G15-22.0105	Approval of Continuing Education Courses in Laws and Rules
61G15-22.011	Board Approval of Continuing Education Providers
61G15-22.012	Obligations of Continuing Education Providers
61G15-22.013	Evaluation of Providers
61G15-22.014	Duration of Provider Status

61G15-22.0001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to FEMC the biennial renewal licensure fee for active licenses, and a statement certifying that the licensee has completed the eighteen (18) ~~eight (8)~~ hours of approved continuing education which were required during the last biennium.

Rulemaking Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History—New 8-1-02.

61G15-22.0002 Renewal of Inactive Licenses.

To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status to FEMC and a statement certifying that the licensee has neither practiced engineering nor violated any of the provisions of Section 471.033, F.S., since the date on which the license was first placed on inactive status.

Rulemaking Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History—New 8-1-02.

61G15-22.0003 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(m), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G15-24.001(2)(l), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure,

including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G15-24.001(2)(f), F.A.C.

Rulemaking Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History—New 6-8-03.

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eighteen (18) continuing education hours ~~eight professional development hours~~ during each license renewal biennium as a condition of license renewal. Four hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) hour ~~four hours~~ shall relate to Chapter 471, F.S., and the rules of the Board. ~~Chapter 61G15-22, F.A.C. The remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule 61G15-22.002.~~

(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) Beginning with the Fifth Edition of the Florida Building Code, all licensees 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, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one advanced Florida Building Code course within 12 months of each edition of the Florida Building Code effective date,

(b) 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. This course may also count towards the area of practice requirement for continuing education set forth in Rule 61G15-22.001, F.A.C.

(4) The Board shall approve all Advanced Florida Building Code courses. Courses submitted for approval shall have been designated an "Advanced" course by the Florida Building Commission and shall be within the discipline of civil structure, mechanical, electrical or general engineering.

Rulemaking Authority 455.2177, 471.008, 471.017(3), 471.019, 471.0195 FS. Law Implemented 455.2177, 471.017(3), 471.019, 471.0195 FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01, 3-7-13, 9-29-14.

61G15-22.002 Definitions.

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered by the National Council for Examiners of Engineering and Surveying (NCEES).

(2) Continuing Education Professional—Development Hour (PDH): A time measurement requiring a minimum of 50 minutes instruction or presentation per hour. The continuing education hour PDH is the common denominator for other units of credit. A continuing education hour is equivalent to a professional development hour (PDH).

(2) Continuing Education Unit (CEU): Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(3)~~(4)~~ College/Unit Semester/Quarter Hour: Credit for course in ABET-approved

programs or other related engineering college course.

~~(4)(5)~~ Course/Activity: Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice.

~~(5)(6)~~ Commercial educator: An individual or business organization trained in teaching and offering education courses for a profit.

(6) Vendor: An individual or business organization who sells products or services related to an engineering area of practice.

(7) Topic pertinent to the practice of engineering: For purposes of meeting the continuing education requirements, a topic pertinent to the practice of engineering is any topic that falls within the definition of the practice of "engineering" as defined in Section 471.005(7), Florida Statutes. Topics on marketing, foreign language skills, and basic math skills below the requirements set forth in Rule 61G15-20.007(1)(a), F.A.C. are not acceptable and are excluded.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS. History—New 9-16-01, Amended 8-1-02, 7-30-03.

61G15-22.003 Qualifying Activities for Area of Practice Requirement.

(1) Successful completion of college courses.

(2) Successful completion of continuing education courses, successful completion of correspondence, televised, Internet, videotaped, and other short courses/tutorials or attending seminars (including in-house seminars at an engineering firm), workshops, or professional and technical presentations at meetings, conventions or conferences presented/sponsored by a provider or vendor with specific knowledge related to the licensee's area of practice approved under Rule 61G15-22.011, F.A.C.

(3) Teaching or instructing in subsection (1) or (2) above. However, teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

(4) Authoring published technical engineering papers, articles, or books; or accepted licensee examination items for NCEES.

(5) Patents.

(6) Active participation in professional or technical societies. Civic or trade organizations do not qualify under this provision. Credit for this activity requires that the licensee serve as an officer of the organization. ~~PDH~~ Continuing Education hour credits are not earned until the end of each year of completed service.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 5-14-06.

61G15-22.004 Conversion of Education Units to Continuing Education Hours ~~PDH~~.

(1) One (1) college or unit semester hour credit is equal to 15 continuing education hours ~~PDH~~.

(2) One (1) college or unit quarter hour credit is equal to 10 continuing education hours ~~PDH~~.

~~(3) One (1) continuing education unit is equal to 10 PDH.~~

~~(3)(4)~~ One (1) contact hour of professional development in course work, seminars including in-house seminars at an engineering firm, or professional or technical presentations made at meetings, conventions, or conferences is equal to 1 continuing

education hour PDH or, if teaching, 2 continuing education hours PDH.

~~(4)(5)~~ Each published paper, ~~article~~, or book is equal to 10 continuing education hours PDH.

(5) Each article is equal to 2 continuing education hours.

~~(5)(6)~~ Authoring accepted licensee examination items for NCEES is equal to 2 continuing education hours PDH.

~~(6)(7)~~ Each patent developed using engineering principles is equal to 20 ~~40~~ continuing education hours PDH.

~~(7)(8)~~ Active participation in professional and technical societies as described in subsection 61G15-22.003(6), F.A.C. Each hour of participation is equal to 1 continuing education hour PDH, with a maximum credit of 2 continuing education hours PDH for each organization.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01.

61G15-22.005 Non-Qualifying Activities.

Activities that do not qualify as ~~Professional Development~~ Continuing Education Hours include but are not limited to the following:

(1) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing education credit.

(2) Personal self-improvement courses.

(3) Equipment demonstrations or trade show displays.

(4) Enrollment without attendance.

(5) Repetitive attendance or teaching of the same course.

(6) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.

(7) Regular employment.

(8) Personal, estate or financial planning.

(9) Courses the content of which is below the level of knowledge and skill that reflects the responsibility of engineer in charge.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 6-3-07.

61G15-22.006 Demonstrating Compliance.

(1) In order to demonstrate compliance, licensees must attest to completion of the continuing education requirements upon licensure renewal. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

(2) The licensee shall retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the continuing education pursuant to an audit for four years from the date of completion of the continuing education activity.

In addition, the Board shall use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 7-13-04, 8-20-12.

61G15-22.007 Noncompliance.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017, 471.019 FS. History—New 9-16-01, Repealed 2-2-12.

61G15-22.008 Record Keeping.

It is the licensee's responsibility to maintain sufficient records to demonstrate completion of continuing education requirements ~~qualifying professional development hours~~ for at least two licensure cycles (four years).

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01.

61G15-22.009 Exemptions.

- (1) New licensees who have achieved licensure by examination, pursuant to Section 471.013, F.S., shall be exempt for their first renewal period.
- (2) Any licensee whose license is placed in retired status shall be exempt thereafter.
- (3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01.

61G15-22.010 Qualifying Activities for Laws and Rules Requirements.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

- (a) Either completing a continuing education course, as detailed in subsection (2) below,
- (b) By serving as a board member, as detailed in subsection (3) below, or
- (c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) Successful completion of a course of continuing education for laws and rules of the Board which must consist of a minimum of one (1) continuing education hour ~~four (4) PDH's~~ in laws and rules of the Board.

(3) Members of the Board of Professional Engineers shall receive the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S. ~~four (4) PDH's in laws and rules of the Board~~ for their service as board members.

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, shall receive credit for the ~~four (4) PDH's in laws and rules of the Board~~ and area of practice requirement by specific approval of the Board of a written list of such consultants during each biennium.

(5) Service as a member of the legislature or as an elected state or local official shall meet the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S.

Rulemaking Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 1-16-03, 8-10-09.

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning continuing education ~~professional development~~ hours; and

(3) Course content that shall include:

(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

~~(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;~~

~~(c) Case law concerning Chapter 471, F.S.; (**signing and sealing, responsibility rules, certification?**)~~

~~(b)(d)~~ A list of resources used to develop the course content;

(4) Course content may also include:

~~(a)(e)~~ Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

~~(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.~~

~~(5)(4)~~ Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

~~(6)(5)~~ A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

~~(7)(6)~~ Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium

which would be the expiration of course approval in order to prevent a lapse in course approval.

~~(8)(7)~~—If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Rulemaking Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History—New 4-8-07, Amended 4-28-08.

61G15-22.011 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must either be registered as a continuing education provider with the Registered Continuing Education Program (RCEP) of the American Council of Engineering Companies (ECAC) National Council for Examiners of Engineering and Surveying (NCEES) or meet the requirements of subsection (2) of this rule to demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, a vendor with specific knowledge related to the licensee's area of practice, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

- (a) The name, address and telephone number of the prospective provider; and
- (b) Proof of registration as continuing education provider with ECAC NCEES, or if the applicant is not registered as a continuing education provider with ECAC NCEES, the applicant must submit the following:

1. A description of the type of courses or seminars the provider expects to conduct for credit;
2. A description of the staffing capability of the applicant;
3. A sample of intended course materials;
4. A list of anticipated locations to conduct the courses;
5. A complete course curriculum for each course the applicant intends to offer;
6. A description of the means the applicant will use to update the course in response to rule or law changes;
7. A description of the means the applicant will use to evaluate the licensee's performance in the course;
8. A fee of \$250.

(4) No engineer may conduct continuing education courses or seminars for credit upon the engineer's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the engineer must notify the Board office within ten (10) days of the engineer's receipt of any such order.

(5) Should the Board determine that the provider has failed to provide appropriate

continuing education services, it shall request that the Department of Business and Professional Regulation issue an order requiring the provider cease and desist from offering any continuing education courses and shall request that the Department revoke any approval of the provider granted by the Board.

(6) No provider may allow an engineer to conduct any course or seminar offered by the provider if that engineer has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the engineer is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

(8) Members of the Board of Professional Engineers or the Florida Engineers Management Corporation Board of Directors are prohibited from being a continuing education provider.

(9) The following providers shall be approved as providers, and the Board shall accept their courses for continuing education credit:

- (a) Educational Institutions teaching college level courses;
- (b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and
- (c) State and National Engineering Professional Associations approved by the Board.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, 6-3-07, 8-10-09, 7-8-10.

61G15-22.012 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) Provide courses or seminars designed to enhance the education of engineers in the practice of engineering;

(2) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion;

(3) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation. ~~Providers must electronically provide to the Florida Engineers Management Corporation a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of professional development hours successfully completed. All information or documentation, including electronic course rosters, submitted to the Board or to FEMC shall be submitted in a format acceptable to the~~

~~Board and to FEMC. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. If the instructor is receiving credit as set forth in subsection 61G15-22.003(3), F.A.C., the instructor shall be listed with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the fifth of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.~~

(4) Ensure that all promotional material for courses or seminars offered to professional engineers for credit contain the provider number.

(5) Allow only one continuing education hour PDH for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one continuing education PDH for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider.

(7) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of seventy percent (70%). If a licensee fails the examination, they will be permitted to take the examination again in order to achieve a passing grade.

(8) Notify the Board within fourteen (14) days of any change in the address or telephone number of the provider.

(9) Allow FEMC's and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01.

61G15-22.013 Evaluation of Providers.

(1) The Board, or its designee, reserves the right to evaluate continuing education courses or seminars offered to engineers for credit by the following methods:

- (a) Observing such courses or seminars; and
- (b) Reviewing the files of the provider to gain information about any course or seminar offered to professional engineers for credit.

(2) The Board shall not revoke the continuing education credit given to any professional engineer for completion of any continuing education course or seminar about which the professional engineer registers a complaint with the Board.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01.

61G15-22.014 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must reapply for provider status at the beginning of each biennium. The biennium for continuing education providers ends on May 31st of each odd-numbered year.

(2) A provider must reapply for approval ninety (90) days prior to the date of

expiration of provider status in order to prevent a lapse in provider status.

Mr. Flury stated that we are going skip 22.010 when the motion is made to approve this rule.

Discussion followed regarding the way the CE hours are handled per year and the fact that the statute says that it should be 9 hours per year. Discussion on the DBPR CE reporting tool and non-vendor offering continuing education also followed.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, the continuing education hours is meant to be 18 hours in the biennium and not 9 hours every year. The motion passed.

Upon motion by Mr. Bracken, seconded by Dr. Roddenberry, the proposed rule amendment to Rule 61G15-22 excluding 61G15-22.010 with the following changes:

Change to 61G15-22.003(2):

(2) Successful completion of short courses, tutorials, webinars, and distance-education courses offered through delivery methods such as live, correspondence, recorded, or Internet-based, or attending seminars (including in-house engineering seminars), workshops, or professional and technical presentations at meetings, conventions, or conferences presented/sponsored by a provider or vendor with specific knowledge related to the licensee's area of practice approved under Rule 61G15-22.011, F.A.C.

22.011: Change any where the (ECAC) is used it should be changed to (ACEC) for the American Counsel of Engineering Compaines and the word Counsel should be Council. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Bracken, seconded by Mr. Pepper, the proposed amendment to Rule 61G15-22 will have an adverse impact on small business. The motion passed.

Proposed Rule Amendment to Rule 61G15-23 – Seals

Mr. Burke discussed the proposed rule amendment to Rule 61G15-23.

Mr. Bracken discussed the proposed rule amendment to Rule 61G15-23:

61G15-23.0021 Seal, Signature and, Date and Seal Shall Be Affixed.

(1) A professional engineer shall sign ~~by hand the licensee's handwritten signature (facsimiles are not acceptable)~~ and affix the licensee's date and seal:

(a) ~~To a~~ All final ~~drawings, specifications, plans,~~ prints, specifications, reports, or other documents prepared or issued by the licensee and being filed for public record; and

(b) ~~To a~~ All final documents provided to the owner or the owner's representative; and

~~(c) In addition, the date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately adjacent to the signature of the professional engineer.~~

~~(d) In order to comply with the requirements of this rule, a licensee is not required to seal, sign and date documents other than those referenced in paragraph (a) or (b). This provision does not obviate any~~ All documents requirement of required by any public entity or any provision of contract which may requires the sealing, signing, and dating and sealing of additional original documents.

(2) ~~(a) Plans and Prints: When an engineer must sign, date and seal plans or prints under the provisions of Section 471.025, F.S., and subsection (1) of this rule, Every sheet of within the plans and prints which must be sealed under the provisions of Chapter 471, F.S., shall be sealed, signed and, dated and sealed by the professional engineer in responsible charge.~~

(a) A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

(b) If the engineer signing, dating and sealing engineering plans or prints is practicing through a duly authorized engineering business; the title block shall contain the printed name, address and certificate of authorization number of the engineering business.

(b3) Engineering Specifications and Calculations: When an engineer must seal, sign and, date and seal engineering specifications or calculations under the provisions of Section 471.025, F.S., and subsection (1) of this rule, an index sheet for engineering specifications and calculations may shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the engineering specifications or calculations.

(a) The index sheet must be signed, sealed and dated and sealed by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on the index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible. In addition, t

Comment [WCB1]: This section was modified to include electronically transmitted documents

Comment [WCB2]: This item was moved to 61G15-23.003(1)

Comment [WCB3]: All references to documents were standardized to: *plans, prints, specifications, reports or other documents*

Comment [WCB4]: This item was moved to 61G15-23.001(5)

Comment [WCB5]: This item was reworded so as to fit with the two previous items (a) and (b)

Comment [WCB6]: All references to sealing were standardized to: *Signed, Dated and Sealed*

Comment [WCB7]: Modified to match the other items within this section

Comment [WCB8]: Copied from 61G15-23.002(3)(c) to match the other items within this section

Comment [WCB9]: Modified to match the other items within this section

(b) The index sheet shall include at a minimum:

1. The printed name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

2. If the engineer signing, dating and sealing calculations or specifications is practicing through a duly authorized engineering business; the printed name, address and certificate of authorization number of the engineering business.

3. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

4. Identification of the applicable building code and chapter(s) that the design is intended to meet.

5. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering reports which must be signed, sealed and dated and seal engineering reports or other documents under the provisions of Section 471.025, F.S., and subsection (1) of this rule, shall be sealed, signed and dated by utilizing a signature page or cover letter shall be used and shall be that is sealed, signed and dated and sealed by each professional engineer who is in responsible charge of any portion of the report with sufficient information provided so that the user will be aware of each portion for which each professional engineer is responsible.

(a) If the engineer signing, dating and sealing an engineering report or other document is practicing through a duly authorized engineering business, the printed name, address and certificate of authorization number of the engineering business shall be placed on the signature page or cover letter.

(3)(a) A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has sealed, signed and dated the plans or prints.

(b) If the engineer sealing, signing and dating engineering plans or prints is practicing through a duly authorized engineering business, the title block required by paragraph (2)(a) shall contain the name, address and certificate of authorization number of the engineering business.

(c) If the licensee(s) sealing signing and dating engineering specifications, calculations or reports is practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business shall be placed on the index sheet, signature page or cover letter incorporated into or accompanying all engineering specifications, calculations or reports.

(5) The date that the signature and seal is affixed as provided herein shall be entered on said plans, prints, specifications, reports or other documents immediately adjacent to the signature of the professional engineer.

(4) Professional Engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall

Comment [WCB10]: Copied from 61G15-23.002(3)(c) to match the other items within this section

Comment [WCB11]: Modified to match the other items within this section

Comment [WCB12]: Copied from 61G15-23.002(3)(c) to match the other items within this section

Comment [WCB13]: Moved to 61G15-23.001(2)(a) & (b)

Comment [WCB14]: Moved to 61G15-23.001(3)(c) & (4)(a)

Comment [WCB15]: This item was moved here from 61G15-23.002(1)(b)

indicate the name and address of the agency on all documents that are required to be ~~sealed, signed and~~, dated ~~and sealed~~.

(57) A professional engineer may only sign, date and seal an engineering report, plans, prints, or specifications, reports or other documents if that professional engineer was in responsible charge, as that term is defined in subsection ~~61G15~~Rule 61G15-18.011(1), F.A.C., of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document(s) in question.

~~(6) A professional engineer shall not seal original documents made of mylar, linen, sepia or other materials which can be changed by the entity with whom such document(s) are filed unless the professional engineer accompanies such document(s) with a signed and sealed letter making the receiver aware that copies of the original document as designed by the professional engineer have been retained by the professional engineer and that the professional engineer will not be responsible for any subsequent changes to the reproducible original documents.~~

Comment [WCB16]: Removed because it was outdated and no longer applicable

(78) A professional engineer shall not sign, date and seal plans, reports or other any documents which are not final documents unless the professional engineer clearly notes any limitations on the use of ~~the those~~ documents ~~or plans~~ on the face of ~~the those~~ documents ~~or plans~~, by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for limited use, are not final and are not intended for permit, construction, or bidding purposes.

~~(8) Engineers who wish to sign and seal electronically transmitted plans, specifications, reports, final bid documents, or other documents shall follow the procedures set forth in Rule 61G15-23.003, F.A.C.~~

Comment [WCB17]: Removed because it was redundant

61G15-23.004~~2~~ Seals Acceptable to the Board.

(1) ~~Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of~~Only the following seals which are acceptable to the Board ~~authorized to be used pursuant to Section 471.025, F.S.;~~

Comment [WCB18]: Reworded

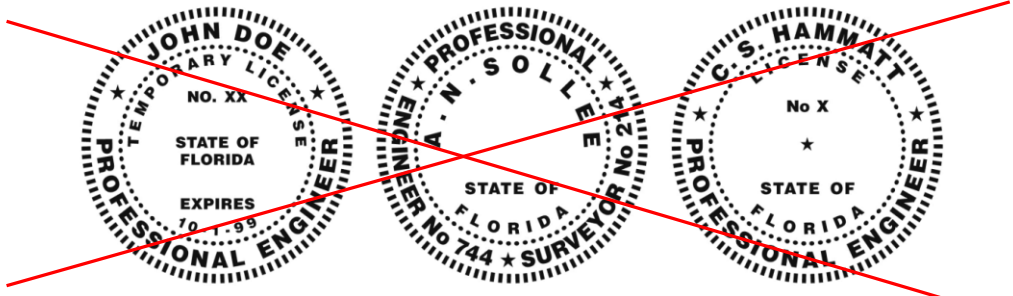
(a) ~~Wet Seals: A Wet Seal is any~~ Any seal physically applied to a printed document capable of leaving a permanent ink representation or other form of opaque ~~and~~ permanent impression on the printed document which contains the information described herein is acceptable to the Board. ~~that complies with Rule 61G15-23.002(2), F.A.C.~~

Comment [WCB19]: Define a "Wet Seal"

(b) ~~Said seal shall be a minimum of 1 7/8 inches in diameter and shall be of a design similar to those set forth below.~~ Embossing Seals: An Embossing Seal is any seal physically applied to a printed document capable of leaving a permanent crimped representation or other form of permanent raised impression on the printed document that complies with Rule 61G15-23.002(2), F.A.C., or

Comment [WCB20]: This item was moved to 61G15-23.002(2)

Comment [WCB21]: Define an "Embossing Seal"



(c) The type of seal in the center may be used only by registrants who are in good standing under both Chapters 471 and 472, F.S. Digitally Created Seals: A Digitally Created Seal is any seal created as part of the document and not physically applied that is an opaque permanent representation that complies with Rule 61G15-23.002(2), F.A.C. when the document is printed in its native full size.

Comment [WCB22]: This item was moved to 61G15-23.002(2)(c)

(d) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

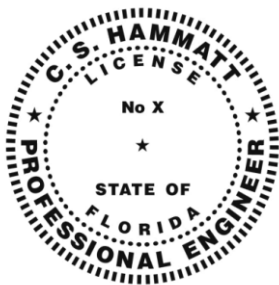
Comment [WCB23]: Define a "Digitally Created Seal"

(2) Embossing impression seals which do not provide an opaque and permanent impression or permanent ink representation and computer generated seals which otherwise comply with these provisions are also acceptable to the Board. Wet Seals, Embossing Seals and Digitally Created Seals shall be a minimum of 1-7/8 inches in diameter and shall be of a design similar to those set forth in (a), (b) and (c) below.

Comment [WCB24]: This item was moved to 61G15-23.002(2)(d)

(a) The seal must contain the licensee's given name, the licensee's license number immediately preceded by the designation "No", the words "PROFESSIONAL ENGINEER" and the words "STATE OF FLORIDA" similar to that depicted here:

Comment [WCB25]: This was used to define a "Digitally Created Seal"



Comment [WCB26]: This was reworded so as to include all types of seals and to provide guidance on what is to be included on the seal

(b) If the seal is for a temporary license it must also contain the words "TEMPORARY LICENSE" and the date that the license expires in the form of "Month - Day - Year" immediately preceded by the word "EXPIRES" similar to that depicted here:

Comment [WCB27]: This text was created so as to provide guidance on what is to be included on a temporary seal



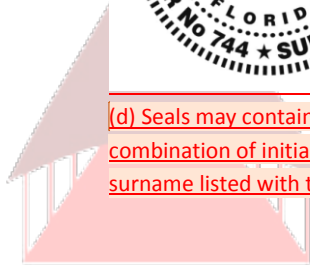
(c) For licensees who are in good standing under both Chapters 471 and 472, F.S., a seal similar to that depicted here may be used:

Comment [WCB28]: This text was created so as to provide guidance on what is to be included on a combination engineering and surveying seal



(d) Seals may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

Comment [WCB29]: This was moved here from 61G15-23.001(1)(d)



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

61G15-23.003 Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents.

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be physically signed, dated and sealed as provided herein by the professional engineer in responsible charge.

(a) The licensee shall sign by hand an original of the licensee's signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used.

(b) The licensee must then use either a Wet Seal or an Embossing Seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

Comment [WCB30]: This was created for Physically signing and sealing

Comment [WCB31]: Created to match the previously created section on electronic sign, dating and sealing

Comment [WCB32]: This item was moved here from 61G15-23.002(1)

Comment [WCB33]: This item was borrowed from Texas

61G15-23.003~~4~~ Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering plans, specifications, reports or other documents work which must be signed, dated and sealed in accordance with sealed under the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed electronically or digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "certification authority," and "digital signature" and "electronic signature" shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S. The affixing of a digital or electronic signature to engineering work as provided herein shall constitute the sealing of such work.

(a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.

(b) The date that the electronic signature file was created or the digital signature was placed into the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Rule 61G15-23.002, F.A.C.

(2) A professional engineer utilizing a digital signature to electronically sign and seal engineering plans, specifications, reports or other documents work shall have their identity authenticated by a certification authority and shall assure that the digital signature is:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it; and

(d) Linked to a document in such a manner that the electronic digital signature and correspondingly the document is invalidated if any data in the document are-is changed.

Comment [WCB34]: This was modified to address only digital signing and sealing

Comment [WCB35]: This was moved to create 61G15-23.004(3) below

(3) The affixing of a digital signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A Digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the digital signature was placed into the document must appear on the document in accordance with Rule 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

(c) The engineering plans, specifications, reports or other documents being digitally signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

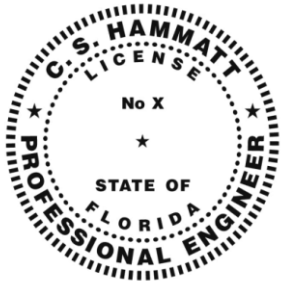
1. The same information required by Rule 61G15-23.002(2), F.A.C. if a digitally created seal is not use,

2. The item has been electronically signed and sealed using a Digital Signature, and

3. Printed copies of the document are not considered signed and sealed and all signatures must be verified on any electronic copies.

(d) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

Comment [WCB36]: This was moved here from 61G15-23.004(1) above

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies

~~(4e) A professional engineer signing and sealing a document in electronic form that~~
~~When engineering plans, specifications, reports or other documents~~ contains
multiple ~~plan~~ sheets or pages, ~~the licensee~~ may apply a single digital signature ~~per~~
~~electronically transmitted item~~ as set out in ~~Rule 61G15-23.001~~ subsection 61G15-
23.003(2), F.A.C., ~~or an electronic signature set forth in subsection (3).~~ A single
~~digital~~ signature applied to ~~a document an item~~ in electronic form shall have the
same force and effect as signing all of the individual sheets or pages ~~in the set~~
contained ~~in said document~~ ~~within that item~~ unless otherwise limited by elements
of the project for which the engineer does not intend to accept responsibility by use
of qualifying language, as set out as specified in subsection 61G15-30.003(3), F.A.C.
~~(f) In the case where multiple engineers of record are to licensees~~ sign and seal a
single ~~document file item~~, each ~~licensee~~ shall apply their digital ~~or electronic~~
signature and include qualifying language ~~with those items required in section (e) of~~
~~this rule~~ in said signature, or in the text of the document thoroughly describing what
portions they take ~~licensee is taking~~ responsibility for.

**61G15-23.005 Procedures for Electronically Signing and Sealing
Electronically Transmitted Plans, Specifications, Reports or Other
Documents.**

~~(1) Engineering plans, specifications, reports or other documents which must~~
~~be signed, dated and sealed in accordance with the provisions of Section~~
~~471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed electronically as~~
~~provided herein by the professional engineer in responsible charge. As used~~
~~herein, the term "electronic signature" shall have the meanings ascribed to~~
~~them in Sections 668.003(2), (3) and (4), F.S.~~

~~(32) A professional engineer utilizing an electronic signature to electronically~~
~~sign and seal engineering plans, specifications, reports or other documents~~
~~work shall:~~

~~(a) e~~Create a "signature" file that contains the ~~engineer's name and PE~~
~~number~~ ~~licensee's given name, the licensee's license number~~, a brief overall
description of the engineering documents ~~to be signed and sealed~~, and a list
of the electronic files to be ~~signed and sealed~~, and the ~~Each file shall have~~
an ~~SHA-1~~ authentication code ~~defined as an SHA-1 message digest~~ or ~~Secure~~

Comment [WCB37]: This was created to address electronic signing and sealing

Hash Standard for each electronic file to be signed and sealed. The **SHA-1** authentication code is described in Federal Information Processing Standard Publication 180-3 "**Secure Hash Standard**," October 2008, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00790>, or http://csrc.nist.gov/publications/fips/fips180-3_final.pdf.

(b) The licensee shall then create a "signature" report that contains the engineer's name and PE number, licensee's given name, the licensee's license number, a brief overall description of the engineering documents in question to be signed and sealed and the **SHA-1** authentication code of the signature file.

(c) This report shall be printed and manually signed, dated, and sealed the signature report in compliance with Rule 61G15-23, F.A.C. by the professional engineer in responsible charge.

(d) Transmit the signed, dated and sealed signature report shall be sent to the authority having jurisdiction along with the signed, dated and sealed signature file. either by hardcopy or electronic scan; if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C. The signature file is defined as considered to be signed and sealed if the signature file's authentication code matches the authentication code on the manually signed, dated and sealed signature report. Each electronic file listed in a within the signed and sealed signature file is defined as considered to be signed and sealed if the listed **SHA-1** authentication code in the signature file matches the electronic file's **SHA-1** computed authentication code.

(3) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

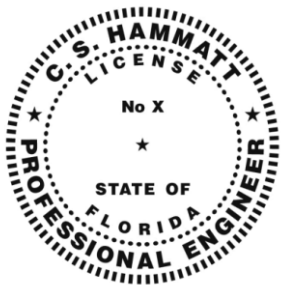
(a) A Digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the electronic signature is to be placed into the document must appear on the document in accordance with Rule 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.

(c) A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used on electronically signed and sealed engineering plans, specifications, reports or other documents.

(d) The engineering plans, specifications, reports or other documents being electronically signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. The same information required by Rule 61G15-23.002(2), F.A.C. if a digitally created seal is not use,
 2. The item has been electronically signed and sealed using a *SHA-1* authentication code, and
 3. Printed copies of the document are not considered signed and sealed and all *SHA-1* authentication code must be verified on any electronic copies.
- (e) Formatting of seals and text similar to that depicted below may be used.
1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA-1* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA-1* authentication code must be verified on any electronic copies

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA-1* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA-1* authentication code must be verified on any electronic copies

Discussion followed on proposed rule amendment.

Upon motion by Mr. Bracken, seconded by Ms. Garcia, the proposed rule amendment to 61G15-23, amended as follows, was approved:

61G15-23.003 Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents.

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be physically signed, dated and sealed as provided herein by the professional engineer in responsible charge.

Comment [WCB38]: This was created for Physically signing and sealing

Comment [WCB39]: Created to match the previously created section on electronic sign, dating and sealing

(1a) The licensee shall sign by hand an original of the licensee's signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used.

(2b) The licensee must then use either a Wet Seal or an Embossing Seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

Comment [WCB40]: This item was moved here from 61G15-23.002(1)

Comment [WCB41]: This item was borrowed from Texas

Change Subsection 2 in 23.003:

The licensee must then use a wet seal, a digitally created seal, or an embossing seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-23 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Fiorillo, seconded by Ms. Garcia, the proposed amendment to Rule 61G15-23 will have no adverse impact on small business. The motion passed.

#5. FBPE Legislative Committee **(Next Meeting to Be Determined)**
(Warren Hahn, P.E., Chair)

(a) Committee Chair's Report.

No Report.

(b) Legislative Update

No Report.

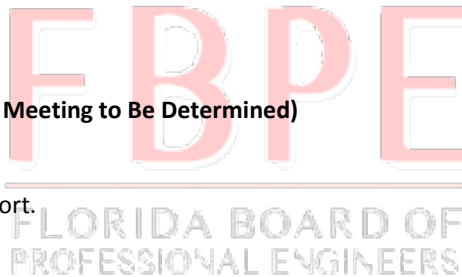
#6. Joint Engineer/Architect Committee
(John Burke, P.E., Chair; Nola Garcia, Public Member)

(a) Committee Chair's Report.

No Report.

#7. Structural Rules Committee
(William Bracken, P.E., S.I., Chair)

(a) Committee Chair's Report.



No Report.

#8. Florida Building Code CEU Requirement Committee

(William Bracken, P.E., Chair; Kenneth Todd, P.E.; Zana Raybon, FBPE Executive Director)

(Public Advisors to the committee: Jonathan Milton, P.E., FES Representative; Mo Madani, FBC Representative)

(a) Committee Chair's Report.

No Report.

#9. SE Licensure Committee

(William Bracken, P.E., Chair; Anthony Fiorillo, P.E.; Michelle Roddenberry, Ph.D., P.E.; John Pepper, P.E.; Warren Hahn, P.E.)

(Public Advisors to the committee: Scott Martin, FSEA Representative; Daniel Lavrich, P.E., ASCE-SEI Representative; David Konz, P.E., ASCE-SEI Representative; Jerry Pfuntner, P.E., FES Representative)

(a) Committee Chair's Report.

No Report.

#10. Traffic Engineering Committee

(Kenneth Todd, P.E., Chair; Anthony Fiorillo, P.E.; Roland Dove, P.E.)

(Public Advisors to the committee: Alex Davis-Shaw, P.E., FES Representative; George Webb, P.E.; Jeff Buckholz, P.E.; Daniel Beaty; Lawrence Hagen, P.E.; Kenneth Weldon, P.E.)

(a) Committee Chair's Report.

No Report.

#11. Authorized Representative Committee

(William Bracken, P.E., Chair; Anthony Fiorillo, P.E.; John Pepper, P.E., S.I.; Warren Hahn, P.E.)

(Public Advisors to the committee: Pablo Carreno, P.E., FSEA Representative; Ron Milmed, P.E., FESA Representative; David Lavrich, P.E., ASCE-SEI Representative; Douglas Barkley, P.E., FES Representative)

(a) Committee Chair's Report.

No Report.

G. NCEES

(William Bracken, P.E., FBPE Liaison)

#1. 2015 NCEES Southern Zone Meeting (meeting with Western Zone) – May 14-16 in Scottsdale

Ms. Raybon stated that Mr. Bracken and Mr. Fiorillo are the funded delegates for this meeting. If any other board members would like to attend this meeting, please let Ms. Sammons know as soon as possible so we can register everyone.

#2. NCEES President’s Council Meeting Report

Ms. Raybon discussed the NCEES President’s Council Meeting.

H. Advisory Attorney's Report

#1. Rules Report

BOARD OF PROFESSIONAL ENGINEERS
RULES REPORT
 January, 2015



FLORIDA BOARD OF
 PROFESSIONAL ENGINEERS

Rule No.	Title	Sent to OFARR	Development Published	Notice Published	Adptd.	Effective
The following rules are IN PROCESS :						
61G15-20.0010	Application for licensure by Examination					
61G15-20.0015	Application for licensure by Endorsement					
61G15-31.006	Design of Structural Systems Utilizing Joist /Girders					
61G15-32.004	Design of Water Based Fire Protection Systems	03/12/14	03/18/14	04/02/14	(JAPC ltr rcv'd 04/07/14; rule tolled 6/20/14)	
61G15-35.004	Common Requirement to All Engineers Providing Threshold Building Inspections					
The following rules have been ADOPTED :						
61G15-18.020	Public Comment		07/23/2014	08/20/14	10/08/14	10/28/14 (Correction published 9/11/14)
61G15-20.0010	Application for Licensure By Examination	07/22/13	07/30/13	08/27/13	08/25/14	09/15/14 (JAPC ltr rcv'd 09/4/13; JAPC

					resp 09/30/13; JAPC ltr rcv'd 11/01/13; JAPC resp 11/06/13; Rule tolled 11/01/13 ; JAPC ltr rcv'd 12/09/13; JAPC resp 12/19/13; JAPC ltr 01/29/14; NOC 03/18/14; JAPC ltr 03/24/14; JAPC ltr 05/07/14; NOC 7/23/14)
61G15-20.0015	Application for Licensure By Endorsement	07/22/13	07/30/13	08/27/13	08/25/14 09/15/14 (JAPC ltr rcv'd 09/04/13; JAPC resp 09/30/13; JAPC ltr rcv'd 10/31/13, 11/01/13; JAPC resp 11/06/13; Rule tolled 11/01/13 ; JAPC ltr rcv'd 12/09/13; JAPC resp 12/19/13, 03/06/14; NOC 03/18/14; JAPC ltr 3/24/14; JAPC ltr 05/07/14; NOC 7/23/14)
61G15-22.001	Continuing Education Requirements	09/06/13	10/03/13	10/18/13	09/09/14 09/29/14 (JAPC ltr rcv'd 10/22/13, 12/04/13, 12/17/13, 12/18/13; JAPC resp 12/30/13; tolled 12/07/13 ; JAPC ltr rcv'd 01/29/14, 03/06/14; JAPC resp ltr 03/31/14; NOC published 08/12/14; Correction published 08/20/14)

I. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. Update on Renewal

Ms. Raybon stated that renewal is continuing at the pace that we expected based on past years' experience. Ms. Raybon stated that we expect that majority of the engineers to renew with the last week of renewal.

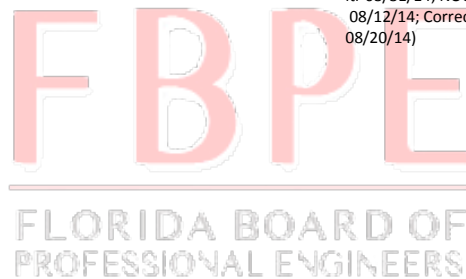
#3. Correspondence from Mr. Heinz Rosen – Re: CE Course

Ms. Raybon stated that this was brought to the Board for informational purposes.

#4. Letter from Pennsylvania State Board of Professional Engineers, Land Surveyors and Geologists

For informational purposes.

#5. PE Additional Discipline Applications



Ms. Raybon reported on applications from currently registered engineers who are applying for another discipline exam and requested that she be authorized to approve these applications and not bring those applications to the Board for their approval. Discussion followed.

Upon motion by Mr. Bracken, seconded by Ms. Garcia, the executive director is authorized to approve exam applications from licensed engineers who are in good standing and who are applying for additional discipline exam. The motion passed.

#6. 2015 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

J. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes

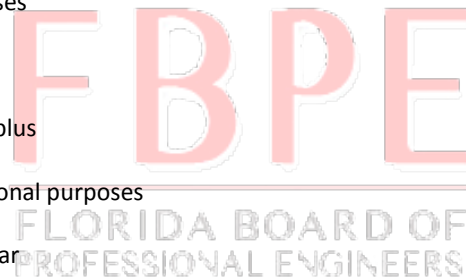
#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes

(b) Total open cases by year

Provided for informational purposes



K. Chair's Report

#1. Appoint Committees

Mr. Bracken went over the committee assignments and stated that staff would send out a final list of committee assignments.

Mr. Bracken went over the goals and action items that he would like for the Board.

L. Action Items from Previous Board Meetings

M. Correspondence to the Board

#1. Email from Mr. Jesse Wilson, PE – Re: Designing Irrigation Systems

Mr. Wilson and Mr. Harvey addressed the Board about irrigation systems and whether a PE needs to design the system.

Discussion followed.

Mr. Bracken stated that the Board will deal with this issue on a case by case basis.

#2. Email from Dennis Barton – Re: Advertisement for Building Code Course approved by FBPE

Mr. Flury stated that we need to table this item until the April Board Meeting.

#3. Email from Aaron Beidenbach, P.E. – Re: Electronic Signature

Staff was instructed to notify him that the rule addressing his issue will be changing.

#4. Email from Xairo Ray, EI - Re: EI to PE Loop Hole

Ms. Raybon stated that this came to the Board email account and she brought it before the Board for their thoughts.

Discussion followed.

Staff was instructed to respond the Mr. Ray that this is not the opinion of the Board but to thank him for writing to the Board.

#5. Email from Joe DeReuil – Re: Authorized Representative Rule 61G15-34.004(2)

Ms. Raybon stated that she brought this to the Board so they could advise staff on how to respond. Staff was instructed to let him know that the rule is changing,

Part II
Informal Hearing Agenda
(Thursday, February 12, 2015)

N. Ratification of Actions from Application Review, February 11, 2015

Upon motion by Mr. Hahn, seconded by Ms. Garcia, the actions of the Application Committee held on February 11, 2015 were approved. The motion passed.

O. Informal Hearing on Denial of Application for Fundamentals Examination
#1. Matthew Fleming

Mr. Fleming was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis of the denial of Mr. Fleming's application. Mr. Fleming was deficient eight (8) hours of Mathematics and Basic Sciences. Mr. Fleming submitted the Election of Rights Form requesting to supplement and an Informal Hearing. Mr. Fleming's supplemental documents were reviewed on September 16, 2014 and the Board upheld the denial indicating a deficiency in a sequential course in Chemistry or Physics.

Mr. Fleming addressed the Board.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, the application will be held open until April 2015 to allow Mr. Fleming time to submit additional materials that may clear his deficiency. The motion passed.

P. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Timothy Tedesco

Mr. Flury went over the basis for denial of Mr. Tedesco's application. Mr. Tedesco holds a BS in Biophysics. The denial of the application is based upon education as Mr. Tedesco does not hold an Engineering Degree.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, the denial of the application of Mr. Tedesco was upheld. The motion passed.

Q. Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Francisco De Caso Basalo

Dr. De Caso Basalo was present and sworn in prior to addressing the Board.

Mr. Flury discussed the basis for denial. Dr. De Caso Basalo applied to sit for the Principles & Practice Examination. Dr. De Caso Basalo's application was denied by the Board on 08/6/2014 for lacking 20 credit hours of M&BS to include General Chemistry and Calculus-based Physics and a sequence course as well as 14.50 credit hours of H&SS. Mr. De Caso Basalo returned his Election of Rights with a request to Supplement and for an Informal Hearing on August 25, 2014. Dr. De Caso Basalo's application was reviewed again on 11/18/2014. It was determined that dr. De Caso Basalo still lacks 20 credit

hours of M&BS to include General Chemistry and Calculus-based Physics and a sequence course as well as 14.50 credit hours of H&SS.

Dr. De Caso Basalo submitted another Silny evaluation to the Board. Dr. Roddenberry stated that she would change the deficiency to what is stated on the Silny evaluation which states that he is lacking 4.0 hrs of M&BS including a course in general chemistry and 5.50 hrs in H&SS.

Motion by Dr. Roddenberry, seconded by Mr. Hahn, the Application of Dr. De Caso Basalo be held open for six (6) months and the History/Case Studies and Structural Engineering and Economics & Business Studies would satisfy the H&SS deficiency in the revised evaluation (which was 5.50 hrs in H&SS) and to change the deficiency based on the revised evaluation provided at the meeting. The motion passed.

R. Board Appearance on Application for Principle and Practice Examination

#1. Heather White

Ms. White was present and sworn in prior to addressing the Board.

Mr. Bracken explained why Ms. White was asked to appear before the Board.

Ms. White addressed the Board.

Upon motion by Mr. Burke, seconded by Mr. Todd, the application for Ms. White was approved. The motion passed.

#2. Erik Torger

Mr. Torger was present and sworn in prior to addressing the Board.

Mr. Todd explained why Mr. Torger was asked to appear before the Board.

Mr. Torger addressed the Board.

Upon motion by Mr. Hahn, seconded by Mr. Fiorillo, the application of Mr. Torger was denied due to lack of engineering experience. The motion passed.

#3. Monica Gray-Georges

Ms. Gray-Georges was present and sworn in prior to addressing the Board.

Mr. Todd explained why Ms. Gray-Georges was asked to appear before the Board.

Ms. Gray-Georges addressed the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, the application of Ms. Gray-Georges was approved. The motion passed.

S. Petition for Waiver and Variance

#1. Louis Kneip

Mr. Kneip was present and sworn in prior addressing the Board.

Mr. Flury stated that Mr. Kneip is present for a petition for a waiver and variance of Rule 61G15-20.0015(5) which allows education requirement to be waived if you have 15 years of licensure and 20 years of experience. Mr. Flury stated that Mr. Kneip has a Technology Degree and our rule and statute requires that the degree be an engineering degree.

Mr. Kneip addressed the Board on his petition.

Discussion followed on the petition.

Upon motion by Mr. Todd, seconded by Mr. Burke, the petition was denied. The motion passed. Mr. Hahn opposed.

#2. Marco Petretta

Mr. Petretta was present and sworn in prior to addressing the Board.

Mr. Flury stated that Mr. Petretta is present for a petition for a waiver and variance of Rule 61G15-20.001(2) and 61G15-20.007, which requires the applicant have degree from a board approved engineering program, and for the educational requirement for applicants without EAC/ABET Accredited Engineering Degree. Mr. Flury stated that Mr. Petretta has a non-ABET Degree. Mr. Flury stated that his application has not been through the application process or acted on by the Board.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, the petition is tabled to allow Mr. Petretta's application to go through the normal application process. The motion passed.

T. Reconsideration of Special Inspector Application

#1. James Brunetti

Mr. Brunetti was present and sworn in prior to addressing the Board along with his counsel, Ms. Cynthia Henderson.

Mr. Flury stated that Mr. Brunetti originally requested a formal hearing but after discussions with Mr. Brunetti's counsel, they agreed to appear before the Board to discuss Mr. Brunetti's application.

Mr. Brunetti addressed the Board.

Ms. Henderson addressed the Board.

Discussion followed.

Upon motion by Mr. Fiorillo, seconded by Ms. Garcia, the application of Mr. Brunetti to is tabled to allow him time to supplement with additional information. The motion passed.

Part III
Disciplinary Hearings
(Thursday, February 12, 2015)
(February 2015 FBPE Disciplinary Book)

Description of Disciplinary Process by John C. Burke, P.E.

FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

U. Settlement Stipulation

#1. JAMES MICHAEL WINTER, P.E.
P.E. Number: 18313
FEMC Case Number: 2014016725
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Daniel Auberbach, Esquire
Trent Cotney, Esquire
Trent Cotney, P.A.

Mr. Winter was present along with counsel, Mr. Auberbach.

Mr. Winter was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

Mr. Auberbach spoke about the case and stated that Mr. Winters disputes all the allegations of the complaint.

Mr. Auberbach asked that all questions be addressed to him and he again stated that they dispute all the allegations of the complaint.

Mr. Rimes stated that the stipulation states that Mr. Winters would answer questions about the charges and what he will do to make sure this doesn't happen in the future.

Mr. Auberbach stated again that they dispute the charge.

Mr. Rimes withdrew the stipulation and stated that he will be going to a formal hearing.

Mr. Rimes stated that he expected a response from Mr. Auberbach within 15 days.

#2. AMR T. GAWAD P.E.
P.E. Number: 49416
FEMC Case Number: 2013048128
Probable Cause Panel Date: September 16, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Martin S. Friedman, Esquire
Friedman, Friedman & Long, P.A.

Mr. Gawad was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section, 471.033(1)(f), Florida Statutes: Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content; Section 471.023, Florida Statutes: Firm practicing without certificate of authorization.

Mr. Gawad addressed the Board.

Discussion followed.

The PCP Recommendation was Administrative Complaint; Reprimand; Administrative Fine of \$5,000.00; Administrative Costs of \$1,298.50; Successful completion of an Engineering Professionalism and Ethics course approved by the Board; Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is Administrative Complaint; Administrative Fine of \$1,000.00; Administrative Costs of \$1,298.50; Successful completion of an Engineering

Professionalism and Ethics course approved by the Board; Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Upon motion by Ms. Garcia, seconded by Mr. Hahn, the settlement stipulation was accepted. The motion passed.

V. Informal Hearing

#3. HAROLD F. BERGSTEN, JR., P.E.
P.E. Number: 43670
FEMC Case Number: 2013047699
Probable Cause Panel Date: September 16, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Final Order Filed: October 2, 2014

Mr. Bergsten was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), Florida Statutes: Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department; Section 471.033(1)(g), Florida Statutes: Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering; Section 471.033(1)(j), Florida Statutes: Affixing or permitting to be affixed his or her seal, name or digital signature to any final to any final drawings, specifications, plans reports or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control; and Section 471.023(2), Florida Statutes: Practicing without a certificate of authorization.

The Probable Cause Panel Recommendation was Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,643.00; Probation for two (2) years; Project Reviews at 6 and 18 month intervals from the date of the filing of the Administrative Complaint with the Department of Business and Professional Regulation; Successful completion of an Engineering Professionalism and Ethics course approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Upon motion by Mr. Bracken, seconded by Mr. Fiorillo, the request for admissions and the allegations of facts set forth in the administrative complaint were accepted. The motion passed.

Upon motion Ms. Garcia, seconded by Mr. Hahn, the Administrative Complaint Findings of Fact were adopted as the Board's Findings of Fact. The motion passed.

Mr. Bergsten addressed the Board.

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Dove, the Findings of Facts in the Administrative Complaint constitute a violation of law. The motion passed.

Upon motion by Mr. Burke, seconded by Mr. Dove, the Probable Cause Panel Recommendation was accepted as the penalty.

Mr. Fiorillo stated that he would be in favor of reducing the fine.

Mr. Fiorillo offered an amendment to the PCP Recommendation to remove the fine and leave everything else as is. (Both the maker of the motion and the seconder of the motion agree to the amendment.) The motion as amended passed.

Upon motion by Mr. Todd, seconded by Ms. Garcia, early termination will be allowed if the first project review is found to be acceptable. The motion passed.

W. Second Appearance Before the Board

#4. RODOLFO A. GONZEMBACH, P.E.
P.E. Number: 45226
FEMC Case Number: 2011034995
Probable Cause Panel Date: November 15, 2011
Final Order Filed: September 18, 2012

Mr. Gonzembach was present and sworn in prior to addressing the Board.

Mr. Rimes stated Mr. Gonzembach was required to appear before the Board as part of his stipulation and stated that Mr. Gonzembach has completed all the required items of the stipulation expect the appearance at the end of his probation.

Upon motion Mr. Hahn, seconded by Mr. Todd, Mr. Goembach's appearance today was accepted as a requirement of his stipulation. The motion passed.

X. Old Business

#1. FBPE Outreach Program

- a. Professional Involvement
- b. Unlicensed Activity
- c. Sample Letter to Association's

Mr. Bracken went over the Outreach Handouts and the sample letter and asked for Board members to submit to staff a list of associations or groups that they would like FBPE to contact about licensure.

Upon motion by Mr. Todd, seconded by Ms. Garcia, the Outreach Program Handouts for Professional Involvement, Unlicensed Activity and the Sample Letter were approved. The motion passed.

Y. New Business

Z. Public Forum

AA. Community Involvement

BB. Adjourn

Next Board Meeting: April 8-9, 2015
The Shores Resort & Spa
2637 S. Atlantic Ave.
Daytona Beach Shores, FL

