

**Florida Board of Professional Engineers  
Rules Committee Minutes  
March 11, 2015  
8:30a.m. – FBPE Board Office  
2639 N. Monroe St., Ste. B-112  
Tallahassee, FL**

1. Call to Order

Mr. Fiorillo called the meeting to order. Ms. Sammons called roll.

2. Roll Call, Determination of Quorum and Address Absences

**Committee Members Present:**

Anthony Fiorillo, P.E., Vice Chair  
Warren Hahn, P.E.  
Roland Dove, P.E.

**Others:**

Michael Flury, Sr. Assistant Attorney General, Board Counsel

**Staff Present:**

Zana Raybon, Executive Director  
John Rimes, Prosecuting Attorney  
Rebecca Sammons, Executive Assistant

**Committee Members Absent:**

William Bracken, P.E., Chair

Upon motion by Mr. Hahn, seconded by Mr. Dove, the absence of Mr. Bracken was excused.  
The motion passed.

3. Introduction of Guests and Announcements

Wendy Anderson, FBPE Investigator

4. Review/Open Rule 61G15-22.0105 – **Continuing Education – (Ethics Course Requirement - HB 713 – Continuing Education Requirements)**

Mr. Flury discussed the proposed change to Rule 61G15-22.0105. **Mr. Flury stated that new changes are for Section 5 a and b only.**

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

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics 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 or in Professional Ethics. 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) For courses in Laws and Rules, 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(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;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.;~~

~~(d)~~ (b) 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) For courses in Professional Ethics, course content that shall include:**

**(a) The Code of Ethics as set forth by the National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), or another national or state professional engineering association or society; and**

**(b) The application of professional ethics to decision making through hypothetical or illustrative examples.**

~~(6)~~ (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.

~~(7)~~ (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.

~~(8)(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.

~~(9)(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.

Upon motion by Mr. Hahn, seconded by Mr. Dove, the proposed rule amendment to 61G15-22.0105 was approved. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22.0105 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. Dove, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-22.0105 will have no adverse impact on small business. The motion passed.

5. Review/Open Rule 61G15-18.011—Definitions – Define Marine Engineer (sent back to committee from the Feb. 2015 FBPE Board Meeting)

Mr. Flury discussed the proposed rule amendment to Rule 61G15-18.011.

**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.

(q) 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.

Discussion followed on the proposed language.

Upon motion by Mr. Hahn, seconded by Mr. Dove; the proposed language was approved as amended:  
(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 sea walls, and other marine structures as governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels except floating residential units as defined in Section 202 of the Florida Building Code.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.011 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. Dove, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-18.011 will have no adverse impact on small business. The motion passed.

#### 6. Old Business

Ms. Raybon reported on an email that the Board received dealing with CE Providers and a class that is offered by a provider that this individual thought should be tougher. Discussion followed. Staff was instructed to place this email on the April FBPE Board Meeting agenda.

#### 7. New Business

Discussion followed on trying to define “software engineer” and “systems engineer.”

#### 8. Adjourn