

**Florida Board of Professional Engineers
Rules Committee Minutes
November 8, 2017
8:30 a.m. – FBPE Office via conference call
Tallahassee, FL**

1. Call to Order, Roll Call, Determination of Quorum and Address Absences

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

Committee Members Present:

William Bracken, P.E., S.I., Chair
Kevin Fleming, P.E.
Warren Hahn, P.E.
Elizabeth Howard, Public Member

Others:

Larry Harris, Assistant Attorney General, Board Counsel

Staff Present:

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

2. Introduction of Guests and Announcements

Wendy Anderson, FEMC Investigator

3. Review/Open **Rule 61G15-19.001(6) – Grounds for Disciplinary Proceedings**

Mr. Harris explained this issue and stated there is an incorrect reference in rule 61G15-19.004(2)(4)(f) and should be (6)(l) not (6)(i). Discussion followed.

Upon motion by Ms. Ferguson, seconded by Mr. Fleming, to direct Mr. Harris to investigate whether this correction could be accomplished as a technical change with Department of State, and if it cannot be corrected as a technical change, then recommend to the full board to correct rule 61G15-19.004(2)(4)(f) to reference (6)(i), the motion passed.

Mr. Harris posed the required questions: (1) if the proposed rule language will have an adverse impact on small business, (2) if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000

in the aggregate in Florida within one (1) year after the implementation of the rule, or (3) if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule if a violation of any part of the rule can be resolved with issuance of a notice of noncompliance.

Upon motion by Mr. Fleming, seconded by Ms. Ferguson, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and that no violation of any part of the rule can be resolved with issuance of a notice of noncompliance, the motion passed.

4. Review/Open **Rule 61G15-20.018 – Application for Military Veterans Fee Waiver**

Mr. Harris described the rule and application and stated that the rule and the first two applications were approved by the Board in August. Mr. Harris stated that staff has been working on getting forms ready pursuant to new requirements from statute. Mr. Harris also stated that he has some technical changes to the forms that he has provided to staff but he wants to know if the committee and staff would like to have a new rule for application number MVL 003. Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, to allow staff to make any necessary changes to applications LI001 and MVL 002 and bring applications LI001 and MVL 002 to the December Board meeting for approval, the motion passed. The committee will let the Board decide on the required questions.

5. Review/Open **Rule 61G15-20.007 – Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees**

Mr. Harris explained the proposed rule amendments. Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, to recommend approval of the proposed amendments to the Board at the December 2017 Board meeting, the motion passed.

Mr. Harris asked the required questions: (1) if the proposed rule language will have an adverse impact on small business, (2) if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule, or (3) if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule, and if a violation of any part of the rule can be resolved with issuance of a notice of noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and that no violation of any part of the rule can be resolved with issuance of a notice of noncompliance, the motion passed.

6. Review/Open **Rule 61G15-23.004 – Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents** (emails from Mr. Gezelman and Mr. Gartner)

Mr. Rimes discussed the email from Mr. Gezelman and how it relates to the rules. Discussion followed about the word “may” in 61G15-23.004(3)(d).

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to authorize staff and Mr. Harris to draft language to address the issue with the wording in rule 61G15-23.004(3)(d) and bring it to the December 2017 Board meeting, the motion passed. Staff was asked to also look at the language for electronic signatures.

Mr. Bracken discussed the email from Mr. Gartner. Staff was asked to gather information from other states about their signing and sealing regulations and forward the information to Mr. Bracken. The committee will brief the Board on the research regarding the issue about documents that were previously electronically signed and sealed and then printed and how this is handled.

7. Review/Open **Rule 61G15-27.001 – Procedures for a Successor Professional Engineer Adopting as His Own the Work of Another Engineer** (email from August 2017 FBPE Board Meeting)

Mr. Bracken discussed this email and Mr. Fleming said that he would work on drafting some language. Ms. Sammons stated that the committee drafted language in July 2013 and the Board approved language in August 2013. Mr. Bracken asked Ms. Sammons to provide the language to Mr. Fleming. This item was tabled to allow Mr. Fleming to draft language.

8. Review/Open **Rule 61G15-32.004 - Design of Water Based Fire Protection Systems** (email from Mr. Bruce Tumin)

Mr. Bracken discussed the email from Mr. Tumin. Discussion followed. Mr. Bracken asked Mr. Hahn to look into this and ask FEMC Board member Steve Kowkabany his thoughts on the rule. This item was tabled.

9. Discussion on CE Audits and possible revision to rules

Ms. Raybon explained the issue of licensees that are delinquent renewing after the list of licenses to be audited has been pulled and therefore they are excluded from any possible audit.

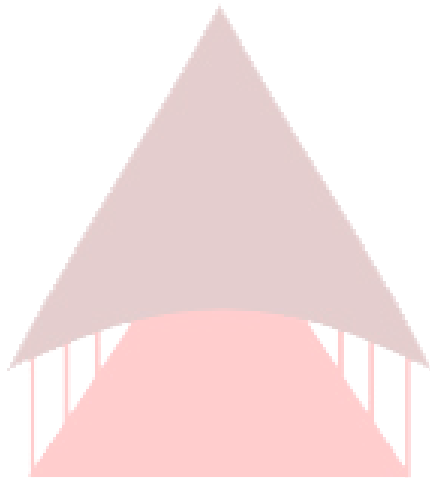
Ms. Raybon wants to know if it would be possible to require a licensee to show us their CE documentation following a delinquent renewal of his or her license. Discussion followed. Staff was asked to develop some language and bring it to the December 2017 Board meeting.

10. Old Business

11. New Business

12. Adjourn

- a. Date, Time and Location of Next Rules Committee Meeting
March 13, 2018 at 1pm. **(via conf. call)**
FBPE Office
2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS