



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Connection

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April 2020

NOTICE: To combat the spread of the coronavirus (COVID-19) through social distancing, FBPE staff will be working remotely, with limited time in the office, beginning Monday, April 6.

Phone calls to the FBPE office will be sent directly to voicemail, which may not be returned immediately. We encourage you to search [our comprehensive website](#) for answers to your questions. If you cannot find the information you are looking for, please email board@fbpe.org.

From the Executive Director: COVID-19 & Key Legislation

By **Zana Raybon**, FBPE Executive Director, FEMC President

As I write this, most everyone in the known world is hunkered down in their homes hoping for some relief from COVID-19, also known as the coronavirus. Our staff continues to work, albeit remotely and on a modified schedule. Nevertheless, we are committed to serving the licensees of this state and will continue to do all we can to complete the work that protects the public's health, safety, and welfare.

Please be aware that due to the current circumstances, FBPE is not able to make any outreach visits and presentations at this time. However, FBPE's outreach presentation can be made available to any college engineering program that needs to get this vital licensing information to its students. Please contact Public Information Officer William Lampkin at wlampkin@fbpe.org if you are interested in using our PowerPoint presentation.

On a different note, the 2020 Legislative Session officially ended on March 19, 2020, and I am happy to report that House Bill 707/Senate Bill 1124, better known as the "Sunset Bill," did not pass. There was a lot of discussion regarding this bill, which would have scheduled repeal of the Professional Engineer license for July 1, 2024, based on "the intent of the Legislature to complete a systematic review of the costs and benefits" of the PE regulatory program. The bill passed the full House but died in messages to the Senate, having not been heard in all Senate committees of reference.

One of the bills that did pass both the House and Senate was HB 1193/SB 474, also called Deregulation of Professions and Occupations. The "Dereg Bill" affects a number of different industries, including engineering, architecture, landscape architecture, surveying and mapping, and geology. The substantive changes related to engineering include:

1. Amending Chapter 725.08, Florida Statutes, *Design Professional Contracts*, which limits indemnification to clarify an individual or entity licensed under Chapter 471, F.S., be qualified rather than certified (due to the elimination of the Certificate of Authorization in 2019).



2. Reducing the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:
 - 10 years, they are deemed to have passed the [Fundamentals of Engineering examination](#);
 - 15 years, they are deemed to have passed both the FE examination and the [Principles & Practice of Engineering examination](#).
3. Reducing the number of members on the Florida Building Commission from 27 to 19. The bill removes the following members:
 - One member from fire protection engineering or technology;
 - One member who represents the Department of Financial Services;
 - One member who is a county code enforcement official;
 - One member who is a representative of a municipality or a charter county;
 - One member who is a representative of public education;
 - One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
 - One member who is solely the chair.

All of us here at the FBPE office hope you are staying healthy and safe during this challenging time. If you need anything from us, please feel free to reach out to board@fbpe.org.

Chair's Corner: Continuing Education in Uncertain Times

By **Babu Varghese**, PE, SI, CGC, CCC, FBPE Chair (2020)

In these difficult, uncertain times, it is crucial that we all come together and address this challenge to the health and safety of everyone. We all share concerns about protecting the well-being of ourselves and of our loved ones and friends.

It is important to monitor and follow directions from the concerned authorities and health professionals so that we can all get through this together. As engineers we are all trained to solve problems, and we have a strong teamwork approach to overcoming obstacles. I am sure we can keep the focus on safety of the public while adapting to new and challenging work environments.

NCEES has canceled the April 2020 PE exam as well as the zone meeting. The next FBPE board meeting in April will be conducted on a conference call. It seems most of us have had to switch to working remotely and I am confident we can be up to the task.

One possible benefit of being cooped up in the house is being able to complete the required continuing education courses.

The requirements of continuing education courses, list of Board-approved providers, and the record retention of those continuing education records are well described at the FBPE website under the *Continuing Education* tab. The licensees or the providers are no longer allowed to report the continuing credits to the Board.



Rule 61G15-22.006, Florida Administrative Code, *Demonstrating Compliance; Audits; Investigations* requires the licensee to affirmatively declare completion of the continuing education requirements upon license renewal. The Board randomly audits a minimum of 3 percent of licensees in addition to the ones who failed to show compliance in the prior renewal cycle, to assure that the continuing education requirements are met. The audit letters go out during June, immediately after the renewal cycle. The short window of response time to produce documentation of compliance is noted in the audit letter.

To date, the Board has audited approximately 1,300 licensees. When the previous CE audit was completed, around 10 percent of those audited failed to be in compliance. The top reasons licensees fail audits are:

- The licensee failed to complete the required ethics and Florida laws and rules courses. Many out-of-state licensees fall under this category, especially in regard to the Florida laws and rules course.
- One or more continuing education courses were not taken from a FBPE approved provider.
- The licensee did not complete the total required 18 hours of continuing education courses.

You Failed the Audit, Now What?

The consequence of a failed continuing education audit can be severe. The fact that the licensee had certified the completion of the CE requirements at the time of renewal without having actually completed the continuing education is grounds for disciplinary action.

The failed audit case goes to the Probable Cause Panel (PCP) along with the licensee's response. If the PCP finds probable cause in the case, the prosecuting attorney will present the complaint to the full Board. The licensee, in most instances, will not have to appear in front of the Board. The Board's action may include:

- Fines and administrative costs;
- Possible license sanctions, such as a reprimand, probation, or suspension; and
- The Board's Study Guide.

The violation will be noted on the licensee's permanent record, which will be available to the public under the licensee's entry at myfloridalicense.com.

It is important to mention that failure to respond to the audit, in spite of the repeated requests by the Board staff, will result in the suspension of the license. This is far more devastating for someone with PE licenses in multiple states. A suspension in one state will be picked up by other states and will open up a separate disciplinary investigation by each state.

In short, it is imperative to complete the required continuing education credits before the renewal period ends.

Rule 61G15-22.008, F.A.C., *Record Keeping* states, "It is the licensee's responsibility to maintain sufficient records to demonstrate completion of continuing education requirements for at least two license cycles (four years)."

One of the ways to keep records in order is to use the free continuing professional competency (CPC) tracking system offered by NCEES. This is especially useful for licensees with multiple licenses. You can create a MyNCEES account at NCESS.org. If an audit letter arrives, the required documents can be transmitted to FBPE with the click of a button.

The Board is here to provide support to members of the engineering profession as we navigate through this unprecedented situation. Please feel free to notify us of any issues, questions, or concerns that need to be addressed at board@fbpe.org.

Our common purpose unites us, and we will weather these uncertain times together. I hope everyone is staying safe and healthy during this period.

FBPE Posting COVID-19 Updates Online

FBPE's *Coronavirus (COVID-19) Updates* page provides news regarding the effects of the pandemic on license, board and committee meetings, examinations, and other information pertinent to Professional Engineers in Florida. The page is updated as necessary.



NCEES Sets Up COVID-19 Updates Page

With the April administrations of pencil-and-paper Principles & Practice of Engineering exam having been canceled, and Pearson VUE Test Centers closed for Fundamentals of Engineering and PE exams due to the coronavirus pandemic, NCEES has set up a page on its website to provide updates.

What Are Threshold Building Inspectors?

By Robert Sprehe, PE, SI

“It fell just like I a house of cards,” said one eyewitness of the deadly collapse of the Harbour Cay Condominium in Cocoa Beach in 1981.

While under construction, the five-story, flat-plate, reinforced-concrete building failed while concrete was being poured for the roof slab, killing 11 workers and injuring 23 others. Florida's *Threshold Inspection Law* was created in response to the finding of engineering and construction problems, which resulted in the tragic accident.



As a structural engineer in Gresham Smith's Building Engineering market, I specialize in what is known as “threshold” building inspections. If you're wondering: “What on earth is a threshold building inspection and why should I care?” then read on.

In this article, I shed some light on threshold building inspections — a unique service in Florida. This service not only brings value to clients but also the general public by offering additional project oversight in an attempt to help avert construction disasters such as the Harbour Cay Condominium collapse, Florida's worst construction disaster to date.

Threshold Building Inspection 101

Excuse me for getting technical here, but Chapter 553.71, Florida Statutes, defines a threshold building as any structure greater than three stories or 50 feet in height, or has an “assembly” occupancy classification that exceeds 5,000 square feet and an occupant content of greater than 500 persons (the latter applying to venues such as churches, gymnasiums, and conference centers).

Simply put, if the building is tall or holds a lot of people, by law, a threshold building inspector is required to inspect its structural elements during construction to ensure compliance with the permitted construction documents. A list of the structural elements, as well as non-structural elements, that require inspection can be found in the Florida Building Code, which is based on the International Building Code.

Threshold building inspections are performed by a state-certified special inspector (SI), yours truly, or a duly authorized representative of the certified SI. The term threshold inspector is simply another designation given to a Florida-certified special inspector who performs inspections on threshold buildings. (The titles of special inspector and threshold inspector are commonly used synonymously in Florida.)

As a Florida-certified special inspector, I am tasked with performing structural inspections, as well as maintaining inspection and deficiency logbooks, and reviewing all inspection and testing reports. Additionally, before, during, and after a project, I must effectively communicate between four different entities: the owner, the structural engineer of record (SER), the city or county, and the general contractor. This flow of communication is vital because it can affect the project schedule.

So, with the aforementioned in mind, let me dig a little deeper into the importance of the SI's responsibility on a construction project by answering four key questions that I am often asked.

Who Are You?

Who do you work for?

As the SI, I am hired directly by the fee owner of the project via a standalone contract. Therefore, the owner, or owner's representative, must be informed on a regular basis of the progress of my work because they are, after all, signing my check.

Who defines your scope of work?

The structural engineer of record is required to specify the project as a threshold project, based on the criteria previously mentioned. The SER then lays out a special inspection plan that is included in the final permitted construction documents, which lists the structural elements I am required to inspect.

So, communication with the SER is key if deficiencies are discovered, or if field conditions require modification.

Who qualifies you to perform your scope of work?

Aside from being certified by the state as an SI, I have to be approved by the local jurisdiction — whether it's the city or the county — to perform threshold inspections in that particular municipality. I must verify that the work being performed on-site by the contractor is in compliance with the permitted construction documents on record with the local building department.

So, basically, I am their eyes for all items on the special inspection plan.

Who schedules your services on the construction site?

That lucky winner is the general contractor, whom I remain in constant communication with as my threshold inspections are dictated by the construction schedule. The general contractor plays a key role in the process, as they are the first to be notified if any deficiencies are found during my inspections.

Why I Care

In my opinion, the most important aspect of my involvement as the threshold inspector is to aid in the oversight of the project to provide an extra layer of safety.

As part of the “Engineer’s Creed,” a professional engineer pledges to uphold the public welfare above all other considerations. And I’m ever mindful of this promise when it comes to what I do — whether it’s inspecting a patient tower, the foundation system of an automated people mover, or an airport terminal building.

At the end of the day, a threshold building inspection not only provides oversight for the structural integrity of a building throughout the construction process, but also helps increase the quality of the entire structure, both in its parts and as a whole. And that is why we care — and why you should care, too.

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About the Author:

Robert Sprehe, PE, SI, is a senior structural engineer and certified threshold inspector in Gresham Smith’s Building Engineering market, with 15 years of experience.

Special Recognition: Congratulations, Examinees

FBPE applauds all of the candidates that successfully passed engineering exams in the past quarter. We wish them much success as they move towards the next step in their engineering careers. [See the complete list online.](#)

Legal Department: Latest Engineer Discipline

Pursuant to Rule 61G15-37.001(11), Florida Administrative Code, the Florida Engineers Management Corporation is required to post all Final Orders involving active disciplinary cases to the website until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void. Included in this section are the most recent cases in which final action has been taken by the Board, a brief description of the licensee’s violation and discipline as well as a link to the final order. [View actions.](#)

Mark Your Calendar

We regularly update our calendar to ensure you stay up to date with the latest FBPE and FEMC events. [Check out the calendar on our website.](#)

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