

**Florida Board of Professional Engineers
Rules Committee Minutes
November 9, 2021 at 1pm
via video conference**

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

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

Committee Members Present:

Kevin Fleming, P.E., Chair
Scott Drury, P.E.
John Pistorino, P.E.
Pankaj (PJ) Shah, P.E.
Denise Ramsey, P.E.

Attorney General's Office:

Lawrence Harris, Senior Assistant Attorney General, Counsel to the Board.

Staff Members Present:

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

2. Introduction of Guests and Announcements

William Lampkin, FBPE Public Information Officer
Wendy Anderson, FEMC Investigator
Angelina Fairchild, P.E., FES

3. Review/Open Rule **61G15- Chapter 19.008** – (referred from Oct. 2021 FBPE Bd Mtg)

Mr. Fleming discussed the rule.

Mr. Harris explained the reason for the rule being on the agenda.

Discussion followed on this.

Motion made by Mr. Drury and seconded by Mr. Shah to propose the following rule changes and bring the proposed changes to the December 2021 FBPE board meeting for review and action:

61G15-19.008 Confidentiality of Investigations.

The following violations have been deemed to involve the potential for substantial physical or

financial harm to the public: Negligence, as defined in subsection 61G15-19.001(4), F.A.C., or misconduct, as defined in subsection 61G15-19.001(6), F.A.C., involving either threshold buildings as defined in Section 553.71(7), F.S.; or the collapse or major damage to any structure; or leading to death or injury of any person.

The motion passed.

4. Review/Open Rule **61G15-20.006** – (referred from Oct. 2021 FBPE Bd Mtg)

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

Motion made by Mr. Shah and seconded by Ms. Ramsey to propose the following rule changes and bring the proposed changes to the December 2021 FBPE board meeting for review and action:

61G15-20.006 Educational Requirements.

The evaluation of curricula and standards of accreditation for approval of degree programs required by Section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in Section 471.005(7), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET) and found in the applicable Annual Report of EAC/ABET or ETAC/ABET.

(2) A non-EAC/ABET or ETAC/ABET accredited engineering program which seeks approval pursuant to Section 471.013(1)(a), F.S., shall apply in writing. submit the following to the Board: ~~A completed application form “Request for Evaluation” [FBPE/007 (11-07)] and “Self Study Report” [FBPE/008 (1-08)] hereby incorporated by reference (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2400 Mahan Drive, Tallahassee, Florida 32308);~~

~~(b) A current catalog and student and faculty handbook.~~

(3) The Board’s survey and evaluation of an engineering program shall consist of two elements: A review of the documents submitted by the applying engineering program applicant.

The purpose of the review is initially to determine what documentation must be submitted by the applying engineering program, such that if the application is complete. The applicant will be notified if the application is not complete. If the application is complete, the Board can will begin the survey and evaluation of the engineering program.

All and will provide the documents submitted will be provided to any outside consultants which the Board may retain to survey and evaluate the engineering program, at the expense of the applying engineering program. Documents will not be returned to the applying engineering program at the conclusion of the evaluation.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit will encompass all elements of the standards for approval set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no approval may be granted by the Board.

(4) – (10) No Change

The motion passed.

5. Review/Open Rules **61G15-20.0017** – (referred from Oct. 2021 Bd mtg)

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

Motion made by Mr. Pistorino and seconded by Mr. Shah to propose the following rule changes and bring the proposed changes to the December 2021 FBPE board meeting for review and action:

61G15-20.0017 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application Form FBPE/005 (Rev. 12/2021 ~~(06-01)~~), entitled “Application For Retired Status”, is hereby incorporated by reference, copies of which may be obtained from the Board office at 2400 Mahan Drive, Tallahassee, Florida 32308; from the Board’s website at <http://www.fbpe.org/licensure/application-process> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref->. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license, unless disciplinary proceedings are pending against the applicant at the time of application for retired status.

(2) Engineers who have been approved for Retired Status shall be carried on the records of the Board as “P.E., Retired.”

(3) Engineers on Retired Status may use the term “Professional Engineer, Retired” or “P.E., Retired;” however, such engineer shall refrain from the active practice of engineering and the use of his or her seal. Any engineer in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

The motion passed.

6. Review/Open Rules **61G15-32.003**

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

Motion made by Mr. Drury and seconded by Mr. Shah to propose the following rule amendments and bring the proposed changes to the December 2021 FBPE board meeting for review and action:

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) Water Based Fire Protection Systems include, but are not limited to, automatic sprinkler systems of wet, dry, fine water spray (mist), manual, and deluge valve controlled types, pumping systems, standpipes, fire water mains and dedicated fire protection water sources. Items to be considered in the design or analysis of water based fire protection systems are, as applicable to the particular project: water supply system, occupancy and classification, control, installation requirements, interoperability and performance requirements.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.

(3) For Engineering Documents pertaining to Fire Protection Systems exempted by the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall determine the level of detail shown on plans for a Fire Protection system. All such plans shall include a disclaimer stating the Fire Protection system is exempt from professional engineering services and shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor and permitted by the authority having jurisdiction (AHJ). In the event the Engineer of Record provides more information and direction than its minimally required, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles. ~~For systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record may specify the minimum system requirements only.~~

(4) – (6) No Change

61G15-32.008 Design of Fire Alarms, Signaling Systems, and Control Systems.

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions. Items to be considered in the design or analysis of fire alarm and detection systems are, as applicable to the particular project: occupancy and classification, monitoring, control and communication, cabling and supervision requirements, installation requirements, interoperability and performance requirements.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.

(3) ~~For systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record may specify the minimum system requirements only.~~

(4) – (7) No Change.

The motion passed.

7. Review/Open Rules **61G15-Chapter 35 – SI and SI Limited applications and clarification on inspection experience**

Mr. Harris discusses the special inspector rules and challenges that the board members have when reviewing applications. Discussion followed.

Mr. Harris explained the proposed rule amendments including the proposed changes from Mr. Pistorino.

Discussion followed.

Motion made by Mr. Drury and seconded by Ms. Ramsey to propose the following rule amendments and bring the proposed changes to the December 2021 FBPE board meeting for review and action:

61G15-35.0021 Definitions.

As used hereinafter in this chapter, the following words or phrases shall be defined as follows. The Board does not intend for these definitions to apply to any similar wording, term, role, or description outside of Chapter 471 or 553, F.S. or the Florida Building Code Section 110.8 Threshold Building; or as such term may be used by a local Authority Having Jurisdiction in local regulations, codes, or ordinances.

(1) "Special Inspectors of Threshold buildings," also referred to as "Threshold Inspectors," "Special Inspectors," or "S.I.s" are defined by Section 553.719, F.S., Threshold Inspectors can perform inspections on all threshold buildings or perform any other services authorized by Section 553.79(5)(a), F.S. Florida Building Code section 110.8 provides additional requirements to the enforcing agency, Special Inspector, and fee owner.

(2) "Special Inspectors of Threshold buildings (Limited)", also referred to as "Threshold Inspectors (Limited)," can only perform inspections on Threshold Buildings with Repair (without Substantial Structural Damage), Alterations 1, Alterations 2, and Alterations 3 (without Substantial Structural Alterations) of threshold buildings. Special Inspectors (Limited) are not permitted to do inspections on new construction or threshold buildings with Repairs with Substantial Structural Damage or Alterations 3 with Substantial Structural Alteration. The terms Repairs, Alteration 1, Alteration 2, Alteration 3, Substantial Structural Damage, and Substantial Structural Alteration are as defined in the Florida Building Code, Existing Buildings.

(3) "Threshold Building" is as defined by the Florida Building Code, Section 110.08 and in 553.71(12), F.S.

(4) "Private Provider" is as defined in Section 553.791(1)(j), F.S. Private Providers carry out duties as authorized by Section 553.791, F.S. As set forth in Chapter 553, F.S., although the roles and duties of Special Inspectors and Private Providers may appear to be similar or overlap, they are not synonymous and as specified in that chapter, are not interchangeable.

(5) Inspections requested by local Authority Having Jurisdiction in local regulations, codes, or ordinances for non-threshold buildings are not part of this chapter.

(6) "All Structural Components" shall mean each structural element necessary to the complete load path of the structure.

(7) No later than 90 days prior to December 31, 2023, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings and Special Inspectors of Threshold Buildings (Limited).

(1) Special Inspectors of Threshold Buildings: The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on all structural components involved in the new construction of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of all structural components of new threshold buildings. For the purpose of these criteria, structural design and/or inspection shall mean the design and/or inspection of all structural components of the newly-constructed building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on the new construction of Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application. In addition, the threshold/special inspection plan must be prepared by the Engineer of Record for the project.

(d) Design and/or inspection experience of restoration, repair or alteration of existing buildings is not creditable towards the design and inspection experience required for SI Certification.

(2) Special Inspectors of Threshold Buildings Limited

(a) To implement Section 553.79, F.S., the Board hereby establishes the certification of Special Inspectors of Threshold Buildings (Limited), also referred to as “Special Inspectors (Limited)” or “S.I. (Limited).” Any licensee holding this certification may serve as the Special Inspector/Threshold Building Inspector for any project involving the Repair (without Substantial Structural Damage), Alterations 1, Alterations 2, and Alterations 3 (without Substantial Structural Alterations) of an existing Threshold Building. A licensee holding this certification may not serve as the Special Inspector/Threshold Building Inspector for new construction or existing Threshold Buildings with Repairs with Substantial Structural Damage or Alterations 3 with Substantial Structural Alteration. The terms “Repairs,” “Alteration 1,” “Alteration 2,” “Alteration 3,” “Substantial Structural Damage,” and “Substantial Structural Alteration” are as defined in the Florida Building Code – Existing Buildings. Licensees who wish to serve as Special Inspectors for new construction, or existing Threshold Buildings with Repairs with Substantial

Structural Damage or Alterations 3 with Substantial Structural Alteration must be certified pursuant to subsection (1), above.

(b) The minimum qualifying criteria for Threshold Inspectors (Limited) are established by the Board to be as follows:

1. Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering.

2. Three (3) years of experience in performing structural field inspections on Threshold Buildings, components thereof, or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of repairs to components of threshold buildings. For the purpose of these criteria, examples of structural components include, but are not limited to, prestressed or post-tensioned concrete, balconies, exterior walls, etc.

3. a. Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed; and b. The applicant must possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application.

(3) Applications For Special Inspector of Threshold Buildings.

(a) The instructions and application form for Special Inspector, Form FBPE/006 (12/~~2119~~) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/006 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11953>.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/006.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name,

2. Florida license number,

3. A list of new construction projects submitted for experience credit.

a. Project descriptions. For each project identified, the following shall be clearly listed:

(I) The beginning and ending experience dates,

(II) The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and,

(III) A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria has been met,

including the components designed or inspected and details of the threshold/special inspection plan.

(IV) Whether the experience is claimed to be new construction or restoration/repair/alteration of existing threshold buildings

b. Credible experience. The Board will only grant experience for work on new construction projects identified pursuant to subparagraph (2)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in

engineering basis. No additional experience credit is allowed for overtime work in excess of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management unrelated to design or inspection of the project). Although design and/or inspection work on existing threshold buildings may be included, such experience will not be creditable towards SI certification; it may be considered for SI (Limited) certification.

c. All experience claimed must be verified. For structural design work, experience must be verified by the Engineer of Record. If the applicant is the Engineer of Record for the project, the applicant's work must be verified by another professional engineer knowledgeable about the applicant's structural design work on the project, such as a colleague, supervisor, team member, etc. Field inspection experience must be verified by the Special Inspector for the project.

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector,

5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and,

6. Completed form FBPE/006.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed.

Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(4) Application for Special Inspectors of Florida Buildings (Limited).

(a) The instructions and application form for Special Inspectors of Threshold Buildings (Limited), Form FBPE/011 (12/~~2120~~) is hereby incorporated by reference, "Application for Special Inspector of Threshold Building (Limited) Certification." Copies of Form FBPE/011 may be obtained from the Board office or by downloading it from the internet website

www.fbpe.org/licensure/application-process or at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-12822>.

(b) All applications for certification as a Special Inspector of Threshold Buildings (Limited) shall be submitted to the Board on Form FBPE/011.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name,

2. Florida license number,

3. A list of projects submitted for experience credit.

a. Project descriptions. For each project identified, the following shall be clearly listed:

(I) The beginning and ending experience dates,

(II) The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and,

(III) A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria have been met,

including the components designed or inspected and details of the threshold/special inspection plan.

(IV) Whether the experience is claimed to be new construction or restoration/repair/alteration of existing threshold buildings.

b. Creditable experience. The Board will only grant experience for work on projects identified pursuant to sub-subparagraph

(4)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in engineering basis. No additional experience credit is allowed for overtime work in excess of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management).

c. All experience claimed must be verified. For design work, experience must be verified by the Engineer of Record. If the applicant is the Engineer of Record for the project, the applicant's work must be verified by another professional engineer

knowledgeable about the applicant's design work on the project, such as a colleague, supervisor, team member, etc. Field inspection experience must be verified by the Special Inspector of Threshold Buildings for the project.

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering or restoration/repair work on Threshold Buildings in the State of Florida, one of whom must be certified as a Special Inspector of Threshold Buildings.

5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform inspections on components of threshold buildings; and,

6. Completed form FBPE/011.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(5) Roster of Special Inspectors of Threshold Buildings. The Board shall maintain a roster of all persons certified as Special Inspectors of Threshold Buildings or Special Inspectors of Threshold Buildings (Limited) pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Board office. As specified by Section 553.791, and Chapter 471 F.S., licensees serving as private providers need not be listed on the Board's roster of either SIs or SIs (Limited).

(6) Any Florida Professional Engineer certified as a Special Inspector of Threshold Buildings (Limited) may apply at any time for certification as a Special Inspector of Threshold Buildings, by following the provisions outlined in subsection (3), above. If the applicant is so certified, the

Board shall cancel the Special Inspector of Threshold Buildings (Limited) certification and update the roster to reflect the applicant is certified as a Special Inspector of Threshold Buildings.

(7) No later than 90 days prior to December 31, 2023, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

The motion passed.

8. **Discussion on email Ms. Fairchild – protocols for building evaluations** (email from Aug. 2021 FBPE Bd Mtg)

Mr. Fleming discussed the email.

Discussion followed. The committee decided to take no action.

9. Discussion on ABC Course issues

Mr. Fleming discussed the response to Mr. Herbert. Discussion followed.

Staff was instructed to proceed with the response.

The committee suggested that a newsletter article be written about this issue and who exactly is required to take the ABC course.

10. Old Business

11. New Business

12. Adjourn

