

**Florida Board of Professional Engineers
Rules Committee Minutes
November 30, 2022 at 9 am
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 call.

Committee Members Present:

Kevin Fleming, P.E., Chair
Scott Drury, 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

Tracy Smith, Paralegal, Attorney General's office
Wendy Anderson, FEMC Investigator
Bill Lampkin, FBPE Public Information Officer
Tom Grogan, PE, FSEA
Andrew Lovenstein, PE, FSEA
Angelina Fairchild, PE, FES

3. Review/Open Rules **61G15-20.0011 – Florida Board Recognized Structural Engineer Program**

Mr. Harris discussed the proposed rule and where it stands as of today.

Mr. Grogan discussed the proposed change and items he provided to the committee.
Further discussion followed.

Mr. Harris has draft language for the committee to review.
The proposed language is as follows:

61G15-20.0011 Structural Engineering Recognition Program For Professional Engineers. Pursuant to Section 471.055, F.S., the Board establishes the following minimum requirements for Florida licensed professional engineers who specialize in structural engineering and who have exceeded required minimum professional engineer licensing standards in that specialty area to receive recognition through the Structural Engineering Recognition Program for Professional Engineers.

(1) Any professional engineer currently licensed in good standing in the state of Florida who desires Recognition as a Structural Engineer in Florida shall submit ~~a request an online form~~ to the Board. ~~A printable online request may be found. The form is located~~ on the board's website at www.FBPE.org/FBRSE. The Board shall Recognize only those applicants who have completed the **online request form**, including submission of required documentation, and who have demonstrated to the Board that they have:

- (a) Passed the NCEES Structural I and Structural II exams taken prior to January 1, 2011, OR
- (b) Prior to January 1, 2004, passed 16-hour state-written examination equivalent in scope and content to the examination identified in paragraph (1)(a), above. For purposes of this rule, the board identifies the following as examinations equivalent in scope and content as: the 16-hour Western States Structural Engineering examination, OR
- (c) Passed the NCEES Structural II exam plus an 8-hour state-written structural examination prior to January 1, 2011. For purposes of this rule, the board will accept the following 8-hour examinations: 8-hour NCEES Civil: Structural Examination; 8-hour NCEES Architectural Engineering Examination; 8-hour California Structural Engineering Seismic III Examination; or 8-hour Washington Structural Engineering III Examination, OR
- (d) Passed the NCEES 16-hour S.E. examination (vertical and lateral) taken after January 1, 2011, OR

(e) Held active license(s) or registration(s) (as applicable) in any single or combination of US Jurisdictions and:

1. Has at least five (5) years of experience after licensure as a Professional Engineer in any jurisdiction(s) designing significant structural engineering projects. For purposes of this rule, "significant structural engineering projects" is defined as the design of structural components and **structural** systems of any of the following:

- a. Buildings ~~over~~ three stories or greater.
- b. ~~Buildings with an occupancy greater than 250 persons.~~
- c. Risk Category III or IV buildings, as defined by Table 1604.5 RISK CATEGORY OF BUILDINGS AND OTHER STRUCTURES in the current Florida Building Code or equivalent classification in another jurisdiction.
- d. Vehicular Bridges designed to the standards of the Federal Highway Administration or a state equivalent.

2. The license(s) and/or registration(s) must have been awarded at least five (5) years prior to the application date, and must remain valid continuously through the application process, and

3. No Change.

(f) No Change.

(2) – (3) No Change.

(4) Upon submission of the ~~request online form~~, the Board will timely notify an applicant of any documentation and/or information that is required to complete the request.

(a) - (b) No Change.

(5) No Change.

Rulemaking Authority 471.055 FS. Law Implemented 471.055 FS. History–New 8-25-22.

Upon motion by Ms. Ramsey, seconded by Mr. Drury, to approve the proposed language as shown above, the motion passed unanimously.

4. Review/Open Rule **61G15-19.001 (6)(a)** - (referred from October 2022 FBPE Bd Mtg)

Mr. Harris discussed this item. Further discussion followed.

Mr. Harris recommends repealing 61G15-19.001 (6)(a).

61G15-19.001 Grounds for Disciplinary Proceedings.

(1) - (5) No Change.

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to:

(a) ~~Expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon;~~

(b) - (s) Renumbered (a) – (r).

(7) - (8) No Change.

Rulemaking Authority 471.033(2) FS. Law Implemented 471.025(1), 471.033(1)(f), (g), (2) FS. History–New 1-8-80, Amended 6-23-80, 3-23-81, 6-4-85, Formerly 21H-19.01, Amended 5-14-86, 4-23-87, 11-8-88, 1-11-89, 7-3-90, 11-9-92, Formerly 21H-19.001, Amended 11-27-94, 5-20-02, 9-5-16, 12-29-19.

Upon motion by Mr. Drury, seconded by Ms. Ramsey, to repeal 61G15-19.001 (6)(a), the motion passed unanimously.

5. Review/Open Rules **61G15-20.007** - (referred from October 2022 FBPE Bd Mtg)

Mr. Fleming discussed this rule and believes there is a conflict in our rules. Discussion followed.

The committee decided to make no changes to the rule at the present time.

6. Review/Open Rules **61G15-23.001(4)(a)1 and 2 and 23.001(4)(b)** - (Email from FEMC Investigator and email from board member Varghese)

Mr. Fleming discussed this item. Further discussion followed.

The committee recommendation is that the Rules Committee review the entire chapter and asked for input from the committee members and staff.

The memo from Mr. Varghese was tabled until the committee reviews the entire chapter.

7. Discussion on Structural Inspection Program (SB4D) Standards of Care - (referred from October 2022 FBPE Bd Mtg)

Mr. Drury sent this item to the SI Rules Committee at the last board meeting.

8. Review/Open Rules **61G15-32.002, .003, .004, .005, .006, .007, and .008** – (resolve JAPC comments)

Mr. Fleming discussed the rule and reasons for the proposed changes.

Mr. Harris went over the proposed rule language.

**CHAPTER 61G15-32
RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS
CONCERNING THE DESIGN OF FIRE PROTECTION SYSTEMS**

61G15-32.001 General Responsibility

61G15-32.002 Definitions

61G15-32.003 Common Requirements to All Fire Protection System Engineering Documents

61G15-32.004 Design of Water Based Fire Protection Systems

61G15-32.005 Design of Gas Agent Fire Suppression Systems

61G15-32.006 Design of Foam and Foam Water Fire Suppression Systems

61G15-32.007 Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems

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

61G15-32.009 Design of Fine Water Spray (Mist) Fire Suppression and Control Systems

61G15-32.010 Design of Smoke Control Systems

61G15-32.002 Definitions.

(1) - (7) No Change.

(8) Material Deviation: A deviation or variance from the design parameters established and documented by the Engineer of Record that significantly alters the ultimate performance requirements of the system.

JAPC Comment: It appears that the rule text should explain or define what the board means by "significantly alters." Absent such explanation or definition, the rule may be vague and vest unbridled discretion in the board.

Rules Committee recommended response: no change, the term "significantly alters" is clearly understood in this area of practice. {Explain in response}

(9) - (10) No Change

61G15-32.003 Common Requirements to All Fire Protection System Engineering Documents.

(1) - (7) No Change

(8) Any information deemed appropriate by the Engineer of Record to assist the authority having jurisdiction in understanding the owner's intended use and proposed protection of the

building or facility and to provide sufficient direction to the installation contractor or other interested parties regarding the layout of the system(s), shall be included in the Fire Protection System Engineering Documents.

JAPC Comment: By what criteria shall an engineer of record determine whether information is deemed to be “appropriate” and provides “sufficient direction” to interested parties and therefore “shall be included in the Fire Protection System Engineering Documents”?

Rules Committee recommended response: no change. This is a permissive provision that allows the EOR to include additional information that would be helpful to getting the project permitted and constructed.

(9) No Change

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

(1) - (3) No Change

(4) To ensure minimum design quality in Fire Protection System Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) - (g) No Change

(h) Microbial Induced Corrosion (MIC). The Engineer of Record shall make reasonable efforts to identify water supplies that could lead to Microbial Induced Corrosion (MIC). Such efforts may consist of discussions with the local water purveyor and/or fire official, familiarity with conditions in the local area, or laboratory testing of water supplies. When conditions are found that may result in MIC contamination of the fire protection piping, the engineer shall design corrective measures.

JAPC comment: The rule text suggests that “reasonable efforts may consist of discussions ..., familiarity with conditions ..., or laboratory testing” It does not appear that the rule text provides any discernable criteria by which “reasonable efforts” shall be determined. It appears this rule should be clarified.

Rules Committee recommended response: MIC is a very, very location specific issue. It is very complex, and the due diligence to be performed by the EOR will be different for different locations.

(i) - (m) No Change.

(5) – (6) No Change.

(7) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date .No later than 90 days prior to December 31, 2026, the Board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History–New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15, 8-24-16, 7-25-19, 3-23-22.

61G15-32.005 Design of Gas Agent Fire Suppression Systems.

(1) Gas Agent Fire Suppression Systems include, ~~but are not limited to,~~ CO₂, Halon, inerting and purge gases, and all other gaseous formulations and multi-phase agents released for the purpose of fire control or extinguishment.

JAPC comment: Use of the phrase “include, but are not limited to” may be impermissibly vague because the reader is left to guess what other systems may or may not be included.

Rules Committee recommended response: Edit the language as shown.

(2) The Fire Protection System(s) design specifications shall be based on applicable NFPA standards when available, or alternative engineering sources and good engineering practice ~~when required~~.

*JAPC comment: Please explain when “good engineering practice” is **not** required.*

Rules Committee recommended response: Edit the language as shown.

61G15-32.006 Design of Foam and Foam Water Fire Suppression Systems.

(1) Foam and Foam Water Fire Suppression Systems include local application, total flooding, high and low expansion foams, and foam-water sprinkler systems.

(2) The Fire Protection System design specifications shall be based on applicable NFPA standards, when available, or alternative engineering sources and good engineering practice ~~when required~~.

*JAPC comment: Please explain when “good engineering practice” is **not** required.*

Rules Committee recommended response: Edit the language as shown.

61G15-32.007 Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems.

(1) Dry chemical and miscellaneous systems include, but are not limited to, dry chemical systems, explosion control systems, and fire control structures.

(2) The Fire Protection System design specifications shall be based on applicable NFPA standards, when available, or alternative engineering sources and good engineering practice ~~when required~~.

*JAPC comment: Please explain when “good engineering practice” is **not** required.*

Rules Committee recommended response: Edit the language as shown.

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

(1) - (3) No Change

(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) - (e) No Change

(f) Indicate whether the fire alarm is conventional zoned or digital addressable, and indicate all zoning.

*JAPC comment: The rule **may** be more understandable if the words “conventional” and “addressable” are defined or clarified.*

Rules Committee recommended response: Edit the language as shown. Conventional zoned and Digital Addressable are the two types of systems architectures in use.

(g) - (n) No Change

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner’s operating personnel, as needed to operate the systems as intended ~~over time~~.

JAPC comment: What time period is contemplated in this rule paragraph?

Rules Committee recommended response: Edit the language as shown.

(5) - (7) No Change

~~(8) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date. No later than 90 days prior to December 31, 2026, the Board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the Board to act in accordance with this provision will result in the expiration of this rule on December 31, 2026.~~

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-32.008, Amended 3-26-09, 3-28-17, 7-25-19, 3-23-22.

Upon motion by Ms. Ramsey, seconded by Mr. Drury, to approve the proposed language and forward to the full board for their review and approval and have Mr. Harris draft a response to JAPC, the motion passed unanimously.

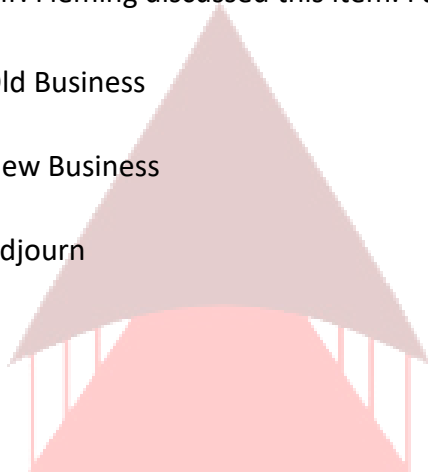
9. Review/Open Rule **61G15-23.003** – (Email from FEMC Investigator)

Mr. Fleming discussed this item. Further discussion followed.

10. Old Business

11. New Business

12. Adjourn



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FLORIDA BOARD OF
PROFESSIONAL ENGINEERS