



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

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From the Executive Director: ABC Course Changes

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

The Florida Building Commission's eighth edition of the [Florida Building Code](#) went into effect on Dec. 31, 2023.

[Section 471.0195, Florida Statutes](#), addresses the Florida Building Code and the continuing education that PEs need for it:

All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice.



Once a PE has completed an [Advanced Building Code, or ABC, course](#) and submitted documentation to the Board, the course shows up under "Special Qualifications" on their licensure record at myfloridalicense.com.

Florida Building Officials regularly verify that Professional Engineers have the qualification when engineering documents are submitted for review. PEs who submit engineering documents without having the qualification are reported to the Board.

FBPE Lead Investigator Wendy Anderson says that in the past year, the Board has received a record 150 certificates from Professional Engineers who completed the course after the period permitted by the rule.

First-time offenders are given a warning and ordered to complete the ABC course; second-time offenders face a citation and a fine, Anderson says.

It is the Professional Engineer's responsibility — not the continuing-education provider's — to report and provide documentation of completion of the ABC course to FBPE. PEs should email the documentation to Anderson, at wanderson@fbpe.org, as soon as the course is completed.

In addition to the changes in the eighth edition of the code, Professional Engineers in Florida can expect changes within the next month or two in the rule covering their requirements for the Code.

The statute cited above requires PEs “actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code” to have completed the ABC course, which would be reflected on their licensure record.

Currently, [Rule 61G15-22.001\(3\), Florida Administrative Code](#), requires that PEs take the ABC course within 12 months of the effective date of a new edition of the Florida Building Code. That 12-month window goes away with proposed changes to the rule.

The proposed rule would adhere more closely to the statute and require the Advanced Building Code qualification when a PE begins working on affected engineering projects.

The proposed change to 61G15-22.001, F.A.C., reads:

(3) Beginning with the effective date of the Eighth Edition of the Florida Building Code (2023), all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one advanced Florida Building Code course on each new Edition of the Florida Building Code,

(b) Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Code edition and revision year, and portion of Code or course focus. This course may also count towards the area of practice requirement for continuing education set forth in Rule 61G15-22.001, F.A.C.

Comments regarding this proposed rule change, as well as any others, may be emailed to board@fbpe.org.

Chair’s Corner: Welcome to 2024

By **Dylan Alberg**, PE, FBPE Chair (2024)

As we ring in the new year, I would like to say thank you to Pankaj (PJ) Shah, PE, who faithfully served as vice chair in 2023. PJ was and is a mentor to me, having been on the Board when I was appointed in 2018. As one of the Board’s most tenured and accomplished members, he continues to provide wise council in support of FBPE’s mission and scope.

Now what should you expect from the Board in 2024? You should expect the Board to meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating, and enforcing the rules that govern the practice of engineering; and to guard against the unlicensed practice of engineering within Florida.

You may have seen recently that Congress passed the fewest number of bills in decades in 2023. Some may call this unproductive; others may call it a relief.

As chair of the Board, it is my philosophy that we should never allow our rule book ([Chapter 61G15, Florida Administrative Code](#)) to grow anywhere near the size of the U.S. Tax Code. Regulation, while sometimes necessary, can quickly become overcomplicated, redundant, and restrictive.



In 2024, we will continue down the path of smart rulemaking to keep pace with an ever-changing industry and stay in line with new statutes enacted by our elected officials.

The Board's mission is to protect the health and safety of the public by properly regulating the practice of engineering in Florida. We hope to continue to serve you and the public well this year.

Coming Down the Pike: Mandatory CE Reporting

By **Edwin Bayó, Esq.**

Engineers in Florida are primarily regulated by two Florida Statutory Chapters, 455 and 471. [Chapter 471, F.S.](#), also known as the *Florida Engineering Practice Act*, contains laws that apply only to Professional Engineers.

One of these laws requires PEs to complete [18 hours of continuing education](#) every biennium. Of the 18 hours, one hour must relate to the Florida laws and rules of Professional Engineers and be from a Board-approved provider, and one hour must relate to professional ethics. Four hours must relate to an area of practice. The remaining 12 hours may be related to any topic pertinent to the practice of engineering.



Engineers licensed in multiple states face the challenge of keeping up with different state rules on the number of hours and what qualifies as acceptable CE courses. Currently, 42 states and the District of Columbia require CE for renewal of licensure. In addition, some of these states require that engineers report their CE as part of the licensure renewal process.

[Chapter 455, F.S.](#), contains several laws applicable to all practitioners, including PEs, under the umbrella of the [Department of Business and Professional Regulation](#) (DBPR). One of these laws is [Section 455.2177, F.S.](#), titled *Monitoring of compliance with continuing education requirements*. This somewhat obscure statute requires DBPR to monitor licensee compliance with applicable CE requirements. The term “monitor” means the act of determining, for each licensee, whether the licensee was in compliance with the applicable CE requirements as of the time of their license renewal.

Paragraph (3) of that statute allows DBPR to waive the CE monitoring requirements for any profession that has a program in place that measures compliance through statistical sampling techniques or other methods that can indicate at least 95 percent of licensees are compliant. Under that statute, the Florida Board of Professional Engineers adopted [Rule 61G15-22.006, Florida Administrative Code](#), which established a random CE audit process that had been in place since 2001. As part of the license renewal process, PEs had to click a button that served as a declaration that they had completed all the required CEs. FBPE then randomly audited a minimum of 3 percent of licensees to ensure that the CE requirements were being met. Unfortunately, these random audits demonstrated a compliance rate of 85 to 90 percent. Because the 95 percent requirement in the statute was not being met, actual monitoring for CE compliance will now become a reality.

Starting with the renewal period beginning November 2024, PEs will not only have to click the button declaring that they have completed their required CE hours, but they will also have to provide documentation that they have done so. Many professions in Florida already require licensees to record their CE in a database that can be accessed by their respective licensing board as proof that the subjects and hours of CE were taken. Something along those lines will now be required for Florida PEs.

FBPE is currently deciding how to implement this mandatory reporting requirement. There is a CE tracking tool available to engineers through the National Council of Examiners for Engineering and Surveying, the same outfit that provides all those wonderful engineering licensure examinations. NCEES uses the acronym CPC, for Continuing Professional Competency, in their tracking tool. This service allows you to select the appropriate licensing state, add the course information and corresponding CE hours, upload supporting documentation to your account, and transmit a transcript electronically to a state licensing board. The best part of this service is the cost, which is free.

Rule 61G15-22.006, F.A.C., has been amended to reflect that random audits will now be a thing of the past. The Board is continuing to develop the mechanism by which PEs will be required to report their continuing education and will notify all PEs once that process is established. Stay tuned.

About the Author

Edwin Bayó is a former counsel to the Florida Board of Professional Engineers. A partner in Grossman, Furlow, & Bayó, he is board certified in state and federal government and administrative practice by the Florida Bar.

Engineering Ethics, Risk Management, & You

By **Edwin A. Bayó**, Esq.

The topic of ethics in engineering has been covered in almost every conceivable manner.

Most engineers have taken ethics to satisfy a curriculum course requirement or as [continuing education](#) for licensure renewal. These courses often cover such items as ethical codes for engineers or ethical case studies. But risk management, and specifically how it relates to ethics in the practice of engineering, is a topic seldom covered.



Any profession, especially the engineering profession, operates in a sea of uncertainty and risk. Successful engineers are the ones who are able to minimize the uncertainty and risk to avoid adverse consequences.

Of course, minimizing risk and eliminating risk are two very different things.

When the question is posed regarding whether an engineer can be sued for a certain action, an accurate response always is: “Anyone can be sued by anyone else at any time for any reason.” In the world of licensure law, however, the risk of being sued is replaced with the risk of having [a complaint filed](#) against an engineer’s license to practice engineering.

So, let’s look at how ethical engineering — or the lack thereof — can have serious risk-management implications, which in turn can affect your ability to practice.

Risk Management and Misconduct

As former counsel to the Florida Board of Professional Engineers, I have seen countless cases involving ethical issues that turn a disgruntled but passive client into a vociferous complainant, merely for a lack of simple risk management.

For example, in Florida the term “misconduct” is defined to include conduct that can be categorized as ethically improper or deficient. An [engineer’s license can be disciplined](#) under the rubric of “misconduct” for several acts, including:

- Performing an engineering assignment when not qualified by training or experience in the practice area involved.
- Revealing facts, data, or information obtained in a professional capacity without the consent of the client or employer.
- Soliciting or accepting gratuities without a client’s knowledge.
- Failing to preserve a client’s confidence or to disclose a conflict of interest.

Going above and beyond mere ethics, the risk to one’s engineering license stemming from the above actions are staggering. If any one of the above actions occur, a disgruntled client who might not have taken any action at all may file a complaint with FBPE. This is especially true if the above actions occur in conjunction with below-standard work.

Risk Management and Negligence

Another commonly used term to describe improper conduct with ethical and risk-management implications is “negligence.” In regard to the practice of engineering, Florida (as do many other states) defines negligence as the failure by a Professional Engineer to use due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles.

Relating to risk management, the threat of negligence can be mitigated by clearly enumerating specific remedies or limitations in the initial contract with the client. In this way, the expectations of the engineer are clearly stated, with damages determined by the contract.

Even though damages can be determined based on the reasonable expectations of the parties — thereby making enumerated limitations in the contract moot — courts will usually attempt to adjudicate within the four corners of the contract. Therefore, if remedies or limitations are clearly stated within a written contract, the risk for civil suits and complaints can be reduced.

In addition, the threat of negligence can be mitigated by clearly enumerating specific project parameters in the contract. This is important, as many clients who feel as though they were wronged by a contract “wrinkle” or “loophole” may also feel as though they have no available avenue of recompense, and in turn resort to filing a complaint against the engineer’s license.

While it is important to be flexible to suit a client’s needs, clearly listing foundational project parameters will go a long way in avoiding a complaint, or even a civil suit, later.

The Dangers of Cutting Corners

Engineers have a fiduciary duty not only to their clients but also to the public at large, as an engineer’s work may have an effect on the health, safety, and welfare of the general public. As the saying goes, “With great power comes great responsibility.” (Not to mention a great need for risk management.)

Take for example a scenario where you, a PE, agree to take on a project at a rock-bottom price. Given the state of the economy, many engineers find themselves agreeing to projects at half what they would normally charge. Nevertheless, signing on for a project at a reduced rate does not reduce your obligation to your client (or to the public). Your standard of practice must remain the same whether you charge one dollar or one million dollars for your services.

If you were to cut corners on a project simply because you weren't paid as much as you are accustomed to, an ethical complaint wouldn't be filed against your license. However, your risk-management "spidey-senses" should be tingling, as cutting corners opens your license to discipline for negligence or incompetence.

Do not let the fact that you are getting paid less for a project inject the venom of indifference into your work, as that will no doubt increase the risk of endangering the health, safety, and welfare of the general public and possibly open your license up to a complaint.

Another violation with ethical and risk-management implications is signing and sealing plans or specifications that were not prepared by the engineer or by someone under their responsible charge (known as "plan stamping"). In addition to the professional implications of signing and sealing plans that you have not prepared or sufficiently reviewed, this violation carries with it other ethical concerns and risks.

The law allows you to authenticate documents through your engineering seal, much like a notary. By sealing a set of plans or specifications, you are effectively stating that they are true and correct. When one considers that the lives, safety, health, and welfare of the general public are dependent upon engineering judgments, decisions, and practices incorporated into structures, machines, products, processes, and devices, plan stamping takes on a far more sinister tone. As with the first example, this ethical issue opens you up to great risk, as you are now responsible for the plans you have rubber-stamped.

Practicing Integrity and Honor

Again, Professional Engineers have a fiduciary duty not only to their clients but also to the public at large. Balancing the interests of the client and the public can be tricky.

For example, if your testimony or report is untruthful, deceptive, or intentionally misleading, or if you omit relevant and pertinent information, the risk of repercussions against your license skyrockets. Furthermore, if these actions occur in the context of a permitting decision, public repercussions are possible.

While generally only damages caused by an engineer can be recovered, that limitation could be broadly expanded to include the effects of rubber-stamped plans or lackadaisical workmanship.

The golden rule is to conduct all your affairs with integrity and honor, and to approve and seal only those documents that conform to acceptable engineering standards and safeguard the life, health, property, and welfare of the public. In that way, you can be sure that you have practiced ethically, which in turn goes a long way in practicing good risk management.

This article originally appeared in the fall 2023 issue of [Engineering Florida](#), the statewide magazine for Florida's engineering industry. Reprinted with permission.

FBPE, FEMC Select Chairs, Vice Chairs for 2024

The [Florida Board of Professional Engineers](#) re-elected Dylan Albergo, PE, as its chair for 2024, and chose Denise Ramsey, PE, as its vice chair. Ms. Ramsey succeeds Pankaj (P.J.) Shah, PE, who served as vice chair in 2023.

With a specialty in bridge design, Mr. Albergo possesses a wide range of experience in managing and designing complex transportation projects. Appointed to the Board in 2018, he has held many leadership and committee positions and is entering his second term as the Board chair.

He holds a Bachelor of Science degree in civil engineering from Florida State University and a Master of Science degree in civil engineering (with a structural emphasis) from the University of Florida.

Mr. Albergo lives in Tampa with his wife and daughter and is an active member of the First Baptist Church of Tampa. In addition to his FBPE Board seat, he sits on the boards of Walking with Warriors, supporting high-risk public servants, and the Faith Action Ministry Alliance, serving the local community.

Ms. Ramsey is the vice president of AE Business Processes and chief engineer with Haskell Architects & Engineers. She is also the company's chief of design project management.

She has spent her career at Haskell, starting in 1984 as a mechanical engineer intern, obtaining licensure in 1989 as a professional engineer in Florida. Ms. Ramsey has held a variety of positions at Haskell over her 39-year career, in both technical leadership and leadership of teams.

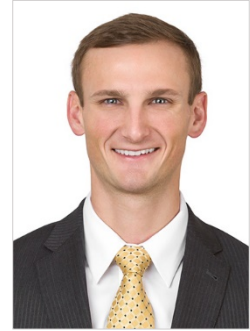
Ms. Ramsey graduated with a Bachelor of Science in Mechanical Engineering from the University of South Florida and has a Master of Business Administration from Jacksonville University. She is licensed as a PE in 45 states, is a LEED AP BD+C, showing her commitment to sustainability, is a Designated Design-Build Professional serving that organization on the National Certification Board, and is a member of the American Society of Heating Refrigerating and Air-Conditioning Engineers (ASHRAE) and the Florida Engineering Society (FES).

Ms. Ramsey is passionate about mentoring young people by volunteering her time with the ACE Mentor Program of Northeast Florida, which she founded in 2006, as well as the ACE Mentor Program of America, which offer an after-school mentoring program exposing high school students to careers in architecture, construction, and engineering.

She is a graduate of the Leadership Jacksonville Class of 1999, the Florida Engineering Leadership Institute Class of 2007, was honored as a Woman of Influence in 2008 by the *Jacksonville Business Journal* and received the Outstanding Tutor of the Year Award in 2000 from Learn to Read Inc. In 2013 she was recognized by the Jacksonville Mayor's Commission on the Status of Women during Women's History Month for her mentoring and engineering achievements. 2019 saw Ms. Ramsey honored by the Northeast Florida's chapter of FES with the award of the James F. Shivler Jr. PE Award for Outstanding Service to the Engineering Profession.

FEMC Chair, Vice Chair for 2024

At its December meeting, the directors of the [Florida Engineers Management Corporation](#) re-elected both its chair and vice chair for 2024. Satya Lory, PE, will continue to chair the corporate board, while Safiya Brea, PE, returns as its vice chair.



Dylan Albergo, PE



Denise Ramsey, PE

Ms. Lory is vice president and Florida client service leader at HNTB Corp. She received her bachelor's in civil engineering from National Institute of Technology (Calicut, India), a master's in civil engineering from the University of South Florida, and an MBA from the University of Tampa. Ms. Lory has been involved in a variety of major projects and programs, including being the design manager for the \$2.3-billion I-4 Ultimate public-private partnership.



Satya Lory, PE

Ms. Lory is a member of American Society of Civil Engineers (ASCE), WTS International, and American Council of Engineering Companies of Florida's (ACEC-FL) transportation committee, and has held several leadership positions in ASCE, which culminated in president of the Florida Section. She is a graduate of Leadership Orlando class 95. Ms. Lory and her husband, Chris, are avid fans of the Tampa Bay Buccaneers and Dallas Cowboys, and enjoy going to football games.

She was appointed a corporate director for FEMC in 2018.

Ms. Brea graduated from the University of Florida with a bachelor's in civil engineering. She is a partner at Chen Moore and Associates where she has worked for over 20 years. Her current position as Broward office lead and principal engineer includes leading CMA's flagship office in Fort Lauderdale, and designing and managing a wide variety of municipal projects.



Safiya Brea, PE

She is a graduate of Leadership Florida Connect class 8, Leadership Broward class 35, and Florida Engineering Leadership Institute.

Ms. Brea was the Florida Engineering Society's Broward Chapter president from 2010-12 and served on various committees for the organization. She is a mentor with the Women of Tomorrow mentoring program for young women. Ms. Brea and her husband, Mark, have a daughter, Nyla, and a son, Malakhi. She enjoys spending time with her family, going to the beach, and reading a good book.

She was appointed a corporate director for FEMC in 2018.

Gonzalez Succeeds Kowkabany as FEMC Director

The [Florida Board of Professional Engineers](#) appointed Edward Gonzalez, PE, to the corporate board of the [Florida Engineers Management Corporation](#) at FBPE's December meeting in Tallahassee, Fla. Mr. Gonzalez succeeds Stephen Kowkabany, PE.

Mr. Kowkabany was appointed to FEMC's board of directors in October 2015 and served two four-year terms. He continued serving until Mr. Gonzalez was appointed.

During FEMC's December meeting in Tallahassee, the board presented Mr. Kowkabany with a plaque and thanked him for his service.



FEMC Chair Satya Lory, PE, presents a plaque to outgoing director Stephen Kowkabany, PE, for his service to the corporation.



Edward Gonzalez, PE

Mr. Gonzalez is vice president and operations director for Patel Greene & Associates. He graduated from the University of North Florida with a bachelor's degree in construction management and the University of Central Florida with a bachelor's degree in civil engineering.

He started his career in transportation working for the Florida Department of Transportation in District One as an Engineer Intern and held several leadership positions including director of transportation operations. He transitioned to the consultant industry by joining RS&H Inc. leading the Orlando office then moving into the Florida state leader role. He is a 2017 graduate of the Florida Engineering Leadership Institute and an actively engaged American Council of Engineering

Companies (ACEC) member in transportation sub-committees.

Mr. Gonzalez is passionate about the role engineers have in making life better in Florida.

He was born and raised in Florida and lives in Auburndale with his wife of 30 years, Jennifer. They have a son, Evan, a University of Central Florida graduate with a degree in mechanical engineering working at Nautique Boat Co. in Orlando. Mr. Gonzalez also has a passion for all water sports, particularly water skiing, as well as restoring classic vehicles.

Special Recognition: Congratulations, Examinees

FBPE applauds everyone who 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.](#)

Recent Updates to Florida Engineering Rules

[Chapter 61G15, Florida Administrative Code](#), contains the rules that govern the practice of engineering in Florida. The rules are adopted by the Florida Board of Professional Engineering based on [Chapter 471, Florida Statutes, Engineering](#).

The rules are regularly reviewed and updated by the Board.

The latest change, as of Dec. 18, 2023, includes:

- Rule 61G15-22.006 *Demonstrating Compliance; Audits; Investigation*.

Changes are highlighted in the PDF available on the [Statutes and Rules page](#) in the *Legal* section of the Board's website, fbpe.org.

Legal Department: Latest Engineer Discipline

Under 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.](#)

FBPE Board Members & FEMC Directors

FBPE Board Members

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Denise Ramsey, PE; Vice Chair (2024)

Christopher Dawson, Esq.

James Gonzalez, Esq.

Sam Mousa, PE

Jeb Mulock, PE

Yassi Myers, PE

John Pistorino, PE, SI

Pankaj (PJ) Shah, PE

Babu Varghese, PE, SI, CGC, CCC

Vacancy

Zana Raybon; Executive Director

FEMC Directors

Satya Lory, PE; Chair (2024)

Safiya Brea, PE; Vice Chair (2024)

Barney T. Bishop III

Edward Gonzalez, PE

Art Nordlinger, PE

Dr. Mark Tumeo, PE

Vacancy

Zana Raybon; FEMC President

John Rimes, Esq.; FEMC Vice President

Rebecca Sammons; FEMC Secretary

Michele Morris; FEMC Treasurer