

**Florida Board of Professional Engineers
Rules Committee Minutes
January 29, 2024 @ 1pm
Tallahassee, FL
Via video conference**

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

Ms. Ramsey called the meeting to order. Ms. Raybon called roll call.

Committee Members Present:

Denise Ramsey, P.E., Chair
Yassi Myers, P.E.
John Pistorino, P.E., S.I.
James Gonzalez, Public Member

Attorney General's Office:

Lawrence Harris, Sr. 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

Wendy Anderson, FEMC Investigator
Bill Lampkin, FBPE Public Information Officer
Angelina Fairchild, P.E., FES
Jaime Ghitelman
Andrew Lovenstein, P.E., FSEA

3. Review Open Rule **61G15-18.0011 (6) & (7) – Definitions**

Mr. Harris discussed the proposed rule amendment and needing to update it to include the most current edition of FBC and Fire Prevention Code.

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

4. Review/Open **Rule 61G15-19.008 – Confidentiality of Investigations**

Mr. Harris discussed the JAPC letter about sunset language review wording.

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

5. Review/Open **Rule 61G15-20.0010 – Application for Licensure as Professional Engineer**

Mr. Harris discussed the draft responses on page 13. Discussion followed. This item will be added to the February board meeting agenda with the corrections and additions as discussed.

6. Review/Open **Rule 61G15-21.007 – Re-Examination; Additional requirements after Third Failure**

Mr. Harris discussed this item. This item was deferred until the next rules meeting. Ms. Raybon will contact the individual to inform him of the outcome of the meeting.

7. Review/Open **Rule 61G15-22.006 – Demonstrating Compliance**

Mr. Harris discussed this proposed rule. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Gonzalez, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

The committee discussed adding Rule 61G15-20.010 to the meeting since it may be impacted by the changes to 22.006.

Ms. Raybon addressed the issues of licensees publishing articles and how many CE credits they should be given and how staff can determine if the article is valid for credit. Discussion followed. Staff was directed to add this to a board meeting agenda for discussion.

8. Review/Open **Rule 61G15-23.004 – Procedures of Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports and Other Documents**

Mr. Harris discussed the email. Discussion followed. No action was taken. Ms. Anderson will respond to the licensee.

9. Review/Open **Rule 61G15-32.004 – Design of Water Based Fire Protection Systems** (Email from FEMC Board member Steve Kowkabany; tabled from Oct. 2023 Rules mtg)

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

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to present the proposed rule amendment #1 as presented in the meeting materials to the full board for action, the motion passed. The second amendment will be presented to the full board for discussion and action.

10. Review/Open Rule **61G15-30.006 – Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record** (email from FEMC Investigator Wendy Anderson)

Ms. Anderson discussed this issue. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to present the following proposed rule amendment to the full board for action:

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record.

(1) It is the delegated engineer's responsibility to review the Engineer of Record's written engineering requirements and authorization for the delegated engineering document to determine the appropriate scope of engineering.

(2) The delegated engineering document shall comply with the written engineering requirements received from the engineer of record. They shall include the project identification and the criteria used as a basis for its preparation. If a delegated engineer determines there are details, features or unanticipated project limits which conflict with the written engineering requirements provided by the engineer of record, the delegated engineer shall timely contact the engineer of record for resolution of conflicts.

(3) The delegated engineer shall forward the delegated engineering document to the engineer of record for review. All final delegated engineering documents prepared by the delegated engineer must be properly signed and sealed by ~~require the impressed seal and signature of the delegated engineer and~~ include:

(a) Drawings introducing engineering input such as defining the configuration and structural capacity of structural components and/or their assembly into structural systems.

(b) Calculations.

(c) Computer printouts which are an acceptable substitute for manual calculations provided they are accompanied by sufficient design assumptions and identified input and output information to permit their proper evaluation. Such information shall bear the impressed seal and signature of the delegated engineer as an indication that said engineer has accepted responsibility for the results.

The motion passed.

11. Review/Open Rule **61G15-19.0071 – Citations**

Mr. Harris discussed this rule. Ms. Anderson also discussed this issue. Further discussion followed.

Upon motion by Mr. Pistorino, seconded by Mr. Gonzalez, to present the following proposed rule amendment to the full board for action:

61G15-19.0071 Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee or qualified business organization for the purpose of

assessing a penalty in an amount established by this rule. Citation violations are violations for which there is no substantial threat to the public health, safety, and welfare.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., FEMC is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) - (l) No Change.

(m) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.); no evidence of intent or willful action and no evidence of risk to public health, safety or welfare. The fine shall be \$500.

(n) Failure to produce documentation of compliance with continuing education requirements within sixty (60) days of notification to the licensee of the requirement to produce said documentation – Notice of Noncompliance previously issued – paragraph 61G15-22.006(2)(c), F.A.C. The fine shall be \$500.

(o) Failure to complete a board-approved Advanced Building Code course as required by subsection 61G15-22.001(3), F.A.C., prior to submission of engineering permit documents in connection with buildings, structures, or facilities and systems covered by the Florida Building Code to an Authority Having Jurisdiction – Notice of Noncompliance previously issued. The fine shall be \$500.

(4) – (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 December 31, 2024, 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.

12. Review/Open Rule **61G15-35.0021 Definitions**

Mr. Harris discussed the JAPC letter about sunset language review wording.

Upon motion by Mr. Pistorino, seconded by Mr. Gonzalez, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

13. Review/Open **61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings and Special Inspectors of Threshold Buildings (Limited)**

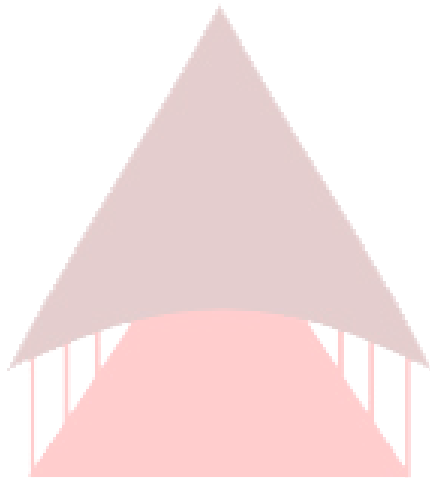
Mr. Harris discussed the JAPC letter about sunset language review wording.

Upon motion by Mr. Pistorino, seconded by Mr. Gonzalez, to present the proposed rule amendment as presented in the meeting materials to the full board for action, the motion passed.

14. Old Business

15. New Business

16. Adjourn



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS