

**Florida Board of Professional Engineers
Rules Committee Agenda
July 10, 2024 @ 2pm
Tallahassee, FL
Via video conference**

1. Call to Order, Roll Call, Determination of Quorum and Address Absences
2. Introduction of Guests and Announcements
3. Review/Open **Rule 61G15-19.001 – Grounds for Disciplinary Proceedings** (Email from Angelina Fairchild)
(Exhibit #3)

(Angelina's comments: I would also suggest searching the rules for any references to section 61G15-19.001 (6)(s) as I believe paragraph (s) is no longer part of the rules and should probably reference paragraph (r). This includes references in the disciplinary table under section 19.004)

4. **Review/Open Rule 61G15-19.0051 – Notice of Noncompliance**
 - a. (i) – F.A.C., might be confusing to engineers. It currently states: *(i) First time failure to complete a Florida Board Approved Laws and Rules and/or Professional Ethics Continuing Education course, as required by subsection 61G15-22.001(1), F.A.C., if a non-approved L&R or PE course was taken prior to licensure renewal. (from FEMC Investigator Wendy Anderson)*
 - b. The revision to include the word "permit" would align this paragraph with FL Statute 471.0195. The requirement is not intended for preliminary plans or submittals not intended for construction. (from Angelina Fairchild)
(Exhibit #4)

(Wendy's comments: It appears to me that we are saying if you fail to complete a Florida Board Approved Laws and Rules and Board Approved Ethics course... Should we alter the "and/or" and just say "or" so that it is clearer to the reader?)

5. Review/Open **Rule 61G15-19.006 – Mediation** (from FEMC Investigator Wendy Anderson)
(Exhibit #5)

(Wendy's Comments: Why do we have this rule? It seems to be there simply because at some point someone said we had to have it. Do we have to have this rule? To my knowledge, it has never been used.)

6. Review/Open Rule 61G15-20.0010 - Application for Licensure as Professional Engineer (to take a look at subsection (3) regarding the 15/20 rule – does the experience need to be verified? How about the 3 of 5 years active practice? And, do we want to keep the 3 of 5 years, or delete that requirement for active practice)
(Exhibit #6)
7. Review/Open Rule 61G15-23.001 – Procedures of Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports and Other Documents (email from Andrew Fisher, P.E.)
(Exhibit #7)

(Wendy's comments: I received a telephone call this morning (3/25/24) from an engineer who questioned whether bid documents are required to be signed and sealed. I pointed him to the portion of 61G15-23.001 noted below. To me, the reading of this subsection indicates that bid documents should be signed and sealed. Do we need to update this language [subsection (b)] to make it more clear?

(2) Additional Final and Non-Final Documents.

(a) A professional engineer may sign, date and seal documents required by any public entity or any provision of contract which requires the signing, dating and sealing of additional original documents.

(b) A professional engineer shall not sign, date and seal any documents which are not final documents unless the professional engineer states any limitations on the use of those documents on the face of those documents by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for limited use, are not final and are not intended for permit, construction, or bidding purposes.

8. Review/Open Rule 1G15-23.004(3)(g) and 61G15-23.005(4)(e) – (from FEMC Investigator Wendy Anderson)
(Exhibit #8)

(Wendy's comments: Both of these rules relate to issues that arose during the pandemic. They both state, to some extent, the same thing:

(g) Beginning on the effective date of this rule amendment, November 2, 2020, and continuing until December 31, 2020, the restriction contained in subparagraph (3)(c)3., above, and the text of required language illustrated in subparagraphs (3)(d)1. and 2., that printed copies of digitally signed and sealed plans or documents are not considered signed and sealed is removed, and printed copies of said plans or documents are deemed validly signed and sealed for any purpose allowed by law. After December 31, 2020, the existing restriction is reinstated. Any licensee seeking to use printed copies of digitally signed and sealed plans or documents must retain an original copy of the signed and sealed plans.

Is there any reason to keep this language?)

9. Review/Open Rule **61G15-29 – Certifications** (from FEMC Investigator Wendy Anderson)
(Exhibit #9)

(Wendy's comments: We receive a lot of complaints related to certifications. It is a pattern among the engineers that I deal with where they sign a certification that is extraordinarily general in nature. They may state:

Please accept this letter as our certification that the above referenced project was constructed such that the design, intent and functionality of the project conform to the approved construction plans. There were no authorized changes to the project, therefore per LDC Section 754-72 (c), record drawings are not required.

It would be helpful to add something to this rule that would require the engineer to produce photographs, videos, or whatever information they relied upon in preparation of a certification. Having seen many complaints where the certifications are even more sparsely worded than the example provided, I think it would assist building departments and put more responsibility on engineers to perform their due diligence prior to signing certifications. After-the-fact certifications are even worse. Engineers are saying something like ***“To the best of my knowledge and belief, the rebar in the foundation was installed according to plan.”***

How did they make this determination? Did they use technology that would allow them to see something that was already covered up? Did they simply take the word of the Contractor? Did they review in progress photographs? We need more proscriptive requirements for certifications.)

10. Review/Open Rule **61G15-32.008 – Design of Fire Alarms, Signaling Systems, and Control Systems** (Email from Mr. Alfonso Fernandez-Fraga – referred from April 2024 FBPE Bd Mtg)
(Exhibit #10)
11. Review/Open Rule **61G15-22.001 – Continuing Education Requirements** (Email from Angelina Fairchild)
(Exhibit #11)

(Angelina's comments: The revision would clarify the minimum ABC course duration that is acceptable and clarify that, when applicable, it could apply towards the area of practice CE requirements.)

12. Review/Open Rule **61G15- 22.011 – Board Approval of Continuing Education Providers**
(referred from April 2024 FBPE Bd Mtg)
- a. Can a business registry be a CE provider
 - b. Should be amend rules to require a CE provider to provide separate certificates for each course or spell it out on more clearly if providing only certificate
- (Exhibit #12)

13. **Discussion on whether or not we can add a rule that addresses Failure to Respond and issues a fine?**

(FEMC Investigator Wendy Anderson from NCEES Law Enforcement seminar – copy of rule from Maryland about talks about this - Regulation 09.23.03.11 addresses Failure to Respond.)
(Exhibit #13)

14. Old Business

15. New Business

16. Adjourn

