
Engineering Laws, Rules and Ethics for Florida Professional Engineers

(3/1/2019 to 2/28/2021)

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Gilbert Gedeon, PE



Continuing Education and Development, Inc.
22 Stonewall Court
Woodcliff Lake, NJ 07677

P: (877) 322-5800
info@cedengineering.com

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Chapter 1

Overview of the Florida Laws and Rules

The practice of engineering in the State of Florida is ultimately regulated by the Florida Laws and Rules stipulated in the Florida Statutes, Chapters 455 and 471, as well as the Florida Administrative Code, 61G15.

Florida Statutes (F.S.)

The Florida Statutes are a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material.

The Florida Legislature found that it was necessary in the interest of public health and safety to regulate the practice of engineering in the State of Florida and thus created Chapter 471, F.S., "Engineering". Under this law the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

While Chapter 471 is specific to the field of engineering, Chapter 455 is broader in nature and encompasses all business and professional regulations in general. As such, only pertinent sections of Chapter 455, F.S., apply to the engineering community.

Florida Administrative Code (F.A.C.)

The Florida Administrative Code is a compilation of the rules and regulations of the Florida regulatory agencies. Its counterpart in the federal system is the *Code of Federal Regulations*. It is organized by titles with each title number representing a department, commission, board or other agency. The set has a single comprehensive index volume. The spines of the volumes indicate which titles are included.

The F.A.C. states the rule followed by statutory authority, implementation and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders construing the rules Citations for the Florida Bar Journal and the law reviews of Florida State, the University of Florida, the University of Miami, as well as Stetson and Nova. At the end of each rule in the F.A.C., a history note is located in the italicized text which begins with the words "Specific Authority". The history note indicates when the rule has been modified, renumbered, or repealed. The F.A.C. is updated each month.

Study Question 1:

List the regulations that govern the practice of engineering in the State of Florida.

Similarly, Section 61G15 of the F.A.C. pertains exclusively to the Florida Board of Professional Engineers and its functions with respect to the practice of engineering.

Florida Board of Professional Engineers (FBPE)

The FBPE is the primary government body that regulates the practice of engineering within the State of Florida. The Board has authority to adopt rules pursuant to the provisions of Chapter 120.536(1) and 120.54 to implement provisions of Chapter 471, F.S., or Chapter 455, F.S., conferring duties upon it. The FBPE has the authority to issue the final order including the imposition of disciplinary penalties.

The Board consists of 11 members: nine licensed engineers and two laypersons who are not and have never been engineers or members of any closely related profession or occupation. A member of the Board who is a licensed engineer must be selected and appointed based on his or her qualifications to provide expertise and experience to the Board at all times in civil engineering, structural engineering, electrical or electronic engineering, mechanical engineering, or engineering education.

All 11 members are appointed by the Governor for terms of 4 years each. When the terms of members serving as of July 1, 2014, expire, the terms of their immediate successors shall be staggered so that three members are appointed for 2 years, four members are appointed for 3 years, and four members are appointed for 4 years, as determined by the Governor. Each member shall hold office until the expiration of his or her appointed term or until a successor has been appointed.

Florida Engineers Management Corporation (FEMC)

The FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. The FEMC Board of Directors is composed of seven members. Five members are appointed by the Florida Board of Professional Engineers and must be Florida registrants. Two members are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

Study Question 2:

Who is the FEMC and what are its functions?

Administrative, investigative and prosecutorial services are provided to the Florida Board of Professional Engineers by the Florida Engineers Management Corporation under Section 471.038, F.S.

Chapter 2

Rules Affected in the F.A.C. 61G15 in the Preceding Biennium

The following rules have been amended, adopted or repealed from the Florida Administrative Code, 61G15 in the preceding biennium.

Chapter 61G15-18 – ORGANIZATION AND PURPOSE

61G15-18.011 – Definitions

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

(6) The term "Florida Building Code" shall mean the Florida Building Code, 6th Edition, (2017), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

(7) No change.

Effective 03/04/2018:

Incorporated the New 6th Edition (2017) of the Florida Building Code into the Board's Rules by Reference.

Chapter 61G15-19 – GROUNDS FOR DISCIPLINARY PROCEEDINGS

61G15-19.0051 – Notice of Noncompliance

(1) As an alternative to investigation and prosecution, when a complaint is received, FEMC shall provide a licensee with a notice of noncompliance for an initial offense for the following violations:

(a) through (f) No change.

(g) Failure to comply with the location, content, or formatting requirements of paragraphs 61G15-23.004(3)(a)-(d) or 61G15-23.005(4)(a)-(d), F.A.C.

(2) No change.

Effective 03/08/2018:

Updated the Rule Language to Include an Additional Minor Violation.

Chapter 61G15-22 – LICENSE RENEWAL, CONTINUING EDUCATION

61G15-22.0001 – License Renewal

(1) through (2) No change

(3) Members of the Armed Forces and Spouses. Members of the United States Armed Forces serving on active duty, or having been discharged within the twenty-four (24) months preceding renewal; or spouses or surviving spouses of active duty members, may renew a license as specified in section 455.02(1) and (2), F.S. Applications for renewal shall be made by remitting to FEMC Form FBPE 040, 12/18, Renewal Application Military Change of Status, which is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at <https://www.flrules.org/Gateway/reference.asp?No=Ref>.

Proposed 1/28/2019:

Updated the language and incorporated the new application for armed forces members/veterans/spouses license renewal.

61G15-32.008 – Design of Fire Alarms and Detection Systems

(1) No change.

(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) 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) The documents shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. The documents shall indicate locations where fire ratings are required as determined by the system's survivability requirements, and shall identify the general occupancy of the protected property and each room and area unless it is clear from features shown.

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include elevator controls smoke control systems, dampers, and doors.

(c) Strobe intensity and speaker output ratings for all notification devices.

(d) Identify the Class of circuits as listed in NFPA 72, which is contained within and incorporated into the Florida Fire Prevention Code.

(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.

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

(g) Locate surge protective devices and required protective features.

Effective 3/28/2017:

Updated the Board's rules regarding professional responsibilities of Engineers designing Fire Alarms and Detection Systems.

Study Question 3:

What should the design specifications for fire alarms and detection systems be based on?

(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.

(i) The documents shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

(j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.

(k) For fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties as defined in Section 2 of the Florida Building Code, Building.

(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

(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.

(5) through (7) No change.

Study Question 4:

In buildings with smoke detection under a pitched roof, what should the Engineer of Record include in the plans?

61G15-35.003 – Qualification Program for Special Inspectors of Threshold Buildings

(1) No Change

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(10/15) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/TBI/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-06472>.

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

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

1. Name;
2. Florida license number;

Effective 12/27/2018:

Updated and clarified the application form, including separate pages for design and inspection experience and details on threshold building parameters.

3. Experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;

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/TBI/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.

(3) No Change.

Chapter 3

Changes to F.S. Chapters 455 and 471 in the Preceding Biennium

The following sections of Chapter 455 and 471, F.S. were modified in the preceding biennium.

455.02 Licensure of members of the Armed Forces in good standing and their spouses or surviving spouses with administrative boards or programs

(1) Any member of the United States Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the boards or programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable board or program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge from active duty, engaged in his or her licensed profession or occupation in the private sector for profit in this state must complete all license renewal provisions except remitting the license renewal fee, which shall be waived by the department.

(2) A spouse of a member of the United States Armed Forces who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the boards or programs listed in s. 20.165 shall be kept in good standing by the applicable board or program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the United States Armed Forces. The department or the appropriate board or program shall waive any license renewal fee for such spouse when he or she is present in this state because of such member's active duty and for a surviving spouse of a member who at the time of death was serving on active duty and died within the 2 years preceding the date of renewal.

Modified in 2018:

Updated and clarified the waiver of license renewal fees for members (and their spouses) of the USAF under certain conditions.

Study Question 5:

Under what condition the department may cover the license renewal fee for the spouse of a USAF member?

455.219 Fees; receipts; disposition; periodic management reports

(7)(a) The department, or a board thereunder, shall waive the initial licensing fee for a member of the Armed Services of the United States who has served on active duty, the spouse of a member of the Armed Services of the United States who was married to the member during a period of active duty, the surviving spouse of a member of the Armed Services of the United States who at the time of death was serving on active duty, or a low-income individual upon application by the individual in a format prescribed by the department. The application format must include the applicant's signature, under penalty of perjury, and supporting documentation as required by the department. For purposes of this subsection, the term "low-income individual" means a person whose household income, before taxes, is at or below 130 percent of the federal poverty guidelines prescribed for the family's household size by the United States Department of Health and Human Services, proof of which may be shown through enrollment in a state or federal public assistance program that requires participants to be at or below 130 percent of the federal poverty guidelines to qualify.

(b) The department, or a board thereunder, shall process an application for a fee waiver within 30 days of receiving it from the applicant.

(c) The department shall adopt rules necessary to implement the provisions of this subsection.

Modified in 2018:

Waived the initial licensing fee of a USAF member, spouse of a USAF member and low-income individual under certain conditions.

455.227 Grounds for discipline; penalties; enforcement

(u) Termination from an impaired practitioner program as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.

Modified in 2018:

Modified the language for grounds for discipline due to termination from an impaired practitioner program.

455.271 Inactive and delinquent status

(7) Notwithstanding the provisions of the professional practice acts administered by the department, each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee of \$25 on a delinquent status licensee when such licensee applies for active or inactive status.

Modified in 2018:

Prefixed the sentence with, "Notwithstanding the provisions of the professional practice acts administered by the department..".

471.003 Qualifications for practice; exemptions

(h) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued

under chapter 489, under former part I of chapter 553, Florida Statutes 2001, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$125,000 or less; and

2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;

b. Requires a plumbing system with fewer than 250 fixture units; or

c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons.

Modified in 2018:

Modified the following phrase to read, “under former part I of chapter 553, Florida Statutes 2001”

471.045 Professional engineers performing building code inspector duties.

Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. 468.603(5) and (8) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of Chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer’s performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer’s company designed.

Modified in 2018:

Updated the statute no.

from

“s. 468.603(6) and (7)”

to

“s. 468.603(5) and (8)”.

Chapter 4

Engineering Ethics and Principles of Professional Responsibility

Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

Principles of Professional Responsibility

We, as Professional Engineers, are expected to take reasonable precautions and care in fulfilling our engineering duties, and uphold the honor and integrity of our profession. To understand further what this means, let's review the following principles of professional responsibility:

- *You must hold the utmost safety, health, and welfare of the public when practicing your profession.*
- *You must perform services only in the areas of your competence.*
- *You may issue public statements in an objective and truthful manner.*
- *You must represent each employer or client as a faithful trustee and avoid conflicts of interest.*
- *You must build your professional reputation on the merit of your services and must not compete with others unfairly.*
- *You must respect the proprietary information and intellectual property rights of other engineers.*

Now, to understand further what these principles mean, let's review the ethical standards associated with each principle individually.

How should you hold the utmost safety, health, and welfare of the public when practicing your profession?

If your professional judgment is overruled such that the safety, health and welfare of the public are compromised, you must inform your client, employer, or both of the possible outcomes or consequences.

If you believe that another person is in violation of engineering ethics, you must:

- present such information to the proper authority in writing, and
- cooperate with the proper authority in furnishing such information or assistance as required.

You must strive to advance the safety, health, and well-being of your community.

You must understand that the safety, health and welfare of the public are reliant on your sound engineering applications and judgments integrated into buildings, structures, machines, products, processes and devices.

You may approve or seal design documents only when they are:

- reviewed by you,
- designed safely, and
- in conformance with accepted engineering standards.

What does it mean to perform services only in the areas of your competence?

You must not affix your signature or seal to any plan or document if:

- it does not comply with applicable technical standards, or
- it was not prepared under your supervisory guidance and control.

You may conduct engineering work only when qualified by your academic background and professional experience in the specific field of engineering you are involved with.

You must always continue to advance your professional development in your engineering field by:

- engaging in professional practice,
- participating in continuing education programs,
- reading technical literature, and
- attending professional seminars.

You may accept an assignment requiring education and experience outside of your field of competence, provided that each technical segment of this assignment is reviewed, signed and sealed only by the qualified engineers who were in responsible charge of their respective segments.

Under what conditions you may issue public statements?

When serving as an expert or technical witness, you may express an engineering opinion only if it is founded on:

- your adequate knowledge of the facts,
- your technical competence in the subject matter, and
- your honest belief in the accuracy of your testimony.

You must not issue any statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless you preface your comments by:

- identifying the interested parties on whose behalf the statements are made, and
- disclosing any financial interest you may have in such matters.

You must strive to extend the public knowledge and appreciation of engineering and its achievements, and must avoid the use of untrue or exaggerated statements pertaining to engineering.

You must be objective and truthful in all your professional reports, statements, or testimony, and must include all relevant information in such reports, statements, or testimony.

You must be honest in explaining your work and merit, and must not promote your own interests at the expense of the integrity, dignity and honor of the profession.

Study Question 6:

When serving as an expert or technical witness, under what conditions you may express an engineering opinion?

How should you represent each employer or client as a faithful trustee, and avoid conflicts of interest?

You must avoid all known conflicts of interest with your employer or client and immediately inform your employer or client of any business relationship, interest, or other situations that could influence your judgment or quality of your services.

You must not accept payment or other types of compensation from more than one party for services pertaining to the same project, unless the conditions are fully revealed to, and agreed to by, all interested parties.

You must not accept employment outside of your regular work before notifying your employer.

You must not propose or receive gifts or gratuities from outside parties who have a business affiliation with your employer or client associated with professional work for which you are in responsible charge.

If you are a member, advisor, or employee of a governmental body, you must not participate in decisions or actions that involve services you or your organization provide in any type of engineering practice.

Based on your research and evaluation, you must advise your employer or client of your belief that a project will be unsuccessful.

You must not use confidential information provided to you while executing your assignment as a means of personal gain, if such action contradicts the interests of your employer, your client, or the public.

You must not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their product.

You must not solicit or accept an engineering contract from a governmental body or other entity on which a principal, officer, or employee of your organization serves as a member.

How do you build your professional reputation on the merit of your services and not compete with others unfairly?

You must not influence the award of a contract. You may bid and negotiate a contract for professional services impartially based on your proven competence and qualifications for the type of professional service being solicited.

You must not strive to gain employment or advance your professional career by falsely condemning other engineers, or by other improper means.

You must not falsify your educational background, or your professional experience or qualifications.

You must not offer or accept any gift, gratuity or unlawful valuable consideration to secure work, exclusive of securing salaried positions through employment agencies.

You must not request, propose, or accept a commission on a provisional basis if your professional judgment may be compromised.

Study Question 7:

Under what conditions you may bid/negotiate a contract for professional services?

You must not use another engineer's ideas or written materials without due credit and advance notification to such engineer. You must, whenever possible, name the person who may be responsible for his or her designs, inventions, writings, or other accomplishments.

You must not harm the professional reputation, prospects, practice or employment of another engineer.

You may prepare engineering articles to be published provided:

- they are within the context of your competency, and
- you do not claim credit for work performed by others.

Study Question 8:

Under what conditions you may prepare engineering articles for publication purposes?

How should you handle proprietary information and intellectual property rights of other engineers?

You must not promote or arrange for new employment or practice in connection with a specific project in which you have gained specialized knowledge without the consent of all interested parties.

You must not disclose confidential information concerning the business affairs or technical processes of any present or former employer or client without the approval of your employer or client.

If you are using designs supplied by your client, you must be aware that such designs remain the property of your client and may not be duplicated for others without your client's expressed permission.

Before undertaking work for others in which you may make improvements, plans, designs, inventions, or other records that may justify copyrights, patents, or proprietary rights, you must enter into a positive agreement regarding ownership.

You must be aware that your designs, data, records and notes referring exclusively to your employer's work are the property of your employer.

Chapter 5

Ethical and Disciplinary Case Studies

The following ethical and disciplinary case studies were randomly selected and extracted from the Board's website, under "Disciplinary Actions". These case studies depict the different scenarios of ethical violations of the Florida Laws and Rules along with their resulting Final Orders issued by the Board.

FEMC Case No: 2017058768
FEMC Case No: 2018010652
FEMC Case No: 2018006082
FEMC Case No: 2017049529
FEMC Case No: 2018020976
FEMC Case No: 2017030099

For each individual case study, the applicability of the violations to the Florida Laws and Rules is stated.

FEMC CASE No's:
2017058768

VIOLATION:
Section 471.033(1)(a), F.S.
Rule 61G15-19.001(6)(s), F.A.C.

Case Review

The Licensee was charged with violating Section 471.033(1)(a), Florida Statutes, and Rule 61G15-19.001(6)(s), Florida Administrative Code; renewing his Professional Engineer license without having completed any of the required continuing education. The continuing education was not completed until January and March of 2018.

Board Ruling

The case was presented to the full Board upon a Settlement Stipulation. The Board imposed Costs of \$169.65 and an Administrative Fine of \$500.00. Final Order was issued on Feb. 27, 2019.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Section 471.033(1)(a), F.S.

Study Question 9:

Are you in violation of the FL Statutes when you are disciplined for engineering malpractice in another State?

FEMC CASE No:
2018010652

VIOLATION:
Section 471.033(1)(c), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(c), Florida Statutes; having a license to practice engineering acted against by the licensing authority of another state for any act that would constitute a violation of Chapter 471. The licensee was disciplined by the State of Texas due to deficiencies in structural engineering design documents for a metal building.

Board Ruling

This case was presented to the full Board upon consideration of the Voluntary Relinquishment of License. The Board accepted the Voluntary Relinquishment. Final Order was issued on March 14, 2019.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Section 471.033(1)(c), F.S.

FEMC CASE No:

2018006082

VIOLATION:

Section 471.033(1)(k), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(k), Florida Statutes; violating any order of the board or department previously entered in a disciplinary hearing. In Complaint #2015033401, the Licensee was ordered to successfully complete a Board-approved course in Engineering Professionalism and Ethics within one year of the date of the Final Order and to provide a

detailed list of completed projects at six- and eighteen-month intervals. The Licensee has failed to complete these items.

Board Ruling

This case was presented to the full Board upon consideration of the Administrative Complaint. The Board adopted the Findings of Fact and Conclusions of law in the Administrative Complaint. The Board SUSPENDED the Licensee's Professional Engineer license until such time as he appears before the Board, issued an Administrative Fine of \$1,000 and Costs in the amount of \$81.90. Final Order was issued on 1/10/19.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Sections 471.033(1)(k), F.S.

FEMC CASE No:

2017049529

VIOLATION:

Section 471.033(1)(i), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(i), Florida Statutes; practicing engineering on a suspended license. By Final Order dated May 22, 2017, The Licensee's Professional Engineer License was suspended. The Licensee continued to offer engineering services through his company SAGE Engineering, and signed and sealed engineering document after his Professional

Engineer license was suspended.

Board Ruling

This case was presented to the full Board upon consideration of the Administrative Complaint. The Board adopted the Findings of Fact and Conclusions of law in the Administrative Complaint. The Board REVOKED the Professional Engineer License of the Licensee and imposed Costs in the amount of \$97.50. Final Order was issued on 1/10/19.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Sections 471.033(1)(i), F.S.

FEMC CASE No:

2018020976

VIOLATION:

Section 471.033(1)(e), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(e), Florida Statutes; practicing engineering on a delinquent license. A Citation was issued to the Licensee who disputed the Citation. In lieu of agreeing to the Citation, the Licensee chose to voluntarily relinquish his Professional Engineer license.

Board Ruling

This case was presented to the full Board upon a Voluntary Relinquishment. The Board accepted his Voluntary Relinquishment. Final Order was issued on 1/10/19.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Sections 471.033(1)(e), F.S.

Study Question 10:

Negligence in the practice of engineering as a Special Inspector is a violation of which Section of the FL. Statutes?

FEMC CASE No:

2017030099

VIOLATION:

Section 471.033(1)(g), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(g), Florida Statutes; negligence in the practice of engineering as a Special Inspector. The Licensee was tasked with performing the duties of a Special Inspector for a threshold building project in the City of Port St. Lucie. In performing those duties, the Licensee was to assure that all field inspections were performed in accordance with the

Threshold Inspection Plan. The plan required that that Licensee or the Licensee’s authorized representative be present at all concrete pours. The Licensee signed, sealed and dated a Floor Flatness/Levelness Testing Report and another report for another level, while neither the Licensee nor the Licensee’s authorized representative were present for these pours.

Board Ruling

The case was presented to the full Board upon a Settlement Stipulation. The Board imposed an Administrative Fine of \$1,000, Costs of \$2,113.40, an Appearance before the Board, and Probation for 2 years with conditions. The conditions include successful completion of a Board-Approved Basic Engineering Professionalism and Ethics Course and the Board’s Study Guide. Final Order was issued on 12/11/18.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Sections 471.033(1)(g), F.S.

Appendix A

Answers to Study Questions

Study Question 1:

List the regulations that govern the practice of engineering in the State of Florida:

The regulations governing the practice of engineering in the State of Florida are:

1. Florida Statutes, Chapter 455, Department of Business and Professional Regulation
2. Florida Statutes, Chapter 471, Engineering
3. Florida Administrative Code, 61G15, Florida Board of Professional Engineers

Study Question 2:

Who is the FEMC and what are its functions?

FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. FEMC provides the Florida Board of Professional Engineers with administrative, investigative and prosecutorial services.

Study Question 3:

What should the design specifications for fire alarms and detection systems be based on?

The design specifications for fire alarms and detection systems shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

Study Question 4:

In buildings with smoke detection under a pitched roof, what should the Engineer of Record include in the plans?

The Engineer of Record shall include in the plans the roof pitch and a building section as part of the Engineering Design Documents.

Study Question 5:

Under what condition the department may cover the license renewal fee for the spouse of a USAF member?

A spouse of a member of the United States Armed Forces who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the boards or programs shall be kept in good standing by the applicable board or program and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the United States Armed Forces.

Study Question 6:

When serving as an expert or technical witness, under what conditions you may express an engineering opinion?

In such a case, you may express an engineering opinion only if it is founded on:

1. Your adequate knowledge of the facts,
2. Your technical competence in the subject matter, and
3. Your honest belief in the accuracy of your testimony.

Study Question 7:

Under what conditions you should bid a contract for professional services?

You may bid and negotiate contracts for professional services impartially based on your proven competence and qualifications for the type of professional service being solicited.

Study Question 8:

Under what conditions you may prepare engineering articles to be published?

You may prepare engineering articles for publication purposes provided:

1. They are within the context of your competency, and
2. They do not credit you for work performed by others.

Study Question 9:

Are you in violation of the FL Statutes when you are disciplined for engineering malpractice in another State?

Yes. As evident in FEMC CASE No. 2017058768, the Licensee was charged by the Florida Board for violating Section 471.033(1)(c), F.S., by having a license to practice engineering which was acted against by the licensing authority of the Texas Board due to engineering malpractice.

Study Question 10:

Negligence in the practice of engineering as a Special Inspector is a violation of which Section of the FL. Statutes?

As evident in FEMC Case No. 2017030099, negligence in the practice of engineering is a violation of Section 455.033(1)(g) of the Florida Statutes.

Appendix B

References

Florida Administrative Code: 61G15 – Board of Professional Engineers (Updated January 7, 2019)
<https://fbpe.org/wp-content/uploads/2019/01/61G15-as-of-1.7.19.pdf>

The 2018 Florida Statutes: Chapter 455 - Business and Professional Regulation: General Provisions
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455.html

The 2018 Florida Statutes: Chapter 471 - Engineering
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471.html

Florida Administrative Weekly – Section XIV: List of Rules Affected
<https://www.flrules.org/notice/QuickSection14.asp?P0=All&P1=0>

Disciplinary Actions
<https://www.fbpe.org/index.php/legal/disciplinary-actions>

NSPE Code of Ethics
<http://www.nspe.org/resources/ethics/code-ethics>

ASCE Code of Ethics
<http://www.asce.org/code-of-ethics/>

ASME Code of Ethics
<https://www.asme.org/wwwasmeorg/media/ResourceFiles/AboutASME/Get%20Involved/Advocacy/Policy-Publications/P-15-7-Ethics.pdf>

Appendix C

Course Inquiry Form

For any questions or comments about this course, please complete this form and submit it:

To: **Gilbert Gedeon (Course Author)**
By Fax: **1-877-322-4774**
By Email: gilbert.gedeon@cedengineering.com
By Mail: **Continuing Education and Development, Inc.**
9 Greyridge Farm Court
Stony Point, NY 10970

From: _____

Phone No: _____

Fax No: _____

Email: _____

Date: _____

Subject: **Florida Laws and Rules for Professional Engineers (FL2-003)**

Inquiry: _____

CED will respond to your inquiry within 48 business hours.

If you wish to reach us phone for any urgent inquiry, please contact us at 1-877-322-5800.