
Engineering Laws, Rules and Ethics for Florida Professional Engineers

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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 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 61G15-19 – 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 (e) No change.

(f) 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 – first offense – paragraph 61G15-22.006(2)(c), F.A.C.

(g) through (h) No change.

(2) through (3) No change.

Effective 11/02/2020:

Updated and clarified the rule text and allowed for additional disciplinary violations to be resolved through issuance of a citation.

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

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

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions. Items to be considered in the design or analysis of fire alarm and detection systems are, as applicable to the particular project: occupancy and classification, monitoring, control and communication, cabling and supervision requirements, installation requirements, interoperability and performance requirements.

(2) No change.

(3) For systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record may specify the minimum system requirements only.

Effective 07/25/2019:

Introduced a new language to update and clarify the rules.

(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) No change.

(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, door release, any other systems or elements directly or indirectly controlled or monitored.

(c) through (g) No change.

(h) Identify and 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) No change.

(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) through (o) No change.

(5) through (6) No change.

(7) When the Engineer of Record determines that special requirements are required by the owner, insurance underwriter or local fire code amendments these requirements shall be documented or referenced on the Engineering Design Documents.

Study Question 3:

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

Chapter 61G15-35 - RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS PROVIDING THRESHOLD BUILDING INSPECTION

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/006 (12/19) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/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-11953>.

(b) No change.

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

(1) through (2) No change.

(3) A list of projects submitted for experience credit.

(a) through (b) No change.

Effective 5/31/2020:

Updated the rule and incorporated form that requires qualifying experience to be properly verified to implement the provision of HB 827 (Chapter 2019-86, L.O.F.).

(c) All experience claimed must be verified. For structural design work, experience must be verified by the Engineer of Record. If the applicant is the Engineer of Record for the project, the applicant's work must be verified by another professional engineer knowledgeable about the applicant's structural design work on the project, such as a colleague, supervisor, team member, etc. Field inspection experience must be verified by the Special Inspector for the project.

(4) through (6) No change.

(d) No change.

(3) No change.

(4) 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.

Study Question 4:

Who should verify the applicant's work if the applicant is the Engineer of Record for the project?

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.

455.2286 Automated information system

The department shall implement an automated information system for all certificate holders and registrants under part XII of chapter 468, chapter 471, chapter 481, or chapter 489. The system shall provide instant notification to local building departments and other interested parties regarding the status of the certification or registration. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration is active, of any current failure to meet the terms of any final action by a licensing authority, of any ongoing disciplinary cases that are subject to public disclosure, whether there are any outstanding fines, and of the reporting of any material violations pursuant to s. 553.781.

The system shall also retain information developed by the department and local governments on individuals found to be practicing or contracting without holding the applicable license, certification, or registration required by law. The system may be Internet-based.

Modified in 2019:

Removed “By November 1, 2001” from the beginning of the paragraph.

455.271 Inactive and delinquent status

(6)(a) Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department. The board, or the department if there is no board, shall, by rule, establish a reinstatement process for void licenses.

Modified in 2019:

Removed the part which mentions the application for an active or inactive status during the licensure cycle in which the licensee becomes delinquent.

455.213 General licensing provisions

(14) The department or a board must enter into a reciprocal licensing agreement with other states if the practice act within the purview of this chapter permits such agreement. If a reciprocal licensing agreement exists or if the department or board has determined another state's licensing requirements or examinations to be substantially equivalent or more stringent to those under the practice act, the department or board must post on its website which jurisdictions have such reciprocal licensing agreements or substantially similar licenses.

Modified in 2020:

Added subsection 14 which explains reciprocal licensing agreements with other states.

471.005 Definitions

As used in this chapter, the term:

(8) "License" means the licensing of engineers to practice engineering in this state.

Modified in 2019:

Rephrased the term "License" and removed the definition of "Certificate of authorization".

471.013 Examinations; prerequisites

1)(a) A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character and:

1. Is a graduate from an approved engineering science curriculum of 4 years or more in a school, college, or university which has been approved by the board; or
2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university which has been approved by the board.

Modified in 2019:

Updated the requirements for taking an examination to practice as an engineer.

471.015 Licensure

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years.

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years.

Modified in 2020:

Removed continuous professional-level engineering experience from the requirements and reduced the number of years required for holding a valid professional engineer's license in another state.

471.019 Reactivation

The board shall establish by rule a reinstatement process for void licenses. The rule shall prescribe appropriate continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a licensed engineer may not exceed the continuing education requirements prescribed pursuant to s. 471.017 for each year the license was inactive.

Modified in 2019:

Replaced “may not exceed 12 classroom hours...” with “may not exceed the continuing education requirements prescribed pursuant to s. 471.017...”

471.021 Engineers and firms of other states; temporary registration to practice in Florida

(1) Upon approval of the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary registration in accordance with subsection (1).

Modified in 2019:

Replaced the terms “temporary license/ temporary certificate of authorization” with “temporary registration”.

(3) The application for a temporary registration shall require appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of engineering for which the temporary registration was issued.

471.023 Qualification of business organizations

(4) Each qualifying agent of a business organization qualified under this section must notify the board within 30 days after any change in the information contained in the application upon which the qualification is based.

(a) A qualifying agent who terminates an affiliation with a qualified business organization shall notify the management corporation of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and the qualifying agent is the only licensed individual affiliated with the business organization, the executive director of the management corporation or the chair of the board may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

471.011 Fees

(4) Qualification of a business organization under s. 471.023 shall not require payment of a fee.

Modified in 2019:

Removed the terms "certificate/certificate of authorization" and introduced the responsibilities of qualifying agents of business organizations.

Study Question 5:

What happens in the event a qualifying agent who is the only licensed individual affiliated with the organization ceases employment with the qualified business organization?

Modified in 2019:

Added subsection 4 for business organizations, replacing fees for a certificate of authorization.

471.025 Seals

(4) A successor engineer seeking to reuse documents previously sealed by another engineer must be able to independently re-create all of the work done by the original engineer. A successor engineer assumes full professional and legal responsibility by signing and affixing his or her seal to the assumed documents. Such documents must be treated as though they were the successor engineer's original product, and the original engineer is released from any professional responsibility or civil liability for prior work assumed by the successor engineer. For the purposes of this subsection, the term "successor engineer" means an engineer who is using or relying upon the work, findings, or recommendations of the engineer who previously sealed the pertinent documents.

Modified in 2019:

Defined the term "successor engineer" and provided an explanation of the responsibilities of a successor engineer associated with reusing, signing or affixing his or her name on documents.

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: 2018031733
FEMC Case No: 2018012535
FEMC Case No: 2019003809
FEMC Case No: 2018053634
FEMC Case No: 2018057617

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

FEMC CASE No's:
2018031733

VIOLATION:

Section 471.033(1)(d), F.S.
Sections 471.033(1)(a) and
455.227(1)(t), F.S.
Section 471.033(1)(c), F.S.
Sections 455.227(1)(h) and
471.033(1)(b), F.S.

Case Review

The Licensee was charged with violating Section 471.033(1)(d), Florida Statutes; being convicted or found guilty of, or entering a plea or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering; Sections 471.033(1)(a) and 455.227(1)(t), Florida Statutes; failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of a crime in any jurisdiction; Section 471.033(1)(c), Florida Statutes; having a license to practice engineering acted against by the licensing authority of another state; Sections 455.227(1)(h) and 471.033(1)(b), Florida Statutes; obtaining a license to practice a profession by fraudulent misrepresentation.

Board Ruling

The case was presented to the full Board upon a Motion for Determination that Respondent Forfeited his Right to an Administrative Hearing. The Board imposed a REVOCATION of the Respondent's Professional Engineer license. Final Order was issued on Feb. 27, 2020.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Section 471.033(1)(d), F.S.; Sections 471.033(1)(a) and 455.227(1)(t), F.S.; Section 471.033(1)(c), F.S.; and Sections 455.227(1)(h) and 471.033(1)(b), F.S.

Study Question 9:

Are you in violation of the FL Statutes when your license is acted against by the licensing authority of another state?

FEMC CASE No's:
2018012535

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; signing and sealing final engineering documents which contained material deficiencies.

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 \$4,121.85, a Reprimand, Appearance before the Board, probation with terms which include successful completion of the Basic Engineering Professionalism and Ethics course, the Board's Study Guide, and project review at six and 18 months. Final Order was issued on 10/10/19.

Applicability of the Violation to the Florida Laws and Rules

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

FEMC CASE No's:
2019003809

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

Case Review

The Licensee was charged with violating Section 471.033(1)(k), Florida Statutes; failure to comply with the terms of any order of the Board.

Board Ruling

The case was presented to the full Board upon a Motion for Determination that Respondent Forfeited his right to an Administrative Hearing. The Board imposed a Suspension of the Respondent's license until such time that he appears before the Board and demonstrates that he has fully complied with all outstanding obligations from the previously entered Final Order. Final Order was issued on 11/7/19.

Applicability of the Violation to the Florida Laws and Rules

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

Study Question 10:

Failure to comply with the terms of any order of the Board is a violation of which Section of the FL Statutes?

FEMC CASE No's:
2018053634

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.

Board Ruling

The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of \$1,000, Costs of \$459.35, Appearance before the Board, a Reprimand, and two years' Probation with terms. Terms include a Board-approved course in Basic Engineering Professionalism and Ethics, the Board's Study Guide, and project review at six and 18 months. Final Order was issued on April 20, 2020.

Applicability of the Violation to the Florida Laws and Rules

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

FEMC CASE No's:

2018057617

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.

Board Ruling

The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of \$2,000, Appearance before the Board, a Reprimand, a Board-approved course in Intermediate Engineering Professionalism and Ethics, the Board's Study Guide, and two years' Probation with terms. Terms include a restriction from practicing any electrical and mechanical engineering until such time that he completes, passes and submits proof of passing the NCEES eight-hour Electrical Power examination and the NCEES eight-hour Mechanical HVAC examination. After taking and passing the NCEES Electrical and Mechanical Examinations, project review at six and 18 months. Final Order was issued on April 20, 2020.

Applicability of the Violation to the Florida Laws and Rules

The Licensee was found in violation of Section 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:

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 4:

Who should verify the applicant's work if the applicant is the Engineer of Record for the project?

If the applicant is the Engineer of Record for the project, the applicant's work must be verified by another professional engineer knowledgeable about the applicant's structural design work on the project, such as a colleague, supervisor, team member, etc.

Study Question 5:

What happens in the event a qualifying agent who is the only licensed individual affiliated with the organization ceases employment with the qualified business organization?

The executive director of the management corporation or the chair of the board may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts.

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 your license is acted against by the licensing authority of another state?

Yes. As evident in FEMC Case no. 2018031733, the Licensee was charged for violating Section 471.033(1)(c), F.S., by having a license to practice engineering acted against by the licensing authority of another state.

Study Question 10:

Failure to comply with the terms of any order of the Board is a violation of which Section of the FL Statutes?

As evident in FEMC Case no. 2019003809, failure to comply with the terms of any order of the Board is a violation of Section 471.033(1)(k), Florida Statutes.

Appendix B

References

Florida Administrative Code: 61G15 – Board of Professional Engineers (Updated November 16, 2020)
<https://fbpe.org/wp-content/uploads/2020/11/61G15-as-of-11-16-2020.pdf>

The 2020 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 2020 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://fbpe.org/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.**
22 Stonewall Court
Woodcliff Lake, NJ 07677

From: _____

Phone No: _____

Fax No: _____

Email: _____

Date: _____

Subject: **Florida Laws and Rules for Professional Engineers (FL2-004) 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.