Florida Laws and Rules for Professional Engineers

(Renewal Period: 2009 – 2011)

Course No: FL4-001
Credit: 4 PDH

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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 (FAC)

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 FAC 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 FAC, 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 FAC is updated each month.

Study Question 1:

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

Similar to Chapter 471 of the Florida Statutes, Section 61G15 of the FAC 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 Florida Board of Professional Engineers 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 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. The nine-member panel of licensed engineers consists of three civil engineers, one structural engineer, one electrical or electronic engineer, one mechanical engineer, one industrial engineer, one engineering educator, and one engineer of any discipline other than civil engineering. All 11 members are appointed by the Governor for terms of 4 years each.

Florida Engineering Management Corporation (FEMC)

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.

Under Section 471.038, F.S., administrative, investigative and prosecutorial services are provided to the Florida Board of Professional Engineers by the Florida Engineers Management Corporation (FEMC).

Study Question 2:

Who is the FEMC and what are its functions?

Chapter 2

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

The following rules have been adopted, amended or otherwise repealed from the Florida Administrative Code, 61G15 within the preceding biennium:

61G15-18.011 – Definitions
61G15-20.001 – Definitions
61G15-20.006 – Educational Requirements
61G15-20.007 – Demonstration of Substantial Equivalency
61G15-21.007 – Re-examination
61G15-22.005 – Non-Qualifying Activities
61G15-22.0105 – Approval of Continuing Education Courses in Laws and Rules
61G15-22.011 – Board Approval of Continuing Education Providers
61G15-23.002 – Seal, Signature and Date Shall Be Affixed
61G15-30.001 – Purpose
61G15-30.002 – Definitions Common to All Engineer's Responsibility Rules
61G15-30.003 – Minimum Requirements for Engineering Documents
61G15-30.004 – Engineering Document Submittal to Public Agencies
61G15-30.007 – Prime Professional's Responsibility
61G15-30.009 – Retention of Engineering Documents
61G15-30.010 – Energy Conservation Compliance
61G15-33.001 – General Responsibility
61G15-33.002 – Definitions
61G15-33.003 – Design of Power Systems
61G15-33.004 – Design of Lighting Systems
61G15-33.005 – Design of Communication Systems
61G15-33.006 – Design of Alarm and Signaling Systems
61G15-33.007 – Design of Lightning Protection Systems
61G15-33.008 – Design of Grounding Systems
61G15-33.009 – Design of Instrumentation and Control Systems
61G15-33.010 – Certification of Electrical Systems of Public Interest
61G15-34.001 – General Responsibility
61G15-34.002 – Definitions
61G15-34.003 – Design of Heating, Ventilation and Air Conditioning Systems
61G15-34.007 – Design of Plumbing Systems

The changes associated with each of the aforementioned rules along with the final rule itself are indicated below.

RULE:	**61G15-18.011 – Definitions**
CHANGE:	Added a new definition for "principal officers of the business organization" for purposes of Section 471.023, F.S.
PUBLISHED:	September 11, 2008 - Florida Administrative Weekly
EFFECTIVE:	June 5, 2008

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) "Responsible Charge" shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15-30.002(1), F.A.C.

(a) The degree of control necessary for the Engineer of Record shall be such that the engineer:

1. Personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever engineering decisions which could affect the health, safety and welfare of the public are made. In making said engineering decisions, the engineer shall be physically present or, if not physically present, be available in a reasonable period of time, through the use of electronic communication devices, such as electronic mail, videoconferencing, teleconferencing, computer networking, or via facsimile transmission.

2. Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.

(b) Engineering decisions which must be made by and are the responsibility of the Engineer of Record are those decisions concerning permanent or temporary work which could create a danger to the health, safety, and welfare of the public, such as, but not limited to, the following:

1. The selection of engineering alternatives to be investigated and the comparison of alternatives for engineering works.

2. The selection or development of design standards or methods, and materials to be used.

3. The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.

4. The development and control of operating and maintenance procedures.

Study Question 3:

What are the primary engineering decisions that must be made by the Engineer of Record?

(c) As a test to evaluate whether an engineer is the Engineer of Record, the following shall be considered:

1. The engineer shall be capable of answering questions relevant to the engineering

decisions made during the engineer's work on the project, in sufficient detail as to leave little doubt as to the engineer's proficiency for the work performed and involvement in said work. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the engineer in responsible charge made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the engineer could relate to criteria for design, applicable codes and standards, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individuals should be able to clearly define the span and degree of control and how it was exercised and to demonstrate that the engineer was answerable within said span and degree of control necessary for the engineering work done.

2. The engineer shall be completely in charge of, and satisfied with, the engineering aspects of the project.

3. The engineer shall have the ability to review design work at any time during the development of the project and shall be available to exercise judgment in reviewing these documents.

4. The engineer shall have personal knowledge of the technical abilities of the technical personnel doing the work and be satisfied that these capabilities are sufficient for the performance of the work.

(d) The term "responsible charge" relates to engineering decisions within the purview of the Professional Engineers Act and does not refer to management control in a hierarchy of professional engineers except as each of the individuals in the hierarchy exercises independent engineering judgement and thus responsible charge. It does not refer to administrative and personnel management functions. While an engineer may also have such duties in this position, it should not enhance or decrease one's status of being in responsible charge of the work. The phrase does not refer to the concept of financial liability.

(2) "Engineering Design" shall mean that the process of devising a system, component, or process to meet desired needs. It is a decision-making process (often iterative), in which the basic sciences, mathematics, and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation. Central to the process are the essential and complementary roles of synthesis and analysis. This definition is intended to be interpreted in its broadest sense. In particular the words "system, component, or process" and "convert resources optimally" operate to indicate that sociological, economic, aesthetic, legal, ethical, etc., considerations can be included.

(3) The term "evaluation of engineering works and systems" as used in the definition in the practice of engineering set forth in Chapter 471.005(4)(a), F.S., includes but is not limited to services provided by testing laboratories involving the following:

(a) The planning and implementation of any investigation or testing program for the purpose of developing design criteria either by an engineering testing laboratory or other professional engineers.

(b) The planning or implementation of any investigation, inspection or testing program for the purpose of determining the causes of failures.

(c) The preparation of any report documenting soils or other construction materials test data.

(d) The preparation of any report offering any engineering evaluation, advice or test results, whenever such reports go beyond the tabulation of test data. Reports which document soils or other construction materials test data will be considered as engineering reports.

(e) Services performed by any entity or provided by a testing laboratory for any entity subject to regulation by a state or federal regulatory agency which enforces standards as to testing shall be exempt from this rule except where the services otherwise would require the participation of a professional engineer.

(4) “Certification” shall mean a statement signed and/or sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer’s knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

(5) “FEMC” shall mean the Florida Engineers Management Corporation, created in Section 471.038(3), F.S.

(6) The term “principal officer(s) of the business organization” as used in Section 471.023(1), F.S., means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.005(7), F.S.

Specific Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History–New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08.

RULE:	61G15-20.001 – Definitions
CHANGE 1:	Resolved difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic.
PUBLISHED:	February 16, 2007 - Florida Administrative Weekly
EFFECTIVE:	April 9, 2007
CHANGE 2:	Deleted unnecessary language and update existing language.
PUBLISHED:	December 7, 2007 - Florida Administrative Weekly
EFFECTIVE:	January 31, 2008

61G15-20.001 – Definitions

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) "Year" shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), or

(b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C., or

(c) Programs which have been approved by the Board of Professional Engineers under the provisions of Section 455.11(3), F.S.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History–New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05, 4-9-07, 1-31-08.

RULE:	**61G15-20.006 – Educational Requirements**
CHANGE:	Revised language to comply with the Mandate of the Court in Gaudet v. Board of Professional Engineers and promulgate more detailed rules regarding Board approval of non-ECA/ABET approved engineering programs.
PUBLISHED:	July 28, 2006 - Florida Administrative Weekly
EFFECTIVE:	April 10, 2008

61G15-20.006 – Educational Requirements

(1) The evaluation of curricula and standards of accreditation for approval of degree programs required by Section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission of the Accreditation for Engineering and Technology, Inc., (EAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in Section 471.005(7), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET) and found in the applicable Annual Report of EAC/ABET.

(2) A non-EAC/ABET accredited engineering degree program (hereinafter "engineering program") which seeks approval pursuant to Section 471.013(1)(a), F.S., shall submit the following to the Board:

(a) A completed application form "Request for Evaluation" [FBPE/007 (11-07)] and "Self-Study Report" [FBPE/008 (1-08)] hereby incorporated by reference (which may be obtained from the Board by writing to: Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304);

(b) A current catalog and student and faculty handbook.

(3) The Board's survey and evaluation of an engineering program shall consist of two elements:

(a) A review of the documents submitted by the applicant. The purpose of the review is initially to determine if the application is complete. The applicant will be notified if the application is not complete. If the application is complete, the Board will begin the survey and evaluation of the engineering program and will provide the documents to any outside consultants which the Board may retain to survey and evaluate the engineering program.

(b) A visit to the engineering school, including visits to facilities at locations other than the main campus, at the expense of the applying engineering program. This site visit will encompass all elements of the standards for approval set forth in this rule. A site visit is an essential requirement in the review of an engineering program seeking certification, without which no approval may be granted by the Board.

(4) The Meaning of Approval.

(a) Purpose.

1. Approval of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET will be applied for approval of an engineering program.

2. In practical terms a graduate of an engineering program that has been certified by the State of Florida will be eligible for the Fundamentals and Principles and Practice examinations, or for licensure by endorsement.

3. Application for approval is entirely voluntary on the part of the school.

(b) Standards.

1. To be approved, engineering programs must meet the standards set forth by the Board in this rule as judged by the Board. These standards are sometimes stated in a fashion that is not susceptible to quantification or to precise definition because the nature of the evaluation is qualitative in character and can be accomplished only by the exercise of professional judgment by qualified persons.

2. In these standards, the words “must” and “should” have been chosen with care. Use of the word “must” indicates that Florida considers meeting the standard to be absolutely necessary if the program is to be certified. Use of the word “should” indicates that Florida considers an attribute to be highly desirable and makes a judgment as to whether or not its absence may compromise substantial compliance with all of the requirements for approval.

(5) Objectives.

(a) An essential objective of a program in engineering education leading to a BSE degree must be to meet the standards herein described for approval that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify approval of a program that fails to meet the standards as set forth in this rule.

(b) Approval is granted on the basis of evidence of an appropriate balance between the size of the enrollment in each class and the total resources of the program, including the faculty, physical facilities, curricular time and methods of instruction, and the budget. If there is to be substantial change in any of the above functions, the Board must be notified in writing so that reevaluation may be instituted.

(6) Governance.

(a) Preferably an engineering school should be a component of a university that has other graduate and professional degree granting programs. The environment of a university fosters intellectual challenge, the spirit of inquiry, the seeking of new knowledge and the habit of lifelong learning.

(b) The engineering school must be accredited by an accrediting organization recognized by the U.S. Department of Education.

(7) Administration.

(a) General.

1. Administrative officers and members of an engineering school faculty must be appointed by, or on the authority of, the governing body of the engineering school.

2. If the engineering school is part of a university, the dean must have ready access to the university chief executive officer and to such other university officials as may be

necessary to fulfill the dean's responsibilities. If the engineering school is not part of a university, the dean must have ready access to the chief officer of the governing body.

3. The dean must be qualified by education and experience to provide leadership in engineering education, in scholarly activity and research, and in the practice of professional engineering. The dean should have the assistance of such professional associates and staff as are necessary for administration of admissions, student affairs, academic affairs, business affairs, physical facilities and other activities normally associated with the office of the dean.

4. The manner in which the engineering school is organized, including the responsibilities and privileges of administrative officers, faculty, students and committees must be formally set forth in writing. It is through committee structure and function that faculty and at times students and others become involved in decisions concerning admissions, promotions, curriculum, library, research, etc. The number and composition of committees may vary among engineering programs.

5. A budget, showing available revenue sources and expenditures must be prepared for the engineering school at regular and specified periods. To facilitate effective planning, each engineering program should know in advance a reasonable estimate of its available operating resources.

(b) Geographically Separated Campuses.

1. If components of the program are conducted at sites geographically separated from the main campus of the engineering school, the administration of the engineering school must be fully responsible for the conduct, and maintenance of the quality of the educational experiences offered at these sites and for identification of the faculty at all sites. In order to ensure that all educational components of the school's program are equivalent in quality, the principal academic officer of each geographically separated site must be administratively responsible to the chief academic officer of the engineering school conducting the certified program. Similarly, the faculty in each discipline, in all sites, must be functionally integrated by administrative mechanisms that ensure comparable quality of the geographically separated segments of the program.

2. A large number of program sites or a significant distance between sites may require extra academic and administrative controls in order to maintain the quality of the entire program.

(c) Design and Management.

1. The program’s faculty must be responsible for the design, implementation, and evaluation of the educational program. A faculty committee should undertake this responsibility with full support of the chief academic officer and staff. The curriculum of the program leading to the professional engineering degree must be designed to provide a general professional education, recognizing that, this alone, is insufficient to prepare a graduate for independent, unsupervised practice throughout a professional lifetime.

2. The committee responsible for curriculum should give careful attention to the impact on students of the amount of work required. The committee should monitor the content provided in each discipline in order that objectives for education of an engineer are achieved without attempting to present the complete, detailed, systematic body of knowledge in that discipline. The objectives, content, and methods of teaching and learning utilized for each segment of the curriculum, as well as for the entire curriculum, should be subjected to periodic evaluation. Undue repetition and serious omissions and deficiencies in the curriculum identified by these evaluations should be corrected. Review and necessary revision of the curriculum is an ongoing faculty responsibility.

(d) Content.

1. The engineering faculty is responsible for devising a curriculum that permits the student to learn the fundamental principles of engineering, to acquire skills of critical judgment based on evidence and experience, and to develop an ability to use principles and skills wisely in solving engineering problems. In addition, the curriculum must be designed so that students acquire an understanding of the scientific concepts underlying engineering. In designing the curriculum, the faculty must introduce current advances in the basic engineering sciences.

2. The curriculum cannot be all-encompassing. However, it must include the sciences basic to engineering and ethical, behavioral, and socioeconomic subjects pertinent to engineering. There should be presentation of material on engineering ethics and human values. The faculty should foster in students the ability to learn through self-directed, independent study throughout their professional lives.

3. The required subjects which must be offered are probability and statistics, differential calculus, integral calculus, and differential equations; general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional courses may include linear algebra, numerical analysis, and advanced calculus, life sciences (biology), earth sciences (geology), and advanced chemistry or physics.

4. The curriculum should provide grounding in the body of knowledge represented in the disciplines that support the fundamentals of engineering practice, such as, mechanics, thermodynamics, electrical and electronic circuits, and materials science. Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

5. The faculty committee responsible for curriculum should develop, and the chief academic officer should enforce, the same rigorous standards for the content of each year of the program leading to the BSE. The final year should complement and supplement the curriculum of the individual student so that each student will acquire appropriate competence in general engineering care regardless of subsequent career specialty.

6. The curriculum should include elective courses designed to supplement the required courses and to provide opportunities for students to pursue individual scholarly interests. Faculty advisors must be available to guide students in the choice of elective courses. If students are permitted to take electives at other institutions, there should be a system centralized in the dean's office to screen the student's proposed extramural program prior to approval and to ensure the return of a performance appraisal by the host program. Another system, devised and implemented by the dean, should verify the credentials of students from other schools wishing to take courses at the school, approve assignments, maintain a complete roster of visiting students, and provide evaluations to the parent schools.

(e) Evaluation of Student Performance.

1. The faculty must establish principles and methods for the evaluation of student performance and make decisions regarding promotion and graduation. The varied measures utilized should determine whether or not students have attained the school's standards of performance.

2. The faculty of each discipline should set the standards for performance by students in the study of that discipline. The faculty should review the frequency of examinations and their scheduling, particularly when the students are enrolled in several subjects simultaneously. Schools should develop a system of evaluation that fosters self-initiated learning by students rather than frequent tests which condition students to memorize details for short-term retention only. Examinations should measure cognitive learning,

mastery of basic engineering skills, and the ability to use data in realistic problem solving. If geographically separated campuses are operated, a single standard for promotion and graduation of students should be applied.

3. The engineering school must publicize to all faculty members and students its standards and procedures for the evaluation, advancement, and graduation of its students and for disciplinary action. The school should develop and publish a fair and relatively formal process for the faculty or administration to follow when taking any action that adversely affects the status of a student.

4. The institutions must maintain adequate records. These records should include summaries of admission credentials, attendance, measurement of the performance and promotion of the student, and the degree to which requirements of the curriculum have been met. Evaluation of each student in each course should be part of the record.

5. Academic Counseling. The chief academic officer and the directors of all courses must design and implement a system of evaluation of the work of each student during progression through each course. Each student should be evaluated early enough during a unit of study to allow time for remediation. Course directors and faculty assigned to advise students should consider this duty a primary responsibility. All course directors or departmental heads, or their designates, should serve as expert consultants to the chief academic officer for facilitation of performance of both students and faculty.

(8) Resources for the Educational Program.

(a) Finances. The cost of conducting a certified educational program leading to the BSE must be supported by sufficient financial resources. Dependence upon tuition must not cause schools to seek enrollment of more students than their total resources can accommodate and provide with a sound education experience.

(b) Faculty.

1. Members of the faculty must have the capability and continued commitment to be effective teachers. Effective teaching requires knowledge of the discipline, and an understanding of pedagogy, including construction of a curriculum consistent with learning objectives, subject to internal and external formal evaluation. The administration and the faculty should have knowledge of methods for measurement of student performance in accordance with stated educational objectives and national norms.

2. Persons appointed to faculty positions must have demonstrated achievements within their disciplines commensurate with their faculty rank. It is expected that faculty members will have a commitment to continuing scholarly productivity, thereby contributing to the educational environment of the engineering school.

3. In each of the major disciplines basic to engineering sciences, a sufficient number of faculty members must be appointed who possess, in addition to a comprehensive knowledge of their major disciplines, expertise in one or more subdivisions or specialties within each of these disciplines.

4. In addition, engineers practicing in the community can make a significant contribution to the educational program of the engineering school, subject to individual expertise, commitment to engineering education, and availability. Practicing engineers appointed to the faculty, either on a part-time basis or as volunteers, should be effective teachers, serve as role models for students, and provide insight into contemporary engineering methods.

5. There must be clear written policies for the appointment, renewal of appointment, promotion, retention and dismissal of members of the faculty. The appointment process must involve the faculty, the appropriate departmental heads and the dean. Each appointee should receive a clear definition of the terms of appointment, responsibilities, line of communication, privileges and benefits.

6. The education of engineering students requires an academic environment that provides close interaction among the faculty members so that those skilled in teaching and research in the basic sciences can maintain awareness of the relevance of their disciplines to engineering problems.

7. The dean and a committee of the faculty must determine engineering school policies. This committee typically consists of the heads of major departments, but may be organized in any manner that brings reasonable and appropriate faculty influence into the governance and policymaking processes of the school. The full faculty should meet often enough to provide an opportunity for all to discuss, establish, or otherwise become acquainted with engineering school policies and practices.

(c) Library.

1. The engineering school library should be a major component of the school's program of teaching and learning. Attitudes of lifelong learning can only be instilled by instruction in the production, storage and retrieval of new knowledge. Use and importance of the library can be imparted to students by example of faculty.

2. The engineering students and faculty must have ready access to a well-maintained and catalogued library, sufficient in size and breadth to support the educational programs offered by the institution. The library should receive the leading national and international engineering periodicals, the current numbers of which should be readily accessible. The library and any other learning resources should be equipped to allow students to learn new methods of retrieving and managing information, as well as to use self-instructional materials. A professional library staff should supervise the library and provide instruction in its use.

3. If the library serving the engineering school is part of a university library system, the professional library staff must be responsive to the needs of the engineering school, the faculty, resident staff and students who may require extended access to a journal and reference book collection, some of which may be virtual. The librarian should be familiar with the methods for maintaining relationships between the library and national library systems and resources, and with the current technology available to provide services in non-print materials. If the faculty and students served by the library are dispersed, the utilization of departmental and branch libraries should be facilitated by the librarian and by the administration and faculty of the school.

(9) Site Visit.

(a) The site visit team shall consist of the Educational Advisory Committee and individual(s) designated by the Board who are or have been engineering educators and practitioners experienced in engineering program evaluation. The applicant must assist the Board in making all necessary arrangements for the site visit, including the opportunity to meet trustees, owners or their representatives, administrators, faculty, students, and any others connected with the program.

(b) Following the site visit, the Educational Advisory Committee will report its findings to the Board.

(10) Board Approval.

(a) Upon receipt of a report from the Educational Advisory Committee, the Board will notify the applicant of its intent to grant or deny approval. Approval must be denied if deficiencies found are of such magnitude as to prevent the students in the school from receiving an educational base suitable for the practice of engineering.

(b) If the Board gives notice of its intent to deny the application for approval, the notice shall include a specific list of deficiencies and what the Board will require for compliance.

The Board shall permit the applicant, on request, to demonstrate by satisfactory evidence, within 90 days, that it has remedied the deficiencies specified by the Board.

(c) If the Board gives notice of its intent to approve the application, it shall specify which type it intends to grant: provisional or full approval.

(d) Provisional approval may be granted where deficiencies exist but are not of such magnitude to warrant denial entirely. The Board shall determine the period of provisional approval, not to exceed three years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of approval. The Board may, however, extend the period within which deficiencies may be remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional approval.

(e) Full approval will be granted to an engineering school which is in substantial compliance with all of the standards set forth in this rule. The school shall submit to the Board evidence of continued compliance annually.

(f) Periodic surveys and evaluations of all approved schools shall be made at least every four years.

(g) Renewal applications will be evaluated on the basis of standards existing at the time renewal is acted upon by the Board. A site visit may be required as an element of the evaluation.

Specific Authority 471.013(1)(a)3. FS. Law Implemented 471.013(1)(a)3., 471.005(6) FS. History–New 8-18-87, Formerly 21H-20.006, Amended 12-26-94, 4-10-08.

RULE:	**61G15-20.007 – Demonstration of Substantial Equivalency**
CHANGE 1:	Resolved difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic.
PUBLISHED:	February 16, 2007 - Florida Administrative Weekly
EFFECTIVE:	April 9, 2007
CHANGE 2:	Deleted unnecessary language and updated existing language.
PUBLISHED:	December 7, 2007 - Florida Administrative Weekly
EFFECTIVE:	January 31, 2008

61G15-20.007 - Demonstration of Substantial Equivalency

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET must demonstrate:

(a) 32 college credit hours of higher mathematics and basic sciences.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.

2. The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

(b) 16 college credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved engineering science courses are

mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) In addition, evidence of attainment of appropriate laboratory experience, competency in English, and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. As for competency in English, transcripts of course work completed, course content syllabi, testimonials from employers, college level advanced placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper-based version, or 213 in the computer-based version, will be accepted as satisfactory evidence.

(2) The FBPE Educational Advisory Committee shall make the final decision regarding equivalency of programs and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(3) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P.O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P.O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc., or Center for Professional Engineering Education Services.

(4) Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2).

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History–New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08.

RULE:	**61G15-21.007 – Re-examination**
CHANGE:	Established minimum passing score to demonstrate an applicant who has failed the licensing examination has acquired the knowledge necessary to demonstrate minimum competency.
PUBLISHED:	August 11, 2006 - Florida Administrative Weekly
EFFECTIVE:	April 10, 2008

61G15-21.007 - Re-examination

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a), (b) and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(c), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History–New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08.

RULE: 61G15-22.005 – Non-Qualifying Activities

CHANGE: Added an additional category of activities that do not qualify as Professional Development Hours.

PUBLISHED: April 13, 2007 - Florida Administrative Weekly

EFFECTIVE: June 3, 2007

61G15-22.005 - Non-Qualifying Activities

Activities that do not qualify as Professional Development Hours include but are not limited to the following:

(1) Self-generated courses, that being courses generated and presented by the licensee to himself or herself for continuing education credit.

(2) Personal self-improvement courses.

(3) Equipment demonstrations or trade show displays.

(4) Enrollment without attendance.

(5) Repetitive attendance or teaching of the same course.

(6) Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in a technical field.

(7) Regular employment.

(8) Personal, estate or financial planning.

(9) Courses the content of which is below the level of knowledge and skill that reflects the responsibility of engineer in charge.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History–New 9-16-01, Amended 6-3-07.

RULE:	61G15-22.0105 – Approval of Continuing Education Courses in Laws and Rules
CHANGE:	Set standards for continuing education courses on Florida laws and rules governing the practice of engineering.
PUBLISHED:	February 16, 2007 - Florida Administrative Weekly
EFFECTIVE:	April 8, 2007

CHANGE:	Changed the approval the time frame of continuing education courses on Florida laws and rules from being valid for 2 years after the date of issue to being valid for the biennium during which it was approved.
PUBLISHED:	February 29, 2008 - Florida Administrative Weekly
EFFECTIVE:	April 28, 2008

61G15-22.0105 - Approval of Continuing Education Courses in Laws and Rules

Each course provider approved by the Board to conduct courses in Florida Laws and Rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning professional development hours; and

(3) Course content that includes:

(a) Rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

(d) A list of resources used to develop the course content;

(e) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(4) Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

(5) A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

(6) Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

(7) If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Specific Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History–New 4-8-07, Amended 4-28-08.

RULE:	**61G15-22.011 – Board Approval of Continuing Education Providers**
CHANGE:	Eliminated the requirement of no financial or commercial interest for continuing education providers in technology, which is the subject of instruction.
PUBLISHED:	April 13, 2007 - Florida Administrative Weekly
EFFECTIVE:	June 3, 2007

61G15-22.011 - Board Approval of Continuing Education Providers

(1) Applicants for continuing education provider status must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the type of courses or seminars the provider expects to conduct for credit;

(c) A description of the staffing capability of the applicant;

(d) A sample of intended course materials;

(e) A list of anticipated locations to conduct the courses;

(f) A complete course curriculum for each course the applicant intends to offer;

(g) A description of the means the applicant will use to update the course in response to rule or law changes;

(h) A description of the means the applicant will use to evaluate the licensee's performance in the course;

(i) A fee of $250.

(4) No engineer may conduct continuing education courses or seminars for credit upon the engineer's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the engineer must notify the Board office within ten (10) days of the engineer's receipt of any such order.

(5) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department of Business and Professional Regulation issue an order requiring the provider cease and desist from offering any continuing education courses and shall request that the Department revoke any

approval of the provider granted by the Board.

(6) No provider may allow an engineer to conduct any course or seminar offered by the provider if that engineer has been disciplined and has not been released from the terms of the Final Order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the engineer is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

(8) Members of the Board of Professional Engineers or the Florida Engineers Management Corporation Board of Directors are prohibited from being a continuing education provider.

(9) The following providers shall be approved as providers until May 31, 2009, and the Board shall accept their courses for continuing education credit:

(a) Educational Institutions teaching college level courses;

(b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

(c) State and National Engineering Professional Associations approved by the Board.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History–New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, 6-3-07.

RULE:	**61G15-23.002 – Seal, Signature and Date Shall be Fixed**
CHANGE:	Deleted unnecessary language and updated existing language.
PUBLISHED:	December 7, 2007 - Florida Administrative Weekly
EFFECTIVE:	January 31, 2008

61G15-23.002 - Seal, Signature and Date Shall Be Affixed

(1) A professional engineer shall sign his name and affix his seal to all plans, specifications, reports, final bid documents provided to the owner or the owner's representative, or other documents prepared or issued by said registrant and being filed for public record. The date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately under the signature of the professional engineer.

(2) Each sheet of plans and prints which must be sealed under the provisions of Chapter 471, F.S., shall be sealed, signed and dated by the professional engineer in responsible charge. A title block shall be used on each sheet containing the printed name, address, and license number of the engineer or if applicable, the name and license number of the engineer, and if practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business. Engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and may indicate the name and address of the agency. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specification, and if practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business, with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each professional engineer who is in responsible charge of any portion of the report, and if practicing through a duly authorized engineering business, the name, address and certificate of authorization number of the engineering business. A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(3) A professional engineer should not seal original documents made of mylar, linen, sepia or other materials which can be changed by the entity with whom such document(s) are filed unless the professional engineer accompanies such document(s) with a signed and sealed letter making the receiver aware that copies of the original document as designed by the professional engineer have been retained by the professional engineer and that the professional engineer will not be responsible for any subsequent changes to the reproducible

original documents.

(4) A professional engineer should not seal preliminary plans which are not intended for permit, construction, or bidding purposes. If a permitting agency requires that preliminary plans submitted for review purposes be signed and sealed, then the engineer should clearly note such limitations on the face of the plans, by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for design review only and are not intended for permit, construction, or bidding purposes.

Study Question 4:

How should the signing and sealing of mylar documents be handled by the professional engineer?

(5) Engineers who wish to sign and seal electronically transmitted plans, specifications, reports, final bid documents, or other documents shall follow the procedures set forth in Rule 61G15-23.003, F.A.C.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History–New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00, 2-22-01, 2-5-04, 1-31-08.

RULE: 61G15-30.001 – Purpose

CHANGE: Clarified and updated existing language.
PUBLISHED: March 14, 2008 - Florida Administrative Weekly
EFFECTIVE: November 13, 2008

61G15-30.001 - Purpose

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question. Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., or the stated purpose of these responsibility rules. These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, the courts, and local jurisdictions.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History–New 1-26-93, Formerly 21H-30.001, Amended 11-13-08.

RULE:	**61G15-30.002 – Definitions Common to All Engineer's Responsibility Rules**
CHANGE:	Added new categories of engineering definitions including: "Engineering Documents Prepared for Public Record", "Shop Drawings", and "Record Documents".
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-30.002 - Definitions Common to All Engineer's Responsibility Rules

(1) Engineer of Record. A Florida professional engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for any engineering service or creative work.

(2) Prime Professional. A Florida professional engineer or a duly qualified engineering corporation or partnership, who is engaged by the client to provide any planning, design, coordination, arrangement and permitting for the project and for construction observations in connection with any engineering project, service or creative work. The prime professional engineer may also be an engineer of record on the same project.

Study Question 5:

What is the difference between a "Prime Professional" and a "Delegated Engineer"?

(3) Delegated Engineer. A Florida professional engineer who undertakes a specialty service and provides services or creative work (delegated engineering document) regarding a portion of the engineering project. The delegated engineer is the engineer of record for that portion of the engineering project. A delegated engineer usually falls into one of the following categories:

(a) An independent consultant.

(b) An employee or officer of an entity supplying components to a fabricator or contractor, so long as the engineer acts as an independent consultant or through a duly qualified engineering corporation.

(c) An employee or officer of a fabricator or contractor, so long as the engineer acts as an independent consultant or through a duly qualified engineering corporation.

(4) Engineering Documents. Engineering documents are designs, plans, specifications, drawings, prints, reports, or similar instruments of service in connection with engineering services or creative work that have been prepared and issued by the professional engineer or under his responsible supervision, direction or control.

(5) Delegated Engineering Documents. Delegated engineering documents are those engineering documents that are prepared by a delegated engineer.

(6) Public Record. An engineering document is "filed for public record" when said document is presented with the engineer of record's knowledge and consent to any federal, state, county, district, authority, municipal or other governmental agency in connection with the transaction of official business with said agency.

(7) “Engineering Documents Prepared for Public Record” are those documents filed for public record with the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.

(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.

(b) Listing of the sources and basis of information used in the preparation of the Documents.

(c) Statement that the Documents are believed to be correct to the best of the engineer’s knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002, Amended 11-13-08.

RULE:	**61G15-30.003 – Minimum Requirements for Engineering Documents**
CHANGE:	Amended rule title and added new requirements for engineering documents.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-30.003 - Minimum Requirements for Engineering Documents

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code, adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.

(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.

(4) Engineering drawings shall be legible and clearly define and delineate the work in the project. They must also comply with Chapter 61G15-23, F.A.C., Seals.

(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History–New 1-26-93, Formerly 21H-30.003, Amended 11-13-08.

RULE:	**61G15-30.004 – Engineering Document Submittal to Public Agencies**
CHANGE:	Repealed rule due to redundancy as it is being incorporated into other rules through proposed rule changes.
PUBLISHED:	December 14, 2007 - Florida Administrative Weekly
EFFECTIVE:	February 11, 2008

61G15-30.004 - Engineering Document Submittal to Public Agencies

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025 FS. History–New 1-26-93, Formerly 21H-30.004, Repealed 2-11-08.

RULE:	61G15-30.007 – Prime Professional's Responsibility
CHANGE:	Clarified existing language.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-30.007 - Prime Professional's Responsibility

It is the responsibility of the prime professional engineer, where one exists, to retain and coordinate the services of such other professionals as needed to complete the services contracted for the project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.007, Amended 11-13-08.

RULE:	**61G15-30.009 – Retention of Engineering Documents**
CHANGE:	Clarified existing language.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-30.009 - Retention of Engineering Documents

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in hardcopy or electronic format

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New 5-9-04, Amended 11-13-08.

RULE:	**61G15-30.010 – Energy Conservation Compliance**
CHANGE:	Established a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-30.010 - Energy Conservation Compliance

The engineer who prepares the compliance calculations, and certifies the accuracy thereof, shall verify that the building construction documents conform to compliance calculations. Data used in calculations shall be under the signature, date and seal of the responsible design professionals. The Engineer of Record for energy conservation compliance calculations shall retain the signed, dated and sealed data as provided for in Rule 61G15-30.009, F.A.C., Retention of Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS History–New 11-13-08.

RULE:	**61G15-33.001 – General Responsibility**
CHANGE:	Clarified existing language and added tasks for which an Engineer of Record is responsible.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.001 – General Responsibility

Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the electrical system and the delegated engineer if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Electrical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.001, Amended 11-13-08.

RULE:	**61G15-33.002 – Definitions**
CHANGE:	Clarified and amended existing definitions, added a new definition for Electrical Delegated Engineering Documents and deleted unnecessary language.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.002 – Definitions

(1) Engineer of Record for the Electrical Systems. The Florida professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) Electrical Component. An individual electrical device to be part of an electrical system.

(3) Electrical. Any device or mechanism that operates due to the action of electricity.

(4) Electrical System. Any system, assembly of electrical components, materials, utilities, equipment, work system, machines, products or devices which require electrical energy in order to perform its intended function.

(5) Electrical Engineering Documents. All electrical drawings, specifications, reports, calculations, data and other documents utilized to establish the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in the Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code, in Chapter 69A-60, F.A.C.

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.002, Amended 11-13-08.

RULE:	**61G15-33.003 – Design of Power Systems**
CHANGE:	Clarified existing language, deleted unnecessary language and added new requirements with respect to power systems.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.003– Design of Power Systems

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics and protective device coordination.

(2) Electrical Engineering Documents applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution Riser Diagram with short circuit values.

(b) Conductor Ampacities (sizes) and insulation type.

(c) Circuit interrupting devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices.

(e) Main and distribution equipment, control devices, locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

(g) Circuitry of all outlets, equipment and devices.

(h) Load computations.

(i) Electrical legends.

(j) Grounding and bonding.

(k) Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

(m) Installation and testing requirements of required emergency and standby power systems.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.003, Amended 11-13-08.

RULE:	**61G15-33.004 – Design of Lighting Systems**
CHANGE:	Updated existing language and added new requirements with respect to lighting systems.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.004– Design of Lighting Systems

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity rations, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, Chapter 13, Florida Building Code.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following:

(a) Lighting fixture performance specifications and arrangements.

(b) Emergency Lighting, egress and exit lighting.

(c) Exit Lighting.

(d) Lighting control and circuiting.

(e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.004, Amended 11-13-08.

RULE:	**61G15-33.005 – Design of Communication Systems**
CHANGE:	Clarified existing language, deleted unnecessary language and added new requirements with respect to electrical engineering documents for communications systems.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.005 – Design of Communication Systems

(1) Communications systems are utilized to convey voice and data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems and applicable standards and regulatory requirements.

(2) Electrical Engineering documents for communications systems shall, at a minimum, indicate the following:

(a) System riser diagram for each cabling system.
(b) Equipment legend.
(c) Cabling type and performance data of the transmission.
(d) Device type and locations.
(e) Backup power sources where applicable.
(f) Installation, identification and testing requirements.
(g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.005, Amended 11-13-08.

RULE:	**61G15-33.006 – Design of Alarm and Signaling Systems**
CHANGE:	Amended rule title, clarified existing language, deleted unnecessary language and added new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.006 – Design of Alarm and Signaling Systems

(1) Alarm and signaling systems include motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See Rule 61G15-32.008, F.A.C., for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on standards set forth in NFPA 72, the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:

(a) Description of the control system functions, or a functional diagram.

(b) Equipment legend.

(c) System riser diagram.

(d) Cabling and conductor types and requirements.

(e) Installation, identification and testing requirements.

(f) Back-up power.

(g) Location and characteristics of surge protective devices.

(h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.

(i) Complete 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.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.006, Amended 11-13-08.

RULE:	**61G15-33.007 – Design of Lightning Protection Systems**
CHANGE:	Clarified and updated existing language, and added new requirements with respect to electrical engineering documents for lightning protection systems.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.007 – Design of Lightning Protection Systems

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

(a) Lightning Risk Assessment.

(b) Air terminals height and spacing.

(c) Corrosion protection measures.

(d) Arrangement of Main and Down conductors.

(e) Grounding points and spacing.

(f) Conductor type and size.

(g) Legend.

(h) Testing requirements of grounds.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.007, Amended 11-13-08.

RULE: 61G15-33.008 – Design of Grounding Systems

CHANGE: Clarified and updated existing language.
PUBLISHED: March 14, 2008 - Florida Administrative Weekly
EFFECTIVE: November 13, 2008

61G15-33.008 – Design of Grounding Systems

(1) Grounding Systems are passive systems used to establish an electrical potential reference point in an electrical system for the proper dissipation of energy in case of abnormal or transient conditions.

(2) Electrical Engineering Documents for grounding systems shall indicate at a minimum the following:

(a) Type and location of grounding electrodes.
(b) Bonding requirements.
(c) Testing requirements.
(d) Conductor material type, size and protection requirements.
(e) Connections of separate grounding systems, bonded, and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.008, Amended 11-13-08.

RULE:	**61G15-33.009 – Design of Instrumentation and Control Systems**
CHANGE:	Repealed rule due to redundancy as it is being incorporated into other rules through proposed rule changes.
PUBLISHED:	December 14, 2007 - Florida Administrative Weekly
EFFECTIVE:	February 11, 2008

61G15-33.009 - Design of Instrumentation and Control Systems

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.009, Repealed 2-11-08.

RULE:	**61G15-33.010 – Certification of Electrical Systems of Public Interest**
CHANGE:	Established a new rule that will govern the certification of electrical systems of public interest is established.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-33.010 – Certification of Electrical Systems of Public Interest

(1) The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(2) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

(a) Energy efficiency and conservation tabulations, statements or calculations.

(b) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(c) Light /noise /product specifications that indicate conformance with community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS. History–New 11-13-08.

RULE:	**61G15-34.001 – General Responsibility**
CHANGE:	Clarified existing language and added tasks for which an Engineer of Record is responsible.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-34.001 – General Responsibility

Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards for a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of mechanical work and shall describe, label and define the required mechanical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the Mechanical System and the Delegated Engineer if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the specific rules contained herein. The Engineer of Record for the Mechanical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Mechanical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

RULE:	**61G15-34.002 – Definitions**
CHANGE:	Clarified and amended existing definitions and added a new definition for Mechanical Delegated Engineering Documents.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-34.002 – Definitons

(1) Engineer of Record for the Mechanical Systems. The Florida Professional Engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for mechanical systems design criteria or performs the analysis and is responsible for the preparation of the mechanical documents for the project.

(2) Mechanical Component. Any individual device to be part of a mechanical system.

(3) Mechanical. Any device or mechanism that operates due to the action of the material forces in nature acting on bodies or masses.

(4) Mechanical System. Any assembly of mechanical components, materials, equipment, work systems, machines, products or devices which require design in accordance with mechanical engineering standards in order to perform its intended function.

(5) Mechanical Engineering Documents. All mechanical drawings, specifications, reports, calculations, data and other documents utilized to establish the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the mechanical system(s) or analysis or recommendations, as prepared by the Engineer of Record for the mechanical system. Mechanical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Mechanical Shop Drawings. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code set forth in Chapter 69A-60, F.A.C.

(8) Mechanical Delegated Engineering Documents. Mechanical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Mechanical System has delegated responsibility for the design of a mechanical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 2-5-96, 11-13-08.

RULE:	**61G15-34.003 – Design of Heating, Ventilating and Air Conditioning Systems**
CHANGE:	Deleted unnecessary language and added new requirements with respect to Mechanical Engineering Documents.
PUBLISHED:	March 14, 2008 - Florida Administrative Weekly
EFFECTIVE:	November 13, 2008

61G15-34.003 – Design of Heating, Ventilation and Air Conditioning Systems

(1) Heating, Ventilating and Air Conditioning (HVAC) Systems include those systems that control the temperature, humidity, or mechanical ventilation of a particular space or building.

(2) All HVAC systems shall be designed in accordance with the Florida Codes, and reference standards as adopted by the authority having jurisdiction.

(3) The Engineer of Record shall determine the level of detail shown on plans for an HVAC system for mechanical engineering plans pertaining to HVAC systems exempted by the threshold requirements for mandatory use of professional engineering services. All such plans shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor.

(4) For Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans shall indicate the following:

(a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design.

(b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.

(c) Floor plans; site plans; and building and mechanical system elevations as appropriate.

(d) Outside (fresh) air make-up conditions.

(e) Cooling coil requirements based on sensible heat, latent heat and total heat gains.

(f) Heating equipment requirements.

(g) Outside and inside design dry and wet bulb conditions.

(h) Exhaust riser diagrams on buildings more than three stories when ductwork travels vertically.

(i) Outside air riser diagrams on buildings more than three stories when ductwork travels vertically.

(j) Process flow diagrams with pipe sizes and fluid flow quantities.

(k) Condensate discharge piping layout with pipe sizes.

(l) Instrumentation and Control System diagrams and sequence of operation.

(m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.

(n) All data needed to complete the Florida Energy Code calculations as applicable.

(o) A list of referenced NFPA Standards and layouts of all required fire protection devices and systems.

(p) Building pressurization criteria.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

RULE: 61G15-34.007 – Design of Plumbing Systems

CHANGE: Clarified existing language.
PUBLISHED: March 14, 2008 - Florida Administrative Weekly
EFFECTIVE: November 13, 2008

61G15-34.007 – Design of Plumbing Systems

(1) Plumbing systems are those systems within a building that convey fluids and gases generally as required by building codes.

(2) Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following:

(a) Equipment schedules for all plumbing fixtures, water heaters, boilers, pumps, grease traps, septic tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains.

(b) Floor plans, site plans, and building and plumbing system elevations are appropriate.

(c) Potable Water isometric diagrams with pipe sizes and total water fixture units.

(d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units.

(e) Storm riser diagrams with pipe sizes and cumulative drain area square footages.

(f) Cold water, hot water, sanitary, and storm drainage piping layouts.

(g) System isometrics and flow diagrams of other fluids and gases.

(h) Design data for septic tank, grease trap(s), drain field sizing, when applicable.

(i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements.

(j) Design shall be in accordance with handicap requirements adopted by the authority having jurisdiction.

(k) Instrumentation and Control Diagrams and sequence of operation.

(l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings.

(m) Materials for all plumbing systems shall be specified.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended 11-13-08.

Chapter 3

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

Few changes have been made to the following sections of Chapter 455, F.S. within the preceding biennium:

455.203 – Department; Powers and Duties
455.213 – General Licensing Provisions
455.2178 – Continuing Education Providers

The revised statutory requirements associated with each of the aforementioned sections of this chapter are indicated below.

There has been no changes to the Florida Statues pertaining to Chapter 471, F.S. within the preceding biennium.

STATUTE: 455.203 – Department; Powers and Duties

CHANGE: Added authority for the Board to terminate or approve lincense applications.

455.203 – Department; powers and duties

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board, subject to the approval of the board.

(3) Submit an annual budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules and fiscal information relating to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(6) Establish by rule procedures by which the department shall use the expert or technical advice of the appropriate board for the purposes of investigation, inspection, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of any board or panel thereof and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of the respective boards.

(9) Work cooperatively with the Department of Revenue to implement an automated method for periodically disclosing information relating to current licensees to the Department of Revenue. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court or the Department of Revenue pursuant to s. 409.2598, suspend or deny the license of any licensee found not to be in compliance with a support order, subpoena, order to show cause, or written agreement entered into by the licensee with the Department of Revenue. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court or the Department of Revenue that the licensee has complied

with the terms of the support order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.

(10) Have authority to:

(a) Close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency; and

(b) Approve applications for professional licenses that meet all statutory and rule requirements for licensure.

***History.**--s. 5, ch. 79-36; s. 27, ch. 81-302; s. 7, ch. 83-329; s. 15, ch. 86-285; s. 15, ch. 89-162; s. 1, ch. 90-228; s. 37, ch. 92-33; s. 7, ch. 92-149; s. 23, ch. 93-129; s. 10, ch. 93-208; s. 10, ch. 93-262; ss. 63, 64, ch. 94-218; s. 206, ch. 96-410; s. 4, ch. 97-261; s. 117, ch. 98-200; s. 24, ch. 2000-160; s. 51, ch. 2001-158; s. 38, ch. 2005-39; s. 21, ch. 2008-240.*

STATUTE: 455.213 – General Licensing Provisions

CHANGE: Added authority for the Board to enter into agreements with private or public entities to collect electronic fingerprints.

455.213 – General licensing provisions

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (3), the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination.

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

(4) When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the administrative law judge shall submit his or her recommended order to the appropriate board, which shall thereupon issue a Final Order. The applicant for a license may appeal the Final Order of the board in accordance with the provisions of chapter 120.

(5) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(6) Any board that currently requires continuing education for renewal of a license shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department when there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this section. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department when there is no board, that a part of the continuing education hours can be fulfilled by performing research in critical need areas or for training leading to advanced professional certification. The board, or the department when there is no board, may make rules to define underserved and critical need areas. The department shall adopt rules for the administration of continuing education requirements adopted by the boards or the department when there is no board.

(7) Notwithstanding anything to the contrary, any elected official who is licensed pursuant to any practice act within the purview of this chapter may hold employment for compensation with any public agency concurrent with such public service. Such dual service shall be disclosed according to any disclosure required by applicable law.

(8) In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

(9) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the Department of Business and Professional Regulation, and as otherwise provided by law.

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, a fingerprint card containing the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be

forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

(11) Any submission required to be in writing may otherwise be required by the department to be made by electronic means. The department is authorized to contract with private vendors, or enter into interagency agreements, to collect electronic fingerprints where fingerprints are required for registration, certification, or the licensure process or where criminal history record checks are required.

***History.**--s. 5, ch. 79-36; s. 29, ch. 81-302; s. 9, ch. 83-329; s. 7, ch. 84-203; s. 30, ch. 85-175; s. 3, ch. 86-287; s. 1, ch. 89-162; s. 67, ch. 89-374; s. 1, ch. 91-137; s. 10, ch. 91-220; s. 43, ch. 92-33; ss. 13, 76, ch. 92-149; s. 23, ch. 93-129; ss. 1, 4, ch. 96-309; s. 208, ch. 96-410; s. 1078, ch. 97-103; s. 63, ch. 97-170; s. 1, ch. 97-228; s. 10, ch. 97-261; s. 53, ch. 97-278; s. 2, ch. 98-166; s. 37, ch. 98-397; s. 139, ch. 99-251; s. 26, ch. 2000-160; s. 1, ch. 2001-269; s. 9, ch. 2001-278; s. 1, ch. 2007-86.*

STATUTE: 455.2178 – Continuing Education Providers

CHANGE: Added language mandating continuing education providers to electronically report the completion of a licensee's course within 10 business days after successful completion beginning the 30th day prior to the renewal deadline. *(Note: This change will only impact providers conducting distance learning for engineers as they were initially required to report by the 5th day after the closing of the previous month.)*

455.2178 – Continuing education providers

(1) Each continuing education provider shall provide to the department such information regarding the continuing education status of licensees as the department determines is necessary to carry out its duties under s. 455.2177, in an electronic format determined by the department. **After a licensee's completion of a course, the information must be submitted to the department electronically no later than 30 calendar days thereafter. However, the continuing education provider shall electronically report to the department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner.** The foregoing applies only if the profession has not been granted a waiver from the monitoring requirements under s. 455.2177. Upon the request of a licensee, the provider must also furnish to the department information regarding courses completed by the licensee.

(2) Each continuing education provider shall retain all records relating to a licensee's completion of continuing education courses for at least 4 years after completion of a course.

(3) A continuing education provider may not be approved, and the approval may not be renewed, unless the provider agrees in writing to provide such cooperation under this section and s. 455.2177 as the department deems necessary or appropriate.

(4) The department may fine, suspend, or revoke approval of any continuing education provider that fails to comply with its duties under this section. Such fine may not exceed $500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted pursuant to s. 455.225.

(5) For the purpose of determining which persons or entities must meet the reporting, recordkeeping, and access provisions of this section, the board of any profession subject to this section, or the department if there is no board, shall, by rule, adopt a definition of the term "continuing education provider" applicable to the profession's continuing education requirements. The intent of the rule shall be to ensure that all records and information necessary to carry out the requirements of this section and s. 455.2177 are maintained and

transmitted accordingly and to minimize disputes as to what person or entity is responsible for maintaining and reporting such records and information.

(6) The department may adopt rules under ss. 120.536(1) and 120.54 to implement this section.

History.--*s. 158, ch. 99-251; s. 3, ch. 2004-292; s. 2, ch. 2007-86.*

Chapter 4

Review of the Disciplinary Process

Investigating the Complaint

Complaints against licensed professional engineers can be filed by anyone. Once filed, the Board will investigate the complaint if it is in writing, signed by the complainant, and legally sufficient. If the complaint is anonymous (unsigned), the Board will investigate the complaint provided it is in writing, legally sufficient, and the alleged violation of law or rules is substantial and true.

In order to determine legal sufficiency, the Board may investigate the complaint to determine whether supporting information or documentation is required. The Board may still investigate and take appropriate final action on a complaint even if the complainant withdraws the complaint or desires not to proceed with it.

"A complaint is considered legally sufficient if it contains facts showing that a violation of any provision of Chapter 455 and Chapter 471, or any other rule of the board, has occurred."

Notifying the Subject

When the Board initiates the investigation, it will provide the subject or the subject's legal counsel a copy of the complaint. The subject has 20 days from the date of issue to respond to the complaint. The subject's written response shall be considered by the probable cause panel as part of the evidence.

Finding Probable Cause

When the Board's investigation is complete and legally sufficient, the Board will prepare and submit the investigative report to the probable cause panel. In turn, the probable cause panel will determine if a probable cause exists by a majority vote within 30 days after receiving the final investigative report from the Board.

"The probable cause panel shall be composed of either three active Board members or two active board members and one former board member. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year."

If the probable cause panel finds that probable cause exists, it will advise the Board to file a formal complaint against the subject and recommend the appropriate penalties. The Board may elect to concur with the panel's recommendations, file a formal complaint against the subject of the investigation and issue a Final Order. However, the Board may decide to override the panel's recommendations if it finds that probable cause had been extravagantly found by the panel, thereby reducing the penalties as part of the Final Order.

In lieu of a finding of probable cause, the probable cause panel may issue a letter of guidance to the subject.

Study Question 6:

Who is the PCP and what is its role?

Addressing the Violation

The subject has the right in addressing the formal complaint in one of the following ways:

a. Attend to a formal hearing before an administrative law judge from the Division of Administrative Hearings where the subject can raise any disputed issues of material fact. The administrative law judge will issue a recommended order.

b. Attend to an informal hearing where disputed issues of material fact may not be raised by any party. If raised, the informal hearing will be terminated and a formal hearing will be held.

c. Enter into a stipulation issued by the Board.

Study Question 7:

List the three methods a subject may address a violation.

Issuing the Final Order

The Board will determine and issue the Final Order in each disciplinary case regardless of the method used to settle a complaint. Such order constitutes the final agency action. Any consent order or agreed settlement will be approved by the Board. The Board may elect one of the following actions:

a. Dismiss any case, or any part thereof, if the Board determines that there is insufficient evidence to support the case.

b. Provide the subject with a notice of noncompliance for an initial offense of a minor violation as described under the "Disposing Violations" section below.

"A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm to a person, or adversely affect the public health, safety, or welfare or create a significant threat of such harm."

c. Impose any of the disciplinary penalties upon the subject when found to be in violation of Chapters 455, F.S. and 471, F.S. These penalties are indicated under the "Disciplinary Guidelines" section below as well as described in greater detail under Appendix A, "Range of Penalties".

Imposing Disciplinary Penalties

The Board has established disciplinary guidelines from which disciplinary penalties are imposed. The guidelines are based upon a single count violation of each provision listed. Multiple counts of violations will be grounds for increasing the penalties. Any penalty, or combination thereof, is issued as part of the Final Order at the Board's discretion.

All probation penalties include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Other terms may be imposed by the Board at its discretion.

The bottom line is that if you commit one of the following acts:

(a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board, or department.

(b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations.

(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.

(d) Being convicted or found guilty of, or entering a plea of 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.

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed engineer.

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(g) Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering.

(h) Violating chapter 455.

(i) Practicing on a revoked, suspended, inactive, or delinquent license.

(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.

(k) Violating any order of the board or department previously entered in a disciplinary hearing.

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Study Question 8:

Who is responsible for issuing the final order including the imposition of disciplinary penalties?

Study Question 9:

What constitutes a minor violation?

You will be issued one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(g) Restitution.

Aggravating and Mitigating Circumstances

The Board may deviate from the aforementioned guidelines if there is clear and convincing evidence of aggravating or mitigating circumstances. Whether a Hearing Officer of the Division of Administrative Hearings may or may not have been aware will not avert the duty of the Board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

Aggravating circumstances which may cause the enhancement of a penalty beyond the maximum level of discipline include the following:

1. History of previous violations of the practice act and the rules promulgated thereto.

2. Magnitude and scope of the project and the damage inflicted upon the general public by the licensee's negligence

3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.

4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S., has previously been issued to the licensee.

Mitigating circumstances which may cause the lessening of a penalty beyond the minimum level of discipline include the following:

1. Minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the licensee's negligence.

2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.

3. Restitution of any damages suffered by the licensee's client.

4. The licensee's professional standing among his peers including continuing education.

5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.

Disposing the Violation

The Board may dispose of any violations in one of the following ways:

Notice of Non-Compliance:

The following violations may be disposed of by notice of noncompliance for an initial offense for the following violations:

(a) Failure to date documents when affixing signature and seal.

(b) Practice with an inactive or delinquent license less than one (1) month.

(c) Firm practicing without a current certificate of authorization less than one (1) month.

A second offense will result in issuance of a citation pursuant to Rule 61G15-19.0071, FAC. The subject has fifteen (15) days from the date the citation becomes a Final Order to pay the fine and costs.

Mediation

The following violations may be disposed of by mediation for a first offense:

(a) Practice with an improper seal.

(b) Failure to date documents when affixing signature and seal.

Citations

The following violations with the accompanying fines may be disposed of by citation:

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been duly certified. The fine shall be $100 for each month or fraction thereof of said activity, up to a maximum of $5,000. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) Practice with an inactive or delinquent license more than one (1) month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be $100 for each month or fraction thereof. (See Section 471.033(1)(i), F.S.)

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 certificate holder for the purpose of assessing a penalty in an amount established by this rule.

(c) Firm practicing without a current certificate of authorization more than one (1) month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be $100 for each month or fraction thereof. (See Section 471.023, F.S.)

(d) Failure to notify the Board of a change in the principal officer of the corporation or partner in a partnership who is the qualifying professional engineer for said corporation or partnership within one (1) month of such change. The fine shall be $500. (See Section 471.023(4), F.S.)

If the subject does not dispute the citation in writing within thirty (30) days, the citation will become a Final Order of the Board. The subject has thirty (30) days from the date the citation becomes a Final Order to pay the fine and costs.

Study Question 10:

List the three methods of disposing violations.

Confidentiality of Investigations

The investigation records are confidential until an investigation ceases to be active. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the Board has not exercised its option to pursue the case or ten (10) days after the Board makes a determination regarding probable cause. However, in response to an inquiry about the licensure status of an individual, the management corporation may disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public such as negligence or misconduct.

Chapter 5

Review of Disciplinary Cases

The following disciplinary cases were extracted from the Board's bimonthly meeting minutes within the preceding biennium. In selecting theses cases, different scenarios of violations are depicted along with their corresponding Final Orders issued by the Board.

FEMC Case No: 2006018580
FEMC Case No: 2004036973
FEMC Case No: 2004044194
FEMC Case No: 2004049418
FEMC Case No: 2005004444
FEMC Case No: 2004052785

Applicability of the Florida Laws and Rules to each individual case is discussed below.

FEMC CASE No: 2006018580

DOCUMENT: FBPE Meeting Minutes, February 2007
RESPONDENT: Not Represented by Counsel
PCP: Mathews, Seckinger, Hogenkamp
CHARGE: Negligence

Case Review

The Respondent was present for his hearing but was not represented by counsel.

The Respondent has been charged by an Administrative Complaint with negligence in the practice of engineering relating to a design for a fabric awning installation in Coral Gables, Florida. The design contained deficiencies that did not conform to acceptable standards to the practice of engineering.

The Respondent has entered into a stipulation with FEMC for a reprimand; $1,000.00 administrative fine and costs of $990.00; probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; submit a list of projects completed by him at six (6) and eighteen (18) month intervals; successfully complete the Board's study guide; and he agrees to appear before the Board to explain the quality control process he currently uses, and what steps he plans to take to improve this process in the future.

PCP Recommendation: The Stipulation is identical to the terms recommended by the Probable Cause Panel.

The Respondent was sworn in prior to addressing the Board.

Mr. Rebane asked The Respondent how he plans to improve his quality of control, and what steps he plans to take to improve this process on future projects. The Respondent asserted he had already implemented quality control over his projects by working much slower and with another associate who checks his work.

Prior to a call for a motion, Mr. Burke asked The Respondent why he failed to address the City of Coral Gables concerns. The Respondent stated that his engineering staff was involved with the City of Coral Gables building officials. He believed his staff responded and addressed the building officials concerns. He felt his staff did their job.

Upon a motion by Mr. Charland seconded by Mr. Rivera, the Settlement Stipulation was approved.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of negligence. Negligence, as defined by the Florida Administrative Code, Section 61G15-19.001(4), is "the failure by a

professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles."

The Respondent elected to enter into a stipulation that the probable cause panel recommended and the Board approved. In this case, the stipulation resulted in minimum penalties for negligence indicated in the Florida Administrative Code, Section 61G15-19.0004(2)(a) along with penalities associated with probation.

FEMC CASE No: 2004036973

DOCUMENT:	FBPE Meeting Minutes, February 2007
RESPONDENT:	Not Represented by Counsel
PCP:	Mathews, Seckinger, Hogenkamp
CHARGE:	Fraud; No Certificate of Authorization

Case Review

The Respondent was not present for his hearing and was not represented by counsel.

The Respondent has been charged by an Administrative Complaint with one count of fraud or deceit when he delivered false documents as if it were an authentic permit; and with one count for violating a provision of Chapter 471, F.S. by violating providing engineering services through the Respondent's engineering firm, Inc., an entity that does not have a Certificate of Authorization.

The Respondent does not dispute the allegations and has elected an informal hearing before the Board.

PCP Recommendation: a reprimand, $10,000.00 administrative fine, $1,527.00 in costs, and revocation of the Respondent's license.

Upon a motion by Mr. Burke seconded by Mr. Charland, the motion to accept the PCP recommendation was approved.

In discussion, it was decided the Respondent would be required to complete his outstanding projects and pay his fine, if he should reapply for licensure in the future.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of fraud or deceit and one count of firm practicing without a Certificate of Authorization. The Respondent did not dispute the facts and elected an informal hearing.

"Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering" constitute grounds for disciplinary actions as indicated under Section 471.033 (1)(g) of the Florida Statutes.

Furthermore, "a certificate of authorization is required for any business organization or other person practicing under a fictitious name, offering engineering services to the public" as stipulated under Section 471.023(2) of the Florida Statutes.

In this case, the probable cause panel recommended penalties above and beyond the maximum penalties, due to aggravating circumstances which the Board approved as part of its Final Order.

FEMC CASE No: 2004044194

DOCUMENT:	FBPE Meeting Minutes, April 2007
RESPONDENT:	Represented by David P. Rankin, Esquire
PCP:	Mathews, Burke, Seckinger
CHARGE:	Practicing Architecture; Negligence; Omission of Name, Address and Certificate of Authorization Number

Case Review

The Respondent was present for his hearing and was represented by David P. Rankin, Esquire.

The Respondent has been charged by an Administrative Complaint with one count for practicing architecture and seven counts of negligence (one of those counts also includes incompetence and miscount) relating to his Emergency Insurance Restoration project, and one count for failing to include the name, address and Certificate of Authorization number on each sheet.

The Respondent has entered into a stipulation with FEMC for a reprimand; $5,000.00 administrative fine and costs of $3,909.90; appearance before the Board; probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; he is restricted from engaging in the design of any electrical systems as stated in Rule 61G15-33.002(4), F.A.C. unless and until he takes and passes Part Two of the NCEES electrical engineering examination; and he shall submit a list of projects completed by him after six (6) months of his probation has elapsed.

If the Respondent has not performed engineering services on a sufficient number of projects to make a submittal, the period of probation addressed to his electrical practice will be extended indefinitely. The Respondent's remaining engineering practice regarding his probation may continue to the following terms which states he must submit a list of acceptable commercial structural design projects, exclusive of interior build outs completed by him at six (6) and eighteen (18) month intervals.

If he has not performed engineering services on a sufficient number of projects to make a submittal the terms of probation shall be extended for six (6) months; however, if the extension has expired he does not perform sufficient engineering services to meet the requirements of the terms of probation, his license shall be placed on voluntary inactive status and shall remain on such status, provided he meets the requirements of 455.227, unless he notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time; he shall successfully complete the Board's study guide.

PCP Recommendation: Reprimand, $16,000.00 administrative fine (7 acts of negligence @ $2,000.00, 1 ct. practicing architecture @ $1,000.00 and 1 ct. of violating a rule of the

Board @ $1,000.00), costs, 1 yr. suspension, 2 yrs. Probation with plan review at 6 & 18 mos., Board approved course in Professionalism and Ethics, study guide, and an appearance before the Board to explain how he intends to practice during his period of suspension and his understanding of the difference of performing architecture.

The Respondent was sworn in prior to addressing the Board.

Mr. Rebane asked staff to explain why the proposed stipulation does not include the PCP's suspension recommendation. Specifically, he stated Count Three #8 items a – h of the Administrative Complaint only reflect a restriction from practicing electrical only. Mr. Rebane felt the Administrative Complaint reflected concerns in other disciplines. The FEMC Prosecutor addressed the Board and the Respondent explained his experience in each of the disciplines listed in the Administrative Complaint.

Upon a motion by Dr. Bauer seconded by Mr. Charland, the Settlement Stipulation was approved.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of practicing architecture, multiple counts of negligence and one count of failing to include name, address and Certificate of Authorization number on each sheet.

With regards to practicing architecture, "No licensee shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein", as stipulated under Section 471.025(3) of the Florida Statutes.

Following penalty recommendations by the probable cause panel, the Respondent elected to enter into a stipulation with FEMC. In this case, the Board reduced the administrative penalties as part of approving the stipulation and issuing its Final Order.

FEMC CASE No: 2004049418

DOCUMENT: FBPE Meeting Minutes, April 2007
RESPONDENT: Not Represented by Counsel
PCP: Mathews, Seckinger, Hogenkamp
CHARGE: False Filing; Fraud; Negligence

Case Review

The Respondent was present for hearing, but not represented by counsel.

The Respondent has been charged by an Administrative Complaint with one count for filing a false Building Permit Affidavit and an Inspection for Permit by Affidavit to the Manatee County Building Department, one count for engaging in fraud or deceit regarding the affidavits, and one count of negligence in the practice of engineering.

The Respondent has entered into a stipulation with FEMC for a reprimand, $6,000.00 administrative fine and costs of $165.00, he agreed to appear before the Board to explain what his plans will be while under suspension, and what his firm will do for a qualifier while he is suspended. Pursuant to the stipulation in case number 2004057423, The Respondent's suspension is scheduled to end on September 12, 2007; however, he has agreed to an additional six (6) months suspension ending on March 12, 2008. This will effectively impose an eighteen (18) month suspension. In addition, The Respondent shall appear before the Board following the suspension period to lift the suspension and to discuss his understanding of how his quality control impact the health, safety, and welfare of the public and his understanding of ethical practice.

Note: The events that led to this complaint predate the events of FEMC case number 2004057423.

PCP Recommendation: Reprimand, a $9,000.00 administrative fine and costs of $165.00, and suspension for two years. The Respondent must appear before the Board to explain what his plans will be while under suspension, and what his firm will do for a qualifier while he is suspended. The Respondent must appear before the Board again to lift the suspension, and to explain his understanding of how his quality control impacts the health, safety, and welfare of the public, and what his understanding of ethical practice.

The Respondent was sworn in prior to addressing the Board.

Mr. Rebane asked the Respondent to explain how he will conduct his business while under suspension. The Respondent indicated that an alternate P.E. will serve as qualifier for his business, and also he has refrained from practicing structural engineering.

Mr. Burke asked if the new qualifier was in-house and he asked staff to address the short suspension recommendation. The FEMC Prosecutor explained the suspension recommendation. The Respondent asserted his Vice President will assume responsibility as qualifier for his business.

After questions posed by Mr. Burke it was suggested for future cases that a review of the FBC [be conducted] to determine possible conflicts of interest in cases with charges such as the Respondent.

Upon a motion by Mr. Burke seconded by Dr. Bloomquist, the Settlement Stipulation was approved.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of false filing, one count of fraud, and one count of negligence. The Respondent elected to enter into stipulation with FEMC.

In the case of false filing, “Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing” constitutes grounds for disciplinary action as stipulated under Section 471.033(1)(e) of the Florida Statutes.

Following penalty recommendations by the probable cause panel, the Respondent elected to enter into a stipulation with FEMC. In this case, the Board reduced the administrative penalties as part of approving the stipulation and issuing its Final Order.

FEMC CASE No: 2005004444

DOCUMENT: FBPE Meeting Minutes, June 2007
RESPONDENT: Represented by John W. Foster, Esquire
PCP: Mathews, Seckinger, Hogenkamp
CHARGE: Inactive License

Case Review

The Respondent was not present.

The Respondent has been charged by an Administrative Complaint of one charge of practicing engineering on an inactive license. The Respondent voluntarily placed his license on inactive status on January 6, 2003, and it remained inactive until December 1, 2005. During that time, the Respondent represented himself to Kenneth Revell as a civil engineer and prepared an engineer's report on Mr. Revell's hurricane damaged home.

The Respondent has entered into a stipulation with FEMC for costs of $332.00 and he agrees to complete the Study Guide prepared by the Board of Professional Engineers within 30 days as well as a Board-approved course in Engineering Professionalism and Ethics within one year.

PCP Recommendation: Reprimand; $200.00 administrative fine ($100.00 per month for 2 months); costs of $132.00; Restitution to Kenneth W. Revell; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of provisions on license.

The Board inquired why the settlement stipulation did not include the penalty recommended by the PCP. Mr. Rimes stated the main recommendations of the PCP appear in the Stipulation, he suggested the Board did not have the authority to award restitution. The Board expressed concern that the Respondent was not required to appear in front of the Board. This concern was noted for future cases.

Upon a motion by Dr. Bauer and seconded by Mr. Charland, the stipulation was approved.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of practicing on an inactive license. As stipulated under Section 471.031(1)(a) and (1)(b)(1) of the Florida Statutes:

(1) A person may not:
(a) Practice engineering unless the person is licensed or exempt from licensure under this chapter.
(b)1. Except as provided in subparagraph 2. or subparagraph 3. [of Section 471.031(1)(b)(2),(3)], use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person

holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer," "electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer," "computer hardware engineer," or "systems engineer.""

The Respondent elected to enter into a stipulation that the probable cause panel recommended and the Board approved except for restitution. Although restitution is listed as one of the penalties authorized to be imposed by the Board as stipulated under Section 471.033(3)(g) of the Florida Statutes, the FEMC prosecutor advised the Board does not have the authority to award restitution in this case.

FEMC CASE No: 2004052785

DOCUMENT: FBPE Meeting Minutes, October 2007
RESPONDENT: Not Represented by Counsel
PCP: Mathews, Burke, Seckinger
CHARGE: Misconduct

Case Review

On November 28, 2006, an Administrative Complaint charged the Respondent with one count of misconduct for facilitating the use of his seal on hundreds of reports that were not prepared, produced or reviewed by him. After conducting an informal hearing at the Board's February 2006 Board meeting, the Board entered on Final Order April 13, 2006 imposing a 30-day suspension, a $5,000 fine, costs of $157.35, a one-year period of probation with two plan reviews, completion of a Board approved course on professionalism and ethics, and completion of the Board's Study Guide.

The Respondent decided to appeal the Final Order and after various motions by the Respondent and briefs filed by both parties, the Respondent lost his appeal on July 27, 2007.

Rather than abide by the terms of the Final Order, the Respondent has decided to voluntary relinquish his professional engineer's license. On September 8, 2007, he signed a settlement stipulation to that effect.

The Respondent was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepted the Settlement Stipulation for Voluntary Relinquishment of his license.

Applicability of the Laws and Rules

In this case, the Respondent was charged with one count of misconduct. Misconduct, as stipulated in Section 61G15-9.001(6) includes, but is not be limited to:

(a) Expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon;
(b) Being untruthful, deceptive or misleading in any professional report, statement or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;
(c) Performing an engineering assignment when not qualified by training or experience in the practice area involved;

1. All professional engineer asbestos consultants are subject to the provisions of Sections 455.301 - .309, F.S., Chapter 471, F.S., and Rule 61G15-19, F.A.C., and shall be disciplined as provided therein.
2. The approval of any professional engineer as a “special inspector” under the provisions of Chapter 553, F.S., does not constitute acceptance by the Board that any such professional engineer is in fact qualified by training or experience to perform the duties of a “special inspector” by virtue of training or experience. Any such professional engineer must still be qualified by training or experience to perform such duties and failure to be so qualified could result in discipline under this chapter or Chapter 471, F.S.;
(d) Affixing a signature or seal to any engineering plan of document in a subject matter over which a professional engineer lacks competence because of inadequate training or experience;
(e) Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;
(f) Becoming involved in a conflict of interest with an employer or client, without the knowledge and approval of the client or employer, but if unavoidable a professional engineer shall immediately take the following actions:
1. Disclose in writing to his employer or client the full circumstances as to a possible conflict of interest; and
2. Assure in writing that the conflict will in no manner influence the professional engineer’s judgment or the quality of his services to his employer or client; and
3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer;
(g) Soliciting or accepting financial or other valuable considerations from material or equipment suppliers for specifying their products without the written consent to the engineer’s employer or client;
(h) Soliciting or accepting gratuities directly or indirectly from contractors, their agents or other parties dealing with the professional engineer’s client or employer in connection with work for which the professional engineer is responsible without the written consent of the engineer’s employer or client;
(i) Use by a professional engineer of his engineering expertise and/or his professional engineering status to commit a felony;
(j) Affixing his seal and/or signature to plans, specifications, drawings or other documents required to be sealed pursuant to Section 471.025(1), F.S., when such document has not been personally prepared by the engineer or prepared under his responsible supervision, direction and control;
(k) A professional engineer shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows or has reason to believe is engaging in business or professional practices of a fraudulent or dishonest nature;
(l) If his engineering judgment is overruled by an unqualified lay authority with the results that the public health and safety is threatened, failure by a professional engineer to inform his employer, responsible supervision and the responsible public authority of the possible circumstances;
(m) If a professional engineer has knowledge or reason to believe that any person or firm is guilty of violating any of the provisions of Chapter 471, F.S., or any of these rules of professional conduct, failure to immediately present this information to FEMC;
(n) Violation of any law of the State of Florida directly regulating the practice of engineering;
(o) Failure on the part of any professional engineer or certificate holder to obey the terms of a Final Order imposing discipline upon said professional engineer or certificate holder;

(p) Making any statement, criticism or argument on engineering matters which is inspired or paid for by interested parties, unless the professional engineer specifically identifies the interested parties on whose behalf he is speaking and reveals any interest he or the interested parties have in such matters;
(q) Sealing and signing all documents for an entire engineering project, unless each design segment is signed and sealed by the professional engineer in responsible charge of the preparation of that design segment;
(r) Revealing facts, data or information obtained in a professional capacity without the prior consent of the professional engineer's client or employer except as authorized or required by law."

Initially the Respondent elected an informal hearing which resulted in a Final Order imposing certain penalties. Instead of abiding with the Final Order, the Respondent decided to voluntarily relinquish his license; which is above and beyond what the Board has imposed. The Board approved the Respondent's action through a settlement stipulation.

Appendix A

Range of Penalties (61G15-19.004)

VIOLATIONS	MINIMUM PENALTY	MAXIMUM PENALTY
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of Chapter 471, F.S., or rule of the Board or Department (Sections 471.033(1)(a), 455.227(1)(b), (q), F.S.)	Reprimand and $1,000 fine	One (1) year suspension, two (2) years probation and $5,000 fine
1. Failure to sign, seal or date documents (Section 471.025(1), F.S.)	Reprimand	Reprimand and one (1) year probation
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended (Section 471.025(2), F.S.)	Suspended license: Revocation and $1,000 fine Revoked license: Referral to State's Attorney's office	
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation
4. Firm practicing without certificate of authorization (Section 471.023, F.S., subsection 61G15-19.001(3), F.A.C.)	Reprimand	Revocation
5. Failure to complete continuing education	Suspend until licensee demonstrates compliance	Revocation

6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer (Section 471.031(1)(a), (b), F.S.)	$1,000 fine per count	$5,000 fine per count
7. Presenting as his or her own the license of another (Section 471.031(1)(c), F.S.)	$1,000 fine per count	$5,000 per count and revocation
8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter (Section 471.031(1)(d), (g), F.S.)	$1,000 fine per count	$5,000 per count and revocation
9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Sections 471.031(1)(f), 455.227(1)(j), F.S.)	$1,000 fine per count and reprimand	$5,000 per count and revocation
10. Having been found liable for knowingly filing a false complaint against another licensee (Section 455.227(1)(g), F.S.)	$1,000 fine per count and reprimand	$5,000 fine per count and revocation
11. Failing to report a person in violation of Chapter 455, Chapter 471, F.S., or the rules of the Board or the Department (Section 455.227(1)(i), F.S.)	Reprimand	Reprimand, $5,000 per count and suspension for one (1) year
12. Failing to perform any statutory or legal obligation (Section 455.227(1)(k), F.S.)	Reprimand	Revocation
13. Exercising influence on a client for financial gain (Section 455.227(1)(n), F.S.)	Reprimand	Revocation
14. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	$1,000 fine per count and probation for one (1) year	Revocation
15. Improperly interfering with an investigation or inspection or disciplinary proceeding (Section 455.227(1)(r), F.S.)	$1,000 fine per count and probation for one (1) year	Revocation

(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department (Sections 471.033(1)(b), 455.227(1)(h), F.S.)	Revocation and $1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney	
(c) Having a license to practice engineering acted against or denied by another jurisdiction (Sections 471.033(1)(c), 455.227(1)(f), F.S.)	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes	
(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to a crime which relates to the practice or ability to practice (Sections 471.033(1)(d), 455.227(1)(c), F.S.)	Misdemeanor: reprimand and one (1) year probation Felony: Revocation and $1,000 fine	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation
2. Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a), F.A.C.)	Misdemeanor: reprimand and one (1) year probation Felony: Revocation and $5,000 fine	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation
(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing (Section 471.033(1)(e), F.S., paragraph 61G15-19.001(7)(c), F.A.C., Section 455.227(1)(l), F.S.)	One (1) year suspension, two (2) years probation, $1,000 fine	Revocation and $5,000 fine
(f) Fraudulent, false, deceptive or misleading advertising (Section 471.033(1)(f), F.S., subsection 61G15-19.001(2), F.A.C.)	Reprimand	Reprimand, one (1) year probation and $5,000 fine
(g) Fraud, deceit, negligence, incompetence or misconduct (Sections 471.033(1)(g), 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	Reprimand, two (2) years probation and $1,000 fine	$5,000 fine and revocation
2.a. Negligence (subsection 61G15-19.001(4), F.A.C.)	Reprimand, two (2) years probation and $1,000 fine	Reprimand, $5,000 fine, five (5) year suspension and ten (10) years probation

b. As a special inspector	Reprimand, two (2) years probation and $1,000 fine	Reprimand, $5,000 fine, five (5) year suspension and ten (10) years probation or revocation
3. Incompetence (subsection 61G15-19.001(5), F.A.C.)	Suspension until ability to practice proved followed by probation	
4. Misconduct (subsection 61G15-19.001(6), F.A.C.)	$1,000.00 fine per count and reprimand	Revocation
a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion (paragraph 61G15-19.001(6)(a), F.A.C.)	Reprimand and $1,000 fine per count	Revocation
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion (paragraph 61G15-19.001(6)(b), F.A.C.)	Reprimand and $1,000 fine per count	Revocation
c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies (paragraph 61G15-19.001(6)(e), F.A.C.)	$5,000 fine per count and suspension for five (5) years	Revocation
d. Soliciting or accepting gratuities without client knowledge (paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, one (1) year suspension, two (2) years probation and $5,000 fine
e. Failure to preserve client's confidence (paragraph 61G15-19.001(6)(r), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)
f. Professional judgment overruled by unqualified person (paragraph 61G15-19.001(6)(i), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, one (1) year suspension, two (2) years probation and $5,000 fine

g. Use of name/firm in fraudulent venture (paragraph 61G15-19.001(6)(k), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation
h. Undisclosed conflict of interest (paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand, $1,000 fine and two (2) years probation	Revocation and $5,000 fine
(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h), 455.227(1)(q), F.S.)	Reprimand and $1,000 fine per count	$5,000 fine per count and revocation
(i) Practicing on a revoked, suspended, inactive or delinquent license (Sections 471.033(1)(i), 471.031(1)(e), F.S.)		
1. Delinquent license	Reprimand	Revocation
2. Inactive license	Fine based on length of time in practice while inactive; $100/month or $1,000 maximum, renewal of license or cease practice	
3. Suspended license	Revocation and $1,000 fine	
4. Revoked license	Referral to State Attorney	
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control (Section 471.033(1)(j), F.S., paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and $1,000 fine	Reprimand, $5,000 fine, one (1) year suspension and two (2) years probation
(k) Violating any order of the Board or department (Section 471.033(1)(k), F.S.,	Suspension and $1,000 fine	Revocation and $5,000 fine
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	Reprimand and $1,000 fine per count	$5,000 fine per count and revocation

Appendix B

Answers to Study Questions

Study Question 1:

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

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 are the engineering decisions that must be made by the Engineer of Record?

1. Selecting engineering alternatives to be investigated and the comparison of alternatives for engineering works.
2. Selecting or developing design standards or methods, and materials to be used.
3. Selecting or developing techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.
4. Developing and controlling operation and maintenance procedures.

Study Question 4:

How should the sealing of mylar documents be handled by the professional engineer?

A professional engineer should not seal original documents made of mylar, linen, sepia or other materials which can be changed by the entity with whom such document(s) are filed unless the professional engineer accompanies such document(s) with a signed and sealed letter making the receiver aware that copies of the original document as designed by the professional engineer have been retained by the professional engineer and that the professional engineer will not be responsible for any subsequent changes to the reproducible original documents.

Study Question 5:

What is the difference between "Prime Professional" and "Delegated Engineer?"

A "Prime Professional" is a Florida professional engineer or a duly qualified engineering corporation or partnership, who is engaged by the client to provide any planning, design, coordination, arrangement and permitting for the project and for construction observations in connection with any engineering project, service or creative work.

A "Delegated Engineer" is a Florida professional engineer who undertakes a specialty service and provides services or creative work (delegated engineering document) regarding a portion of the engineering project.

Study Question 6:

Who is PCP and what is its role?

The probable cause panel (PCP) consists of either three active Board members or two active Board members and one former Board member who are appointed as a standing probable cause committee at the first Board meeting of each calendar year for one year term.

The primary function of the PCP is to review the investigative report provided by the Board to determine if probable cause is found. If found, the PCP recommends the appropriate penalties to the Board. If not found, the PCP may issue a letter of guidance.

Study Question 7:

List the three methods a subject may address a violation:

1. Attend a formal hearing before an administrative law judge where the subject can raise any disputed issues of material fact.
2. Attend an informal hearing where disputed issues of material fact may not be raised by any party.
3. Enter into a stipulation issued by the Board.

Study Question 8:

Who is responsible for issuing the Final Order including the imposition of disciplinary penalties?

The Florida Board of Professional Engineers makes all final decisions pertaining to any disciplinary proceedings and penalties as part of its Final Order.

Study Question 9:

What constitutes a minor violation?

A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm to a person, or adversely affect the public health, safety, or welfare or create a significant threat of such harm.

Study Question 10:

List the three methods of disposing violations:

1. Notice of Non-Compliance
2. Mediation
3. Citation

Appendix C

References

Florida Administrative Code: 61G15 – Board of Professional Engineers
http://www.fbpe.org/userfiles/file/61G15%20Document/61G15%20111708.pdf

The 2008 Florida Statutes: Chapter 455 - Business and Professional Regulation: General Provisions
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0455/ch0455.htm

The 2008 Florida Statutes: Chapter 471 - Engineering
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0471/ch0471.htm

Florida Administrative Weekly – Rule Versions That Became Effective
https://www.flrules.org/notice/QuickResult.asp?P0=Stat_FAC_All&P1=0&P2=90

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

Florida Administrative Weekly – FAW Notices Published since January 1, 2006, All Current Effective Rules, and Previous Rule Versions That Existed in FAC on or after October 6, 2006
https://www.flrules.org/notice/resultAdvance.asp?string=a&orgid=61&orid=267&keyword=&ChkFAW=on&sid=&iid=&date1=06%2F02%2F2007&date2=06%2F02%2F2008&ChkFAC=on&date3=06%2F02%2F2007&date4=08%2F02%2F2008&submit=++Search++

Agenda and Minutes – February 2007 (Case No's. 2004036973 and 2006018580)
http://www.fbpe.org/documents/agenda/February_2007_Board_Minutes_final.doc

Agenda and Minutes –April 2007 (Case No's. 2004044194 and 2004049418)
http://www.fbpe.org/documents/agenda/April_2007_Board_minutes_final.doc

Agenda and Minutes – June 2007 (Case No. 2005004444)
http://www.fbpe.org/documents/agenda/June_2007_Joint_Board_meeting_minutes_final.doc

Agenda and Minutes – October 2007 (Case No. 2004052785)
http://www.fbpe.org/userfiles/file/October%202007%20Minutes.pdf

Appendix D

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.**
	36 Phyllis Drive
	Pomona, NY 10970

From:	_____
Phone No:	_____
Fax No:	_____
Email:	_____
Date:	_____
Subject:	**Florida Laws and Rules for Professional Engineers**
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.