

A photograph of a living room. In the foreground, a dark wooden coffee table holds a silver laptop, two glasses, and a bowl. In the background, a red sofa is visible against a wall with a window. The text "2017 – 2019 Florida Laws and Rules" is overlaid on the image.

2017 – 2019  
Florida Laws and Rules

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2017 – 2019 Florida Laws and Rules

By

John H. Southard, M.S., P.E.  
PDHLibrary Course No 02018001  
1 PDH HOURS

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# 2019 FLORIDA LAWS AND RULES COURSE

## **Course Description:**

The Florida Laws and Rules course is designed as a correspondence course that helps to keep the practicing engineer up to date on the legal documents that govern the practice of engineering in the state of Florida.

## **Objectives:**

The primary objective of this course is to familiarize the student with the laws and rules regulating the practice of engineering in the state of Florida. The course will focus on changes to the laws and rules that have been implemented during the previous biennium from February 2015 to October 2017. Upon successful completion of the course, the student will be well versed of these changes and will have a better understanding of the disciplinary process.

## **How to Read this Course:**

Only the recently revised sections of the 61G15 chapter of the Florida administrative code have been included in this cycle's version of our Florida laws and rules course. Since the purpose of the course is to learn about the changes to the code the student is not expected to read every section of 61G15 but is to focus on the revised rules.

In order to complete this course, the student must pass the quiz published in the final chapter of the course. It is recommended that the student keep these questions in mind as they read through the course.

## **Topics Covered:**

Rules adopted, amended or repealed during the immediately preceding biennium

Changes to Chapters 455 and 471, F.S made by the legislature during the preceding biennium that pertain to the practice of engineering.

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

**Grading:**

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary. The student will be asked at the end of the quiz to attest that he or she has personally and successfully completed all chapters of instruction. The quiz may be viewed in the final chapter of this course and consist of 15 questions.

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# Course Inquiries

This course is designed to be interactive. The readers of this course are encouraged to contact pdhlibrary.com to discuss the practice questions as well as to discuss other questions that may arise while taking this course on the Florida Laws and Rules for Engineers. All inquiries will be answered in within two days or less. The reader can contact [PDHLibrary.com](http://PDHLibrary.com) in the following three ways:

**By Email:**

[mail@pdhlibrary.com](mailto:mail@pdhlibrary.com)

**By Phone:**

Call Southard Engineering, Inc. | [PDHLibrary.com](http://PDHLibrary.com) at 352-367-2526. Business hours are Monday through Friday 10:00 AM to 5:00 PM.

**By Fax:**

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## FACSIMILE TRANSMITTAL SHEET

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**Comments:**

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# Florida Laws and Rules

## Chapter One – Introduction to Florida Laws and Rules

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In this section, we will introduce the Florida Statutes, the Florida Administrative Code (FAC), the Florida Board of Professional Engineers (FBPE), and the Florida Engineers Management Corporation (FEMC) and discuss how they relate to the practice of engineering.

### **The Florida Statutes**

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.

Florida Statutes are the codified, statutory laws of the state; it currently has 48 titles. Title XXXII provides the laws concerning the regulation of professions and occupations. Chapter 455 under title XXXII, provides the general provisions for the regulation of businesses and professions

#### **455.201 - Professions and occupations regulated by department; legislative intent; requirements.**

(2) The **Legislature** further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

Chapter 471 of the Florida Statutes (Engineering) is a collection of laws specifically regulating the practice of engineering.

**471.001 Purpose.**--The **Legislature** deems it necessary in the interest of public health and safety to regulate the practice of engineering in this state.

Chapter 471 established the authority of the Florida Board of Professional Engineers. It also regulates how engineers are licensed, licensing fees, license renewal, seals, prohibitions and penalties, business certifications, disciplinary procedures, etc...

## Florida Board of Professional Engineers (FBPE)

**471.07 Board of Professional Engineers.**--There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are licensed engineers, three shall be civil engineers, one shall be a structural engineer, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an industrial engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering. Members shall be appointed by the Governor for terms of 4 years each.

**471.008 Rulemaking authority.**--The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this chapter or chapter 455 conferring duties upon it.

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.

## Florida Engineers Management Corporation (FEMC)

The Florida Engineers Management Corporation was created to provide administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers in accordance with the provisions of chapter 455 and 471 of the Florida Statutes. It has a seven-member board of directors, five of whom are to be appointed by FBPE and must be registrants regulated by the FBPE and two of whom are to be appointed by the secretary and must be laypersons not regulated by the FBPE. Florida Statute 471.038, the Florida Engineers Management Corporation Act, establishes the laws concerning the FEMC. 61G15-37.001 of the Florida Administrative code also contains rules concerning the FEMC. The FEMC also issues the **certificate of authorization** for engineering businesses every two years.

## Florida Administrative Code (FAC) – Section 61G15

The Florida Administrative Code is the official compilation of the rules and regulations of Florida regulatory agencies such as the Florida Board of Professional Engineers. Its counterpart in the federal system is the Code of Federal Regulations. The Florida Administrative Code is organized by titles with each title number representing a department, commission, board or other agency. 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, Stetson and Nova are also included.

Updates to the Florida Administrative Code are published at <http://www.flrules.org/default.asp>.

Section 61G15 of the Florida Administrative Code applies to the FBPE and the FEMC. It established more specific rules governing licensure, examinations, seals, fees, engineering responsibilities, threshold building inspections, etc...

In Chapter Two is a partial copy of FAC section 61G15 and documents the changes that have occurred during the last biennium. Sections that were revised during the previous biennium show the revisions that were made to them. New text is red and underlined while deleted text is green and crossed out.

Chapter Three documents the changes made during the last biennium to sections 455 and 471 of the Florida Statutes. In this chapter we have printed only the sections that have been changed and we have printed the most recent version of those sections.

Chapter Four is a list of resources that were used to develop this course.

Chapter Five contains the online quiz that you will have to fill out online when you are ready to complete and then pay for the course.

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# Florida Laws and Rules

Chapter Two - Rules adopted, amended  
or repealed during the immediately  
preceding biennium

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<b>Notice:</b>	18341941 (61G15-18.011)
<b>Effective Date:</b>	2/22/2017
<b>Purpose and Effect:</b>	The purpose of the amendment is to incorporate the Florida Fire Prevention Code into the Board's rules by reference.
<b>Summary:</b>	To incorporate the Florida Fire Prevention Code.
<b>Final Rule Date:</b>	2/22/2017

**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.

3. Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the Florida Department of Transportation); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such detail(s) into the engineering work is acceptable engineering practice.

(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.

(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 Section 471.005(7), 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 sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(7), 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) 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.

(6) The term “Florida Building Code” shall mean the Florida Building Code, 5th Edition, (2014), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

(7) The term “Florida Fire Prevention Code” shall mean the Florida Fire Prevention Code, 5th Edition, (2014), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

*Rulemaking 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, 6-2-09, 2-2-12, 6-12-16, 2-22-17.*

<b>Notice:</b>	17431305 (61G15-19.001)
<b>Effective Date:</b>	9/5/2016
<b>Purpose and Effect:</b>	61G15-19.001 - The purpose of the amendment is to clarify that renewal of a license without completion of statutorily required continuing education is a disciplinary violation.
<b>Summary:</b>	61G15-19.001 - Create new disciplinary violation.
<b>Final Rule Date:</b>	9/5/2016

**61G15-19.001 Grounds for Disciplinary Proceedings.**

(1) Pursuant to Section 471.033(2), F.S., the Board, to the extent not otherwise set forth in Florida Statutes, hereby specifies that the following acts or omissions are grounds for disciplinary proceedings pursuant to Section 471.033(1), F.S.

(2) A professional engineer shall not advertise in a false, fraudulent, deceptive or misleading manner. As used in Section 471.033(1)(f), F.S., the term “advertising goods or services in a manner which is fraudulent, false,

deceptive, or misleading in form or content” shall include without limitation a false, fraudulent, misleading, or deceptive statement or claim which:

- (a) Contains a material misrepresentation of facts;
- (b) Omits to state any material fact necessary to make the statement in the light of all circumstances not misleading;
- (c) Is intended or is likely to create an unjustified expectation;
- (d) States or implies that an engineer is a certified specialist in any area outside of his field of expertise;
- (e) Contains a representation or implication that is likely to cause an ordinary prudent person to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;
- (f) Falsifies or misrepresents the extent of his education, training or experience to any person or to the public at large, tending to establish or imply qualification for selection for engineering employment, advancement, or professional engagement. A professional engineer shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments;
- (g) In any brochure or other presentation made to any person or to the public at large, incident to the solicitation of an engineering employment, misrepresents pertinent facts concerning a professional engineer’s employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his works.

(3) A professional engineer, corporation or partnership shall not practice engineering under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection 61G15-19.001(2), F.A.C. When an individual is practicing engineering as a sole proprietor under a combination of his own given name, and terms such as “engineering,” “and associates” or “and company,” then said person is practicing engineering under a fictitious name, and must obtain a certificate of authorization pursuant to Section 471.023(2), F.S. The name of a corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. An engineering firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer, registered architect, land surveyor, landscape architect, or professional geologist, in any state.

(4) A professional engineer shall not be negligent in the practice of engineering. The term negligence set forth in Section 471.033(1)(g), F.S., is herein defined as 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. Professional engineers shall approve and seal only those documents that conform to acceptable engineering standards and safeguard the life, health, property and welfare of the public.

Failure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.

(5) A professional engineer shall not be incompetent to practice engineering. Incompetence in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall mean the physical or mental incapacity or inability of a professional engineer to perform the duties normally required of the professional engineer.

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but 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 469.001 – 459.014, F.S., Chapter 471, F.S., and Chapter 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 or 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.

(s) Renewing or reactivating a license without completion of Continuing Education (CE) hours and subject areas as required by Section 471.017, F.S., and Rule 61G15-22.001, F.A.C.

(7) A professional engineer who performs building code inspector or plans examiner duties in accordance with Section 471.045, F.S., or Sections 468.603(6), (7), F.S., shall be subject to disciplinary action for commission of the following:

(a) Violating or failing to comply with any provision of Chapter 471, F.S., or the rules of the Board of Professional Engineers;

(b) Having been convicted of a crime in any jurisdiction which directly relates to the practice of building code inspection or plans examination;

(c) Making or filing a false report or record, inducing another to file a false report or record, failing to file a report or record required by state or local law, impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.

(8) A professional engineer shall not be negligent in the practice of engineering while performing duties as a special inspector. Negligence is herein defined as 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 and special inspection principles. Failure to comply with the procedures set forth in the Responsibility Rules for Professional Engineers Providing Threshold Building Inspection, as adopted by the Board of Professional Engineers, shall be considered non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the engineer.

*Rulemaking Authority 471.033(2) FS. Law Implemented 471.025(1), 471.033(1)(f), (g), (2) FS. History—New 1-8-80, Amended 6-23-80, 3-23-81, 6-4-85, Formerly 21H-19.01, Amended 5-14-86, 4-23-87, 11-8-88, 1-11-89, 7-3-90, 11-9-92, Formerly 21H-19.001, Amended 11-27-94, 5-20-02, 9-5-16.*

<b>Notice:</b>	17431305 (61G15-19.004)
<b>Effective Date:</b>	9/5/2016
<b>Purpose and Effect:</b>	61G15-19.004 - The purpose of the amendment is to create a penalty guideline for violation of 19.001 as amended.
<b>Summary:</b>	61G15-19.004 - Create a penalty guideline
<b>Final Rule Date:</b>	9/5/2016

**61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.**

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners (including holders of certificate of authorization) guilty of violating Chapter 471, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board's discretion. All impositions of probation as a penalty shall 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.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(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) and 455.227(1)(b), (q), F.S.)	Reprimand and \$1,000 fine, to One (1) year suspension, two (2) years probation and \$5,000 fine	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
1. Failure to sign, seal or date documents  (Section 471.025(1), F.S.)	Reprimand to one (1) year probation	Reprimand and one (1) year probation to Revocation
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	Suspended license: Revocation and \$5,000 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	Reprimand, one (1) year probation and \$1,000 fine; to \$5,000 fine, one (1) year suspension and two (2) years probation	Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation to Revocation

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.)		
4. Firm practicing without certificate of authorization  (Section 471.023, F.S., and subsection 61G15-19.001(3), F.A.C.)	Reprimand, \$1,000 fine to one (1) year suspension and \$5,000 fine	Reprimand, one (1) year suspension and \$5,000 fine to Revocation
<del>5. Failure to complete continuing education  (Section 471.017(3), F.S. and Rule 61G15-22.001, F.A.C.)</del>	<del>Reprimand and \$1,000 fine, to Suspension until licensee demonstrates compliance</del>	<del>Suspension until licensee demonstrates compliance to Revocation</del>
5. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer  (Sections 471.031(1)(a), (b), F.S.)	\$1,000 fine to \$5,000 fine	\$5,000 fine and referral to State Attorney's office
6. Presenting as his or her own the license of another  (Section 471.031(1)(c), F.S.)	\$1,000 fine to \$5,000 fine	\$5,000 fine and referral to State Attorney's office
7. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter  (Sections 471.031(1)(d), (g), F.S.)	\$1,000 fine to \$5,000 fine and suspension	Reprimand and \$5,000 fine to Revocation
8. 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), and 455.227(1)(j), F.S.)	\$1,000 fine and reprimand; to \$5,000 and suspension	Reprimand and \$5,000 fine to Revocation
9. Having been found liable for knowingly filing a false complaint against another licensee  (Section 455.227(1)(g), F.S.)	\$1,000 fine and reprimand; to \$5,000 per count and suspension	Reprimand and \$5,000 fine to Revocation
10. Failing to report a person in violation of Chapter 455, Chapter 471, F.S., or the rules of the Board or the Department	Reprimand to \$5,000 and suspension for one (1) year	Reprimand and \$5,000 fine to Revocation

(Section 455.227(1)(i), F.S.)		
11. Failing to perform any statutory or legal obligation (Section 455.227(1)(k), F.S.)	Reprimand to one (1) year suspension and a \$1,000 fine	Reprimand and a \$5,000 fine to Revocation
12. Exercising influence on a client for financial gain (Section 455.227(1)(n), F.S.)	Reprimand to one (1) year suspension and \$5,000 fine	Reprimand and \$5,000 fine to Revocation
13. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	\$1,000 fine and probation for one (1) year, to suspension	Reprimand and \$5,000 fine to Revocation
14. Improperly interfering with an investigation or inspection or disciplinary proceeding (Section 455.227(1)(r), F.S.)	\$1,000 fine and probation for one (1) year; to suspension	Reprimand and \$5,000 fine to Revocation
(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)	One (1) year suspension and \$1,000 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney	Revocation and \$5,000 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) and 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	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) and 455.227(1)(c), F.S.)	Depending on the severity of the crime, from Reprimand \$1,000 fine, and one (1) year probation, to Revocation	Depending on the severity of the crime, from one (1) year suspension with 2 years probation to Revocation
2. Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a), F.A.C.)	Reprimand \$1,000 fine, and one (1) year probation	One (1) year suspension with 2 years probation to Revocation

(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  (Sections 471.033(1)(e), 455.227(1)(l), F.S. and paragraph 61G15-19.001(7)(c), F.A.C.)	Reprimand and \$1,000 fine to one (1) year suspension, two (2) years probation	One (1) year suspension, 2 years probation, and \$1,000 fine, to Revocation and \$5,000 fine
(f) Fraudulent, false, deceptive or misleading advertising  (Sections 471.033(1)(f), F.S. and subsection 61G15-19.001(2), F.A.C.)	Reprimand to one (1) year probation and \$5,000 fine	One (1) year probation and \$5,000 fine to Revocation
(g) Fraud, deceit, negligence, incompetence or misconduct  (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	Reprimand, two (2) years probation and \$1,000 fine, to one (1) year suspension and \$5,000 fine	One (1) year suspension and \$5,000 fine to Revocation
2.a. Negligence  (subsection 61G15-19.001(4), F.A.C.)	Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine, five (5) year suspension and ten (10) years probation	Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation
b. Negligence in procedural requirements  (subsections 61G15-30.003(2),(3) and (5), F.A.C.; Rules 61G15-30.005 and 61G15-30.006, F.A.C.)	Reprimand to two (2) years probation and \$1,000 fine	Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation
c. As a special inspector	Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine	Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation
3. Incompetence  (subsection 61G15-19.001(5), F.A.C.)	Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation	Suspension until ability to practice proved followed by two (2) year probation, to Revocation

4. Misconduct (subsection 61G15-19.001(6), F.A.C.)	Reprimand and \$1,000 fine to one (1) year suspension	One (1) year suspension to Revocation and \$5,000 fine.
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 to one (1) year suspension	One (1) year suspension to Revocation and \$5,000 fine
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 to one (1) year suspension	One (1) year suspension to Revocation and \$5,000 fine
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.)	Reprimand, \$5,000 fine per count and suspension for five (5) years, to Revocation	Five (5) years suspension to 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, to one (1) year suspension, two (2) years probation and \$5,000 fine	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
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, to one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
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, to one (1) year suspension, two (2) years	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation

	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, to \$5,000 fine, one (1) year suspension and two (2) years probation	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
h. Undisclosed conflict of interest (paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand, \$1,000 fine and two (2) years probation, to Revocation and \$5,000 fine	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
<u>i. Renewing or reactivating a license without completion of continuing education hours (paragraph 61G15-19.001(6)(s), F.A.C.)</u>	<u>Reprimand, \$1,000 fine, to suspension until licensee demonstrates compliance</u>	<u>One (1) year suspension and \$1,000 fine to Revocation</u>
(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	Depending on the severity of the violation, Reprimand and \$1,000 fine per count, to \$5,000 fine and revocation	Depending on the severity of the violation, One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
(i) Practicing on a revoked, suspended, inactive or delinquent license (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. Delinquent license	Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice	
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	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., and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and \$1,000 fine, to \$5,000 fine, one (1) year suspension and two (2) years probation	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation
(k) Violating any order of the board or department  (Sections 471.033(1)(k), 455.227(1)(q), F.S., and paragraph 61G15-19.001(6)(o), F.A.C.)	Depending on the severity of the violation, from Suspension until compliant with the order of the Board and \$1,000 fine, to Revocation and \$5,000 fine	Depending on the severity of the violation, Suspension until compliant with the order of the Board and \$1,000 fine, to 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.)	\$1,000 fine and probation for one (1) year, to \$5,000 fine and suspension	Reprimand and \$5,000 fine to Revocation
(m) Failing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction  (Section 455.227(1)(t), F.S.)	Reprimand to \$5,000 fine	Six (6) month suspension to \$5,000 fine and Revocation

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty. The fact that an Administrative Law Judge of the Division of Administrative Hearings may or may not have been aware of the below mentioned aggravating or mitigating circumstances prior to a recommendation of penalty in a Recommended Order shall not obviate the duty of the board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the licensee's misfeasance.
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.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

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

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.

*Rulemaking Authority 455.227, 455.2273, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 455.2273, 455.2277, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06, 2-21-10, 9-5-16.*

<b>Notice:</b>	16320073 (61G15-20.001, 61G15-0015, 61G15-20.002, 61G15-20.007)
<b>Effective Date:</b>	11/2/2015
<b>Purpose and Effect:</b>	To clearly define and clarify educational requirements regarding application for licensure by endorsement; engineering experience; and education for applicants without EAC/ABET accredited engineering degrees.
<b>Summary:</b>	Clearly define and clarify educational requirements.
<b>Final Rule Date:</b>	11/2/2015

**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 EAC/M-ABET), or

(b) Engineering programs accredited by the Canadian Engineering Accreditation Board (CEAB) in 1980 or

later (which, for the purpose of Title 61G15, F.A.C., is considered equivalent to EAC/ABET), or

~~(c)~~ (c) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) or ~~(2)(b)~~ 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

~~(d)~~ (d) In the case of an applicant who holds a non-engineering baccalaureate degree coupled with a master's and/or doctoral post-baccalaureate degree in engineering from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C., or

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

*Rulemaking Authority 471.008, 471.013(1)(a), 471.015(7) FS. Law Implemented 471.013, 471.015 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, Amended 10-15-09, 11-2-15.*

<b>Notice:</b>	17590967 (61G15-20.0010)
<b>Effective Date:</b>	3/19/2017
<b>Purpose and Effect:</b>	The purpose of the amendment is to update the rule language and incorporated forms FBPE/001 and FBPE/003
<b>Summary:</b>	Update language and both incorporated application forms
<b>Final Rule Date:</b>	3/19/2017

#### **61G15-20.0010 Application for Licensure by Examination.**

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE/001 ~~(rev. 12/16) (06-13)~~, entitled, "Application for Principles and Practice Examination," is hereby incorporated by reference, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; from the Board's website at [http://www.fbpe.org/licensure/application-process/principles-practice-examination\\_or\\_at\\_https://www.flrules.org/Gateway/reference.asp?No=Ref-08043](http://www.fbpe.org/licensure/application-process/principles-practice-examination_or_at_https://www.flrules.org/Gateway/reference.asp?No=Ref-08043). The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they:

(a) Are graduates of a "Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C., and

(b) Have four (4) years of acceptable engineering experience as defined by Rule 61G15-20.002, F.A.C.

(2) Any person desiring to take the fundamentals examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. ~~There are two engineer intern applications from which to choose, The~~ instructions and application Form FBPE/003 ~~(rev. 12/16) (06-13)~~, entitled, "Application for Fundamentals of Engineering Examination Application," ~~which~~ is hereby incorporated by reference, ~~or the instructions and application Form FBPE/004 (06-13), entitled~~

~~“Fundamental of Engineering Foreign Degree Application”, which is hereby incorporated by reference, copies of which and~~ may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, ~~or~~ from the Board’s website at [http://www.fbpe.org/licensure/application-process\\_or\\_at https://www.flrules.org/Gateway/reference.asp?No=Ref-08044](http://www.fbpe.org/licensure/application-process_or_at_https://www.flrules.org/Gateway/reference.asp?No=Ref-08044). The Board shall certify as eligible to take the Fundamentals Examination only those applicants who have completed the application form, remitted the application ~~and examination~~ fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, “a Board approved engineering program” as defined by subsection 61G15-20.001(2), F.A.C.

*Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 11-19-03, 9-14-14, 3-19-17.*

<b>Notice:</b>	17615799 (61G15-20.0015)
<b>Effective Date:</b>	3/19/2017
<b>Purpose and Effect:</b>	The purpose of the amendment is to update rule language, update Forms FBPE/002 and Form FBPE/004, and incorporate Form FBPE/004 by reference.
<b>Summary:</b>	Update language and update and add incorporated application forms.
<b>Final Rule Date:</b>	3/19/2017

#### **61G15-20.0015 Application for Licensure by Endorsement.**

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE/002 (12/16), entitled “Application For Licensure By Endorsement”, which is hereby incorporated herein by reference, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; the Board’s website at [http://www.fbpe.org/licensure/application-process\\_or\\_at http://www.flrules.org/Gateway/reference.asp?No=Ref-08045](http://www.fbpe.org/licensure/application-process_or_at_http://www.flrules.org/Gateway/reference.asp?No=Ref-08045). The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that:

(a) The applicant meets the current criteria listed in Section 471.013, F.S., (the burden of proving the equivalency of any examination shall rest with the applicant), or

(b) The applicant holds a valid license to practice engineering issued by another state or territory of the United States, provided that the criteria for issuing the license was substantially the same as the licensure criteria which existed in Florida at the time the license was issued.

(2) If an applicant for licensure by endorsement satisfies ~~any one of~~ the conditions found in Section 471.015(5)(a), ~~1, 2, or 3,~~ F.S., then the Board shall deem that the applicant has passed an examination substantially equivalent to Part I, fundamentals, of the engineering examination. If an applicant for licensure by endorsement satisfies the conditions found in Section 471.015(5)(b), F.S., then the Board shall deem that the applicant has passed an examination substantially equivalent to Part I, fundamentals, and part II, principles and practice, of the engineering examination.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations three (3) times or more before passing, must document compliance with

Rule 61G15-21.007, F.A.C., as a condition of eligibility for licensure by endorsement.

~~(4) An applicant for licensure by endorsement whose only educational deficiency under subsection 61G15-20.007(2), F.A.C., involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.~~

(4) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree that is not EAC/ABET accredited has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of professional-level engineering experience, to include the active practice of engineering for at least 3 of the last 5 years.

(5) An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must meet all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

(6) Any person desiring to practice as an engineering intern in this state by endorsement shall submit a completed application to the Board. The instructions and application Form FBPE/004 (12/16), entitled, "Application for Engineer Intern by Endorsement," is hereby incorporated by reference and may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; the Board's website at <http://www.fbpe.org/licensure/application-process> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08046>. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, "a Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C., and have passed the Fundamentals of Engineering Examination prior to application.

*Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 4-9-07, 10-15-09, 11-16-10, 9-14-14, 7-7-15, 11-2-15, 3-19-17.*

<b>Notice:</b>	16320073 (61G15-20.002)
<b>Effective Date:</b>	11/2/2015
<b>Purpose and Effect:</b>	To clearly define and clarify educational requirements regarding application for licensure by endorsement; engineering experience; and education for applicants without EAC/ABET accredited engineering degrees.
<b>Summary:</b>	Clearly define and clarify educational requirements.
<b>Final Rule Date:</b>	11/2/2015

**61G15-20.002 Experience.**

(1)(a) In order to meet the prerequisites for entry into the engineering examination, an applicant is required to have four years of acceptable experience in engineering at the time of application and four years of acceptable educational qualifications. In determining whether an applicant's experience background is sufficient to meet

the requirements set forth in Sections 471.013(1)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in Section 471.005(7), F.S. The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

(b) Because the evaluation of experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

1. The acquisition of acceptable engineering experience should logically follow and constitute an application of the engineering education previously obtained.

2. Engineering experience obtained prior to the completion of the engineering degree is usually of a subprofessional nature. ~~Such experience, if deemed acceptable and properly verified, may be awarded experience credit at 25% of the actual time.~~ If the full-time experience is obtained within 2 years of completing the engineering degree after the completion of a substantial number of engineering design courses, and involves tasks and responsibilities consistent with the disciplines of engineering matters of average or above-average complexity, experience credit may be awarded at ~~up to~~ 50% of actual time. In any event, the total engineering experience credit allowable for pregraduation experience shall not exceed 12 months.

3. Experience credit is based on a 40 hour per week full-time basis. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the ~~part-time~~ pursuit of a ~~master's or doctoral~~ masters or doctorate degree while obtaining full-time work experience.

4. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

5. Experience must not be obtained in violation of the licensure act.

6. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

7. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable.

8. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.

9. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of four years or more that is approved by the Board.

10. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the Board is creditable.

11. Experience may not be anticipated. The experience must have been gained by the time of the application.

12. Experience in construction, to be creditable, must demonstrate the application of engineering principles.

13. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

14. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.

(2) In order to verify an applicant's experience record, the Board will require evidence of employment from

employers or supervisors who are employed in the engineering profession or are professional engineers, who shall set forth the quality and character of the applicant's duties and responsibilities. In addition to the employer verification, an applicant must list three personal references who are professional engineers. Should the Board find the information submitted by the applicant is insufficient or incomplete, the Board may require the applicant to supply additional references or evidence regarding the applicant's experience and background or both so that an intelligent decision may be made on whether admittance to the examination is allowable.

The Board will accept as equivalent to one year's experience a master's degree in engineering from an EAC/M-ABET-accredited program or from a college or university in the U.S. that has an EAC/ABET-accredited ~~from a Board approved~~ engineering program in a related discipline at the baccalaureate level as defined in subsection 61G15-20.001(2), F.A.C. The Board will also accept as equivalent to one year's experience a doctorate in engineering from a college or university in the U.S. that has an EAC/ABET-accredited ~~from a Board approved~~ engineering program in a related discipline at the baccalaureate level. ~~as defined in subsection 61G15-20.001(2), F.A.C.~~ Experience equivalents will be given for the master's or doctoral degree only if the applicant has earned a prior engineering degree from a college or university that solely meets the requirements of a Board-approved engineering program as defined in subsection 61G15-20.001(2), F.A.C. Experience equivalents shall not be given for a master's or doctoral degree if credits earned for the degree are used to satisfy educational requirements of Rule 61G15-20.007, F.A.C. The combination of experience equivalents and work experience shall not exceed the number of actual months during which the experience is claimed.

*Rulemaking Authority 471.008, 471.013(1)(a) FS. Law Implemented 471.005(6), 471.013(1)(a) FS. History—New 1-8-80, Amended 3-11-80, 6-23-80, 7-7-83, 9-13-84, Formerly 21H-20.01, Amended 8-18-87, 12-4-91, Formerly 21H-20.002, Amended 12-26-94, 5-20-02, 4-5-04, 11-2-15.*

<b>Notice:</b>	16444427 (61G15-20.005)
<b>Effective Date:</b>	10/26/2015
<b>Purpose and Effect:</b>	To repeal obsolete rule.
<b>Summary:</b>	Rule repeal.
<b>Final Rule Date:</b>	10/26/2015

**61G15-20.005 Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes.**

~~(1) The rules governing approval of candidates qualifying under Section 471.013(1)(a)3., F.S., shall be those rules of the Board of Professional Engineers in effect as of April 1, 1984.~~

~~(2) Compliance with the above does not indicate automatic acceptance for examination, nor does it exempt said applicant from meeting the criteria set forth in Sections 471.001 through 471.045, F.S., and Chapter 61G15, F.A.C. Each application filed will be reviewed and acted upon by the Board of Engineers on an individual basis.~~

*Rulemaking Authority 471.008 FS. Law Implemented 471.013(1)(a)3. FS. History—New 10-25-84, Formerly 21H-20.05, 21H-20.005, Amended 10-19-97, 11-19-03, Repealed 10-26-15.*

<b>Notice:</b>	16320073 (61G15-20.007)
<b>Effective Date:</b>	3/17/2016
<b>Purpose and Effect:</b>	To clearly define and clarify educational requirements regarding application for licensure by endorsement; engineering experience; and education for applicants without EAC/ABET accredited engineering degrees.
<b>Summary:</b>	Clearly define and clarify educational requirements.
<b>Final Rule Date:</b>	3/17/2016

**61G15-20.007 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees.**

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

~~(a) 32 college semester 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 semester 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 semester 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, 80 on the internet 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, National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clemson, South Carolina 29678; 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.~~

~~(4) Any applicant whose only educational deficiency under subsection (1) 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 (1).~~

~~(5) College Level Examination Programs (CLEP) examinations that are outlined at <http://www.collegeboard.com/student/testing/clep/exams.html>, may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above and the applicant is able to show that the results are recognized by a college or university with an EAC/ABET accredited engineering program.~~

*Rulemaking 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, 10-15-09, 11-27-11, 2-4-13.*

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

(a) 32 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are in excess of the requirements of paragraph (1)(c).

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential calculus and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus. Mathematics courses must be intended for math, science or engineering majors; introductory mathematics courses are not acceptable. Computer skills and/or programming courses cannot be used to satisfy mathematics requirements.

2. The hours in basic sciences, must include at least two courses. These courses must be in general chemistry, calculus-based physics, or biological sciences, but both courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology, or oceanography), advanced biology, advanced chemistry, or advanced physics. Basic science courses must be intended for science or engineering majors; introductory science courses are not acceptable. Astronomy, computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: Earning a doctoral degree is equivalent to 10 credit hours if the degree is

from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level.

(c) 48 college semester credit hours of engineering science and engineering design taught within the college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, 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. Graduate-level engineering courses can be included to fulfill curricular requirements in this area. Thesis or dissertation hours shall not be granted credit. A maximum of six credit hours will be granted for special topics and independent study at any level. Graphics, surveying, or engineering technology courses will not be considered to meet engineering science and design requirements.

(d) In addition, competency in English must be presented. Satisfactory evidence includes the following: 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 on the paper-based version, 80 on the internet-based version, or 213 on the computer-based version.

(2) An applicant whose only educational deficiency is under paragraph (1)(b) above shall be entitled to receive conditional approval to take the Fundamentals of Engineering examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours required in paragraph (1)(b) above.

(3) College Level Examination Programs (CLEP) examinations that are outlined at <http://clep.collegeboard.org/exams> may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above. The applicant shall achieve a passing score as determined either by CLEP or by showing that the results are recognized by a college or university with an EAC/ABET-accredited engineering program. College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.

(4) The FBPE educational 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.

(5) An applicant with an engineering degree from a non-EAC/ABET-accredited degree program must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either of the following: National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clemson, South Carolina 29678; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

*Rulemaking 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, 10-15-09, 11-27-11, 2-4-13, 3-17-16.*

<b>Notice:</b>	19036364 (61G15-20.100)
<b>Effective Date:</b>	9/7/2017
<b>Purpose and Effect:</b>	The proposed new rule will mandate the process of applying for and changing information relating to a Certificate of Authorization including creating an application form.
<b>Summary:</b>	Requirements of and application for a Certificate of Authorization.
<b>Final Rule Date:</b>	9/7/2017

**61G15-20.100 Certificates of Authorization.**

(1) Pursuant to Section 471.023, F.S., the practice or offer to practice engineering or engineering services to the public through a business organization, or by a business organization or other person practicing under a fictitious name, is permitted only if the business organization possesses a Certificate of Authorization issued by the Board. In addition, Certificates of Authorization must be renewed every two (2) years, and each business organization issued a Certificate of Authorization must notify the Board of any change in the name of the business organization or the business organization's qualifying Professional Engineer within thirty (30) days of such change.

(2) Applications for an initial Certificate of Authorization or notification of the change of name of the business organization or of the qualifying Professional Engineer, shall be made on Form FBPE/030, 04/17, Application for Certificate of Authorization, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/certificate-of-authorization/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08595>. All applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C.

(3) Applications for renewal of a Certificate of Authorization shall be made on Form FBPE/031, 06/17, Certificate of Authorization Renewal Application And Instructions, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/application-process/certificate-of-authorization/> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08596>. All renewal applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C.

Rulemaking Authority 471.008, 471.011(1), (4) FS. Law Implemented 471.023, 471.011(4) FS. History--New 9-7-17.

<b>Notice:</b>	19033648 (61G15-21.001)
<b>Effective Date:</b>	8/20/2017
<b>Purpose and Effect:</b>	The purpose of the amendment is to update the rule.
<b>Summary:</b>	To update the rule
<b>Final Rule Date:</b>	8/20/2017

**61G15-21.001 ~~Written~~ Examination Designated; General Requirements.**

(1) Pursuant to Sections 471.013 and 471.015(1), F.S., an ~~The Florida Board of Engineers hereby determines that a written examination shall be given and~~ passed prior to any applicant receiving a license to practice as a professional engineer or ~~becoming~~ an engineer intern in the State of Florida, except as provided in ~~subsections 471.015(3) and (5), F.S.~~ The examination shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). ~~The examination consists of two parts, Part I, or the fundamentals examination, and Part II, or the principles and practices examination. After January 1, 2014, the fundamentals examination will be a computer-based examination rather than written.~~

(a) Part I of the examination provided by NCEES is the Fundamentals ~~of Engineering~~ examination.

(b) Part II of the examination provided by NCEES for all disciplines other than structural is the Principles and Practices ~~of Engineering~~ examination, and is given by discipline. ~~National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.~~

(c) For Part II of the examination, ~~for structural engineering in lieu of the Principles and Practices of Engineering examination,~~ an applicant can take ~~the sixteen (16) hour Structural Engineering examination provided by NCEES. either the structural component of the civil engineering exam or can take the separate structural examination which is sixteen (16) hours, consisting of an eight (8) hour vertical forces component and eight (8) hour lateral forces component.~~

~~(2) National examination security requirements as established by the NCEES shall be followed throughout the administration of the examination.~~

~~(3) Applicants for licensure by examination must be graduates of a Board-approved engineering program as defined in subsection 61G15-20.001(2), F.A.C. Acceptance into the fundamentals examination, either in Florida or elsewhere, does not indicate automatic acceptance for the principles and practice examination, nor does it exempt said applicant from meeting the licensure eligibility criteria set forth in Chapter 471, F.S., and Title 61G15, F.A.C.~~

*Rulemaking Authority 455.217(1), 471.008 FS. Law Implemented 455.217(1), 471.013, 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, 3-9-04, 2-3-05, 2-2-12, 9-25-13, 8-20-17.*

<b>Notice:</b>	16320170 (61G15-21.004)
<b>Effective Date:</b>	10/25/2015
<b>Purpose and Effect:</b>	To clarify passing grade on engineering examination
<b>Summary:</b>	Clarify passing grade on engineering examination.
<b>Final Rule Date:</b>	10/25/2015

**61G15-21.004 Passing Grade.**

(1) The passing grade for the Fundamentals of Engineering Examination is determined by National Council of Examiners for Engineering and Surveying, where a scaled score is compared to the minimum ability level determined by psychometric statistical methods 70 or better.

(2) The passing grade for the Principles and Practice Examination is determined by National Council of Examiners for Engineering and Surveying, where psychometric statistical methods are used to determine the level of performance that corresponds with minimal competence in the discipline 70 or better.

*Rulemaking Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.015(1) FS. History—New 1-8-80, Amended 3-23-81, 8-25-81, 2-21-84, 1-20-85, Formerly 21H-21.04, 21H-21.004, Amended 3-9-04, 10-25-15.*

<b>Notice:</b>	16103957 (61G15-21.007)
<b>Effective Date:</b>	11/3/2015
<b>Purpose and Effect:</b>	The Board proposes the rule amendment add additional course work options for applicants who have failed the examination three times.
<b>Summary:</b>	The rule amendment will add additional course work options for applicants who have failed the examination three times.
<b>Final Rule Date:</b>	11/3/2015

**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 may either: 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.

(1) 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) 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.; or

(2) Submit evidence of completion of one of the following board approved engineering examination review courses; the selected course must cover content for the examination in the engineering discipline the applicant intends to take.

(a) Schools with an ABET approved engineering program;

(b) Kaplan Engineering Education;

(c) School of PE;

(d) Testmasters Educational Services, Inc.;

(e) SmartPros, Ltd.;

(f) Professional Publications, Inc.; or

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

*Rulemaking Authority 455.217(2), 471.008 FS. Law Implemented 455.217(2), 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, 11-3-15.*

<b>Notice:</b>	18206044 (61G15-22.0001 and 61G15.22.002)
<b>Effective Date:</b>	2/27/2017
<b>Purpose and Effect:</b>	The purpose of the amendments is to update rule text and incorporated forms.
<b>Summary:</b>	Update rules and incorporated forms.
<b>Final Rule Date:</b>	2/27/2017

**61G15-22.0001 License Renewal ~~of Active Licensure.~~**

(1) To renew an active or inactive status license, the licensee must remit to FEMC a completed renewal application and the biennial renewal licensure fee for active or inactive status licenses as specified by Rule 61G15-24.001, F.A.C. The application form FBPE/020, 12/16, Professional Engineer License Renewal Application And Instructions, is incorporated by reference herein and may be obtained from [www.fbpe.org/index.php/licensure/other-forms](http://www.fbpe.org/index.php/licensure/other-forms) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07862>. ~~and a statement certifying that the licensee has completed the eighteen (18) hours of approved continuing education which were required during the last biennium.~~ All applications for renewal of inactive status licenses must also contain a statement certifying that the licensee has neither practiced engineering in Florida nor violated any of the

provisions of Section 471.033, F.S., since the date on which the license was first placed on inactive status.

(2) Pursuant to Section 455.271(6)(a), F.S., licensees with delinquent status licenses must affirmatively apply for either active or inactive status during the renewal cycle in which the license becomes delinquent; failure to do so by the end of the renewal cycle renders the license void without further action by the Board.

*Rulemaking Authority 455.271(2), (5), (6)(a), (7), 471.011, 471.017(2) FS. Law Implemented 455.02(1), 455.271(2), (5), (6)(a), (7), 471.011, 471.017 FS. History—New 8-1-02, Amended 2-18-16, 2-27-17.*

#### **61G15-22.0002 Licensure Change of Status ~~Renewal of Inactive Licenses.~~**

~~To maintain an inactive license on inactive status, the licensee must remit the biennial renewal fee for inactive status to FEMC and a statement certifying that the licensee has neither practiced engineering nor violated any of the provisions of Section 471.033, F.S., since the date on which the license was first placed on inactive status.~~

(1) Active to Inactive Licensure Status. Licensees may change their licensure status from active to inactive by remitting to FEMC a completed Application To Change Status from ACTIVE TO INACTIVE, Form FBPE/021, 12/16, and the fee specified by Rule 61G15-24.001, F.A.C. The application form FBPE/021 is incorporated by reference herein and may be obtained from [www.fbpe.org/index.php/licensure/other-forms](http://www.fbpe.org/index.php/licensure/other-forms) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07863>.

(2) Inactive to Active Licensure Status. Licensees may change their licensure status from inactive to active by remitting to FEMC a completed Application To Change Status from INACTIVE TO ACTIVE, Form FBPE/022, 12/16, the fee specified by Rule 61G15-24.001, F.A.C., and proof of completion of eighteen (18) hours of continuing education obtained within the two (2) years immediately prior to application and in compliance with subsection 61G15-22.001(1), F.A.C. The application form FBPE/022 is incorporated by reference herein and may be obtained from [www.fbpe.org/index.php/licensure/other-forms](http://www.fbpe.org/index.php/licensure/other-forms) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07864>.

*Rulemaking Authority 455.271, 471.017(2) FS. Law Implemented 455.271, 471.017(2), (3), (4) FS. History—New 8-1-02, Amended 2-27-17.*

#### **61G15-22.001 Continuing Education Requirements.**

(1) Each licensee shall complete eighteen (18) continuing education hours ~~eight professional development hours~~ during each license renewal biennium as a condition of license renewal. Four (4) hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) hour ~~four hour~~ shall relate to Chapter 471, F.S., and the rules of the Board. The remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule Chapter 61G15-22.002, F.A.C.

(2) There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(3) Beginning with the Fifth Edition of the Florida Building Code, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least one advanced Florida Building Code course within 12 months of each edition of the Florida Building Code effective date,

(b) Provide the Board with a copy of a certificate of completion which shows: course number, course hours, Code edition year, and Code or course focus. This course may also count towards the area of practice requirement for continuing education set forth in Rule 61G15-22.001, F.A.C.

(4) The Board shall approve all Advanced Florida Building Code courses. Courses submitted for approval shall have been designated an "Advanced" course by the Florida Building Commission and shall be within the discipline of civil structure, mechanical, electrical or general engineering.

Rulemaking Authority 471.008, 471.017(3), 471.0195 FS. Law Implemented 471.017(3), 471.019, 471.0195 FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01, 3-7-13, 9-29-14, 2-18-16.

<b>Notice:</b>	16840672 (61G15-22.001 through 22.005, 22.008, 22.010, 22.011, and 22.012)
<b>Effective Date:</b>	2/18/2016
<b>Purpose and Effect:</b>	To update the rules and implement the provisions of Chapter 2014-125, §4, Laws of Florida.
<b>Summary:</b>	Update the rules and implement the provisions of Chapter 2014-125, §4, Laws of Florida.
<b>Final Rule Date:</b>	2/18/2016

#### 61G15-22.002 Definitions.

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered by the National Council for Examiners of Engineering and Surveying (NCEES).

(2) ~~Continuing Education Professional Development Hour (CEH) (PDH)~~: A time measurement requiring a minimum of 50 minutes instruction or presentation per hour. The ~~Continuing Education hour PDH~~ is the common denominator for other units of credit. ~~A continuing education hour is equivalent to a professional development hour (PDH).~~

~~(3) Contact Hour. A contact hour shall consist of fifty (50) clock minutes of instruction.~~

~~(3) Continuing Education Unit (CEU): Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.~~

(4) College/Unit Semester/Quarter Hour: Credit for course in ABET-approved programs or other related engineering college course.

(5) Course/Activity: Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice.

(6) Commercial educator: An individual or business organization trained in teaching and offering education courses for a profit.

~~(7) Vendor: An individual or business organization who sells products or services related to an engineering area of practice.~~

~~(8) Topic pertinent to the practice of engineering: For purposes of meeting the continuing education requirements, a topic pertinent to the practice of engineering is any topic that falls within the definition of the practice of "engineering" as defined in Section 471.005(7), F.S. Topics on marketing, foreign language skills, and basic math skills below the requirements set forth in paragraph 61G15-20.007(1)(a), F.A.C. are not acceptable and are excluded.~~

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3) FS. Law Implemented 455.213(6), 455.2178, 455.2179 FS. History—New 9-16-01, Amended 8-1-02, 7-30-03, 2-18-16.

**61G15-22.003 Qualifying Activities for Area of Practice Requirement.**

(1) Successful completion of college courses.

(2) Successful completion of ~~continuing education courses, successful completion of correspondence, televised, Internet, videotaped, and other~~ short courses, tutorials, webinars, and distance education courses offered through delivery methods such as live, correspondence, recorded, Internet-based; or attending seminars (including in-house engineering seminars), workshops, or professional and technical presentations at meetings, conventions or conferences presented/sponsored by a provider or vendor with specific knowledge related to the licensee's area of practice approved under Rule 61G15-22.011, F.A.C.

(3) Teaching or instructing in subsection (1) or (2) above. However, teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

(4) Authoring published technical engineering papers, articles, or books; or accepted licensee examination items for NCEES. Continuing education credits are earned on the date of publication.

(5) Patents.

(6) Active participation in professional or technical societies. Civic or trade organizations do not qualify under this provision. Credit for this activity requires that the licensee serve as an officer of the organization or actively participate on a committee in the organization. Continuing Education PDH credits are not earned until the end of each year of completed service.

*Rulemaking Authority 455.213(6), 471.008, 471.017(3) FS. Law Implemented 455.213(6), 471.017(3) FS. History—New 9-16-01, Amended 5-14-06, 2-18-16.*

**61G15-22.004 Conversion of Education Units to Continuing Education Hours PDH.**

(1) One (1) college semester hour credit is equal to 45 continuing education hours ~~15 PDH.~~

(2) One (1) college quarter hour credit is equal to 30 continuing education hours ~~10 PDH.~~

~~(3) One (1) continuing education unit is equal to 10 PDH.~~

(3) One (1) contact hour of professional development in course work, seminars (including in-house seminars at an engineering firm), or professional or technical presentations made at meetings, conventions, or conferences is equal to 1 continuing education hour ~~PDH or, if teaching, 2 PDH.~~

(4) For teaching of subsections (1) through (3) above, apply a multiple of 2, if the requirements of subsection 61G15-22.003(3), F.A.C., are met.

(5) Each published peer-reviewed paper ~~article,~~ or book in the licensee's area of professional practice is equal to 10 continuing education hours PDH.

(6) Each published paper or article (other than in paragraph (5) above) in the licensee's area of professional practice is equal to 5 continuing education hours.

(7) Authoring accepted licensee examination items for NCEES is equal to 2 continuing education hours PDH.

(8) Each patent developed using engineering principles is equal to 10 continuing education hours PDH.

(9) Active participation in professional and technical societies as described in subsection 61G15-22.003(6), F.A.C. Each hour of participation is equal to 1 continuing education hour ~~PDH,~~ with a maximum credit of 4 continuing education hours per renewal period ~~2 PDH for each organization.~~

*Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, Amended 2-18-16.*

#### **61G15-22.005 Non-Qualifying Activities.**

Activities that do not qualify as Continuing Education ~~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.

*Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, Amended 6-3-07, 2-18-16.*

#### **61G15-22.008 Record Keeping.**

It is the licensee's responsibility to maintain sufficient records to demonstrate completion of continuing education requirements ~~qualifying professional development~~ for at least two licensure cycles (four years).

*Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, Amended 2-18-16.*

#### **61G15-22.010 Qualifying Activities for Laws and Rules Requirements.**

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

- (a) Either completing a continuing education course, as detailed in subsection (2) below,
- (b) By serving as a board member, as detailed in subsection (3) below, or
- (c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) Successful completion of a course of continuing education for laws and rules of the Board which must consist of a minimum of one (1) continuing education hour ~~four (4) PDH's~~ in laws and rules of the Board.

(3) Members of the Board of Professional Engineers shall receive credit for the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S., ~~four (4) PDH's in laws and rules of the Board~~ for their service as board members.

(4) All consultant engineers used by the Board in the resolution of Board business, including rulemaking rule-making and prosecution of discipline cases and complaints, shall receive credit for the ~~four (4) PDH's in~~ laws and rules of the Board and area of practice requirement by specific approval of the Board of a written list of such consultants during each biennium.

(5) Service as a member of the legislature or as an elected state or local official shall meet the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S.

**61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.**

(1) Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics 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 or in Professional Ethics.

(a) Applications for approval of Florida Laws and Rules courses shall be made on Form FBPE/008, Application for Approval of Laws and Rules Continuing Education Course (rev. 10/15), which is incorporated by reference herein and may be obtained from [www.fbpe.org/licensure/application-process](http://www.fbpe.org/licensure/application-process) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06012>.

(b) Applications for approval of Professional Ethics courses shall be made on Form FBPE/009, Application for Approval of Professional Ethics Continuing Education Course (rev. 10/15), which is incorporated by reference herein and may be obtained from [www.fbpe.org/licensure/application-process](http://www.fbpe.org/licensure/application-process) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06013>.

(2) All applications shall be submitted on the applicable course approval application identified above and shall include the following:

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

(b) The total number of classroom or interactive distance learning continuing education professional development hours;

(c) For courses in Laws and Rules, course content that shall include:

1. Changes to Chapters 455 and 471, F.S., and 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.;

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

2. A list of resources used to develop the course content.

(d) For courses in laws and rules, course content may also include:

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

2. The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(e) For courses in Professional Ethics, course content that shall include one or more of the following:

1. Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;

2. The importance of ethics as a broad professional concern rather than a personal one;

3. The engineer's obligations to society, clients, and the profession;

4. Ethical dilemmas encountered in engineering practice; or

5. The application of professional ethics to decision making through hypothetical or illustrative examples.

(3) 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.

(4) 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.

*Rulemaking 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, 12-21-15.*

#### **61G15-22.011 Board Approval of Continuing Education Providers.**

(1) Applicants for continuing education provider status must either be registered as a continuing education provider with the [Registered Continuing Education Program \(RCEP\) of the American Council of Engineering Companies \(ACEC\) as of March 1, 2015](#), [National Council for Examiners of Engineering and Surveying \(NCEES\)](#) or meet the requirements of subsection (2) 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, [a vendor with specific knowledge related to the licensee's area of practice](#), 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) [A completed Application For Continuing Education Provider New Provider Application, Form FBPE/007 \(rev. 10/15\), incorporated by reference herein, which may be obtained from \[www.fbpe.org/licensure/application-process\]\(http://www.fbpe.org/licensure/application-process\) or at <https://www.flrules.org/gateway/reference.asp?No=Ref-06096>.](#)

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

(c) Proof of registration as continuing education provider with [ACEC-NCEES](#), or if the applicant is not registered as a continuing education provider with [ACEC-NCEES](#), the applicant must submit the following:

1. A description of the type of courses or seminars the provider expects to conduct for credit;
2. A description of the staffing capability of the applicant;
3. A sample of intended course materials;
4. A list of anticipated locations to conduct the courses;
5. A complete course curriculum for each course the applicant intends to offer;
6. A description of the means the applicant will use to update the course in response to rule or law changes;
7. A description of the means the applicant will use to evaluate the licensee's performance in the course;
8. 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, 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.

*Rulemaking Authority 455.213(6), 455.2179, 471.008, 471.017(3) FS. Law Implemented 455.213(6), 455.2179, 471.017(3) 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, 8-10-09, 7-8-10, 2-18-16.*

#### **61G15-22.012 Obligations of Continuing Education Providers.**

To maintain status as a continuing education provider, the provider must:

(1) Provide courses or seminars designed to enhance the education of engineers in the practice of engineering;

(2) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion;

(3) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation. ~~Providers must electronically provide to the Florida Engineers Management Corporation a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of professional development hours successfully completed. All information or documentation, including electronic course rosters, submitted to the Board or to FEMC shall be submitted in a format acceptable to the Board and to FEMC. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. If the instructor is receiving credit as set forth in subsection 61G15-22.003(3), F.A.C., the instructor shall be listed with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully~~

completing the course by the fifth of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(4) Ensure that all promotional material for courses or seminars offered to professional engineers for credit contain the provider number.

(5) Allow only one continuing education hour PDH for each hour of classroom, audio or video instruction, an “hour of classroom, audio or video instruction” being a minimum of 50 minutes instruction or presentation.

(6) Allow only one continuing education hour PDH for each “hour of correspondence study.” The “hour of correspondence study” must be based on the average completion time of each course as established by the provider.

(7) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of seventy percent (70%). If a licensee fails the examination, they will be permitted to take the examination again in order to achieve a passing grade.

(8) Notify the Board within fourteen (14) days of any change in the address or telephone number of the provider.

(9) Allow FEMC’s and the Board’s designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

*Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, 2-18-16.*

<b>Notice:</b>	17732296 (61G15-23.001 and 23.005)
<b>Effective Date:</b>	10/26/2016
<b>Purpose and Effect:</b>	To revise the rules as recently amended to include additional procedures or methods of sealing that may be required by state or local authorities having jurisdiction.
<b>Summary:</b>	Procedures for physically, electronically, or digitally sealing and transmitting documents.
<b>Final Rule Date:</b>	10/26/2016

**61G15-23.001 Signature, Date and Seal Shall Be Affixed.** ~~Seals Acceptable to the Board.~~

(1) A professional engineer shall sign, date and seal:

(a) All final plans, prints, specifications, reports, or other documents prepared or issued by the licensee and being filed for public record;

(b) All final documents provided to the owner or the owner’s representative.

(2) Additional Final and Non-Final Documents.

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

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

(3) A professional engineer may only sign, date and seal engineering plans, prints, specifications, reports or other documents if that professional engineer was in responsible charge, as that term is defined in subsection 61G15-18.011(1), F.A.C., 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(s) in question. Professional engineers working for local, State or Federal Government agencies shall legibly indicate their name and license number, and shall indicate the name and address of the agency on all documents that are required to be signed, dated and sealed.

(4) Additional Requirements for Plans or Prints, Engineering Specifications and Calculations, and Engineering Reports or Other Documents. When an engineer signs, dates and seals any of the following types of documents plans or prints under the provisions of Section 471.025, F.S., and subsection (1) of this rule, the following additional information must be included:

(a) Plans and Prints. Every sheet within the plans and prints must be signed, dated and sealed by the professional engineer in responsible charge.

1. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

2. If the engineer signing, dating and sealing engineering plans or prints is practicing through a duly authorized engineering business; the title block shall contain the printed name, address and certificate of authorization number of the engineering business.

(b) Engineering Specifications and Calculations. An index sheet shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the engineering specifications or calculations.

1. The index sheet must be signed, dated and sealed by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on the index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible.

2. The index sheet shall include at a minimum:

a. The printed name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

b. If the engineer signing, dating and sealing calculations or specifications is practicing through a duly authorized engineering business; the printed name, address and certificate of authorization number of the engineering business.

c. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

d. Identification of the applicable building code and chapter(s) and Florida Fire Prevention Code, when applicable, that the design is intended to meet.

e. Identification of any computer program used for engineering the specifications or calculations.

(c) Engineering Reports or Other Documents.

1. A signature page or cover letter shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the report with sufficient information provided so that the user will be aware of each portion for which each professional engineer is responsible.

2. If the engineer signing, dating and sealing an engineering report or other document is practicing through

a duly authorized engineering business, the printed name, address and certificate of authorization number of the engineering business shall be placed on the signature page or cover letter.

(d) The date that the signature and seal is affixed as provided herein shall be entered on said plans, prints, specification, reports or other documents immediately adjacent to the signature of the professional engineer.

*Rulemaking Authority 471.008, 471.025 FS. Law Implemented 471.025, 471.033(1)(a), (e), (j) FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, 8-8-05, 11-16-09, 2-2-12, 11-3-15, 10-26-16.*

<b>Notice:</b>	16109486 (61G15-23.001 through 23.005)
<b>Effective Date:</b>	11/03/2015
<b>Purpose and Effect:</b>	The Board proposes to substantially rewrite Chapter 61G15-23, F.A.C., by reordering the content of Rule 61G15-23.001, F.A.C., to 61G15-23.002, F.A.C.; reordering the content of Rule 61G15-23.002, F.A.C., to 61G15-23.001, F.A.C.; substantially rewriting Rule 61G15-23.003, F.A.C.; moving language from Rule 61G15-23.003, F.A.C., to the new Rule 61G15-23.004, F.A.C.; and adding language for the new Rule 61G15-23.005, F.A.C.,. The amendments also amend/modify existing language and add new language. The substantial rewrite will also include updating rule titles.
<b>Summary:</b>	The proposed substantial rewrite to Chapter 61G15-23, F.A.C., will reorder the content of Rule 61G15-23.001, F.A.C., to 61G15-23.002, F.A.C.; reorder the content of Rule 61G15-23.002, F.A.C., to 61G15-23.001, F.A.C.; substantially rewrite Rule 61G15-23.003, F.A.C.; move language from Rule 61G15-23.003, F.A.C., to the new Rule 61G15-23.004, F.A.C.; and add language for the new Rule 61G15-23.005, F.A.C. The amendments also amend/modify existing language and add new language. The substantial rewrite will also update rule titles.
<b>Final Rule Date:</b>	11/03/2015

**61G15-23.002 Seals Acceptable to the Board. ~~Seal, Signature and Date Shall Be Affixed.~~**

(1) Only the following seals are authorized to be used pursuant to Section 471.025, F.S.:

(a) Wet Seals: A Wet Seal is any seal physically applied to a printed document capable of leaving a permanent ink representation or other form of opaque permanent impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.;

(b) Embossing Seals: An Embossing Seal is any seal physically applied to a printed document capable of leaving a permanent crimped representation or other form of permanent raised impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.; or

(c) Digitally Created Seals: A Digitally Created Seal is any seal created as part of the document and not physically applied that is an opaque permanent representation that complies with subsection 61G15-23.002(2), F.A.C.

(2) Wet Seals, Embossing Seals and Digitally Created Seals shall be a minimum of 1-7/8 inches in diameter and shall be of a design similar to those set forth in subsections (a), (b) and (c) below.

(a) The seal must contain the licensee’s given name, the licensee’s license number immediately preceded by the designation “No”, the words “PROFESSIONAL ENGINEER” and the words “STATE OF FLORIDA” similar to that depicted here:



(b) If the seal is for a temporary license it must also contain the words “TEMPORARY LICENSE” and the date that the license expires in the form of “Month – Day – Year” immediately preceded by the word “EXPIRES” similar to that depicted here:



(c) For Professional Engineers who are in good standing under both Chapters 471 and 472, F.S., a seal similar to that depicted here may be used.



(d) Seals may contain an abbreviated form of the licensee’s given name or a combination of initials representing the licensee’s given name provided the surname listed with the Board appears on the seal and in the signature.

*Rulemaking Authority 471.025, 471.033(2) FS. Law Implemented 471.025, 471.033(1)(a) 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, 5-6-09, 11-3-15.*

**61G15-23.003 Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents.** ~~Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.~~

Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be physically signed, dated and sealed as provided herein by the professional engineer in responsible charge.

(1) The licensee shall sign by hand an original of the licensee's signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used.

(2) The licensee must then use a wet seal, a digitally created seal, or an embossing seal placed partially overlapping the licensee's signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

*Rulemaking Authority 471.025(1), 668.006 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended 9-4-05, 5-6-09, 1-5-12, 8-20-12, 12-10-13, 11-3-15.*

**61G15-23.004 Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.**

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C., may be signed digitally as provided herein by the professional engineer in responsible charge. As used herein, the terms "certification authority," and "digital signature" shall have the meanings ascribed to them in Sections 668.003(2) and (3), F.S.

(2) A professional engineer utilizing a digital signature to electronically sign and seal engineering plans, specifications, reports or other documents shall have their identity authenticated by a certification authority and shall assure that the digital signature is:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it; and,

(d) Linked to a document in such a manner that the digital signature and correspondingly the document is invalidated if any data in the document is changed.

(3) The affixing of a digital signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C., may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the digital signature was placed into the document must appear on the document in accordance with subsection 61G15-23.001(4), F.A.C., and where it would appear if the item were being physically signed, dated and sealed.

(c) The engineering plans, specifications, reports or other documents being digitally signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. The same information required by subsection 61G15-23.002(2), F.A.C., if a digitally created image of the seal is not use,

2. The item has been digitally signed and sealed; and,

3. Printed copies of this document are not considered signed and sealed and all signatures must be verified on any electronic copies.

(d) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been digitally signed and sealed by C. S. Hammatt, PE. On [DATE].

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been digitally signed and sealed by C. S. Hammatt, PE. On [DATE].

(e) When engineering plans, specifications, reports or other documents contain multiple sheets or pages, the licensee may apply a single digital signature per electronically transmitted item as set out in Rule 61G15-23.001, F.A.C. A digital signature applied to an item in electronic form shall have the same force and effect as signing all of the individual sheets or pages contained within that item unless otherwise limited as specified in subsection 61G15-30.003(3), F.A.C.

(f) In the case where multiple licensees sign and seal a single item, each licensee shall apply their digital signature and include qualifying language with those items required in paragraph (e) of this rule thoroughly describing what portions the licensee is taking responsibility for.

*Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(j), 668.003, 668.006 FS. History—New 11-3-15, Amended 9-7-17.*

**61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.**

(1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C., may be signed electronically as provided herein by the professional engineer in responsible charge. As used herein, the term “electronic signature” shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S.

(2) The SHA or Secure Hash Standard authentication code is described in Federal Information Processing Standard Publication 180-4 “Secure Hash Standard,” August 2015, which is hereby adopted and incorporated by reference by the Board and can be obtained from the internet website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05976>.

(3) A professional engineer utilizing an electronic signature to sign and seal engineering plans, specifications, reports or other documents shall:

(a) Create a static electronic version, such as PDF, of the engineering document(s) that is to be electronically transmitted;

(b) Compute an SHA-1 authentication code for each electronic engineering document;

(c) Create a printable “signature report” that contains the licensee’s given name, the licensee’s license number, and a list of the electronic files to be signed and sealed that includes a brief description of each engineering document and the SHA authentication code of each engineering document;

(d) Print and physically sign, date and seal the “signature report” in compliance with Rule 61G15-23.003, F.A.C.; and,

(e) Transmit the signed, dated and sealed “signature report” to the receiving party along with each electronically signed, dated and sealed engineering document either by hardcopy or electronic scan. If scanned and sent electronically, the hardcopy of the signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C. Each engineering document is considered to be electronically signed and sealed if the document’s SHA authentication code matches the SHA authentication code on the physically signed, dated and sealed “signature report.”

(4) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.

(a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C., may be placed where it would appear if the item were being physically signed, dated and sealed.

(b) The date that the electronic signature is to be placed into the document must appear on the document in accordance with subsection 61G15-23.001(5), F.A.C., and where it would appear if the item were being physically signed, dated and sealed.

(c) The engineering plans, specifications, reports or other documents being electronically signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:

1. The same information required by subsection 61G15-23.002(2), F.A.C. if a digitally created seal is not used,

2. The item has been electronically signed and sealed using a SHA authentication codes; and,

3. Printed copies of the document are not considered signed and sealed and all SHA authentication code must be verified on any electronic copies.

(d) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA* authentication code must be verified on any electronic copies.

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA* authentication code must be verified on any electronic copies.

*Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS. [History—New 11-3-15, Amended 2-3-16, 10-26-16, 9-7-17.](#)*

<b>Notice:</b>	19298943 (61G15-24.001)
<b>Effective Date:</b>	10/30/2017
<b>Purpose and Effect:</b>	The purpose of the amendment is to reduce the delinquency licensure fee.
<b>Summary:</b>	Update delinquency licensure fee.
<b>Final Rule Date:</b>	10/30/2017

#### **61G15-24.001 Schedule of Fees.**

(1) Pursuant to Section 471.011, F.S., the Board hereby establishes the following fees for applications, licensing and renewal, temporary registration, late renewal, licensure by endorsement, reactivation fee, and replacement of certificate.

(2) Engineering licensure fees (individuals and firms):

(a) Application fee for licensure by examination or endorsement – \$125.00 non-refundable.

(b) Initial license fee – \$100.00.

(c) Biennial renewal fee – ~~\$93.75~~ ~~\$125.00~~

(d) Delinquency fee – ~~\$25.00~~ ~~\$93.75~~

(e) Temporary license (individual) – \$25.00.

(f) Temporary Certificate of Authorization (firm) – \$50.00.

(g) Application fee for a Certificate of Authorization (firm) – \$125.00 non-refundable.

(h) Initial fee for Certificate of Authorization – ~~\$100.00~~ ~~\$125.00~~

(i) Biennial Renewal fee for Certificate of Authorization (firm) – \$93.75. ~~125.00~~

(j) Inactive Status fee – \$125.00.

(k) Reactivation fee – \$150.00.

(l) Change of Status fee (Active/Inactive) – \$93.75.

(m) Duplicate Certificate – \$25.00.

(n) Special Inspector Certification fee – \$100.00.

(o) Application fee for Special Inspector Certification – \$125.00.

(p) Engineer Intern Endorsement fee – \$100.00.

(3) Engineer Intern application fee – \$30.00.

(4) Continuing Education provider fees:

Application fee for continuing education provider status – \$250.00.

(5) Unlicensed Activity Fee collected by the Department of Business and Professional Regulation pursuant to Section 455.2281, and ~~471.038(5)~~ F.S. – \$5.00.

*Rulemaking Authority 455.213, 455.2179(3), 455.219, 455.271, 471.008, 471.011 FS. Law Implemented 455.217(3), (7), 455.2179(3), 471.011, 471.015, 471.021 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, 6-5-05, 3-5-06, 7-17-14, 3-29-17, 10-30-17.*

<b>Notice:</b>	18057246 (61G15-30.003)
<b>Effective Date:</b>	12/11/2016
<b>Purpose and Effect:</b>	To review the rule’s requirement that all codes and standards be listed and identified in the engineering documents.
<b>Summary:</b>	Requirements for engineering documents.
<b>Final Rule Date:</b>	12/11/2016

**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 the proposed work it will conform to all the provisions of the Florida Building Code, adopted in Section 553.73, F.S., and applicable standards, codes, laws, ordinances, rules and regulations in effect at the time the Documents are sealed, signed and dated, 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) If the Engineering Documents are intended to comply with requirements of any edition of ~~List~~ federal,

state, municipal, ~~or and~~ county standards, codes, ordinances, laws, ~~or and~~ rules, other than those currently in effect, with their effective dates, that the Engineering Documents must clearly state the edition and effective dates the 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 Documents shall be legible and clearly define and delineate the work in the project. They must also comply with the requirements of 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 AHJ to receive agency reviews, comments and interpretations. The Documents may subsequently be revised by the engineer to reflect resolution of issues with the AHJ prior to final action by the AHJ. Changes, revisions and modifications to a project may prompt additional Document submittal for AHJ approval action on the same project.

*Rulemaking 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, 12-11-16.*

<b>Notice:</b>	16896253 (61G15-31.004)
<b>Effective Date:</b>	2/28/2016
<b>Purpose and Effect:</b>	To update existing rule and clarify the responsibilities of the engineer of record.
<b>Summary:</b>	To update existing rule and clarify the responsibilities of the engineer of record.
<b>Final Rule Date:</b>	2/28/2016

#### 61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.

(1) Structural engineering documents shall show the complete structural configuration and loading requirements of the post-tensioned system including: member sizes, nature-type of post-tensioning system, location of all the prestressing tendons (in plans and elevation), and the magnitude of all prestressing forces, and all design assumptions. Structural engineering documents shall also show all required non post-tensioned reinforcing steel including size, spacing, and lengths required for the post-tensioned system.

(2) If the engineer of record (EOR) elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the post-tensioning system(s), the EOR -engineer-of-record shall require the submission of installation drawings for review by the engineer of record. Calculations shall also be submitted by the delegated engineer which show sufficient information to document confirm that the number and size of tendons provided are adequate to carry all loads provide the prestressing forces shown on the structural engineering documents. The member dimensions and tendon directions shall match those on the structural engineering documents, unless otherwise agreed to with the EOR, via modified structural engineering documents. Installation drawings shall include the following as a minimum: identification of all the structural elements designed by the delegated engineer, identify the structure and provide all details of post-tensioned tensioning and non post-tensioned materials to be used including necessary accessories, and instructions for construction. If the delegated engineer utilizes or requires any additional reinforcing to maintain the member sizes shown on the structural engineering documents, the delegated engineer shall inform the EOR. If any moments, shears or axial loads are required for the lateral force resisting system the EOR shall provide them to the delegated engineer for inclusion in the preparation of the delegated engineering documents. All forces imposed on the load supporting members from the post-tensioned system shall be reported to the EOR. The installation drawings and calculations shall bear the impressed seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the EOR engineer-of-record for the structure. ~~A cover sheet listing the drawings and calculations may be used.~~

(3) It is the responsibility of the EOR engineer-of-record for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design.

(4) The effect of post-tensioning on other parts of the structure is the responsibility of the EOR engineer-of-record.

*Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History—New 1-26-93, Formerly 21H-31.004, Amended 9-28-10, 2-28-16.*

<b>Notice:</b>	15836722 (61G15-31.006)
<b>Effective Date:</b>	1/4/2016
<b>Purpose and Effect:</b>	The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.
<b>Summary:</b>	The rule amendment will delete unnecessary language and add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.
<b>Final Rule Date:</b>	1/4/2016

**61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.**

(1) The Engineer of Record shall indicate on the Structural Engineering Documents the steel joist and joist girder designations as required in Section 2207 of the Florida Building Code, Building, 5th Edition (2014), which is herein incorporated by reference, from the 1997 Steel Joist Institute's Specifications and load tables and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads. At the time of adoption, the copyrighted incorporated material will be available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Office of Codes and Standards, 1940 North Monroe Street, Room 90, Tallahassee, Florida 32399-0772.

(2) The Engineer of Record is responsible for reviewing the ~~The steel joist and joist girder manufacturer shall design~~ steel joist and joist girder manufacturer's designs, as required in subsection (1), above, the 1997 Steel Joist Institute Specifications and load tables to support the loads per the Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations as an indication of compliance. When required to submit the steel joist and joist girder calculations, the Engineer of Record shall require the steel joist and joist girder manufacturer to submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal and signature of a Florida registered professional engineer responsible for design of the steel joist and joist girders.

*Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History—New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, 1-4-16.*

<b>Notice:</b>	15836722 (61G15-31.006)
<b>Effective Date:</b>	1/4/2016
<b>Purpose and Effect:</b>	The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.
<b>Summary:</b>	The rule amendment will delete unnecessary language and add new language to clarify the requirements for the design of structural systems utilizing open web steel joists and joist girders.
<b>Final Rule Date:</b>	1/4/2016

### 61G15-32.002 Definitions.

(1) Engineer of Record for the Fire Protection System(s): The Florida Registered Professional Engineer who develops the Fire Protection System(s) design criteria; performs analysis as required: and is responsible for the preparation of the Fire Protection System Engineering Documents. Except to the limited extent provided in subsection 61G15-32.002(10), F.A.C., the Engineer of Record for the Fire Protection system(s) is responsible for providing sealed, signed and dated Fire Protection System Engineering Documents that are in full conformity with the applicable design standards set forth in Rule Chapter 61G15-32, F.A.C.

(2) Fire Protection Component: Any individual part, subsystem or device to be incorporated in a Fire Protection System.

(3) Fire Protection System: Any assembly of Fire Protection components, materials, equipment, which require design to form a fully functional fire protection system.

(4) Listed: A fire protection component tested by a nationally recognized fire protection equipment testing organization. Recognized organizations include Underwriters Laboratories, Inc. and Factory Mutual Research Corporation.

(5) Fire Protection System Engineering Documents: The fire protection system engineering drawings, specifications, prescriptive and performance criteria, water supply analysis and other materials or representations, which are submitted with the general construction documents pursuant to Section 553.79(6), F.S., that set forth the overall design requirements and provide sufficient direction for the contractor to layout the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire protection system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Protection System(s).

(6) Fire Protection System Layout Documents: Layout drawings, hydraulic calculations, catalog information on standard products, and other construction data prepared by the licensed contractor or Engineer of Record that provides detail on the location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations and also serves as a guide for fabrication and installation of a fire protection system. Fire Protection System Layout Documents are based upon engineering direction provided in the Fire Protection System Engineering Documents and require no additional engineering input. These documents do not require the seal of a Florida registered engineer.

(7) Codes and Standards: Those nationally recognized codes and standards adopted directly or by reference in Chapter 633, F.S., [Fire Prevention and Control](#); the Florida Building Code; ~~(2007)~~ and [the Florida Fire Prevention Code](#). [set forth in Chapter 69A-60, F.A.C. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.](#) Applicable codes and standards also include those promulgated by State and local authorities having jurisdiction. In the event the codes and standards fail

to cover or address a specific protection requirement, alternative research, test results, and engineering data may be utilized, relying on the Engineer of Record for Fire Protection to make an informed engineering decision. This definition is not intended to preclude the use of new technologies when said technology has been demonstrated to provide equivalent or improved protection above that of published National Fire Protection standards.

(8) Material Deviation: Any deviation from the design parameters established and documented by the Engineer of Record.

(9) Layout: The location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations based on engineering documents.

(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has contractually delegated responsibility for the design to be simultaneously submitted for permit of a discrete and limited portion of a fire protection system and which are signed, sealed and dated by the delegated engineer. These documents shall be reviewed and approved by the Engineer of Record for the Fire Protection System for conformity with the Engineer of Record's design intent and shall be included in the engineering design documents prepared prior to submittal for a building permit and Fire Department installation permit, except when no building permit is required. When no building permit is required, the delegated engineering work bearing the seal of delegated engineer and approval of the Engineer of Record for the Fire Protection System shall be submitted together to the fire official for permitting.

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01, 3-26-09, 10-11-10, 3-28-17.*

#### **61G15-32.004 Design of Water Based Fire Protection Systems.**

(1) Water Based Fire Protection Systems include, but are not limited to, automatic sprinkler systems of wet, dry, fine water spray (mist), manual, and deluge valve controlled types, pumping systems, standpipes, fire water mains and dedicated fire protection water sources.

(2) To ensure minimum design quality in Fire Protection System Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The Point of Service for the fire protection water supply as defined by Section 633.021(18), F.S.

(b) Applicable NFPA standard to be applied, or in the case where no such standard exists, the engineering study, judgments, and/or performance based analysis and conclusions.

(c) Classification of hazard occupancy for each room or area.

(d) Design approach, which includes system type, densities, device temperature rating, and spacing for each separate hazard occupancy.

(e) Characteristics of water supply to be used, such as main size and location, whether it is dead-end or circulating; and if dead-end, the distance to the nearest circulating main, as well as its minimum duration and reliability for the most hydraulically demanding design area.

(f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.

(g) Valving and alarm requirements to minimize potential for impairments and unrecognized flow of water.

(h) Microbial Induced Corrosion (MIC). The Engineer of Record shall make reasonable efforts to identify water supplies that could lead to Microbial Induced Corrosion (MIC). Such efforts may consist of discussions with the local water purveyor and/or fire official, familiarity with conditions in the local area, or laboratory testing of water supplies. When conditions are found that may result in MIC contamination of the fire protection piping, the engineer shall design corrective measures.

(i) Backflow prevention and metering specifications and details to meet local water purveyor requirements including maximum allowable pressure drop.

(j) Quality and performance specifications of all yard and interior fire protection components.

(k) For high hazard occupancy classifications, storage occupancies, and factory occupancies, as defined in sections 307, 311, and 306, respectively, of the Florida Building Code, Building, and high-rise buildings, as defined in section 202 of the Florida Building Code, Building, a determination of whether a fire pump is required and if so, the specific volumetric flow and pressure rating of the pump. The Florida Building Code is incorporated by reference in subsection 61G15-18.011(6), F.A.C.

(l) A verification of whether a firewater storage tank is required on site and if so, a determination of the size and capacity required.

(m) Owner's Certificate. In storage occupancies, the Owner's Information Certificate is required from the property owner as it clearly defines the storage configuration of the space for the current and future use of the property, as required by the codes and standards set forth in subsection 61G15-32.002(7), F.A.C.

(3) Contractor submittals which deviate from the above minimum design parameters shall be considered material deviations and require supplemental engineering approval and documentation.

(4) In the event the Engineer of Record provides more information and direction than is established above, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15, 8-24-16.*

#### **61G15-32.008 Design of Fire Alarms and Detection Systems.**

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.

(3) For fire alarm plans on small systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall specify the minimum system requirements.

(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:

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

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

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

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

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

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

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

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

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

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

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

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code 2007.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties as defined in section 2 of the Florida Building Code, Building (2007).

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

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

(5) In the event that the Engineer of Record elects to specify specific equipment and to show the required wiring, battery and voltage drop (circuit analysis) calculations shall be completed. The calculations shall be completed using the equipment manufacturer's data and applicable NFPA 72 procedures.

(6) System test requirements shall be noted on the Engineering Design Documents.

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

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-32.008, Amended 3-26-09, 3-28-17.*

#### **61G15-32.009 Design of Fine Water Spray (Mist) Fire Suppression and Control Systems.**

(1) Fine water spray (mist) systems include water based fire suppression and control systems based on National Fire Protection Association (NFPA) Standard 750, which is contained within and incorporated into the Florida Fire Prevention Code.

(2) The fire protection system(s) shall be based on applicable NFPA standards when available or on alternative engineering sources including full scale fire testing and good engineering practice when no applicable standard exists.

(3) Design of fine water spray systems requires specific knowledge of hazards, physical containment and fire dynamics. A "pre-engineered" listed system shall be installed only after the engineer of record has evaluated the project specific protected hazard.

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History--New 4-2-00, Amended 3-28-17.*

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

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on threshold buildings and two (2) years of experience in the structural design of threshold buildings. ~~Such experience shall be within the seven (7) years preceding submission of the application.~~—For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on Threshold Buildings ~~within the preceding seven (7) years prior to submission of the application~~ and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application. ~~following: advanced concrete inspection, advanced structural masonry inspection, advanced post tensioning, basic structural steel and basic soils from a nationally recognized entity such as ACI, ICC, Florida Concrete and Products Association, and Post Tension Institute, Florida DOT CEQUTP or equivalent.~~

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/006 (04/17) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/006 may be obtained from the Board office or by downloading it from the internet website [www.fbpe.org/licensure/application-process](http://www.fbpe.org/licensure/application-process) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08308>.

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

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

1. Name,

2. Florida license number,

3. A list of projects submitted for experience credit. For each project identified, the following shall be clearly listed: ~~Experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;~~

a. The beginning and ending experience dates,

b. The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and,

c. A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria has been met,

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector,

5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and,

6. Completed form FBPE/006.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved,

rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(3) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Board office.

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 553.79(5)(a) FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 2-28-16, 6-6-16, 6-26-17.*

#### **61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.**

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective January 1, 2017, those qualifications shall include:

(a) Licensure as a professional engineer or architect, or

(b) Graduation from a four-year engineering education program in civil, structural or architectural engineering, or

(c) Possession of a professional Architecture degree, or

(d) Registration as a building inspector or general contractor, or

(e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work, or

(f) Possess certification(s) in the following area(s):

1. If inspecting concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications of such certification established by ACI on January 1, 2017,

2. If inspecting masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017,

3. If inspecting post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on January 1, 2017,

4. If inspecting structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017 or AISC on January 1, 2017,

5. If inspecting soil related components, certification from the International Code Council in basic soil special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017.

(3) Special Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) Special Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the

Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

*Rulemaking Authority 471.008, 471.015(7) FS. Law Implemented 471.015(7) FS. History—New 3-21-01, Amended 4-5-04, 5-6-09, 2-4-13, 12-23-15, 10-18-17.*

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# Florida Laws and Rules

Chapter Three - Changes to Chapters  
455 and 471, F.S., made by the  
legislature during the preceding  
biennium.

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**Commentary:** For our coverage of chapter 455 we have only published the statute sections that were changed during the previous biennium

## Chapter 455 Revised Sections

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

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the boards or programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by the applicable board or program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 2 years after discharge from active duty as a member of the Armed Forces of the United States, if he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.

(2) A spouse of a member of the Armed Services of the United States who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the boards or programs listed in s. 20.165 shall be kept in good standing by the applicable board or program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

(3)(a) The department shall issue a professional license to an applicant who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of

fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) The department shall waive the applicant's initial licensure application fee.

(c) An applicant who is issued a license under this section may renew such license upon completion of the conditions for renewal required of licenseholders under the applicable practice act, including, without limitation, continuing education requirements. This paragraph does not limit waiver of initial licensure requirements under this subsection.

*History.*—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182; s. 2, ch. 2017-135.

*Note.*—Former s. 485.02.

#### **455.219 Fees; receipts; disposition; periodic management reports.**

(1) Each board within the department shall determine by rule the amount of license fees for its profession, based upon department-prepared long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions by the department and any board; however, when the department has determined, based on the long-range estimates of such revenue, that a profession's trust fund moneys are in excess of the amount required to cover the necessary functions of the board, or the department when there is no board, the department may adopt rules to implement a waiver of license renewal fees for that profession for a period not to exceed 2 years, as determined by the department. Each board, or the department when there is no board, shall ensure license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the department, with advice of the applicable board. If sufficient action is not taken by a board within 1 year of notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for the advancement of sufficient funds to any profession or the Florida State Boxing Commission operating with a negative cash balance. Such advancement may be for a period not to exceed 2 consecutive years and shall require interest to be paid by the regulated profession. Interest shall be calculated at the current rate earned on Professional Regulation Trust Fund investments. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of such professions as required in this section. No more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) All moneys collected by the department from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate accounts in the Professional Regulation Trust Fund for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this

subsection, direct charge expenses shall include, but not be limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department shall not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of department expenses. The department shall provide any board with reasonable access to these records upon request. Each board shall be provided an annual report of revenue and direct and allocated expenses related to the operation of that profession. These reports and the department's adopted long-range plan shall be used by the board to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared pursuant to s. 455.2285.

(4) A condensed management report of budgets, finances, performance statistics, and recommendations shall be provided to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(5) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(6) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07(4).

(7)(a) The department, or a board thereunder, shall waive the initial licensing fee for a member of the Armed Services of the United States <sup>1</sup>who has served on active duty, the spouse of a member of the Armed Services of the United States who was married to the member during a period of active duty, the surviving spouse of a member of the Armed Services of the United States who at the time of death was serving on active duty, or a low-income individual upon application by the individual in a format prescribed by the department. The application format must include the applicant's signature, under penalty of perjury, and supporting documentation as required by the department. For purposes of this subsection, the term "low-income individual" means a person whose household income, before taxes, is at or below 130 percent of the federal poverty guidelines prescribed for the family's household size by the United States Department of Health and Human Services, proof of which may be shown through enrollment in a state or federal public assistance program that requires participants to be at or below 130 percent of the federal poverty guidelines to qualify.

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

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

*History.*—s. 5, ch. 79-36; s. 287, ch. 81-259; s. 2, ch. 84-271; s. 82, ch. 90-132; s. 4, ch. 90-228; s. 4, ch. 91-137; s. 17, ch. 92-149; s. 73, ch. 94-218; s. 8, ch. 2000-356; s. 44, ch. 2004-335; s. 3, ch. 2017-135.

<sup>1</sup>*Note.*—The word "who" was substituted for the word "that" by the editors.

#### **455.227 Grounds for discipline; penalties; enforcement.**

- (1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:
  - (a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
  - (b) Intentionally violating any rule adopted by the board or the department, as appropriate.
  - (c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.
  - (d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.
  - (e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
  - (f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
  - (g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
  - (h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
  - (i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.
  - (j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
  - (k) Failing to perform any statutory or legal obligation placed upon a licensee.
  - (l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.
  - (m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
  - (n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
  - (o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
  - (p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
  - (q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
  - (r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
  - (s) Failing to comply with the educational course requirements for domestic violence.

- (t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.
- (u) Termination from an impaired practitioner program as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.
- (2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:
- (a) Refusal to certify, or to certify with restrictions, an application for a license.
  - (b) Suspension or permanent revocation of a license.
  - (c) Restriction of practice.
  - (d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
  - (e) Issuance of a reprimand.
  - (f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
  - (g) Corrective action.
- (3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.
- (b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.
- (c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.
- (4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.
- (5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

*History.*—s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106; s. 5, ch. 2017-41.

#### **455.2281 Unlicensed activities; fees; disposition.**

In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each subsequent renewal, a special fee of \$5 per licensee, in addition to all other fees imposed, to fund efforts to combat unlicensed activity. However, the department may not impose this special fee on a license renewal for any profession whose unlicensed activity account balance, at the beginning of the fiscal year before the renewal, totals more than twice the total of the expenditures for unlicensed activity enforcement efforts in the preceding 2 fiscal years. This waiver applies to all licensees within the profession, and assessment of the special fee may not begin or resume until the renewal cycle subject to the waiver has ended for all of the licensees in that profession. This waiver does not apply to a profession that has a deficit in its operating account or that is projected to have such a deficit in the next 5 fiscal years. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and may not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department may not charge the account of any profession for the costs incurred on behalf of any other profession. With the concurrence of the applicable board and the department, any balance that remains in an unlicensed activity account at the end of a renewal cycle may be transferred to the operating fund account of that profession.

*History.*—s. 27, ch. 92-149; s. 12, ch. 94-119; s. 160, ch. 99-251; s. 2, ch. 2001-269; s. 5, ch. 2004-292; s. 1, ch. 2016-79.

#### **455.271 Inactive and delinquent status.**

- (1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.227, and the board, or the department when there is no board, may impose discipline on the licensee.
- (2) Each board, or the department when there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status.
- (3) Each board, or the department when there is no board, shall, by rule, impose a fee for an inactive status license which is no greater than the fee for an active status license.
- (4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable

reactivation fees as set by the board, or the department when there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the board, or the department when there is no board, to renew an active or inactive status license before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6)(a) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department.

(b) Notwithstanding the provisions of the professional practice acts administered by the department, the department may, at its discretion, reinstate the license of an individual whose license has become void if the department determines that the individual failed to comply because of illness or economic hardship. The individual must apply to the department for reinstatement and pay an applicable fee in an amount determined by rule. The department shall require that such individual meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

This subsection does not apply to individuals subject to regulation under chapter 473.

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

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) The board, or the department if there is no board, may not require an inactive or delinquent licensee, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of continuing education to reactivate a license.

(11) The status or a change in status of a licensee shall not alter in any way the board's, or the department's when there is no board, right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business or to a person licensed, permitted, registered, or certified pursuant to chapter 310 or chapter 475.

*History.*—s. 14, ch. 94-119; s. 1, ch. 2005-249; s. 2, ch. 2009-54; s. 3, ch. 2012-61; s. 5, ch. 2012-72; s. 8, ch. 2012-208; s. 1, ch. 2017-29.

# Chapter 471 Revised Sections

**Commentary:** For our coverage of chapter 471 we have only published the statute sections that were changed during the previous biennium

## **471.045 Professional engineers performing building code inspector duties.**

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

*History.*—s. 7, ch. 98-419; s. 10, ch. 99-254; s. 28, ch. 2000-372; s. 8, ch. 2017-149.

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# Florida Laws and Rules

## Chapter Four - Resources Used to Develop this Course

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## RESOURCES USED TO DEVELOP THIS COURSE

**Florida Administrative Code, Chapter 61G15**, Board of Professional Engineers

<https://www.flrules.org/gateway/Division.asp?DivID=267>

**Florida Statutes, Title XXXII, Chapter 455** – “Business and Professional Regulation: General Provisions”

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0455/0455ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20455](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0455/0455ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20455)

**Florida Statutes, Title XXXII, Chapter 471** – “Engineering”

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0471/0471ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20471](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20471)

**Florida Administrative Weekly**

<https://www.flrules.org/gateway/Division.asp?DivID=267>

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# Florida Laws and Rules

## Chapter Five - Quiz Problems

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## 2019 Florida Laws and Rules - Quiz

Updated: 11/01/2017

**1) The legislative intent of the Engineering Practice Act is to:**

- A) lessen the responsibilities of other allied professions.
- B) protect the health and welfare of citizens.
- C) increase the revenue of the state.
- D) promote increased regulation of professions.

**2) Per 61G15-19.001(6)(s), Renewing or reactivating a license without completion of Continuing Education (CE) hours and subject areas as required by section 471.017, F.S. and Rule \_\_\_\_\_ is grounds for disciplinary proceedings [KEYWORD: subject areas ]**

- A) 61G15-20.001, F.A.C
- B) 61G15-22.001, F.A.C
- C) 61G15-20.0015, F.A.C
- D) 61G15-31.004, F.A.C

**3) Charlie has been caught by the board renewing his license without completing his continuing education requirements for the third time. What is the maximum penalty the for this infraction of the laws and rules? [KEYWORD: without completion]**

- A) \$1000 fine
- B) One Year suspension
- C) Revocation of his license
- D) Suspension until licensee demonstrates compliance

**4) In order to become a licensed engineer, Julie must pass the Fundamentals of Engineering Examination and the Principles and Practice Examination with a score of 70% or better. [KEYWORD: score]**

- A) True
- B) False

**5) One professional development hour (PDH) is equivalent to \_\_\_\_\_ continuing education hour (CEH). [KEYWORD: is equivalent]**

- A) one
- B) two
- C) three
- D) four

**6) Susan became a licensed professional engineer in the year 2005. How many CEH hours must Susan complete between March 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2019 to fulfil her continuing education requirements. [KEYWORD: 61G15-22.001]**

- A) 4 hours
- B) 8 hours
- C) 15 hours
- D) 18 hours

**7) Now that Susan has completed her continuing education hours she must keep records proving she completed these hours for at least \_\_\_\_\_. [KEYWORD: Record Keeping]**

- A) one licensure cycle (two years)
- B) two licensure cycles (four years)
- C) three licensure cycles (six years)
- D) four licensure cycles (eight years)

**8) Joseph has been asked to sign, date, and seal a set of civil engineering plans that are not yet complete. The contract he has signed with the owner required him to submit a set of signed and sealed plans at the 80% stage of completion. Joe should \_\_\_\_\_. [KEYWORD: 61G15-23.001]**

- A) sign and seal the plans but do not date them.
- B) sign, date, and seal the plans but add to the title block the note "For Review Only".
- C) refuse to sign, seal, and date the plans because they are not 100% complete yet
- D) sign, date, and seal the plans as required by contract but remove the title block.

**9) All of the following seals are acceptable to the board except for \_\_\_\_\_. [KEYWORD: 61G15-23.002]**

- A) the Wet Seal
- B) the Embossed Seal
- C) the Digital Seal
- D) the Wax Seal

**10) True or False: When an electronically transmitted plan sheet is digitally signed and sealed and the use of a digital seal is applied to the document the following text must also be placed next to the digital seal:**

**“Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies”**

- A) True
- B) False

**11) I have personally and successfully completed each chapter of instruction. You must answer true to complete this course.**

- A. True
- B. False