



2021 - 2023 Florida Laws and Rules

2021 – 2023 Florida Laws and Rules

By

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1 PDH HOURS

2023 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 2019 to March 2021. 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Rules adopted, amended or repealed during the immediately preceding biennium for the Florida Administrative Code.

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

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 10 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 within two days or less. The reader can contact PDHLibrary.com in the following three ways:

By Email:

mail@pdhlibrary.com

By Phone:

Call Southard Engineering, Inc. | PDHLibrary.com at 352-367-2526. Business hours are Monday through Friday 10:00 AM to 4:00 PM.

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Florida Laws and Rules

Chapter One – Introduction to Florida Laws and Rules



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.

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. New text is red and underlined while deleted text is green and crossed out.

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.

Florida Laws and Rules

Chapter Two - Rules adopted, amended or repealed during the immediately preceding biennium

Notice:	22255115 (61G15-18.005)
Effective Date:	8/26/2019
Purpose and Effect:	The purpose of the amendment is to update the language and to allow flexibility in panel assignments to ensure statutory quorum requirements are met.
Summary:	Update rule text.
Final Rule Date:	8/26/2019

61G15-18.005 Probable Cause Determination.

Probable cause determination as to a violation of Chapter 471 or 455, F.S., and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) ~~board~~ members, **which must include one (1) current and a combination of** ~~or two (2) current or former~~ board members ~~and one (1) past board member. Said members shall be as appointed by the Chair as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year.~~ All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, F.S.

Rulemaking Authority 455.225 FS. Law Implemented 455.225 FS. History—New 1-8-80, Amended 4-5-81, Formerly 21H-18.05, 21H-18.005, Amended 11-15-94, 1-6-02, 2-2-12, 8-26-19.

Notice:	24641800 (61G15-18.011)
Effective Date:	6/29/2021
Purpose and Effect:	The purpose of the amendment is to update to the rule language to include the current edition of the Florida Building Code and Florida Fire Prevention Code.
Summary:	Update to current edition of the Florida Building Code and Florida Fire Prevention Code.
Final Rule Date:	6/29/2021

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, 7th Edition, (2020), adopted by the Florida Building Commission through Rule 61G20-1.001, F.A.C., effective 12-31-20, which rule is incorporated herein by reference and which may be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13200>. ~~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, 7th Edition, (2020), adopted by the Division of State Fire Marshal through rule ~~61G15-34, F.A.C.,~~ Chapter 69A-60, F.A.C. The Florida Fire Prevention Code, effective 12-31-20, 11-13-08 which rule chapter is incorporated herein by reference and which may be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13201>. ~~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.~~

(8) No later than December 31, 2024, the Board shall review and consider amendment, modifications, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

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, 3-4-18, 5-27-20, 6-29-21.

Notice:	22722073 (61G15-19.001)
Effective Date:	12/29/2019
Purpose and Effect:	The purpose of the amendments is to update the rules due to statutory changes from Chapter 2019-86, Laws of Florida, and any additional changes as necessary to effectuate the legislative intent.
Summary:	Update rule texts.
Final Rule Date:	12/29/2019

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, or other qualified business organization ('firm') 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~~ a qualified business organization or 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 or qualified business organization is practicing engineering under a fictitious name, and must be qualified by a Florida professional engineer ~~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 and 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 qualified business organization ~~certificate holder~~ to obey the terms of a final order imposing discipline upon said professional engineer or qualified business organization ~~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, or 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, 12-29-19.

Notice: 24862281 (61G15-19.004)

Effective Date: 8/22/2021

Purpose and Effect: The purpose of the amendment is to clarify the rule text.

Summary: Substantial rewrite of rule text. This was a substantial rewrite. Penalties ranges have been updated. And list of mitigating factors that may be used to go below the minimum or above the maximum penalty guidelines have been expanded. This section does not show the granular changes made to this section because they were so numerous. We recommend a complete read of this section.

Final Rule Date: 8/22/2021

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 qualified business organizations) guilty of violating Chapter 455 or 471, F.S., or the rules promulgated thereto. 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 455 or 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 455 or 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. 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 VIOLATION	THIRD OR 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.) not otherwise specifically enumerated below.	Reprimand and \$1,000.00 fine, to one (1) year suspension, two (2) years' probation and \$5,000 fine.	Reprimand, \$2,500 fine and one (1) year suspension followed by two (2) years' probation to five (5) years' suspension followed by five (5) years' probation and a \$5,000 fine.	\$5,000 fine and Revocation.
1. Failure to sign, seal or date documents. (Section 471.025(1), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension.	Reprimand, \$2,500 fine and one (1) year suspension to \$5,000 fine and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and 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 with ability to reapply after five (5) years and \$2,500 fine. Revoked license: \$5,000 fine and Referral to State's Attorney's office.		
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform. (Sections 471.025(3), 455.227(1)(o),	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension.	Reprimand, \$5,000.00 fine, one (1) year suspension and two (2) years' probation to Revocation.	\$5,000 fine and Revocation.

F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)			
4. Firm practicing without proper qualification. (Section 471.023, F.S., and subsection 61G15-19.001(3), F.A.C.)	\$500 fine to \$1,000 fine.	\$1,000 fine to \$2,500 fine.	\$5,000 fine.
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.)	In addition to referral to State Attorney's Office and denial of future application for licensure, from a \$1,000 fine to a \$2,500 fine.	In addition to referral to State Attorney's Office from a \$2,500 fine to a \$5,000 fine.	In addition to referral to State Attorney's Office, a \$5,000 fine.
6. Presenting as his or her own the license of another. (Section 471.031(1)(c), F.S.)	In addition to referral to State Attorney's Office and denial of future application for licensure, from a \$1,000 fine to a \$2,500 fine.	In addition to referral to State Attorney's Office from a \$2,500 fine to a \$5,000 fine.	In addition to referral to State Attorney's Office, a \$5,000 fine.
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.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and 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.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
9. Having been found liable for knowingly filing a false complaint against another licensee. (Section 455.227(1)(g), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation	\$5,000 fine and Revocation.

10. Failing to report a person in violation of Chapters 455, and 471, F.S., or the rules of the Board or the Department. (Section 455.227(1)(i), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
11. Failing to perform any statutory or legal obligation. (Section 455.227(1)(k), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
12. Exercising influence on a client for financial gain. (Section 455.227(1)(n), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
13. Improper delegation of professional responsibilities. (Section 455.227(1)(p), F.S.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
14. Improperly interfering with an investigation or inspection or disciplinary proceeding. (Section 455.227(1)(r), F.S.)	\$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine and two (2) year suspension followed by two (2) years' probation.	\$5,000 fine and 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.)	\$5,000 fine and permanent revocation or denial of license (minimum and maximum same).		

(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.)	In addition to a reprimand, from a \$500 fine to a \$1,000 fine.	In addition to a reprimand, from a \$1000 fine to a \$2,500 fine.	Reprimand and \$5,000 fine.
(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.)	Reprimand, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine, two (2) years' suspension followed by two (2) years' probation and completion of Basic Engineering Ethics Course.	\$5,000 fine and 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 to \$2,500 fine and one (1) year suspension followed by one (1) year probation and completion of Basic Engineering Professionalism Course.	Reprimand, \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine, two (2) years' suspension followed by two (2) years' probation and completion of Intermediate Engineering Ethics Course.	\$5,000 fine and 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, completion of Basic Engineering Ethics Course, and \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, completion of Intermediate Engineering Ethics Course, and \$2,500 fine and one (1) year suspension followed by one (1) year probation to \$5,000 fine, two (2) years' suspension followed by two (2) years' probation.	\$5,000 fine and Revocation.
(f) Fraudulent, false, deceptive or misleading advertising. (Sections 471.033(1)(f), F.S., and subsection 61G15-19.001(2), F.A.C.)	Reprimand, completion of Basic Engineering Ethics Course, \$1,000 fine and one (1) year probation to \$2,500 fine and one (1) year suspension followed by one (1) year probation.	Reprimand, completion of Intermediate Engineering Ethics course, \$2,500 fine, two (2) years' suspension followed by two (2) years' probation to \$5,000 fine and five (5) years' suspension followed by five (5)	\$5,000 fine and Revocation.

		years' probation.	
(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, completion of Basic Engineering Ethics Course, \$1,000 fine and two (2) years' probation to one (1) year suspension followed by one (1) year probation and \$5,000.00 fine.	Reprimand, completion of Intermediate Engineering Ethics Course, one (1) year suspension followed by one (1) year probation and \$2,500 fine to five (5) years' suspension followed by five (5) years' probation and a \$5,000 fine.	\$5,000 fine and Revocation.
2.a. Negligence. (Subsection 61G15-19.001(4), F.A.C.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review, and Basic Engineering Ethics Course to two (2) years' suspension followed by five (5) years' probation with plans review and \$2,500 fine.	Reprimand; \$2,500 fine per count; one (1) year suspension followed by two (2) years' probation with plans review; Intermediate Engineering Ethics Course to five (5) year suspension followed by ten (10) years' probation with plans review.	\$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; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to two (2) years' suspension followed by five (5) years' probation with plans review and \$2,500 fine.	Reprimand; \$2,500 fine per count; one (1) year suspension followed by two (2) years' probation with plans review; Intermediate Engineering Ethics Course to five (5) year suspension followed by ten (10) years' probation with plans review.	\$5,000 fine and Revocation.
c. As a special inspector.	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to two (2) years' suspension followed by five (5) years' probation with plans review and \$2,500 fine.	Reprimand; \$2,500 fine per count; one (1) year suspension followed by two (2) years' probation with plans review; Intermediate Engineering Ethics Course to five (5) year suspension followed by ten (10) years' probation with plans review.	\$5,000 fine and Revocation.

3. Incompetence. (Subsection 61G15-19.001(5), F.A.C.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to two (2) years' suspension followed by five (5) years' probation with plans review and \$2,500 fine.	Reprimand; \$2,500 fine per count; one (1) year suspension followed by two (2) years' probation with plans review; Intermediate Engineering Ethics Course to five (5) year suspension followed by ten (10) years' probation with plans review.	\$5,000 fine and Revocation
4. Misconduct. (Subsection 61G15-19.001(6), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to two (2) years' suspension followed by five (5) years' probation with plans review and \$2,500 fine.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to five (5) year suspension followed by ten (10) years' probation with plans review.	\$5,000 fine and Revocation.
a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion. (Paragraph 61G15-19.001(6)(a), F.A.C.)	Reprimand, Basic Engineering Ethics Course and \$1,000 fine to six (6) months suspension followed by two (2) years' probation and Basic Engineering Ethics Course.	Reprimand, \$1,000 fine, six (6) month's suspension followed by one (1) year probation and Intermediate Engineering Ethics Course to \$2,500 fine, one (1) year suspension followed by two (2) years' probation and intermediate Engineering Ethics Course.	\$5,000 fine and Revocation.
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion. (Paragraph 61G15-19.001(6)(b), F.A.C.)	Reprimand, Basic Engineering Ethics Course and \$1,000 fine to six (6) months suspension followed by two (2) years' probation and Basic Engineering Ethics Course.	Reprimand, \$1,000 fine, six (6) month's suspension followed by one (1) year probation and Intermediate Engineering Ethics Course to \$2,500 fine, one (1) year suspension followed by two (2) years' probation and intermediate Engineering Ethics Course.	\$5,000 fine and Revocation.

c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies. (Paragraph 61G15-19.001(6)(e), F.A.C.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.
d. Soliciting or accepting gratuities without client knowledge. (Paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.
e. Failure to preserve client's confidence. (Paragraph 61G15-19.001(6)(r), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation
f. Professional judgment overruled by unqualified person. (Paragraph 61G15-19.001(6)(l), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.

g. Use of name/firm in fraudulent venture. (Paragraph 61G15-19.001(6)(k), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.
h. Undisclosed conflict of interest. (Paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.
i. Renewing or reactivating a license without completion of continuing education hours. (Paragraph 61G15-19.001(6)(s), F.A.C.)			
1. Failure to complete Florida Board approved Laws and Rules or Professional Ethics course prior to renewal.	Remedial action only, complete Florida Laws and Rules Study Guide.	\$250 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to hours required for biennial renewal OR completion of Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
2. Failure to complete Board approved Laws and Rules and Professional Ethics prior to renewal	Remedial action only, complete Florida Laws and Rules Study Guide.	\$500 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to hours required for biennial renewal OR completion of Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University

			Engineering Ethics Course.
3. Failure to complete any state's Laws and Rules and/or Professional Ethics courses.	Remedial action only: \$250 fine, Florida Laws and Rules Study Guide, and complete Florida Board approved courses in both areas in addition to CE required for biennial licensure renewal.	\$500 fine, Florida Laws and Rules Study Guide and Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
4. Failure to complete any/all required CE prior to licensure renewal/reactivation; all credits completed prior to initiation of complaint.	Remedial action only: \$250 fine and Florida Laws and Rules Study Guide.	\$500 fine, Florida Laws and Rules Study Guide and Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
5. Failure to complete any/all required CE prior to licensure renewal/reactivation, all hours completed prior to Administrative Complaint being filed.	Remedial action only: \$500 fine and Florida Laws and Rules Study Guide.	Reprimand, \$2,000 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to hours required for biennial renewal OR completion of Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.
6. Failure to complete any/all required CE prior to licensure renewal/reactivation; no response to audit or complaint prior to service of Administrative Complaint.	Reprimand, \$5,000 fine and 2 hours live or live streaming CE for each hour of missing CE, in addition to hours required for biennial renewal AND completion of Auburn University Online Ethics Course.	Reprimand, one (1) year suspension, completion of 36 hours live CE in addition to hours required for biennial renewal and completion of Auburn University Engineering Ethics Course.	

(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review, and Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Revocation.
1. Delinquent license.	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course.	\$5,000 fine and Revocation.
2. Inactive license.	Reprimand; \$1,000 fine per count; one (1) year suspension followed by two (2) years' probation; and Basic Engineering Ethics Course.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course.	\$5,000 fine and Revocation.
3. Suspended license.	Permanent revocation and \$5,000.		
4. Revoked license.	\$5,000 fine and Referral to State Attorney.	\$5,000 fine and Referral to State Attorney.	\$5,000 fine and Referral to State Attorney.
5. Business Organization not properly qualified.	Reprimand; \$500.00 fine to \$5,000.00 fine, and one (1) year suspension.	One (1) year suspension and \$5,000.00 fine to Revocation.	\$5,000 fine and Revocation.
(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; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Permanent 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.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and Permanent Revocation.
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	Reprimand; \$1,000 fine per count; two (2) years' probation with plans review; Basic Engineering Ethics Course to \$2,500 fine and one (1) year suspension followed by two (2) years' probation.	Reprimand; \$2,500 fine per count; two (2) year suspension followed by two (2) years' probation; and Intermediate Engineering Ethics Course to \$5,000 fine per count and five (5) year suspension followed by five (5) years' probation.	\$5,000 fine and 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 and \$500 fine.	Reprimand, \$1000 fine, Basic Engineering Ethics Course, and one (1) year probation.	\$5,000 fine and Revocation.

(3) Probation. Pursuant to Sections 455.227(2)(f) and (g), F.S., the Board may impose probation and/or corrective action as disciplinary penalties. All impositions of probation/corrective action as a penalty may include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved CE course in Engineering Professionalism and Ethics, and an appearance before the Board at the end of the probationary period. Probation may be with or without monitoring/plans review.

(a) If monitoring/plans review is imposed as a term of probation and/or as corrective action, such monitoring/plans review shall require submission of three (3) plan sets, as selected by the consultant from a list of all plans prepared by Respondent, for review at the six (6) and eighteen (18) month intervals following entry of the order. Following satisfactory review of all 3 plan sets at the 6 month interval monitoring/plans review may be terminated without the 18 month review. Unsatisfactory plans review at the 6 month period will require the 18 month review and shall result in referral for investigation and possible institution of additional disciplinary proceedings. An unsatisfactory 18 month plans review shall lead to referral for investigation and possible institution of additional disciplinary proceedings.

(b) The licensee is responsible for all costs associated with compliance with the terms of probation. Unless stated otherwise in the disciplinary order, any costs of compliance with disciplinary penalties imposed shall be paid within thirty (30) days of the effective date of the Order or of invoice, whichever is later.

(4) 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.
5. Refusal to accept responsibility for or to acknowledge the violation.
6. Degree of cooperation with disciplinary investigation.
7. Degree to which conduct departed from generally accepted professional standards of conduct.
8. The number of unrelated and distinct offenses.
9. Prior discipline imposed upon the licensee.
10. The deterrent effect of the penalty imposed.
11. Failure of the licensee to correct or stop violations.

(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.
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.
6. Acceptance of responsibility for the violation and explanation of the facts and circumstances surrounding the occurrence.
7. Degree of cooperation with disciplinary investigation.
8. Degree to which conduct departed from generally accepted professional standards of conduct.
9. The length of time the licensee has practiced his or her profession.
10. The effect of the penalty upon the licensee's livelihood.
11. Efforts of the licensee to correct or stop violations.

(5) Costs. In addition to any penalty imposed pursuant to Section 455.227(2), F.S. and the rules of the Board, pursuant to Section 455.227(3), F.S., the licensee is responsible for payment of all costs of investigation and prosecution related to a disciplinary case.

(6) The provisions of subsections (1) through (5), above, are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S. Likewise, the provisions of subsections (1) through (5), above, are not intended and shall not be construed to limit the ability of the Board to pursue, or recommend the Department pursue, collateral civil or criminal actions, where authorized by law.

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, 12-29-19, 8-22-21.

Notice:	24862378 (61G15-19.0051)
Effective Date:	8/22/2021
Purpose and Effect:	The purpose of the amendment is to update and clarify the rule text, and to allow additional disciplinary violations to be resolved through issuance of a citation.
Summary:	Updates rule language to clarify issuance of Notices of Noncompliance and adds a disciplinary violation which can be resolved through issuance of a citation.
Final Rule Date:	8/22/2021

61G15-19.0051 Notice of Noncompliance.

(1) As specified in Section 120.695(2)(b), F.S., minor violations of rules are violations that do not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Accordingly, as provided in Section 120.695(2)(a), F.S., as an alternative to investigation and prosecution, when a complaint is received, FEMC shall provide a licensee with a notice of noncompliance for an initial offense for the following violations:

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

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

~~(c) Licensee practicing through a business organization that is not properly qualified with the Board for less than one month.~~

(c) Failing to report a criminal conviction or plea of nolo contendere, regardless of adjudication, pursuant to Section 455.227(1)(t), F.S., if the licensee self reports after 30 days from the date of conviction or plea but within one (1) year after the date of the conviction or plea.

(d) Failure to complete a Board approved Advanced Building Code course as required by subsection 61G15-22.001(3), F.A.C., prior to submission of engineering documents in connection with buildings, structures, or facilities and systems covered by the Florida Building Code to an Authority Having Jurisdiction.

(e) Failure to produce documentation of compliance with continuing education requirements within sixty (60) days of notification to the licensee of the requirement to produce said documentation – first offense – No Notice of Noncompliance previously issued Section 61G15-22.006(2)(c), F.A.C.

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

(g) Failure to properly utilize a Title Block as required by paragraph 61G15-23.001(4)(a), F.A.C.

(h) Practice with an improper seal. (See Rule 61G15-23.001, F.A.C.).

(i) First time failure to complete a Florida Board Approved Laws and Rules and/or Professional Ethics Continuing Education course, as required by subsection 61G15-22.001(1), F.A.C., if a non-approved L&R or PE course was taken prior to licensure renewal.

(j) From August 2, 2021 until December 31, 2022, a first time failure to properly sign and seal an Electronic Multidimensional Model submitted as Final Work Product – subsection 61G15-23.001(4), F.A.C.

(2) A second offense shall result in issuance of a citation pursuant to Rule 61G15-19.0071, F.A.C.

(3) No later than December 31, 2024, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 455.225 FS. Law Implemented 120.695, 455.225(3)(a) FS. History—New 4-2-00, Amended 5-5-10, 8-26-13, 12-31-17, 5-8-18, 12-29-19, 5-17-20, 11-2-20, 8-22-21.

Notice:	23781119 (61G15-19.0071)
Effective Date:	11/2/2020
Purpose and Effect:	The purpose of the amendments is to update and clarify the rules requirements, including the processing of incomplete or deficient applications and clarification of creditable experience following licensure in another jurisdiction.
Summary:	Clarify and update the rules requirements regarding incomplete or deficient applications and creditable licensure experience received in another jurisdiction.
Final Rule Date:	11/2/2020

61G15-19.0071 Citations.

(1) As used in this rule, “citation” means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee or qualified business organization ~~certificateholder~~ for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., FEMC is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

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

and 471.033(1)(a), F.S.)

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

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

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

(e) Unlicensed practice of engineering. The fine shall be up to \$250 for each month depending on the severity of the infraction practice, up to a maximum of \$5,000.00. (See Section 455.228(3)(a), F.S.)

(f) Failure to properly utilize a Title Block as required by paragraph 61G15-23.001(4)(a), F.A.C., if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be \$500.

(g) Failure to produce documentation of compliance with continuing education requirements within sixty (60) days of notification to the licensee of the requirement to produce said documentation – Notice of Noncompliance previously issued – paragraph 61G15-22.006(2)(c), F.A.C. The fine shall be \$500.

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Professional Engineers. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 471.033(1)(k), F.S., which will result in further disciplinary action. All fines and costs are to be made payable to “Florida Engineers Management Corporation – Citation.”

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.

(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of chapter 119, F.S. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 61G15-19.004, F.A.C.

(7) Subsequent violation(s) of the same rule or statute shall require the procedure of Section 455.225, F.S., to be followed. In addition, should the offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.255, F.S., shall apply.

(8) No later than December 31, 2024, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 455.224, 455.225, 455.228(3)(a) FS. Law Implemented 455.224, 455.227, 455.228(3)(a), 471.023, 471.033 FS. History—New 4-2-00, Amended 9-26-05, 8-26-13, 12-29-19, 5-17-20, 11-2-20.

Notice:	22722655 (61G15-20.001)
Effective Date:	12/29/2019
Purpose and Effect:	The purpose of the rule amendments is to implement the statutory changes in Sections 5 and 6, Chapter 2019-86, Laws of Florida, which establishes a pathway for applicants holding engineering technology degrees to establish eligibility for licensure in Florida.
Summary:	Implement statutory changes to rule text
Final Rule Date:	12/29/2019

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). The Term “engineering program” is synonymous with the term “engineering science” used in Section 471.013(1)(a)1., F.S., and “engineering degree,” as used elsewhere in this chapter; 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) Engineering technology programs accredited by the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (ETAC/ABET); or

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

1. 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

2. Holds a baccalaureate degree from an engineering technology program that is not accredited by ETAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.008(1), F.A.C., or

(e) In the case of an applicant who holds a non-engineering baccalaureate degree coupled with a master’s and/or doctoral degree in engineering, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C. or subsection 61G15-20.008(1), F.A.C., respectively; or

(f) 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, 12-29-19.

Notice:	22723043 (61G15-20.100)
Effective Date:	12/29/2019
Purpose and Effect:	Certificates of Authorization have been removed and replaced with Qualified Business Organizations.
Summary:	Qualified Business Organizations to replace certificates of authorizations.
Final Rule Date:	12/29/2019

61G15-20.100 Qualified Business Organizations.

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 is qualified by a Florida licensed professional engineer. 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 A qualifying agent who is the professional engineer qualifying the business organization 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 FS. Law Implemented 471.023 FS. History—New 9-7-17, Amended 12-29-19.

Notice:	22105541 (61G15-22.0001)
Effective Date:	7/25/2019
Purpose and Effect:	The purpose of the amendment is to update the language to include an extension period for active or inactive license members who are serving on federal active military duty.
Summary:	Update rule language.
Final Rule Date:	7/25/2019

61G15-22.0001 License Renewal.

(1) Active or Inactive Status. 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, 12/17, 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 or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09413>. 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) Delinquent status.

(a) 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.

(b) Application for renewal of a delinquent status license shall be made on form FBPE/020, and shall be accompanied by all fees as specified by section 455.271(7), F.S., and rule 61G15-24.001, F.A.C. In addition, applications for renewal of a delinquent status license must be accompanied by documentation of the licensee's compliance with the continuing education requirements established by section 471.017(3)(a), F.S., and rule 61G15-22.001, F.A.C.

(3) Members of the Armed Forces and Spouses.

(a) Members of the United States Armed Forces serving on active duty, or having been discharged within the twenty-four (24) months preceding renewal; or spouses or surviving spouses of active duty members, may renew a license as specified in sections 455.02(1) and (2), F.S. Applications for renewal shall be made by remitting to FEMC Form FBPE 040, 12/18, Renewal Application Military Change of Status, which is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10315>.

(b) The active or inactive license of a member of the Florida National Guard or United States Armed Forces Reserve shall not expire while that member is serving on federal active duty, and shall be extended through the period of federal active duty and for up to ninety (90) days thereafter, as provided by section 250.4815, F.S.

Rulemaking Authority 455.271(2), (5), (6)(a), (7), 471.011, 471.017(2) FS. Law Implemented 250.4815, 455.02(1), (2), 455.271(2), (5), (6)(a), (7), 471.011, 471.017 FS. History—New 8-1-02, Amended 2-18-16, 2-27-17, 11-21-17, 5-28-18, 4-1-19, 7-25-19.

Notice:	22723528 (61G15-22.0002)
Effective Date:	12/29/2019
Purpose and Effect:	The purpose of the amendment is to update the rule based on the statutory changes in Sections 2 and 7, Chapter 2019-86, Laws of Florida.
Summary:	Update rule text and application.
Final Rule Date:	12/29/2019

61G15-22.0002 Licensure Change of Status, Reactivation; Reinstatement of Void Licenses.

(1) Active to Inactive Licensure Status Change. Licensees may inactivate their license and change their licensure status from active to inactive by remitting to FEMC a completed Application To Change of Status Application, from ACTIVE TO INACTIVE Form FBPE/023, 09/19, and the fee specified by Rule 61G15-24.001, F.A.C. The application form FBPE/023 is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11355>.

(2) Reactivation of Inactive Licenses. To ACTIVE Licensure Status Licensees may reinstate an inactive license and change their licensure status from inactive to active by remitting to FEMC Application To a completed Change of Status Application, from INACTIVE TO ACTIVE, Form FBPE/022, 12/16 referenced in subsection (1), 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/0212 is incorporated by reference herein and may be obtained from www.fbpe.org/index.php/licensure/other-forms or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07864>

(3) Reinstatement of Void Licenses. Persons previously licensed as professional engineers in Florida may not re-apply for licensure by examination or by endorsement pursuant to Section 471.013 or 471.015, F.S. Rather, pursuant to Sections 455.271(6) and 471.019, F.S., any person previously licensed as a professional engineer in Florida whose Florida license has become void must apply for reinstatement of the previous license. Application for reinstatement shall be made on form FBPE/023, Change of Status Application, referenced in subsection (1). In addition to a completed application form, all applications for reinstatement shall be accompanied by the following.

(a) The fees specified by Rule 61G15-24.001, F.A.C.;

(b) Documentation of satisfaction of any disciplinary obligations imposed against the void license; and

(c) Documentation of one of the following:

1. Current active practice as a professional engineer in another U.S state or territory. Such documentation shall include verification of active licensure in good standing and compliance with such state or territory's continuing education requirements; or

2. Applicants not currently in active practice as a professional engineer must provide proof of completion of thirty-six (36) hours of continuing education, including two (2) hours of professional ethics and a one (1) hour course in Florida Laws and Rules. With the exception of the one (1) hour Florida Laws and Rules course, which can be taken online, the remaining thirty-five (35) hours must be in-person courses; online or distance learning courses will not be accepted.

Rulemaking Authority 455.271, 471.008, 471.019 FS. Law Implemented 455.271, 471.019 FS. History—New 8-1-02, Amended 2-27-17, 12-29-19.

Notice:	22723237 (61G15-22.001)
Effective Date:	12/29/2019
Purpose and Effect:	The Board proposes the rule amendment to update the rule's language to allow the professional ethics class to be obtained from any US jurisdiction; it no longer has to be Florida Board approved. 61G15-22.006 - The Board proposes the rule amendment to update the rule based on the statutory changes in Sections 2 and 7, Chapter 2019-86, Laws of Florida, and to specify that licensees with reinstated void licenses will be included in the biennial continuing education audit. 61G15-22.009 - The Board proposes the amendment to clarify the scope of the exemption from CE requirements only applies to new licensees by examination, not to endorsement or reinstated licenses.
Summary:	Update rules text.
Final Rule Date:	12/29/2019

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eighteen (18) continuing education 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 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 61G15-22.002, F.A.C.

(a) The one (1) hour of professional ethics must be obtained from a professional ethics course approved for credit in any US jurisdiction.

(b) The one (1) hour of laws and rules required by Section 471.017, F.S., must be obtained from courses approved by the Board pursuant to Rule 61G15-22.0105, F.A.C.

(c) Pursuant to Section 471.017(3)(a), F.S., a licensee may earn the required professional ethics and laws and rules hours by serving as a member of the Legislature or as an elected state or local official.

(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 **(1)** advanced Florida Building Code course within **twelve** (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), 471.0195 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, 8-1-18, 12-29-19.

Notice:	22723334 (61G15-22.006)
Effective Date:	12/29/2019
Purpose and Effect:	The Board proposes the rule amendment to update the rule's language to allow the professional ethics class to be obtained from any US jurisdiction; it no longer has to be Florida Board approved. 61G15-22.006 - The Board proposes the rule amendment to update the rule based on the statutory changes in Sections 2 and 7, Chapter 2019-86, Laws of Florida, and to specify that licensees with reinstated void licenses will be included in the biennial continuing education audit. 61G15-22.009 - The Board proposes the amendment to clarify the scope of the exemption from CE requirements only applies to new licensees by examination, not to endorsement or reinstated licenses.
Summary:	Update rules text.
Final Rule Date:	12/29/2019

61G15-22.006 Demonstrating Compliance; Audits; Investigations.

(1) In order to demonstrate compliance with continuing education requirements, licensees must affirmatively declare completion of the continuing education requirements upon licensure renewal.

(2) The Board will randomly audit a minimum of three percent (3%) of licensees to assure that the continuing education requirements are met.

(a) In addition, licensees audited in the previous biennium who failed to demonstrate compliance will be included with the group of licensees audited for the current renewal cycle.

(b) Licensees whose void license was reactivated during the previous renewal cycle will be included within the group of licensees audited for the current renewal cycle.

(c) A failure to produce documentation of compliance with continuing education requirements during an audit will result in the opening of a disciplinary complaint against the licensee for violation of paragraph 61G15-19.001(6)(s), F.A.C. If a violation is proven, the penalty shall be within the guidelines established by subparagraph 61G15-19.004(2)(g)4.i., F.A.C.

(3) The licensee shall retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the continuing education pursuant to an audit for four (4) years from the date of completion of the continuing education activity.

In addition, the Board shall use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

(4) In addition to auditing licensee compliance as provided in subsection (2), to monitor licensee compliance with continuing education requirements, any investigation conducted pursuant to Section 455.225, F.S., shall be

expanded to include investigation of compliance with continuing education.

Rulemaking Authority 455.213(7), 455.2178, 471.008, 471.017(3) FS. Law Implemented 455.2177, 455.2178, 471.017(3) FS. History—New 9-16-01, Amended 7-13-04, 8-20-12, 1-2-18, 8-1-18, 12-29-19.

Notice:	23831947 (61G15-22.009)
Effective Date:	11/16/2020
Purpose and Effect:	The purpose of the amendment is to update the exemptions from continuing education requirements for new licensees.
Summary:	Updates exemptions from CE requirements for initial biennial renewal.
Final Rule Date:	11/16/2020

61G15-22.009 Exemptions from Continuing Education Requirements.

(1) Licensees who have passed a Principles and Practices of Engineering Examination and become licensed in Florida during the current biennium ~~achieved licensure by examination shall be exempt from continuing education requirements for that same biennium. their first renewal period. This exemption does not apply to licensees by endorsement, licensees who directly registered for examination with NCEES, or to licensees upon reinstatement of previously void licenses.~~ This exemption does not apply to the requirement of Section 471.0195, F.S., regarding Advanced Building Code training.

(2) Any licensee whose license is placed in retired status shall be exempt thereafter.

(3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.

(4) Any licensee who is a member of the United States Armed Forces and maintains Florida licensure pursuant to Section 455.02, F.S.

(5) No later than December 31, 2024, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 455.213(7), 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2179, 471.017(3) FS. History—New 9-16-01, Amended 12-29-19, 11-16-20.

Notice:	23159931 (61G15-22.011)
Effective Date:	5/3/2020
Purpose and Effect:	The purpose of the amendment is to update the rule language to show the deletion of Certificates of Authorization and replace with engineering business organization.
Summary:	Update rule text.
Final Rule Date:	5/3/2020

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) or International Association for Continuing Education and Training (IACET) as of March 1, 2015, 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 properly qualified as an engineering business organization ~~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 (10/17), incorporated by reference herein, which may be obtained from www.fbpe.org/licensure/application-process or at <https://www.flrules.org/gateway/reference.asp?No=Ref-09327>.

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

(c) Proof of registration as continuing education provider with ACEC or IACET, or if the applicant is not registered as a continuing education provider with ACEC or IACET, 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.

(10) No later than December 31, 2024, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

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, 5-8-18, 5-3-20.

Notice:	23832044 (61G15-23.002)
Effective Date:	11/16/2020
Purpose and Effect:	To clarify the minimum size requirement of a wet, embossed, or digitally created seal.
Summary:	The amendment clarifies the 1 7/8" minimum seal size is established for the document's native format; it may be scaled in enlarged/reduced document sizes.
Final Rule Date:	11/16/2020

61G15-23.002 Seals Acceptable to the Board.

(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. When utilizing Digitally Created Seals, the requirement of a minimum diameter of 1-7/8 inches shall be met when the image is represented in native (unreduced) document size.

(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, 11-16-20.

Notice:	22723916 (61G15-27.001)
Effective Date:	12/29/2019
Purpose and Effect:	The purpose of the amendment is to update the rule based on the statutory changes in Section 10, Chapter 2019-86, Laws of Florida, which creates subsection 471.025(4), F.S.
Summary:	Update rules text.
Final Rule Date:	12/29/2019

61G15-27.001 Procedures for a Successor Professional Engineer Adopting As Their Own the Work of Another Engineer.

(1) A successor professional engineer seeking to reuse already sealed plans, prints, engineering specifications, and/or engineering calculations under the successor professional engineer's seal ~~must be able to document and produce upon request evidence that he has in fact recreated all the work done by the original professional engineer~~ shall do so in compliance with section 471.025(4), F.S. In other words, calculations, site visits, research and the like must be documented and producible upon demand. ~~Further, the successor professional engineer must take all professional and legal responsibility for the plans, prints, engineering specifications, and/or engineering calculations used for permitted works which he sealed and signed and can in no way exempt himself from such full responsibility.~~ Plans, prints, engineering specifications, and/or engineering calculations ~~used for permitted works~~ need not be redrawn by the successor professional engineer; however, justification for such action must be available through well kept and complete documentation on the part of the successor professional engineer as to their having rethought and reworked the entire design process. A successor professional engineer must use their own title block, seal and signature and must remove the title block, seal and signature of the original professional engineer before reusing any sealed, prints, engineering specifications, and/or engineering calculations used for permitted works.

(2) Prior to sealing and signing such work a successor professional engineer shall be required to notify the original professional engineer, their successors, or assigns of the successor's intention to use or reuse the original professional engineer's work. Notification shall be by certified letter or other verifiable communication to the last known physical or electronic address of the original professional engineer.

(3) A professional engineer's reliance upon and legal use of another's engineering work, in the normal course of providing original service, is not reuse or adoption of such other engineer's work as contemplated by Section 471.025(4), F.S., and the professional engineer relying upon such work is not a "successor engineer" as used in that section. Such engineering work includes but is not limited to, geotechnical reports, soil investigation reports, legal surveys, and other works that may be sealed, but which are used to support the professional engineer's work and are not adopted as the professional engineer's original service or work product.

Rulemaking Authority 471.033(2) FS. Law Implemented 471.025(4), 471.033(1)(j), 471.005(6) FS. History—New 8-25-87, Amended 4-21-88, 8-3-88, Formerly 21H-27.001, Amended 8-8-18, 12-29-19.

Notice:	22724013 (61G15-32.002)
Effective Date:	12/29/2019
Purpose and Effect:	The purpose of the amendment is to delete unnecessary language and add new language to update and clarify the rules.
Summary:	Update required certifications.
Final Rule Date:	12/29/2019

61G15-32.002 Definitions.

(1) Engineer of Record for the Fire Protection System(s): The Florida ~~licensed~~ ~~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, ~~supporting hydraulic~~ calculations, catalog information on standard products, and other construction data prepared by ~~either a the~~ ~~licensed~~ contractor or ~~a licensed~~ Engineer ~~of Record~~ that provides detail on the location of risers, ~~service cross~~ mains, ~~distribution branch~~ lines, ~~devices, equipment, sprinkler heads~~, sizing of pipe ~~and/or curcuits~~, hanger locations, and ~~supporting 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.

(a) If prepared by a licensed contractor, these documents do not require the seal of a Florida ~~licensed~~ ~~registered~~ engineer.

(b) If prepared by a licensed engineer, these documents are Engineering Documents and therefore meet the definition of Engineering Documents in subsection 61G15-30.002(4), F.A.C., and accordingly, require sealing by a Florida licensed engineer in accordance with Rule 61G15-23.001, F.A.C., Signature, Date and Seal Shall Be Affixed.

(c) If prepared by a licensed engineer other than the engineer who prepared, signed, dated, and sealed the Fire Protection System Engineering documents, that engineer shall additionally meet the requirements of Rule

61G15-27.001, F.A.C., Procedures for a Successor Professional Engineer Adopting as His Own the Work of Another 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; and the Florida Fire Prevention Code. 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 the Fire Protection System 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: A deviation or variance from the design parameters established and documented by the Engineer of Record that significantly alters the ultimate performance requirements of the system.

(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, 7-25-19, 12-29-19.

Notice:	22105832 (61G15-32.003)
Effective Date:	7/25/2019
Purpose and Effect:	The purpose of the amendment is to add new language to update and clarify the rules.
Summary:	Update rule texts.
Final Rule Date:	7/25/2019

61G15-32.003 Common Requirements to All Fire Protection System Engineering Documents.

(1) The Fire Protection System Engineering Documents shall provide the engineering requirements to be used in the preparation of the Fire Protection System Layout Documents and to indicate the nature and scope of the work, and to describe, detail, dimension, label and define the Fire Protection Components, System(s), materials, assemblies, equipment and its structural and utility support system(s), insofar as they involve the safeguarding of life, health or property.

(2) The Fire Protection System Engineering Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available.

(3) The occupancy of the area or description of a specific hazard being protected by the Fire Protection System(s) shall be shown on the Fire Protection System Engineering Documents.

(4) The applicable code(s) and standard(s) to be used in the preparation of the Fire Protection System Layout Documents shall be shown on the Fire Protection System Engineering Documents. When codes and standards are not available or applicable, and said layout documents are to be based on engineering judgment, any reasons and assumptions made to develop the fire protection concept shall be identified on the Fire Protection System Engineering Documents.

(5) Structural support and structural openings required by the Fire Protection System shall be shown on the Fire Protection System Engineering Documents and shall be referenced on structural engineering documents.

(6) When **Fire Protection** Layout Documents contain material deviation from the **Engineer of Record's** Fire Protection System Engineering Documents, such Layout Documents are not compliant unless they are accompanied by revised Engineering Documents **prepared, signed, dated** ~~made~~ and sealed by the Engineer of Record for the Fire Protection System.

(7) Requirements for activation control systems, sequence, operating parameters, interlocks, safety related devices, indicators and alarms, shall be shown on the Fire Protection System Engineering Documents, unless shown on other related documents.

(8) Any information deemed appropriate by the Engineer of Record to assist the authority having jurisdiction in understanding the owner's intended use and proposed protection of the building or facility and to provide sufficient direction to the installation contractor or other interested parties regarding the layout of the system(s), shall be included in the Fire Protection System Engineering Documents.

(9) Fire Protection **System Electrical** Engineering Documents shall additionally meet the requirements of rule 61G15-30.003, F.A.C., Engineering Documents.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.003, Amended 4-2-00, 6-26-01, 3-26-09, 7-25-19.

Notice:	22105929 (61G15-32.004)
Effective Date:	7/25/2019
Purpose and Effect:	The purpose of the amendment is to update and clarify the rule's requirements, including means of notification of adoption of another's work.
Summary:	Update and clarify rule's requirements and notification of adoption of another's work. Brings this section into compliance with changes made to florida statute 471.025
Final Rule Date:	7/25/2019

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. **Items to be considered in the design or analysis of water**

based fire protection systems are, as applicable to the particular project: water supply system, occupancy and classification, control, installation requirements, interoperability and performance requirements.

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

(4) 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 633.102(24), 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.

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

(6) 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.

Notice:	16109486 (61G15-32.008, 61G15-010)
Effective Date:	7/25/2019
Purpose and Effect:	The purpose of the amendment is to add new language to update and clarify the rules.
Summary:	Update rule texts.
Final Rule Date:	7/25/2019

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

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

(2) 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 ~~may shall~~ specify the minimum system requirements only.

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

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

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include elevator controls, smoke control systems, dampers, and door release, any other systems or elements directly or indirectly controlled or monitored.

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

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

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

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

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

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

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

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

(5) 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 manufacture's data and applicable NFPA 72 procedures.

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

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

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, 7-25-19.

61G15-32.010 Design of Smoke Control Systems.

(1) Smoke control systems include, but are not limited to, smoke exhaust systems and pressurization systems for the purpose of providing a tenable environment to allow occupants to exit the building

(2) The Fire Protection System(s) shall be based on the Florida Building Code, the Florida Fire Prevention Code, applicable NFPA standards, when available, or on alternative engineering sources and good engineering practice when required.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History—New 7-25-19.

Notice:	24306083 (35.0021)
Effective Date:	3/28/2021
Purpose and Effect:	The purpose of the amendment is to update the required certifications for Special Inspectors of Threshold Buildings and to establish a new certification for Special Inspectors of Threshold Buildings.
Summary:	Updates rule language and establishes an additional certification.
Final Rule Date:	3/28/2021

61G15-35.0021 Definitions.

As used hereinafter in this chapter, the following words or phrases shall be defined as follows. The Board does not intend for these definitions to apply to any similar wording, term, role, or description outside of Chapter 471 or 553, F.S. or the Florida Building Code Section 110.8 Threshold Building; or as such term may be used by a local Authority Having Jurisdiction in local regulations, codes, or ordinances.

(1) "Special Inspectors of Threshold buildings," also referred to as "Threshold Inspectors," "Special Inspectors," or "S.I.s" are defined by Section 553.719, F.S., Threshold Inspectors can perform inspections on all threshold buildings or perform any other services authorized by Section 553.79(5)(a), F.S. Florida Building Code section 110.8 provides additional requirements to the enforcing agency, Special Inspector, and fee owner.

(2) "Special Inspectors of Threshold buildings (Limited)", also referred to as "Threshold Inspectors (Limited)," can only perform inspections on Threshold Buildings with Repair (without Substantial Structural Damage), Alterations 1, Alterations 2, and Alterations 3 (without Substantial Structural Alterations) of threshold buildings. Special Inspectors (Limited) are not permitted to do inspections on new construction or threshold buildings with Repairs with Substantial Structural Damage or Alterations 3 with Substantial Structural Alteration. The terms Repairs, Alteration 1, Alteration 2, Alteration 3, Substantial Structural Damage, and Substantial Structural Alteration are as defined in the Florida Building Code, Existing Buildings.

(3) "Threshold Building" is as defined by the Florida Building Code, Section 110.08 and in 553.71(12), F.S.

(4) "Private Provider" is as defined in Section 553.791(1)(j), F.S. Private Providers carry out duties as authorized by Section 553.791, F.S. As set forth in Chapter 553, F.S., although the roles and duties of Special Inspectors and Private Providers may appear to be similar or overlap, they are not synonymous and as specified in that chapter, are not interchangeable.

(5) Inspections requested by local Authority Having Jurisdiction in local regulations, codes, or ordinances for non-threshold buildings are not part of this chapter.

(6) No later than December 31, 2023, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 471.008, 471.015(7) FS. Law Implemented 471.015(7), 553.79(5)(a) FS. History--New 3-28-21.

Notice:	(61G15-35.003)
Effective Date:	4/14/2021
Purpose and Effect:	The purpose of the amendment is to update the required certifications for Special Inspectors of Threshold Buildings and to establish a new certification for Special Inspectors of Threshold Buildings
Summary:	Updates rule language and establishes an additional certification.
Final Rule Date:	4/14/2021

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings and Special Inspectors of Threshold Buildings (Limited).

(1) Special Inspectors of Threshold Buildings: 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 or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of threshold buildings. For the purpose of these criteria, structural design and/or inspection shall mean the design and/or inspection 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 or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application.

(2) Special Inspectors of Threshold Buildings Limited

(a) To implement Section 553.79, F.S., the Board hereby establishes the certification of Special Inspectors of Threshold Buildings (Limited), also referred to as "Special Inspectors (Limited)" or "S.I. (Limited)." Any licensee holding this certification may serve as the Special Inspector/Threshold Building Inspector for any project involving the Repair (without Substantial Structural Damage), Alterations 1, Alterations 2, and Alterations 3 (without Substantial Structural Alterations) of an existing Threshold Building. A licensee holding this certification may not serve as the Special Inspector/Threshold Building Inspector for new construction or existing Threshold Buildings with Repairs with Substantial Structural Damage or Alterations 3 with Substantial Structural Alteration. The terms "Repairs," "Alteration 1," "Alteration 2," "Alteration 3," "Substantial Structural Damage," and "Substantial Structural Alteration" are as defined in the Florida Building Code – Existing Buildings. Licensees who wish to serve as Special Inspectors for new construction, or existing Threshold Buildings with Repairs with Substantial Structural Damage or Alterations 3 with Substantial Structural Alteration must be certified pursuant to subsection (1), above.

(b) The minimum qualifying criteria for Threshold Inspectors (Limited) are established by the Board to be as follows:

1. Three (3) years of experience in performing structural field inspections on Threshold Buildings.

components thereof, or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and two (2) years of experience in the structural design of repairs to components of threshold buildings. For the purpose of these criteria, examples of structural components include, but are not limited to, prestressed or post-tensioned concrete, balconies, exterior walls, etc.

2.a. 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 or equivalent pursuant to a threshold/special inspection plan relevant to the work performed; and

b. The applicant must possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application.

(3) Applications For Special Inspector of Threshold Buildings.

(a) The instructions and application form for Special Inspector, Form FBPE/006 (12/19) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/006 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11953>.

(b) 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.

a. Project descriptions. For each project identified, the following shall be clearly listed:

(I) The beginning and ending experience dates,

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

(III) A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria has been met, including the components designed or inspected and details of the threshold/special inspection plan.

b. Credible experience. The Board will only grant experience for work on projects identified pursuant to subparagraph (2)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in engineering basis. No additional experience credit is allowed for overtime work in excess of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management unrelated to design or inspection of the project).

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

4. 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.

(4) Application for Special Inspectors of Threshold Buildings (Limited).

(a) The instructions and application form for Special Inspectors of Threshold Buildings (Limited), Form FBPE/011 (12/20) is hereby incorporated by reference, "Application for Special Inspector of Threshold Building (Limited) Certification." Copies of Form FBPE/011 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-12822>.

(b) All applications for certification as a Special Inspector of Threshold Buildings (Limited) shall be submitted to the Board on Form FBPE/011.

(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.

a. Project descriptions. For each project identified, the following shall be clearly listed:

(I) The beginning and ending experience dates,

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

(III) A description of work performed sufficient to clearly demonstrate that the minimum qualification criteria have been met, including the components designed or inspected and details of the threshold/special inspection plan.

b. Creditable experience. The Board will only grant experience for work on projects identified pursuant to sub-subparagraph (4)(c)3.a. For projects with overlapping time periods, the total amount of time claimed for all projects, including design and/or inspection activities, cannot exceed one hundred percent (100%) of the applicant's time during the period claimed. Experience is based on a forty (40) hour per week full time employment in engineering basis. No additional experience credit is allowed for overtime work in excess of 40 hours, nor is experience credit allowed during periods when the applicant was not employed full time in the practice of engineering (for example, construction management).

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

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering or restoration/repair work on Threshold Buildings in the State of Florida, one of whom must be certified as a Special Inspector of Threshold Buildings.

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

6. Completed form FBPE/011.

(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.

(5) ~~(3)~~ Roster of Special Inspectors of Threshold Buildings. The Board shall maintain a roster of all persons certified as Special Inspectors of Threshold Buildings or Special Inspectors of Threshold Buildings (Limited) 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. As specified by Section 553.791, and Chapter 471 F.S., licensees serving as private providers need not be listed on the Board's roster of either SIs or SIs (Limited).

(6) Any Florida Professional Engineer certified as a Special Inspector of Threshold Buildings (Limited) may apply at any time for certification as a Special Inspector of Threshold Buildings, by following the provisions outlined in subsection (3), above. If the applicant is so certified, the Board shall cancel the Special Inspector of Threshold Buildings (Limited) certification and update the roster to reflect the applicant is certified as a Special Inspector of Threshold Buildings.

(7) ~~(4)~~ No later than December 31, 2023, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

Rulemaking Authority 471.008, 471.015(7) FS. Law Implemented 471.015(7), 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, 4-8-18, 12-27-18, 5-31-20, 4-14-21.

Florida Laws and Rules

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

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

Florida Statute 455.213

REVISION:

455.213, F.S.; requiring the department or a board to enter into reciprocal licensing agreements with other states under certain circumstances; providing requirements;

Effective Date: June 30th, 2020

455.213 General licensing provisions. —

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

Florida Statute 455.219

REVISION:

defining terms; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a delinquency or default in the payment of his or her student loan; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a default in satisfying the requirements of his or her work-conditional scholarship;

Effective Date: June 30th, 2020

455.2278 Restriction on disciplinary action for student loan default.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Default” means the failure to repay a student loan according to the terms agreed to in the promissory note.

(b) “Delinquency” means the failure to make a student loan payment when it is due.

(c) “Student loan” means a federal-guaranteed or state-guaranteed loan for the purposes of postsecondary education.

(d) “Work-conditional scholarship” means an award of financial aid for a student to further his or her education which imposes an obligation on the student to complete certain work-related requirements to receive or to continue receiving the scholarship.

(2) STUDENT LOAN DEFAULT; DELINQUENCY.—The department or a board may not suspend or revoke a license that it has issued to any person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency.

(3) WORK-CONDITIONAL SCHOLARSHIP DEFAULT.—The department or a board may not suspend or revoke a license that it has issued to any person who is in default on the satisfaction of the requirements of his or her work-conditional scholarship solely on the basis of such default.

History.—s. 14, ch. 2020-160.

Florida Statute 455.271

REVISION:

conforming a provision to changes made by the act; requiring the board, or the department if there is no board, to establish by rule a reinstatement process for void licenses;

Effective Date: October 1st, 2019

455.227 Grounds for discipline; penalties; enforcement.

455.271 Inactive and delinquent status.—

(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. The board, or the department if there is no board, shall, by rule, establish a reinstatement process for void licenses.

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

Florida Statute 471.005

REVISION:

revising definitions;

Effective Date: October 1st, 2019

471.005 Definitions.—As used in this chapter, the term:

- (1) "Board" means the Board of Professional Engineers.
- (2) "Board of directors" means the board of directors of the Florida Engineers Management Corporation.
- ~~(3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.~~
- (3) "Defense company" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract. The term includes any business entity that holds valid contracts or subcontracts for products or services for military use under prime contracts with the United States Department of Defense, the United States Department of State, or the United States Coast Guard.
- (4) "Department" means the Department of Business and Professional Regulation.
- (5) "Engineer" includes the terms "professional engineer" and "licensed engineer" and means a person who is licensed to engage in the practice of engineering under this chapter.

(6) "Engineer intern" means a person who has graduated from an engineering curriculum approved by the board and has passed the fundamentals of engineering examination as provided by rules adopted by the board.

(7) "Engineering" includes the term "professional engineering" and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter.

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

(9) "Management corporation" means the Florida Engineers Management Corporation.

(10) "Retired professional engineer" or "professional engineer, retired" means a person who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew his or her license and applies to and is approved by the board to be granted the title "Professional Engineer, Retired."

(11) "Secretary" means the Secretary of Business and Professional Regulation.

(12) "Space or aerospace company" means any business entity concerned with the design, manufacture, or support of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space facilities, or components thereof, and equipment,

systems, facilities, simulators, programs, products, services, and activities related thereto.

History.—ss. 2, 42, ch. 79-243; ss. 4, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 4, ch. 83-160; s. 4, ch. 84-365; ss. 2, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 151, ch. 94-218; s. 331, ch. 97-103; s. 33, ch. 2000-356; s. 3, ch. 2000-372; s. 18, ch. 2002-299; s. 2, ch. 2003-425; s. 3, ch. 2019-86; s. 120, ch. 2020-2.

Florida Statute 471.011

REVISION:

conforming a provision to changes made by the act

Effective Date: October 1st, 2019

471.011 Fees.—

(1) The board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

(2) The initial application and examination fee shall not exceed \$125 plus the actual per applicant cost to the management corporation to purchase the examination from the National Council of Examiners for Engineering and Surveying or a similar national organization. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.

(3) The initial license fee shall not exceed \$125.

(4) Qualification of a business organization under s. 471.023 shall not require payment of a fee. ~~The fee for a certificate of authorization shall not exceed \$125.~~

(5) The biennial renewal fee shall not exceed \$125.

(6) The fee for a temporary registration or certificate to practice engineering shall not exceed \$25 for an individual or \$50 for a business firm.

(7) The fee for licensure by endorsement shall not exceed \$150.

(8) The fee for application for inactive status or for reactivation of an inactive license shall not exceed \$150.

History.—ss. 4, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 20, ch. 88-205; ss. 6, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 212, ch. 94-119; s. 1, ch. 97-312; s. 34, ch. 2000-356; s. 5, ch. 2000-372; s. 4, ch. 2019-86.

Florida Statute 471.013

REVISION:

revising the prerequisites for examination; deleting an obsolete provision;

Effective Date: October 1st, 2019

471.013 Examinations; prerequisites.—

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

1. Is a graduate from an approved engineering science curriculum of 4 years or more in a school, college, or university which has been approved by the board; ~~or and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering;~~

2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university which has been approved by the board. ~~within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or~~

The board shall adopt rules providing for the review and approval of schools or colleges and the courses of study in engineering in such schools and colleges. The rules shall be based on the educational requirements for engineering as defined in s. 471.005. The board may adopt rules providing for the acceptance of the approval and accreditation of schools and courses of study by a nationally accepted accreditation organization.

(b) A person shall be entitled to take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university approved by the board.

(c) A person shall not be entitled to take the principles and practice examination until that person has successfully completed the fundamentals examination.

(d) The board shall deem that an applicant who seeks licensure by examination has passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(e) Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take either examination three times, notwithstanding the number of times either examination has been previously failed. If an applicant fails either examination three times, the board shall require the applicant to complete additional college-level education courses or a board-approved relevant examination review course as a condition of future eligibility to take that examination. If the applicant is delayed in taking the examination due to reserve or active duty service in the United States Armed Forces or National Guard, the applicant is allowed an additional two attempts to take the examination before the board may require additional college-level education or review courses.

(2)(a) The board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensed engineer; and
2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

History.—ss. 5, 42, ch. 79-243; s. 340, ch. 81-259; ss. 7, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 141, ch. 92-149; s. 332, ch. 97-103; s. 20, ch. 2002-299; s. 1, ch. 2003-293; s. 2, ch. 2004-332; s. 2, ch. 2014-125; s. 5, ch. 2019-86.

Florida Statute 471.015

REVISION:

revising licensure certification requirements to include active engineering experience and a minimum age; providing that the time period in which a licensure application must be granted or denied is tolled if an applicant is required to make a personal appearance before the board; authorizing the board to deny a license if such an applicant fails to appear before the board within a specified timeframe;

Effective Date: October 1st, 2019

471.015 Licensure.—

(1) The management corporation shall issue a license to any applicant who the board certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice examination.

(2)(a) The board shall certify for licensure any applicant who has submitted proof satisfactory to the board that he or she is at least 18 years of age and who:

1. Satisfies the requirements of s. 471.013(1)(a)1. and has a record of at least 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or

2. Satisfies the requirements of s. 471.013(1)(a)2. and has a record of at least 6 years of active engineering experience of a character indicating competence to be in responsible charge of engineering.

(b) The board may refuse to certify any applicant who has violated ~~any of the provisions of~~ s. 471.031.

(3) The board shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the fundamentals examination and the principles and practice examination as set forth in s. 471.013, has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination required by

s. 471.013, and has satisfied the experience requirements set forth in paragraph (2)(a) and s. 471.013; or

(b) Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

(4) The management corporation shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 years. ~~15 years and has had 20 years of continuous professional level engineering experience.~~

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 years. ~~25 years and has had 30 years of continuous professional level engineering experience.~~

(6) The board may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance. If an applicant is required to appear, the time period within which a licensure application must be granted or denied is tolled until such time as the applicant appears. However, if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, the application for licensure may be denied.

(7) The board shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

History.—ss. 6, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 2, ch. 85-134; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; ss. 82, 216, ch. 94-119; s. 32, ch. 95-392; s. 110, ch. 98-166; s. 37, ch. 2000-141; s. 171, ch. 2000-

160; s. 35, ch. 2000-356; s. 6, ch. 2000-372; s. 21, ch. 2002-299; s. 2, ch. 2003-293; s. 3, ch. 2014-125; s. 6, ch. 2019-86; s.23, ch. 2020-160.

Florida Statute 471.019

REVISION:

requiring the board to establish by rule a reinstatement process for void licenses;

Effective Date: October 1st, 2019

471.019 Reactivation.—The board shall establish by rule a reinstatement process for void licenses. The rule board shall prescribe appropriate ~~by~~ continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a licensed engineer may not exceed the continuing education requirements prescribed pursuant to s. 471.017 ~~12 classroom hours~~ for each year the license was inactive.

History.—ss. 8, 42, ch. 79-243; s. 341, ch. 81-259; ss. 2, 3, ch. 81-318; s. 104, ch. 83-329; ss. 7, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 214, ch. 94-119; s. 12, ch. 98-287; s. 37, ch. 2000-356; s. 22, ch. 2002-299; s. 7, ch. 2019-86.

Florida Statute 471.021

REVISION:

conforming provisions to changes made by the act;

Effective Date: October 1st, 2019

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

(1) Upon approval of the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary registration ~~license~~ for work on one

specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

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

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

History.—ss. 9, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 142, ch. 92-149; s. 8, ch. 2000-372; s. 24, ch. 2002-299; s. 8, ch. 2019-86.

Florida Statute 471.023

REVISION:

providing requirements for qualification of a business organization; providing requirements for a qualifying agent; deleting the administration of disciplinary action against a business organization;

Effective Date: October 1st, 2019

471.023 ~~Qualification~~ ~~Certification~~ of business organizations.—

(1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity

offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization is qualified by an engineer licensed under this chapter, ~~possesses a certification issued by the management corporation pursuant to qualification by the board~~ subject to the provisions of this chapter. One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization.

(2) For the purposes of this section, a ~~certificate of authorization shall be required for any~~ business organization or other person practicing under a fictitious name, offering engineering services to the public must be qualified by an engineer licensed under this chapter. ~~However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed under this section.~~

(3) Except as provided in s. 558.0035, the fact that a licensed engineer practices through a business organization does not relieve the licensee from personal liability for negligence, misconduct, or wrongful acts committed by him or her. Partnerships and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a business organization other than a partnership shall be personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by him or her or committed by any person under his or her direct supervision and control, while rendering professional services on behalf of the business organization. The personal liability of a shareholder or owner of a business organization, in his or her capacity as shareholder or owner, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The business organization shall be liable up to the full value of its property for any negligent

acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on its behalf in the rendering of professional services.

(4) ~~Each certification of authorization shall be renewed every 2 years.~~ Each qualifying agent of a business organization qualified ~~certified~~ under this section must notify the board within 30 days ~~1 month~~ after any change in the information contained in the application upon which the qualification ~~certification~~ is based.

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

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

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

~~(5) Disciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer~~

History.—ss. 11, 42, ch. 79-243; s. 1, ch. 80-223; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 143, ch. 92-149; s. 333, ch. 97-103; s. 39, ch. 2000-356; s. 9, ch. 2000-372; s. 25, ch. 2002-299; s. 3, ch. 2003-293; s. 3, ch. 2013-28; s. 9, ch. 2019-86.

Florida Statute 471.025

REVISION:

requiring a successor engineer to be able to independently re-create certain work when seeking to reuse certain documents; specifying that a successor engineer assumes full professional and legal responsibility by signing or affixing his or her seal to assumed documents; releasing the engineer who previously sealed the documents from any professional responsibility or civil liability for her or his work that is assumed by a successor engineer; defining the term “successor engineer”;

Effective Date: October 1st, 2019

471.025 Seals.—

(1) The board shall prescribe, by rule, one or more forms of seal to be used by licensees. Each licensee shall obtain at least one seal in the form approved by rule of the board and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record and all final documents provided to the owner or the owner’s representative shall be signed by the licensee, dated, and sealed with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final documents, or documents prepared or issued by a licensee may be transmitted electronically and may be signed by the licensee, dated, and sealed electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer’s license has been revoked or suspended by the board, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the board and confirm to the executive director the cancellation of the licensee’s digital signature in accordance with ss. 668.001-668.006. In the event the engineer’s license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

(3) No licensee shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

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

History.—ss. 12, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 144, ch. 92-149; s. 334, ch. 97-103; s. 4, ch. 97-241; s. 40, ch. 2000-356; s. 32, ch. 2000-372; s. 2, ch. 2001-63; s. 26, ch. 2002-299; s. 10, ch. 2019-86.

Florida Laws and Rules

Chapter Four - Resources Used to Develop this Course

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=2021&Title=%2D%3E2021%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=2021&Title=%2D%3E2021%2D%3EChapter%20471

Florida Administrative Weekly


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

Laws of Florida – State Library and Archives of Florida

http://laws.flrules.org/node?field_list_year_nid=5234

Florida Laws and Rules

Chapter Five - Quiz Problems



2023 Florida Laws and Rules - Quiz

Updated: 10/6/2021

- 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) The probable cause panel shall consist of _____. (KEYWORD: **panel**)
- A) five current board members.
 - B) one current board member and two current or former board members.
 - C) five current or former board members.
 - D) two current board members and one former board member.
- 3) Failure on the part of any professional engineer or qualified business organization to obey the terms of a final order imposing discipline is considered to be "misconduct". (True or False) (KEYWORD: **final order**)
- A) True
 - B) False
- 4) Kim, an out of state engineer licensed in Florida, failed to complete the Florida laws and rules continuing education requirement, because the laws and rules course she took had not been approved. This was her first offense. She will _____, (KEYWORD: **noncompliance**)
- A) be presented with a notice of noncompliance.
 - B) receive a fine.
 - C) both A and B
 - D) none of the above
- 5) Jonathan Smith having already received a notice of noncompliance failed to properly use a title block on a new car dealership project in Ocala, Florida. The board issued him a citation including a fine of _____. (KEYWORD: **title block**)
- A) \$250
 - B) \$300
 - C) \$400
 - D) \$500

6) A qualifying agent who is the professional engineer qualifying the business organization must notify the Board of any change in the name of the business organization or the business organization's qualifying Professional Engineer within _____ days of such change. (KEYWORD: **61G15-20.100**)

- A) 3
- B) 7
- C) 21
- D) 30

7) Jay Patel decided to reactivate his inactive Florida PE license. To do so he must complete _____ hours of continuing education within the previous two years immediately prior to application. (KEYWORD: **reactivation**)

- A) 4
- B) 8
- C) 18
- D) 36

8) A Special Inspectors (Limited) may provide threshold inspection services on new construction project (True or False). (KEYWORD: **61G15-35.003**)

- A) True
- B) False

9) Peter has defaulted on his student loan debt but hasn't violated any other board rules. The board of engineers may not revoke his PE license. (True or False)

- A) True
- B) False

10) Joseph is the sole qualifying agent for Acme Engineering Products, Inc. He has decided to take a new job and his employment with Acme Engineering Products, Inc. was terminated today. Joseph must notify the management corporation of his termination within _____. (KEYWORD: **471.023**)

- A) 24 hours
- B) 3 days
- C) 7 days
- D) 40 days

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

- A. True
- B. False