

2019 – 2021
Florida Laws and Rules

2019 – 2021 Florida Laws and Rules

By

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1 PDH HOURS

2021 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 2017 to August 2019. 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Rules adopted, amended or repealed during the immediately preceding biennium for the Florida Administrative Code.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.

Table of Contents

<u>CHAPTER ONE – INTRODUCTION TO FLORIDA LAWS AND RULES</u>	6
<u>CHAPTER TWO - RULES ADOPTED, AMENDED OR REPEALED DURING THE IMMEDIATELY PRECEDING BIENNIUM</u>	10
<u>CHAPTER THREE - CHANGES TO CHAPTERS 455 AND 471, F.S., MADE BY THE LEGISLATURE DURING THE PRECEDING BIENNIUM.</u>	50
<u>CHAPTER FOUR - RESOURCES USED TO DEVELOP THIS COURSE</u>	79
<u>CHAPTER FIVE - QUIZ PROBLEMS</u>	81

Course Inquiries

This course is designed to be interactive. The readers of this course are encouraged to contact pdhlibrary.com to discuss the practice questions as well as to discuss other questions that may arise while taking this course on the Florida Laws and Rules for Engineers. All inquiries will be answered in within two days or less. The reader can contact PDHLibrary.com 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 5:00 PM.

By Fax:

Fax your inquiry to (352) 367-2526 using the fax form provided below.

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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. The FEMC also issues the **certificate of authorization** for engineering businesses every two years.

Florida Administrative Code (FAC) – Section 61G15

The Florida Administrative Code is the official compilation of the rules and regulations of Florida regulatory agencies such as the Florida Board of Professional Engineers. Its counterpart in the federal system is the Code of Federal Regulations. The Florida Administrative Code is organized by titles with each title number representing a department, commission, board or other agency. The FAC states the rule followed by statutory authority, implementation and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders construing the rules. Citations for the Florida Bar Journal and the law reviews of Florida

State, the University of Florida, the University of Miami, Stetson and Nova are also included.

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

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

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


Chapter Three documents the changes made during the last biennium to sections 455 and 471 of the Florida Statutes. In this chapter we have printed only the sections that have been changed. 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:	22056556 (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:	19896560 (61G15-18.011)
Effective Date:	3/4/2018
Purpose and Effect:	The purpose of the amendment is to revise the definition as used in the Boards' rules to the Florida Building Code 6th Edition (2017).
Summary:	Update the definition of the Florida Building Code 6th Edition (2017).
Final Rule Date:	3/4/2018

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, ~~6th 5th~~ Edition, ~~(2017 2014)~~, and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

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

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12, 6-12-16, 2-22-17, 3-4-18.

Notice:	20333351 (61G15-19.0051)
Effective Date:	5/8/2018
Purpose and Effect:	The purpose of the amendment is to update the language with an additional minor violation.
Summary:	To update the language.
Final Rule Date:	5/8/2018

61G15-19.0051 Notice of Noncompliance.

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

- (a) Failure to date documents when affixing signature and seal.
- (b) Practice with an inactive or delinquent license less than one month.
- (c) Firm practicing without a current certificate of authorization less than one month.
- (d) 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.
- (e) 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.
- (f) Failure to produce documentation of compliance with continuing education requirements within sixty (60) days of notification to the licensee of the requirement to produce said documentation – paragraph 61G15-22.006(2)(b), F.A.C.
- (g) Failure to comply with the location, content, or formatting requirements of paragraphs 61G15-23.004(3)(a)-(d) or 61G15-23.005(4)(a)-(d), F.A.C.

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

Rulemaking Authority 455.225 FS. Law Implemented 455.224 FS. History—New 4-2-00, Amended 5-5-10, 8-26-13, 12-31-17, 5-8-18.

Notice:	21212074 (61G15-20.0010)
Effective Date:	12/18/2018
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:	12/18/2018

61G15-20.0010 Application for Licensure by Examination.

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

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

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

(2) Any person desiring to take the fundamentals examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit an **completed** application to the Board. The instructions and application Form FBPE/003 (rev. 12/16), entitled, “Application for Fundamentals of Engineering,” is hereby incorporated by reference, and may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; from the Board’s website at <http://www.fbpe.org/licensure/application-process> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08044>. The Board shall certify as eligible to take the Fundamentals Examination only those applicants who have completed the application form, remitted the application fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, “a Board approved engineering program” as defined by subsection 61G15-20.001(2), F.A.C.

(3) Upon submission of an application, the Board will timely notify an applicant of any apparent errors or omissions, or any additional information which is required to complete the application. All errors and omissions, and any additional information, must be submitted before the application can be presented to the Board for review, unless the applicant notifies the Board to process the application as submitted. If an applicant fails to correct any errors or omissions, or supply any requested information, within one (1) year of notification, the application will be presented to the Board for review and decision on the application as submitted.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 120.60(1), 471.013, 471.015 FS. History—New 9-27-01, Amended 11-19-03, 9-14-14, 3-19-17, 12-18-18.

Notice:	21212074 (61G15-20.0015)
Effective Date:	12/18/2018
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:	12/18/2018

61G15-20.0015 Application for Licensure by Endorsement.

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

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

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

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

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

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

(5) Any person desiring to practice as an engineering intern in this state by endorsement shall submit an completed application to the Board. The instructions and application Form FBPE/004 (12/16), entitled,

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

(6) Upon submission of an application, the Board will timely notify an applicant of any apparent errors or omissions, or any additional information which is required to complete the application. All errors and omissions, and any additional information, must be submitted before the application can be presented to the Board for review, unless the applicant notifies the Board to process the application as submitted. If an applicant fails to correct any errors or omissions, or supply any requested information, within one (1) year of notification, the application will be presented to the Board for review and decision on the application as submitted.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 4-9-07, 10-15-09, 11-16-10, 9-14-14, 7-7-15, 11-2-15, 3-19-17, 6-24-18, 12-18-18.

Notice:	20485738 (61G15-20.0018)
Effective Date:	6/20/2018
Purpose and Effect:	The purpose of the new rule is to implement the changes to Sections 455.02(3), 455.213(12) and 455.219(7), F.S., made in Chapter 2017-135, Laws of Florida, which create fee waivers for members of the military or low income individuals, and an expedited application for licensure for certain members of the military.
Summary:	Implement changes to Sections 455.02(3), 455.213(12) and 455.219(7), F.S.
Final Rule Date:	6/20/2018

61G15-20.0018 Application for Low Income and Military Veterans Fee Waiver.

(1) Pursuant to section 455.219(7)(a), F.S., the Board shall waive the initial licensing fee for members of the Armed Services of the United States and their spouses or surviving spouses. In addition, pursuant to section 455.213(12), F.S., the Board shall waive the application fee, initial licensure fee, and initial unlicensed activity fee for military veteran or his or her spouse at the time of discharge, if he or she applies within sixty (60) months of honorable discharge from any branch of the United States Armed Forces. Application for waiver of the initial application and licensing fees shall be made on Form FBPE MVL 002, 12/17, Members of the Armed Forces/Spouse Fee Waiver and Military Service Verification, which is incorporated by reference herein and may be obtained from https://fbpe.org/licensure/other_forms/military_fee_waiver or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09491>.

(2) Pursuant to section 455.219(7)(a), F.S., the Board shall waive the initial licensing fee for a low-income individual. As defined in that section, a “low income individual” is a person whose household income, before

taxes, is at or below one hundred thirty percent (130%) of the federal poverty guidelines prescribed for the family's household size by the United States Department of Health and Human Services. The 2018 federal poverty guidelines, published on January 18, 2018 in 83 Federal Register 2642, are hereby incorporated by reference and may be obtained from <https://www.federalregister.gov/documents/2018/01/18/2018-00814/annual-update-of-the-hhs-poverty-guidelines> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09573>.

(a) Application for waiver of the initial licensing fee by a low-income individual shall be made on Form FBPE/LI 001, 04/18, Application for Low Income Waiver of Initial Licensing Fee, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/other forms/low income waiver> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09492>.

(b) All applications for waiver of the initial licensing fee shall be accompanied by proof that the individual's income is at or below 130% of the federal poverty guidelines. Proof of income may be established through documentation of enrollment in a state or federal program which requires participants to be at or below 130% of the federal poverty guidelines or by other means, such as submission of Federal Income Tax Returns.

Rulemaking Authority 455.213(12), 455.219(7), 471.008 FS. Law Implemented 455.213(12), 455.219(7) FS. History—New 6-20-18.

Notice:	22160734 (61G15-20.0019)
Effective Date:	8/6/2019
Purpose and Effect:	<p>The purpose of the new rule is to implement the changes to Sections 455.02(3), 455.213(12) and 455.219(7), F.S., made in Chapter 2017-135, Laws of Florida, which create fee waivers for members of the military or low income individuals, and an expedited application for licensure for certain members of the military.</p> <p>The purpose of the rule amendment to update the application, add consolidated statutory language for qualifications, experience, expiration of time and to update the title.</p>
Summary:	Implement changes to Sections 455.02(3), 455.213(12) and 455.219(7), F.S. Update application, add consolidated statutory language and change the rule title.
Final Rule Date:	8/6/2019

61G15-20.0019 Armed Forces Member/Spouse Application for Licensure; Qualifications; Expiration.

(1) Application for licensure. Application for licensure by United States Armed Forces members, former members or spouses of members shall be made on Form FBPE/MVL003, 02/19, Application for Professional Licensure for Armed Forces Members, Former Members, or Spouses, which is incorporated by reference herein and may be obtained from <https://fbpe.org/licensure/other forms/active duty member or spouse> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10817>.

(2) Active Duty United States Armed Forces. Pursuant to section 455.02(3)(a), F.S., the Board shall issue a license to an applicant who is or was an active duty member of the Armed Forces of the United States or who is

or was married to an active duty member and who holds a valid license as a Professional Engineer in another jurisdiction and who meets the requirements for licensure after review of criminal history checks.

(3) Active Duty Florida National Guard/United States Armed Forces Reserves.

(a) Qualifications. Pursuant to section 250.483, F.S., upon request within six (6) months of release from active duty, a member of the Florida National Guard or United States Armed Forces Reserves is entitled to request licensure under the qualifications and criteria in effect at the time the member entered active duty and not those qualifications and criteria in effect at the time the licensure decision is made.

(b) Engineering Experience. As provided in subparagraph 61G15-20.002(1)(b)6., F.A.C., the Board will accept practical experience gained while serving in the Florida National Guard or United States Armed Forces Reserves determined by the Board to be substantially the same as the engineering experience required by the rule.

Rulemaking Authority 455.02(3) FS. Law Implemented 250.4815, 250.483, 455.02(3) FS. History—New 6-20-18, Amended 8-6-19.

Notice:	21212074 (61G15-20.002)
Effective Date:	12/18/2018
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:	12/18/2018

61G15-20.002 Experience.

(1)(a) In order to meet the prerequisites for entry into the engineering examination, an applicant is required to have four years of acceptable experience in engineering at the time of application and four years of acceptable educational qualifications. In determining whether an applicant's experience background is sufficient to meet the requirements set forth in sections 471.013(1)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in section 471.005(7), F.S. The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

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

1. The acquisition of acceptable engineering experience should logically follow and constitute an application of the engineering education previously obtained.
2. Engineering experience obtained prior to the completion of the engineering degree is usually of a

subprofessional nature. If the full-time experience is obtained within the 2 years immediately preceding completion of the engineering degree, and involves tasks and responsibilities consistent with the disciplines of engineering, experience credit may be awarded at 50% of actual time. In any event, the total engineering experience credit allowable for pregraduation experience shall not exceed 12 months.

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

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

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

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

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

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

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

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

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

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

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

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

15. Engineering experience gained after licensure as a Professional Engineer in another jurisdiction is creditable.

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

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

earned for the degree are used to satisfy educational requirements of rule 61G15-20.007, F.A.C. The combination of experience equivalents and work experience shall not exceed the number of actual months during which the experience is claimed.

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

Notice:	20250707 (61G15-20.007)
Effective Date:	4/9/2018
Purpose and Effect:	The purpose of the amendment is to update the Boards rules to be more consistent with the ABET standards, and to provide additional means of resolving basis science deficiencies.
Summary:	Educational requests for applicants without EAC/ABET accredited degrees.
Final Rule Date:	4/9/2018

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

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

(a) ~~30~~ 32 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are in excess of the requirements of paragraph (1)(c).

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

2. The hours in basic sciences, must include at least two courses. These courses must be in general chemistry, calculus-based physics, ~~or~~ biological sciences, or earth sciences (geology, ecology, or oceanography), but ~~both~~ the two courses may not be in the same area. For an applicant who has earned both a baccalaureate degree in engineering and a graduate degree in engineering, only one of the two courses is required. ~~Additional basic sciences courses towards the requisite 30 hours of mathematics and basic sciences may include earth physical science, natural sciences (geology, ecology, or oceanography), and/or an advanced science, biology, advanced chemistry, or advanced physics. Basic science courses must be intended for science or engineering majors; introductory science courses are not acceptable.~~ Astronomy, computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications,

business, and law. No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, construction management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: Earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level.

(c) ~~458~~ college semester credit hours of engineering science and engineering design taught within the college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate-level engineering courses ~~can may~~ be included to fulfill curricular requirements in this area. ~~Thesis or dissertation hours shall not be granted credit.~~ A maximum of six credit hours will be granted for thesis, dissertation, special topics and independent study at any level. Graphics, surveying, or engineering technology courses will not be considered to meet engineering science and design requirements. Cooperative training, practicums, internships, and continuing education activities will not receive credit.

(d) In addition, competency in English must be presented. Satisfactory evidence includes the following: transcripts of course work completed; course content syllabi; testimonials from employers; college level advanced placement tests; Test of English as a Foreign Language (TOEFL) scores of at least 550 on the paper-based version, 80 on the internet-based version, or 213 on the computer-based version.

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

(3) College Level Examination Programs (CLEP) examinations that are outlined at <http://clep.collegeboard.org/exams> may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b) above. CLEP exams in biology, chemistry, natural sciences, and/or calculus may be used to meet the requirements of paragraph (1)(a) above. For credit to be given, ~~t~~The applicant shall achieve a passing score as determined ~~either~~ by CLEP; 3 credit hours shall be granted for each exam, unless the applicant provides evidence that ~~or by showing that the results are recognized by~~ a college or university with an EAC/ABET-accredited engineering program will grant more credit. College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.

(4) The FBPE educational committee shall make the final decision regarding equivalency of education credentials programs and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(5) An applicant with an engineering degree from a non-EAC/ABET-accredited degree program must request an evaluation of ~~substantial equivalency of~~ his or her credentials ~~to EAC/ABET standards~~ through either of the following: National Council of Examiners for Engineering and Surveying, 280 Seneca Creek Road, Clemson, South Carolina 29678; or Josef Silny & Associates, Inc., International Education Consultants, 7101 SW 102 Avenue, Miami, FL 33173.

Rulemaking Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08, 10-15-09, 11-27-11, 2-4-13, 3-17-16, 4-19-18.

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

61G15-20.100 Certificates of Authorization. (PLEASE NOTE THIS SECTION IS IN THE PROCESS OF BEING MODIFIED AND WILL HAVE SUBSTANTIAL CHANGES MADE TO IT – CERTIFICATES OF AUTHORIZATION WILL NO LONGER BE ISSUED. PLEASE SEE https://www.flrules.org/gateway/notice_Files.asp?ID=22366180 FOR THE PROPOSED CHANGES)

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

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

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

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

Notice:	20038956 (61G15-21.007)
Effective Date:	2/19/2018
Purpose and Effect:	The purpose of the rule amendment is to update the language and incorporate additional applications for re-examination and additional disciplines.
Summary:	To update the rule language and incorporate additional applications.
Final Rule Date:	2/19/2018

61G15-21.007 Re-examination; Additional Requirements After Third Failure; Examinations in Additional Disciplines.

(1) Re-examinations. Any applicant desiring to retake either the Fundamentals of Engineering or Principles and Practice of Engineering examination must reapply to the Board by submitting a completed application and remitting the appropriate reapplication fee. Applicants wishing to retake Fundamentals of Engineering shall reapply using Form FBPE/013, Application for Fundamentals of Engineering Re-Examination (08/17), which is incorporated by reference herein and may be obtained from [https://fbpe.org/licensure/application-process/fundamentals-examination/FE Re Exam Application](https://fbpe.org/licensure/application-process/fundamentals-examination/FE_Re_Exam_Application) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09068>. Applicants wishing to retake Principles and Practice of Engineering shall reapply using Form FBPE/012, Application for Principles and Practice Re-Examination (08/17), which is incorporated by reference herein and may be obtained from [https://fbpe.org/licensure/application-process/principles-practices examination/PE Re-Exam Application](https://fbpe.org/licensure/application-process/principles-practices-examination/PE_Re-Exam_Application) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09069>. All applications must be accompanied by the fee as specified in Rule 61G15-24.001, F.A.C.

(2) Additional Requirements after third failure. If an applicant fails three (3) times to pass either ~~the~~ examination, the applicant must take additional courses in order to reapply for examination. The applicant may either:

(a) Submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a “C” or its equivalent, of college level courses in the applicant’s area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(1)(a) and (c), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(1)(c), F.A.C., or

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

1. Schools with an ABET approved engineering program;
2. Kaplan Engineering Education;
3. School of PE;
4. Testmasters Educational Services, Inc.;
5. SmartPros, Ltd.;

6. Professional Publications, Inc., or

7. State and National Engineering Professional Associations approved by the Board.

(3) Examination in additional engineering discipline. Applicants wishing to take the Principles and Practices of Engineering Examination in an additional engineering discipline shall apply on Form FBPE/010, Principles and Practice Additional Discipline Application (08/17), which is incorporated by reference herein and may be obtained from [https://fbpe.org/licensure/application-process/principles-practice_examination/PE Additional Discipline Examination](https://fbpe.org/licensure/application-process/principles-practice_examination/PE_Additional_Discipline_Examination) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09070>, and submit the required application fee.

Rulemaking Authority 455.217(2), 471.008 FS. Law Implemented 455.217(2), 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, 4-10-08, 11-3-15, 2-19-18.

Notice:	22105541 (61G15-22.0001)
Effective Date:	7/25/2019
Purpose and Effect:	The proposed amendment updates the application form and adds a requirement that delinquent status licensees must attach documentation of completion of required continuing education (CE) hours when renewing.
Summary:	Requirements for renewal of delinquent status licensees and application form.
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, 1206/17, 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>. and a statement certifying that the licensee has completed the eighteen (18) hours of approved continuing education which were required during the last biennium—All applications for renewal of inactive status licenses must also contain a statement certifying that the licensee has neither practiced engineering in Florida nor violated any of the provisions of Section 471.033, F.S., since the date on which the license was first placed on inactive status.

(2) 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:	20663345 (61G15-22.001, 61G15-22.006)
Effective Date:	10/25/2015
Purpose and Effect:	For Rule 61G15-22.001, F.A.C., the purpose of the amendment is to clarify that the 1 hour of professional ethics and 1 hour of laws and rules CE required by statute must be obtained from Florida Board approved courses only. For Rule 61G15-22.006, F.A.C., the purpose of the amendment is to add a requirement that any investigation of a licensee for alleged disciplinary violations shall be expanded to include investigation of whether the licensee is in compliance with the Board’s continuing education requirements.
Summary:	CE requirements and investigation of licensees for alleged violations
Final Rule Date:	10/25/2015

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. The 1 hour of professional ethics and 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.

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

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

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

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

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

Rulemaking Authority 471.008, 471.017(3), 471.0195 FS. Law Implemented 471.017(3), 471.0195 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.

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) 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 sub-paragraph 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(6), 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.

Notice:	20333448 (61G15-22.011 and 61G15-22.012)
Effective Date:	5/8/2018
Purpose and Effect:	The Board proposes the rule amendments to add an additional accrediting agency and to update the new provider application, and to clarify the provider's delegation to provide potential participants substantive information regarding court content.
Summary:	To add additional accrediting agency, clarify obligations and requirements for providers of continuing education and update the application.
Final Rule Date:	5/8/2018

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 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.

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.

61G15-22.012 Obligations of Continuing Education Providers.

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

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

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

(c) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation.

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

(e) Allow only one continuing education hour for each hour of classroom, audio or video instruction, an

“hour of classroom, audio or video instruction” being a minimum of 50 minutes instruction or presentation.

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

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

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

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

(2) Providers must make available to potential participants course information sufficient to allow a participant to clearly understand the course content, learning objectives and outcomes, and level of difficulty prior to enrolling in the course. This requirement may be satisfied by either posting a detailed course description or representative excerpts of the course materials, if course materials in their entirety are not made available for review prior to course registration.

Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, Amended 2-18-16, 5-8-18.

Notice:	20486223 (61G15-23.004 and 61G15.23.005)
Effective Date:	6/19/2018
Purpose and Effect:	The purpose of the amendment is to clarify that while formatting of the seal may be altered or changed, the language must be identical to that in the rule.
Summary:	Formatting of the seal and language.
Final Rule Date:	6/19/2018

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

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

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

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it; and,

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

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

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

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

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

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

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

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

(d) Formatting of seals and text similar to that depicted below shall be used. While the formatting may be altered, the text must remain identical.

1. When a digitally created seal is used:



This item has been digitally signed and sealed by [NAME] on the date adjacent to the seal. C.S. Hammatt, PE. On [DATE].

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

2. When a digitally created seal is not used:

[NAME], C.S. Hammatt, State of Florida, Professional Engineer, License No. [NUMBER] ✕

This item has been digitally signed and sealed by [NAME] on the date indicated here. C.S. Hammatt, PE. On [DATE]. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

(e) When engineering plans, specifications, reports or other documents contain multiple sheets or pages, the licensee may apply a single digital signature per electronically transmitted item as set out in rule 61G15-

23.001, F.A.C. A digital signature applied to an item in electronic form shall have the same force and effect as signing all of the individual sheets or pages contained within that item unless otherwise limited as specified in subsection 61G15-30.003(3), F.A.C.

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

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(j), 668.003, 668.006 FS. History—New 11-3-15, Amended 9-7-17, 6-19-18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

used,

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

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

(d) Formatting of seals and text similar to that depicted below shall be used. While the formatting may be altered, the text must remain identical.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by [NAME] on the date adjacent to the seal C. S. Hammatt, PE. On [DATE] using a SHA authentication code.

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

2. When a digitally created seal is not used:

[NAME], C.S. Hammatt, State of Florida, Professional Engineer, License No. [NUMBER] ✕

This item has been electronically signed and sealed by [NAME] on the date indicated here C.S. Hammatt, PE. On [DATE] using a SHA authentication code.

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

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS. History—New 11-3-15, Amended 2-3-16, 10-26-16, 9-7-17, 6-19-18.

Notice:	20683327 (61G15-24.001)
Effective Date:	8/8/2018
Purpose and Effect:	The purpose of the amendment is to create a \$10 discount for early renewal of an active or inactive status license. The discount is intended as an incentive to renew prior to the deadline and reduce the workload and overtime issues that are created when the licensees wait until the deadline to try to renew.
Summary:	Create discount to encourage early renewal of active and inactive licenses prior to renewal deadline
Final Rule Date:	8/8/2018

61G15-24.001 Schedule of Fees.

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

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

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

(b) Initial license fee – \$100.00.

(c) Biennial renewal fee – \$93.75.

(d) Delinquency fee – \$25.00.

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

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

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

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

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

(j) Inactive Status fee – \$125.00.

(k) Reactivation fee – \$150.00.

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

(m) Duplicate Certificate – \$25.00.

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

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

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

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

(4) Continuing Education provider fees:

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

(5) Unlicensed Activity Fee collected by the Department of Business and Professional Regulation pursuant

to Section 455.2281, F.S. – \$5.00.

(6) Discount for Early Renewal. For active or inactive status licensees who renew their license no later than January 15 of the year the biennium ends, the biennial renewal fee is discounted by ten dollars (\$10), to \$83.75. Licensees renewing after this date receive no discount and must pay the full fee specified in paragraph (2)(c). There is no discount for early renewal of Certificates of Authorization.

Rulemaking Authority 455.213, 455.2179(3), 455.219, 455.271, 471.008, 471.011 FS. Law Implemented 455.217(3), (7), 455.2179(3), 471.011, 471.015, 471.021 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, 6-5-05, 3-5-06, 7-17-14, 3-29-17, 10-30-17, 8-8-18.

Notice:	20683424 (61G15-27.001)
Effective Date:	8/8/2018
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:	8/8/2018

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

(1) A successor professional engineer seeking to reuse already sealed plans, prints, engineering specifications, and/or engineering calculations used for permitted works ~~contract documents~~ 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. 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 ~~documents~~ 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 his having rethought and reworked the entire design process. A successor professional engineer must use his own title block, seal and signature and must remove the title block, seal and signature of the original professional engineer before reusing any sealed plans, prints, engineering specifications, and/or engineering calculations used for permitted works ~~contract documents~~.

(2) Prior to sealing and signing work a successor professional engineer shall be required to notify the original professional engineer, his successors, or assigns ~~by certified letter to the last known address of the original professional engineer~~ 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. ~~The successor professional engineer will take full responsibility for the drawing as though they were the successor professional engineer's original product.~~

Rulemaking Authority 471.033(2) FS. Law Implemented 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.

Notice:	16109486 (61G15-32.002, 61G15-32.003, 61G15-32.004, 61G15-32.008, 61G15-010)
Effective Date:	11/03/2015
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:	11/03/2015

61G15-32.002 Definitions.

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

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

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

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

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

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

(7) Codes and Standards: Those nationally recognized codes and standards adopted directly or by reference in chapter 633, F.S., Fire Prevention and Control; the Florida Building Code; 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.

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.

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.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15, 8-24-16, 7-25-19.

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:	19298943 (61G15-33.001 thru 61G15-33.008, and 61G15-33.010)
Effective Date:	12/4/2017
Purpose and Effect:	The purpose of the amendment is to update and modernize the rules, eliminate unnecessary or outdated requirements, and ensure the rules enable modern professional practice.
Summary:	To update and modernize the responsibility rules relating to design of electrical systems.
Final Rule Date:	12/4/2017

61G15-33.001 General Responsibility.

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

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.001, Amended 11-13-08, 12-4-17.

61G15-33.002 Definitions.

- (1) Engineer of Record for the Electrical Systems. The Florida Professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical Documents for the project.
- (2) Electrical Component. An individual electrical device to be part of an electrical system.
- (3) Electrical. Any device or mechanism that operates due to the action of electricity.
- (4) Electrical System. Any system, assembly of electrical components, materials, utilities, equipment, work system, machines, products or devices which require electrical energy in order to perform its intended function.

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

(6) Electrical Submittals. ~~Submittals~~, ~~C~~atalog information on standard products or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. ~~Such These~~ submittals ~~are not Engineering Documents or Delegated Engineering Documents and~~ do not require the seal of a Florida Professional ~~E~~ngineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in the Florida Building Code, ~~(including Florida Energy Efficiency Code, Chapter 13 adopted in its entirety by reference in subsection 61G15-18.011(6), F.A.C., and the Florida Fire Prevention Code, adopted in its entirety by reference in subsection 61G15-18.011(7), in Chapter 69A-60 F.A.C.~~

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

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.002, Amended 11-13-08, 12-4-17.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be ~~considered included~~ in the design and analysis of ~~power~~ these systems are, ~~as applicable to the particular project~~: steady state and transient loads ~~characteristics~~, short circuit ~~availability, arc flash potential, analysis and protection (design and analysis)~~, load flow, voltage drop, ~~effects of~~ harmonics, ~~power factor~~, and protective device coordination.

(2) Electrical Engineering Documents ~~for applicable to~~ power systems ~~must include the following information, if applicable to the particular project~~ shall ~~at a minimum indicate the following~~:

- (a) Power ~~d~~Distribution ~~r~~Riser ~~d~~Diagram ~~with short circuit values~~.
- (b) Conductor ~~Ampacities (sizes) (AWG or kcmil)~~ and insulation type, ~~or cable assemblies characteristics~~.
- (c) Circuit interrupting devices, ~~ratings~~ and fault current interrupting capability.
- (d) Location and characteristics of ~~any~~ surge protective devices, ~~if included in the engineering design~~.
- (e) Main and distribution equipment, control devices, locations and ~~ratings sizes~~.
- (f) Circuitry of all outlets, equipment and devices.

~~(g)(h) Feeder and service capacity calculations. Load computations.~~

(h) Electrical legends.

~~(i)(j) Grounding and bonding requirements.~~

~~(j)(k) Instrumentation and control when necessary for safe operation or to show intended function where required.~~

~~(k)(l) Engineering Record Documents applicable to power systems filed for public record shall, also at a minimum, contain information as required by the Florida Building Code, incorporated by reference in Rule 61G15-18.001(6), F.A.C.~~

~~(l)(m) Engineers performing arc flash hazard analysis must determine arc flash approach distance, assess and convey the incident energy levels, and identify appropriate PPE class. Any such verification shall constitute an Engineering Certification as that term is defined in Rule 61G15-18.011(4), F.A.C., and must comply with the~~

Responsibility Rules, including Rule 61G15-29.001, F.A.C. Installation and testing requirements of required emergency and standby power systems.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.003, Amended 11-13-08, 12-4-17.

61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be considered included in the lighting design and analysis of lighting systems are, as applicable to the particular project: aAverage and minimum illuminance, eEquivalent spherical illuminance, uUniformity ratios, vVisual comfort probability, special purpose lighting, impacts of light intrusion, light trespass, security and safety, and the requirements of the Florida Energy Efficiency Code, Chapter 13, Florida Building Code, Energy Conservation, which is incorporated by reference in Rule 61G15-18.011, F.A.C.

(2) Electrical Engineering Documents for lighting systems must include the following information, if applicable to the particular project shall, at a minimum, indicate the following:

- (a) Lighting fixture performance specifications and arrangements.
- (b) Emergency !Lighting, egress and exit lighting, and illuminated exit markings and their ancillary equipment such as inverters and batteries.
- (c) Equipment legend Exit Lighting.
- (d) No change.

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

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.004, Amended 11-13-08, 12-4-17.

61G15-33.005 Design of Communications Systems.

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

(2) Electrical Engineering Documents for communications systems must include the following information, if applicable to the particular project shall, at a minimum, indicate the following:

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

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.005, Amended 11-13-08, 12-4-17.

61G15-33.006 Design of Alarm, Control, and Signaling Systems.

(1) Alarm, control, and signaling systems include motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See Rule 61G15-32.008, F.A.C., for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. Items to be considered in the design or analysis of alarm, control, and signaling systems include: cabling requirements; installation requirements; performance requirements; and interoperability. The design documents shall be based on standards set forth in NFPA 72, the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.

(2) The Electrical Engineering Documents for alarm, control, and signaling systems ~~construction documents~~ must include the following information, if applicable to the particular project shall at a minimum indicate the following:

- (a) Description of the control system functions, or a functional diagram.
 - (b) Equipment legend.
 - (c) System riser diagram.
 - (d) Cabling and conductor types and requirements.
 - (e) Installation, identification and testing requirements.
 - (f) Back-up power.
 - (g) Location and characteristics of surge protective devices, if included in the engineering design.
 - (h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.
- (i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.006, Amended 11-13-08, 12-4-17.

61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of these ~~this~~ systems include risks to persons or property, environmental factors, geological factors, building or structure characteristics, and materials performance ~~the requirements of NFPA-780.~~

(2) Electrical Engineering Documents for lightning protection systems must include the following information, if applicable to the particular project shall indicate:

- (a) Lightning Risk Assessment.
- (b) Air terminals height and spacing.
- (c) Corrosion protection measures.
- (d) Arrangement of Main and Down conductors.
- (e) Grounding Terminals ~~points~~ and spacing.
- (f) Conductor type and size.
- (g) Equipment Legend.
- (h) Testing requirements ~~of grounds~~

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.007, Amended 11-13-08, 12-4-17.

61G15-33.008 Design of Grounding Systems.

(1) Grounding Systems are passive systems used to establish an electrical potential reference point in an electrical system, a common return path for fault current, or a direct connection to earth for the proper dissipation of energy in case of abnormal or transient conditions.

(2) Electrical Engineering Documents for grounding systems must include the following information, if applicable to the particular project shall indicate at a minimum the following:

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

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.008, Amended 11-13-08, 12-4-17.

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

(1) The Engineer of Record shall, when be required by applicable codes or ordinances, as required by the Authority Having Jurisdiction, to demonstrate verification of compliance.

(2) Verifications of compliance from Electrical Engineering Documents warranted by codes and ordinances must include the following information, if applicable to the particular project shall include when applicable:

- (a) Energy efficiency and conservation tabulations, statements or calculations.
- (b) Lighting levels performance criteria included in the design that show illuminated levels, intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.
- (c) Lighting, sound pressure, or other /noise-/product or installation specifications that indicate conformance with community, county, or state standards, codes or ordinances.

(3) Any such verification shall constitute an Engineering Certification as that term is defined in Rule 61G15-18.011(4), F.A.C., and must comply with all Responsibility Rules, including Rule 61G15-29.001, F.A.C.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 11-13-08, Amended 12-4-17.

Notice: (61G15-35.003)

Effective Date: 12/27/2018

Purpose and Effect: The purpose of the amendment is to update the qualifications for certification as a special inspector of threshold buildings, as well as update the incorporated application form. The amendments refine the type of experience required to be certified as a Special Inspector of Threshold Buildings and update the incorporated form. The proposed rule amendment is intended to update and clarify the incorporated application form, including separate pages for design and inspection experience and details on threshold building parameters.

Summary: Qualification for Special Inspector certification and update the incorporated form. Clarify and update the incorporated application form. Please note that numerous revisions and modifications have taken place during this biennium thus only the finished product has been published in this instance without showing the multiple layers of changes for clarity purposes.

Final Rule Date: 12/27/2018

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

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

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

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

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on Threshold Buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed ~~within the preceding seven (7) years prior to submission of the application~~ and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C., at the time of application.

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/006 (08/18) 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-10130>.

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

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).

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

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

6. Completed form FBPE/006.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

~~(3) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., shall also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.~~

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

Rulemaking Authority 471.008, 471.015(7), 471.033(2) FS. Law Implemented 471.015(7), 471.033, 553.79(5)(a) FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 2-28-16, 6-6-16, 6-26-17, 4-8-18, 12-27-18.

Notice:	19480042 (61G15-35.004)
Effective Date:	2/28/2016
Purpose and Effect:	The purpose of the amendment is to update the qualifications required to be an authorized representative of a Special Inspector.
Summary:	Update qualifications to be an authorized representative of a Special Inspector.
Final Rule Date:	2/28/2016

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

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

(2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective ~~January 1, 2017~~ ~~July 1, 2016~~, those qualifications shall include:

- (a) Licensure as a professional engineer or architect, or
- (b) Graduation from a four-year engineering education program in civil, structural or architectural engineering, or
- (c) Possession of a professional Architecture degree, or
- (d) Registration as a building inspector or general contractor, or
- (e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work, or
- (f) Possess ~~current~~ certification(s) in the following area(s);
 1. ~~If inspecting~~ ~~Prior to inspection of~~ concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications of such certification established by ACI on January 1, 2017~~3~~;
 2. ~~If inspecting~~ ~~Prior to inspection of~~ masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017~~3~~;
 3. ~~If inspecting~~ ~~Prior to inspection of~~ post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on January 1, 2017~~3~~;
 4. ~~If inspecting~~ ~~Prior to inspection of~~ structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013 or AISC on January 1, 2017~~3~~;
 5. ~~If inspecting~~ ~~Prior to inspection of~~ soil related components, certification from the International Code Council in basic soil special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017~~3~~.

(3) Special Inspectors shall be in responsible charge of the work of the Authorized Representative, including

reviewing reports and spot checks.

(4) Special Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

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

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 455.02

REVISION:

amending s. 455.02, F.S.; revising the length of time that an active duty member of the Armed Forces of the United States may remain in good standing with an administrative board or program under certain circumstances; requiring that a spouse or surviving spouse be kept in good standing and be exempt from licensure renewal provisions under certain circumstances; requiring, rather than authorizing, the Department of Business and Professional Regulation to issue a professional license, rather than a temporary license, to specified applicants; revising application requirements; requiring the department to waive the applicant's initial licensure application fee; authorizing licensure renewal; amending s. 455.219, F.S.; providing for a fee waiver for active duty members of the Armed Forces, certain spouses or surviving spouses of an active duty member, and low-income individuals; providing rulemaking authority; providing an appropriation; providing an effective date.

amending s. 455.02, F.S.; requiring the Department of Business and Professional Regulation to waive certain fees;

Effective Date: July 1st, 2018

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

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

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

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

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

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

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

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

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

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

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

History.—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182; s. 2, ch. 2017-135; s. 7, ch. 2018-7.

Note.—Former s. 485.02.

Florida Statute 455.219

REVISION:

amending s. 455.219, F.S.; providing for a fee waiver for active duty members of the Armed Forces, certain spouses or surviving spouses of an active duty member, and low income individuals; providing rulemaking authority; providing an appropriation; providing an effective date.

Effective Date: July 1st, 2018

455.219 Fees; receipts; disposition; periodic management reports.—

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

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

(3) All moneys collected by the department from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate accounts in the Professional Regulation Trust Fund for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses shall include, but not be limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department shall not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of department expenses. The department shall provide any board with reasonable access to these records upon request. Each board shall be provided an annual report of revenue and direct and allocated expenses related to the operation of that profession. These reports and the department's adopted long-range plan shall be used by the board to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared pursuant to s. [455.2285](#).

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

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

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

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

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

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

History.—s. 5, ch. 79-36; s. 287, ch. 81-259; s. 2, ch. 84-271; s. 82, ch. 90-132; s. 4, ch. 90-228; s. 4, ch. 91-137; s. 17, ch. 92-149; s. 73, ch. 94-218; s. 8, ch. 2000-356; s. 44, ch. 2004-335; s. 3, ch. 2017-135; s. 59, ch. 2018-110.

Florida Statute 455.227

REVISION:

amending ss. 455.227, conforming provisions to changes made by the act;
providing effective dates.

Effective Date: July 1st, 2018

455.227 Grounds for discipline; penalties; enforcement.

- (1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:
- (a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
 - (b) Intentionally violating any rule adopted by the board or the department, as appropriate.
 - (c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.
 - (d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.
 - (e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
 - (f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
 - (g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
 - (h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
 - (i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.
 - (j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
 - (k) Failing to perform any statutory or legal obligation placed upon a licensee.
 - (l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

- (m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
 - (n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
 - (o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
 - (p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
 - (q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
 - (r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
 - (s) Failing to comply with the educational course requirements for domestic violence.
 - (t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.
 - (u) Termination from ~~an impaired practitioner program~~ ~~a treatment program for impaired practitioners~~ as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or ~~participant treatment~~ contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.
- (2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:
- (a) Refusal to certify, or to certify with restrictions, an application for a license.
 - (b) Suspension or permanent revocation of a license.
 - (c) Restriction of practice.
 - (d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
 - (e) Issuance of a reprimand.
 - (f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
 - (g) Corrective action.
- (3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.
- (b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.
 - (c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with

investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

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

Florida Statute 455.2286

REVISION:

amending to delete obsolete language.

Effective Date: April 3rd, 2019

455.2286 Automated information system.— ~~By November 1, 2001,~~ The department shall implement an automated information system for all certificateholders and registrants under part XII of chapter 468, chapter 471, chapter 481, or chapter 489. The system shall provide instant notification to local building departments and other interested parties regarding the status of the certification or registration. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration is active, of any current failure to meet the terms of any final action by a licensing authority, of any ongoing disciplinary cases that are subject to public disclosure, whether there are any outstanding fines, and of the reporting of any material violations pursuant to s. 553.781. The system shall also retain information developed by the department and local governments on individuals found to be practicing or contracting without holding the applicable license, certification, or registration required by law. The system may be Internet-based.

History.—s. 6, ch. 98-287; s. 31, ch. 2000-141; s. 80, ch. 2019-3.

Florida Statute 455.271

REVISION:

amending s. 455.271, F.S.; revising the delinquency fee that a professional board or the department imposes on a delinquent status licensee;

amending s. 455.271, F.S.; 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; amending s. 471.005, F.S.; revising definitions

Effective Date: July 1st, 2017 and October 1st, 2019

455.271 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.227, and the board, or the department when there is no board, may impose discipline on the licensee.

(2) Each board, or the department when there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status.

(3) Each board, or the department when there is no board, shall, by rule, impose a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department when there is no board, and meets all continuing education requirements as specified in this section.

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

(6)(a) ~~A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status~~

~~during the licensure cycle in which a licensee becomes delinquent.~~ Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department.

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

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

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

(7) Notwithstanding the provisions of the professional practice acts administered by the department, each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee of \$25 ~~not to exceed the biennial renewal fee for an active status license~~ on a delinquent status licensee when such licensee applies for active or inactive status.

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

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

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

(11) The status or a change in status of a licensee shall not alter in any way the board's, or the department's when there is no board, right to impose discipline or to

enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

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

History.—s. 14, ch. 94-119; s. 1, ch. 2005-249; s. 2, ch. 2009-54; s. 3, ch. 2012-61; s. 5, ch. 2012-72; s. 8, ch. 2012-208; s. 1, ch. 2017-29; s. 2, ch. 2019-86.

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 471.003

REVISION:

Reviser's note.—Amended to reflect the repeal of former part I of chapter 553, Florida Statutes 2001, relating to plumbing, by s. 68, ch. 98-287, Laws of Florida, as amended by s. 108, ch. 2000-141, s. 39, ch. 2001-186, and s. 8, ch. 2001-372, Laws of Florida.

Effective Date: March 23rd, 2018

471.003 Qualifications for practice; exemptions.—

(1) No person other than a duly licensed engineer shall practice engineering or use the name or title of "licensed engineer," "professional engineer," or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer in this state.

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly licensed under the provisions of this chapter.

(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible

charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the board.

(c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.

(d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

(e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, licensed under this chapter.

(f) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.

(g) A licensed surveyor and mapper who takes, or contracts for, professional engineering services incidental to her or his practice of surveying and mapping and who delegates such engineering services to a licensed professional engineer qualified within her or his firm or contracts for such professional engineering services to be performed by others who are licensed professional engineers under the provisions of this chapter.

(h) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under [former](#) part I of chapter 553, [Florida Statutes 2001](#), or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$125,000 or less; and
 - 2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;
 - b. Requires a plumbing system with fewer than 250 fixture units; or
 - c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons.

(i) Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed in accordance with this chapter.

(j) Any defense, space, or aerospace company, whether a sole proprietorship, firm, limited liability company, partnership, joint venture, joint stock association, corporation,

or other business entity, subsidiary, or affiliate, or any employee, contract worker, subcontractor, or independent contractor of the defense, space, or aerospace company who provides engineering for aircraft, space launch vehicles, launch services, satellites, satellite services, or other defense, space, or aerospace-related product or services, or components thereof.

(3) Notwithstanding the provisions of this chapter or of any other law, no licensed engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any licensed architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

History.—ss. 10, 42, ch. 79-243; ss. 3, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 5, ch. 82-179; s. 3, ch. 83-160; ss. 46, 119, ch. 83-329; s. 1, ch. 85-134; s. 57, ch. 87-225; s. 2, ch. 87-341; s. 2, ch. 87-349; ss. 1, 14, 15, ch. 89-30; s. 1, ch. 89-115; s. 67, ch. 89-162; s. 4, ch. 91-429; ss. 80, 118, ch. 94-119; s. 330, ch. 97-103; s. 65, ch. 98-287; s. 31, ch. 2000-356; s. 16, ch. 2002-299; s. 1, ch. 2003-425; s. 4, ch. 2004-332; s. 64, ch. 2009-195; s. 64, ch. 2018-110.

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.

¹*Note.—The word "or" following the word "engineers" was deleted by the editors to improve clarity.*

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 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 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.

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 Statute 471.045

REVISION:

amending ss. 471.045 and 481.222, F.S.; conforming cross-references;

Effective Date: July 1st, 2017


471.045 Professional engineers performing building code inspector duties.

—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. ~~468.603(5) and (8)~~ ~~468.603(6) and (7)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

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

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=2019&Title=%2D%3E2019%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=2019&Title=%2D%3E2019%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

2021 Florida Laws and Rules - Quiz

Updated: 11/09/2019

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) Roberto's license status has been inactive for two years. On the application for renewal of his inactive license he must confirm the statement that he 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. (KEYWORD: renewal of inactive)

- A) True
- B) False

3) 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 _____ days thereafter. (KEYWORD: national guard)

- A) 15 days
- B) 30 days
- C) 45 days
- D) 90 days

4) Stacey Smith is about to digitally sign and seal a set of electronically transmitted plans. She has placed a digitally created seal to the documents. She knows the formatting may be altered but the following text must remain identical: "This item has been digitally signed and sealed by Stacey Smith on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies." (KEYWORD: text must)

- A) True
- B) False

5) A successor engineer assumes full professional and _____ responsibility by signing and affixing his or her seal to the assumed documents. (KEYWORD: 471.025)

- A) legal
- B) contractual
- C) deadline
- D) all of the above

6) Frank seeks to become a licensed special inspector for threshold buildings. He has practice mechanical engineering design for 5 years and has inspected mechanical systems for 3 years. Will he qualify as a special inspector for threshold buildings?

- A) Yes
- B) No

7) Kim owns an engineering firm. She must be sure to renew her firm's certificate of authorization every _____ years starting October 1st, 2019. (KEYWORD: 471.023)

- A) two
- B) three
- C) four
- D) never because certificates of authorizations are no longer required

8) 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

9) Acme Engineering Products, Inc. no longer has a qualifying agent allowing them to offer engineering services in the state of Florida. Joseph their lone qualifying agent just terminated his employment with Acme Engineering today. Acme Engineering must stop performing engineering services _____.

- A) immediately
- B) in 7 days
- C) in 30 days
- D) in 90 days

10) Acme engineering products may resume offering engineering services when they have _____.

- A) been qualified by another qualifying agent
- B) received authorization from the chair of the board to employ another licensee to temporarily serve as its qualifying agent for no more than 60 days
- C) both A and B
- D) none of the above

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

- A. True
- B. False