

THE LAWS, RULES, & ETHICS GOVERNING THE PRACTICE OF ENGINEERING IN FLORIDA

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THE CHALLENGE:

- How to cover all this material in 2 hours.
- How to do so in a way that will not put you to sleep.
- How to encourage you to undertake additional efforts to become more proficient in these areas.

THE SOLUTION:

- Make you understand the benefit to you!
- Keep it interesting (easier said than done).
- Provide you with specific suggestions and resources to assist your self-study.

MAIN SOURCES FOR LAWS, RULES AND ETHICS



- CHAPTER 471, FLORIDA STATUTES (PRACTICE ACT)
- CHAPTER 455, FLORIDA STATUTES
- 61G15, FLORIDA ADMINISTRATIVE CODE
- CODES OF ETHICS ADOPTED BY NSPE, ASCE, IEEE AND OTHERS

GET COPIES OF CHAPTER 471 AND 61G15!!

- You can get these from the BOPE website
- FBPE.org
- If you do not have the FBPE website bookmarked on your computer, do it!!
- In addition to the laws and rules, you can access other resources such as FAQs, a link to the Florida building code information system, etc.



Signing and Sealing Tips and Tricks

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A source of ongoing confusion for Professional Engineers relates to [signing, dating, and sealing final engineering documents](#) when a physical seal is not used.

Wendy Anderson, [FBPE's lead investigator](#), regularly answers questions from PEs who are perplexed by the process.

Anderson emphasizes that digital signing and electronic signing are two separate methods of signing and sealing final engineering documents and do not relate to each other.

[Rule 61G15-23.004, Florida Administrative Code](#), relates strictly to digital signing and sealing, while 61G15-23.005 is strictly for electronic signing and sealing. Do not conflate the requirements in these rules as they are meant to provide two separate ways of electronically filing final engineering documents.

Based on her conversations with PEs and Agencies Having Jurisdiction, Anderson says that most AHJs prefer digital signed and sealed documents, and rarely accept electronic signed and sealed ones. PEs should confirm the method with the AHJ before submitting documents, she recommends.

To help explain the differences between the two methods, she put together these tips for Professional Engineers:

Digital Signing and Sealing

For digital signing and sealing, you will need to find a certification authority. The certification authority will issue the digital signature and is a purchase that you would normally make. The Board does not approve certification authorities and cannot provide a list of them. You can choose whomever you wish.

You should contact the Building Department or Agency Having Jurisdiction that you work with most often to determine if they have a list of certification authorities to choose from. Unfortunately, these vary from county to county and city to city.

The certification authority will verify your identity and will provide you with a password-protected digital signature file. While it is called a digital signature, it is simply a computer program and is not a typical "signature."

When you are ready to apply your digital signature to plans, you may choose to use an image of your seal (which you will need to create or purchase separately) and your signature, but they are not required under these rules.

Some Building Departments may not accept plans that do not contain a signature and seal. If that is the policy of that department, you should comply with the department's request, which is not a violation of the rule.



Digital signing and sealing allows you to apply a single digital signature to a file. The file can contain the entire set of plans, from one sheet or many sheets; there is no limit to the number of pages. Generally, you apply the digital signature to the front page. Some Building Departments may request that you digitally sign and seal each page separately; if that is the policy of that department, you should comply with the department's request, which is not a violation of the rule.

The rule specifies language that must be placed on every sheet of the plans but is separate from the digital signature. The language must match exactly the language in the rule. You may not place this language in the "digital signature box" that is contained on some digitally signed documents; it must be on the plan sheet itself, such as within the title block.

Do not lock your documents. If you lock your documents, Building Departments that use specific software for plan review will not be able to place a received stamp or notes on the plans highlighting missing information or items that need correction or explanation.

Once you have done these things, you are ready to file your documents. Digitally signed documents must be filed by email or file transfer; they may not be printed and provided to the AHJ.

If an AHJ asks that you provide both a digitally signed document and a hand-signed document, you should print out the document that you digitally signed and then you should hand sign and seal the printout certifying that the original document has been filed with the Building Department; otherwise, you have two originals of the same item and will be required to maintain both of those originals as noted in Rule 61G15-30.009, F.A.C.

Electronic Signing and Sealing

For electronic signing and sealing, you will need to locate a secure hash algorithm, or SHA, generator. It can be a free program.

Once you have finalized your project, you turn the plans set into one file and run it through the generator. The generator will provide you with a string of numbers and letters, or hash, that is unique to that file. You will take that string of characters and create a signature report that you hand sign, date, and seal. The signature report must contain the hash number/letter string and an index of everything that the signature applies to.

As with digital signing and sealing, you must include the language required by the rule on each page of the plans.

Do not lock your documents. If you lock your documents, Building Departments that use specific software for plan review will not be able to place a received stamp or notes on the plans highlighting missing information or items that need correction or explanation.

At this point, you are ready to file your documents. Electronic signed documents must be filed by email or file transfer; they may not be printed and provided to the AHJ.

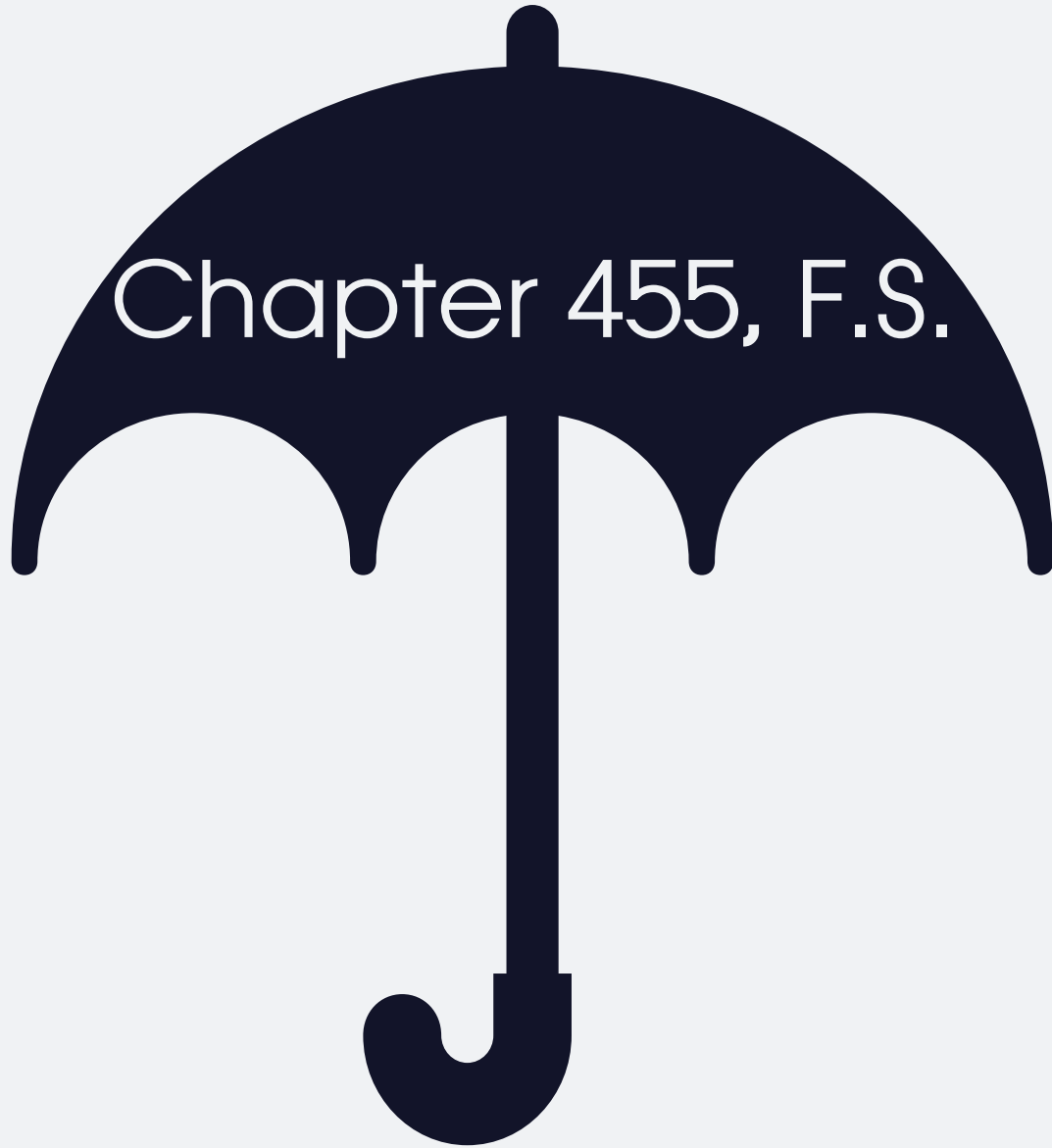
If you have questions regarding signing and sealing final engineering documents, contact Wendy Anderson at wanderson@fbpe.org.

FLORIDA ENGINEERING PRACTICE ACT: CHAPTER 471, F.S.

- Provides the requirements for licensure as a Professional engineer.
- Creates the Board of Professional Engineers.
- Provides the grounds for disciplinary action against a Professional Engineer.
- Grants the BOPE the authority to promulgate rules.

RULE CHAPTER 61G15, FLORIDA ADMINISTRATIVE CODE

- Contains all the rules promulgated by the BOPE,
Including:
 - Education, experience and examination requirements;
 - Grounds for disciplinary proceedings and disciplinary guidelines;
 - Procedures for the adoption of another's work (Successor Engineer Rule);
 - Responsibility rules (standards of practice)
- This is where the details are. Chapter 471 is 10 pages.
- Rule Chapter 61G15 is 71 pages.



- Contains a number of laws applicable to all practitioners under the umbrella of DBPR including:
 - §455.225, F.S., establishes the authority and procedures to conduct an investigation and disciplinary action.
 - §455.227, F.S., provides general grounds for disciplinary action against all DBPR licensees.

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

- Ethics is the study of the moral principles that govern the conduct of individuals or groups. engineering ethics are the rules and standards that govern the conduct and interactions of engineers as professionals.
- There has been a general consensus for many years that engineering curricula should include substantial education related to professional ethics. this has been formally embodied in abet (accreditation board for engineering and technology) requirements for the accreditation of engineering curricula.
- Most engineering societies and associations have a code of ethics. These codes are usually stated as general principles and almost never describe specific factual situations. they serve as a starting point for making ethical decisions.
- An engineer cannot be disciplined by the BOPE for being “unethical” or for violating a provision of an ethics code. however, many ethical situations are covered under the board’s definition of misconduct in 61g15-19.001(6), F.A.C.

ETHICS RESOURCES AVAILABLE ON THE INTERNET

- ❑ **ONLINE ETHICS FOR ENGINEERING:** [HTTPS://ONLINEETHICS.ORG/](https://onlineethics.org/)
- ❑ **NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS (NSPE) CODE OF ETHICS:** [HTTP://WWW.NSPE.ORG/RESOURCES/ETHICS](http://www.nspe.org/resources/ethics)
- ❑ **INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) CODE OF ETHICS:** Google it...
- ❑ **AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) FUNDAMENTAL PRINCIPLES:** [HTTP://WWW.ASCE.ORG/CODE-OF-ETHICS/](http://www.asce.org/code-of-ethics/)

§471.005(7), F.S., ENGINEERING DEFINED:

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:

§471.005(7), F.S., ENGINEERING DEFINED:

- 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...

§471.005(7), F.S., ENGINEERING DEFINED:

- 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.

PRACTICE OVERLAP

- The practice of engineering overlaps with the practices of:
 - Geology
 - Architecture
 - Landscape Architecture
 - Land Surveying and Mapping

§471.003(3), F.S. - INCIDENTAL PRACTICE:

- No registered 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,...

§471.003(3), F.S. - INCIDENTAL PRACTICE:

- ...Nor is any registered 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.

EVEN THOUGH YOU MAY BE ABLE TO PRACTICE “INCIDENTAL ARCHITECTURE”:

- §471.037 Effect of Chapter Locally.—

Nothing contained in this chapter shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of licensed engineers than the provisions of this chapter.

STATUS OF LICENSE

- Active
- Inactive
- Retired
- Delinquent
- Null and Void

The Board has now established a reinstatement process. For void licenses, see Rule 61G15-22.0002(3), F.A.C.

RECENT STATUTE 2022

§ 471.055 Structural Engineering Recognition Program for Professional Engineers.—

- (1) The Board shall establish the Structural Engineering Recognition Program for Professional Engineers to recognize professional engineers who specialize in structural engineering and have gone above and beyond the required minimum professional engineer licensing standards. The Board shall establish minimum requirements to receive recognition through the program. The Board must recognize any licensed professional engineer who has successfully passed the National Council of Examiners for Engineering and Surveying Structural Engineering 16-hour PE Structural examination, or any other examination approved by the Board. In addition, the Board may recognize any licensed professional engineer who specializes in structural engineering based on alternative criteria determined by the Board.
- (2) Upon application to the Board, a professional engineer who has the minimum program requirements shall be recognized as a professional engineer who has gone above and beyond in the field of structural engineering. the Board may not collect a fee for such application or for recognition by the program.
- (3) A professional engineer who is recognized by the program may identify such recognition in her or his professional practice, including in marketing and advertising materials.
- (4) Recognition by the program is not required for a professional engineer to practice structural engineering.
- (5) The Board shall adopt rules to implement this section.

NEW STATUTE 2024: §455.2135, F.S.

Interstate Mobility

CS/SB 1600 creates §455.2135, F.S., to require the regulatory boards in the Department of Professional Regulation (DBPR), or the DBPR itself when there is no regulatory board for a profession, and when endorsement based on years of licensure is not otherwise provided by law in the practice act for a profession, to allow licensure by endorsement for any individual who applies for licensure by endorsement if the applicant meets certain specified criteria.

NEW STATUTE 2024: §455.2135, F.S.

Interstate Mobility

Those certain specified criteria are as follows:

- Holds a valid, current license to practice the profession issued by another state or territory of the U.S. for at least five years before the date of application and be applying for the same or similar Florida license;
- Submits an application either:
 - When the license in another state or territory is active; or
 - Within two years after such license was last active;
 - Has passed the recognized national licensing exam, if the exam is established as a requirement for licensure in the profession;
 - Has no pending disciplinary actions and all sanctions for any prior disciplinary actions have been satisfied;
 - Shows proof of compliance with any federal regulation, training, or certification, if the board or the DBPR requires such proof, regarding licensure in the profession;
 - Has completed Florida-specific continuing education courses or passed a jurisprudential examination specific to the state laws and rules for the applicable profession as established by the board or the DBPR; and
 - Has complied with any insurance or bonding requirements as required for the profession.

NEW STATUTE 2024: §455.213, F.S.

General Licensing Provisions

CS/SB 1600 amends §455.213, F.S.

- Defines the term “basis license” as the license or the licensure requirements of another jurisdiction which are used to meet the requirements for a license in this state.
- Requires the Board to rule on the substantial equivalency of an applicant’s basis license to a Florida license. If the Board does not find substantial equivalency, the applicant (within 7 business days of notification) may request that the finding be submitted to the secretary for review. The secretary (within 7 business days of the receipt of the request) must agree or disagree with the Board’s finding.
- If the secretary disagrees with the Board, the license must be issued to the applicant.
- The Board must make the same finding as the secretary and in regards to similar applicants from the same jurisdiction, unless the requirements of the basis license change.

RESPONSIBLE CHARGE: RULE 61G15-18.011

"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.

TEST TO EVALUATE WHETHER AN ENGINEER IS IN RESPONSIBLE CHARGE:

- 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.

61G15-19.004: DISCIPLINARY GUIDELINES

- Provides a range of penalties used by the Board.
- Provides aggravating circumstances, including history of previous violations and the magnitude and scope of the negligence.
- Provides mitigating circumstances, including lack of previous disciplinary history and the minor nature of the project in question.

COMMON ETHICAL DILEMMAS & ISSUES FACING ENGINEERS

- Acknowledging mistakes.
- Conflicts of interest.
- Safety of products and projects.
- Responsibility arising from actions of others.
- Whistle blowing.
- Cutting corners.
- Plan Stamping.



GROUNDS FOR DISCIPLINE VS. ETHICS

- Due process requires that laws and rules that may be used to discipline a licensee provide reasonable and meaningful notice to licensees of the conduct that is prohibited. Any behavior that is not explicitly listed in the laws and rules as grounds for disciplinary action cannot (should not) be used by the BOPE to support discipline.
- Even though engineers should always strive to take the most ethical approach possible, one cannot be disciplined for being unethical – unless the behavior is specifically defined as “misconduct” in the rule.

DEFINITION OF MISCONDUCT: 61G15-19.001(6), F.A.C.

- This rule provides numerous examples of what will be considered “misconduct” in the practice of engineering as that term is used in §471.033(1)(g), Florida Statutes. The examples cover many things such as:
 - Being untruthful, deceptive or misleading.
 - Practicing in an area you are unqualified.
 - Plan stamping.
 - Bribes and conflicts of interest.
 - Revealing facts or information acquired in an engineering capacity without authorization from the client.

CODES OF ETHICS COUNTERPARTS TO DEFINITION OF MISCONDUCT: 61G15-19.001(6), F.A.C.

- Engineers shall issue public statements only in an objective and truthful manner. *NSPE Code of Ethics*
- Avoid deceptive acts. *NSPE Code of Ethics*
- Perform services only in their area of competence. *NSPE Code of Ethics*
- Engineers shall not accept commissions or allowances, directly or indirectly from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible. *NSPE Code of Ethics*
- Engineers shall not use association with a non-engineer, a corporation or partnership as a “cloak” for unethical acts. *NSPE Code of Ethics*
- Engineers shall associate only with reputable persons or organizations. *ASME Code of Ethics*

HYPOTHETICAL #1

- **Facts:** Engineer A is a professional engineer and owner of ABC Engineering. Engineer A recently learned that Engineer B, a former employee of ABC who recently started his own firm (EFG Engineering), is claiming “extensive project experience.” The EFG Engineering website references a list of “past clients” and “past projects.” In fact, Engineer A was the Engineer of Record and it was Engineer A’s company (ABC Engineering) that was responsible for the design of the “past projects” referenced for “past clients.” On none of the projects Engineer B lists on the EFG website was Engineer B the Engineer of Record. Engineer B was an engineer-intern for most of Engineer B’s tenure with ABC Engineering. While Engineer B performed tasks for the referenced clients and on “past projects,” Engineer B’s role was as a junior member of the design team.
- **Questions:** What are the ethical issues involved?

HYPOTHETICAL #1

- Relevant NSPE Codes of Ethics:
 - ▣ Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
 - ▣ Engineers shall act for each employer or client as faithful agents or trustees.
 - ▣ Engineers shall give credit for engineering work to those to whom credit is due and will recognize the proprietary interests of others.
 - ▣ Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

HYPOTHETICAL #1

- Whenever a new engineering firm is created by engineers who previously worked at other firms, there will be issues regarding how to properly claim or advertise relevant experience. Creating a “list of clients” or “list of projects” for the new firm may result in ethical violations if there is an impression that the clients or the projects were generated by the new firm.
- The issue goes both ways. What happens if Engineer A, working at his previous firm was responsible for two projects that received engineering excellence awards? Engineer A leaves, but the firm continues to tout the awards on the firm’s website?

HYPOTHETICAL #1

- **Conclusion:** This is a clear-cut case. Engineer B falsely claimed experience and credit for work he was not responsible for. What about Engineer A's ethical responsibilities?
- **Better Way:** Before filing a complaint, Engineer A should send a letter noting that Engineer B and Engineer B's firm are improperly and falsely claiming credit for work for which they were not responsible or in which Engineer B played a minor role and requesting that they desist from including the subject references on their website.
- Ethical questions relating to ownership of engineering work, appropriate credit to those responsible for engineering designs and other work, and related issues often come to the surface when engineers leave a firm. There are ways that past work and achievements can continue to be advertised with the proper disclosure and attribution, and these are things that should be discussed before leaving.

PUNISHMENT FOR MISCONDUCT VIOLATIONS

- The Board sets forth a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners, subject to the discretion of the Board.
- The Board shall be entitled to deviate from the guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final penalty.
- Penalties for violation of §471.033(1)(g), F.S. range from:
 - Reprimand, 2 years probation, and \$1,000 fine, to
 - Suspension for 2-5 years, a \$5,000 fine, and even revocation of licensure.

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

American Society of Civil Engineers (ASCE) Fundamental Principles:

- Engineers must uphold and advance the integrity, honor and dignity of the engineering profession by:
 - Using their knowledge and skill for the enhancement of human welfare and the environment;
 - Being honest and impartial and serving with fidelity the public, their employers and clients;
 - Striving to increase the competence and prestige of the engineering profession;
 - Supporting the professional and technical societies of their disciplines.

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

ASCE Fundamental Principles (cont.):

- Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
- Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.
- Engineers shall continue their professional development throughout their careers and shall provide opportunities for the professional development of those engineers under their supervision.
- ASCE provides canons to supplement the above principles on their website.

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

National Society of Professional Engineers (NSPE) Code of Ethics:

- Engineers, in the fulfillment of their professional duties, shall:
 - **Hold paramount the safety, health, and welfare of the public;**
 - Perform services only in areas of their competence;
 - Issue public statements only in an objective and truthful manner;
 - Act for each employer or client as faithful agents or trustees;
 - Avoid deceptive acts;
 - Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

NSPE also provides guidelines to supplement the above canons, as well as a list of professional obligations, on their website.

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

Institute of Electrical and Electronics Engineers (IEEE) Code of Ethics:

- Members of the IEEE agree:
 - To accept responsibility in making decisions consistent with the safety, health, and welfare of the public, and to disclose promptly factors that might endanger the public or the environment;
 - To avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist;
 - To be honest and realistic in stating claims or estimates based on available data;
 - To reject bribery in all its forms;

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

IEEE Ethics Code (cont.):

- To improve the understanding of technology, its appropriate application, and potential consequences;
- To maintain and improve our technical competence and to undertake technological tasks for others only if qualified by training or experience, or after full disclosure of pertinent limitations;
- To seek, accept, and offer honest criticism of technical work, to acknowledge and correct errors, and to credit properly the contributions of others;

CODE OF ETHICS AND FUNDAMENTAL PRINCIPLES

IEEE Ethics Code (cont.):

- To treat fairly all persons and to not engage in acts of discrimination based on race, religion, gender, disability, age, national origin, sexual orientation, gender identity, or gender expression;
- To avoid injuring others, their property, reputation, or employment by false or malicious action;
- To assist colleagues and co-workers in their professional development and to support them in following this code of ethics.
- IEEE also provides guidelines to supplement the above canons, available on their website.

THE ENGINEER AS FIDUCIARY

Fiduciary:

- From the Latin fiducia, meaning "trust," a person (or a business like a bank or stock brokerage) who has the power and obligation to act for another (often called the beneficiary) under circumstances which require total trust, good faith and honesty.
- The most common is a trustee of a trust, but fiduciaries can include business advisers, attorneys, guardians, administrators of estates, real estate agents, bankers, stockbrokers, title companies or anyone who undertakes to assist someone who places complete confidence and trust in that person or company. Characteristically, the fiduciary has greater knowledge and expertise about the matters being handled.
- A fiduciary is held to a standard of conduct and trust above that of a stranger or of a casual businessperson. They must avoid "self-dealing" or "conflicts of interests" in which the potential benefit to the fiduciary is in conflict with what is best for the person who trusts them.

61G15-27.001: PROCEDURES FOR A SUCCESSOR PROFESSIONAL ENGINEER ADOPTING AS HIS OWN THE WORK OF ANOTHER ENGINEER

- Just because a P.E. is hired to perform contract administration/supervision during the construction of a project that was permitted based upon design documents sealed by another P.E. does *not* automatically trigger the provisions of the successor engineer rule.
- However, as a practical matter, unless any changes are submitted to (and signed/sealed by the original engineer) the new engineer will end up becoming the EOR.
- The statute is triggered when a P.E. is “using or relying” upon the work, findings, or recommendations of the engineer who previously sealed the pertinent documents.
- How much “use” or “reliance” will trigger the statute is debatable. However, there is guidance in the rule itself:

61G15-27.001: PROCEDURES FOR A SUCCESSOR PROFESSIONAL ENGINEER ADOPTING AS HIS OWN THE WORK OF ANOTHER ENGINEER

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

“PLAN STAMPING”

- One of the most common violations of the engineering rules, as it carries both professional and ethical implications, but one of the easiest to avoid.
- By sealing a set of plans or specifications, you are effectively stating that you have reviewed and approved the documents in question and that those plans or specifications are of a design safe to the public health and welfare and in conformity with accepted engineering standards.
- Also, the engineer who reviews another engineer’s plans, signs, and seals them may be at risk of an ethical violation if, say, the original engineer was never paid for his services and the subsequent engineer knew of this fact.

ETHICS ARE NOT JUST FOR THE BENEFIT OF THE PUBLIC

- Engineering ethics are not only for the benefit of the general public, but also for other engineers.
- The National Society of Professional Engineers' (NSPE) Code of Ethics states at section III, that engineers shall be guided in all their relations by the highest standards of honesty and integrity- and those relations also include those with your colleagues.

CASE LAW BREAK

FEMC v. C.K.:

- In 2007, C.K., while acting under the supervision of the EOR Engineer A, designed a swimming pool and spa. The EOR signed and sealed the design documents, and the pool/spa design was permitted by the local building department. However, the design was not permitted by the Florida Department of Health.
- In 2015, the then owner of the pool/spa project became aware that the project had never been permitted by the FL DOH. The owner requested assistance from C.K. to obtain the required permit. C.K. prepared drawing on his company's title block to document the actual construction of the original design of the project that had been signed by Engineer A. The drawings were virtually identical to the 2007 drawings.

CASE LAW BREAK

- The Board found that C.K. failed to notify the original PE by certified letter of C.K.'s intention to use or reuse Engineer A's work (even though C.K. designed the pool/spa project).
- C.K. was fined \$1,000, reprimanded, was required to complete a course in engineering professionalism and ethics, and was required to complete a study guide to return to the Board.

Moral of the Story: Send the notice to the prior engineer, even if you worked on the project in the past!

CASE LAW BREAK

FEMC v. J.N.:

- Engineer J.N. had previous discipline for signing and sealing documents with material deficiencies.
- In this case, J.N. signed and sealed 13 pages of engineering design documents for a private dwelling project (6,176 sq. ft., three-story-building).
- The Board's review of the design documents revealed numerous material deficiencies in the electrical documents, the mechanical (HVAC) documents, the mechanical (plumbing) documents, and the structural engineering documents.

CASE LAW BREAK

Some of the deficiencies noted were:

- The power service for the elevator was not shown, nor were the load calculations for the elevator load.
- The mechanical plan did not contain the criteria as required by FBC-B Section 107.3.5.
- One of the water closets violated FBC-P Table 709.1, using a 2” sanitary drain where a 3” drain was required.
- Vult, VASD, and risk category were not incorporated into the construction documents as required by the 2017 FBC, Section 1603.1.4.

CASE LAW BREAK

- The Board instituted the following penalty:
 - Fine \$2,000;
 - Pay costs of \$13,000;
 - Reprimanded;
 - Restricted from creating, producing, or certifying any structural engineering documents until J.N. takes and passes the NCEES 16-hour Structural Examination.
 - Submission of all completed structural engineering projects for project review at 6- and 18-month intervals after the successful passing of the NCEES Exam,
 - Probation for 2 years;
 - Required to complete a course in engineering professionalism and ethics;
 - Required to complete a study guide to return to the board; and

CASE LAW BREAK

- Required to submit to the Board a detailed list of all completed projects for project review at 6- and 18-month intervals from the date of the Final Order, including all mechanical, electrical, and plumbing engineering projects and reports signed and sealed by J.N.

Moral of the Story: Pay attention to and strictly follow the FBC and be sure to only practice in areas in which you are competent!

HYPOTHETICAL #2

- Facts: Engineer A is hired by Client B to conduct a building investigation to determine the origin and cause of a fire resulting in financial loss. During the investigation, Engineer A, who was also a structural engineer, observes that the building is structurally unstable. Engineer A performs a preliminary investigation of the building and after speaking with Client B, concludes that there were recent structural changes made to the building that may have caused the roof to sag and the walls to lean outward due to insufficient lateral restraint. Engineer A also learns that following construction modifications, the building was issued a certificate of occupancy by a county building official. Although not imminent, collapse of the building is a danger, Engineer A believes. Engineer A immediately advises Client B and calls the county building official. The county building official did not return Engineer A's phone call. Engineer A also recommended to the owners to brace the building to prevent its collapse.
- Question: What are Engineer A's ethical obligations?

HYPOTHETICAL #2

- Relevant NSPE Codes of Ethics:
- Engineers, in the fulfillment of their professional duties, shall: Hold paramount the safety, health, and welfare of the public
- If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
- Engineers shall advise their clients or employers when they believe a project will not be successful.
- Engineers shall act for each employer or client as faithful agents or trustees.

HYPOTHETICAL #2

- This case presents an example of a fundamental ethical dilemma faced by professional engineers in their professional practice. In this case, a professional engineer is presented with a situation involving a potential impact on the safety and welfare of the public, the resolution of which will have adverse financial implications to his client. In such cases, professional engineers must decide, after pointing out the situation, how far their obligation to seek corrective action reaches. Here, Engineer A brought his concerns to Client B and also contacted the county building official who did not return Engineer A's phone call. Although Engineer A did not believe the building was in danger of imminent collapse, Engineer A had an obligation to continue to pursue a resolution of the matter by working with Client B and in contacting the supervisor of the county official, the fire marshal, or any other agency having jurisdiction to determine whether an investigation was warranted after the issuance of the certificate of occupancy.

ETHICS QUICK TEST

- **IF YOU KNOW IT'S WRONG, DON'T DO IT!**
- Is the action legal?
- Does it comply with your values as an engineer?
- Does it comply with Florida statutes and rules?
- If you do it, will you feel bad?
- How will it look to other engineers?
- If you're not sure, ask your attorney!

61G15-23.002. SEAL, SIGNATURE & DATE SHALL BE AFFIXED

- A professional engineer shall sign by hand the licensee's handwritten signature (facsimiles are not acceptable) and affix the licensee's seal:
 - To all final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record; and
 - To all final documents provided to the owner or the owner's representative;
 - In addition, the date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately adjacent to the signature of the professional engineer.

PROCEDURES FOR SIGNING AND SEALING ELECTRONICALLY TRANSMITTED DOCUMENTS

Rule 61G15-23.003, F.A.C.:

- Must use a “digital signature” or an “electronic signature”, as defined in §668.003, F.S. If using an electronic signature, the P.E. must create a “signature” file having an authentication code following the requirements in the Rule.
- A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.

61G15-29.001 Certification Definition, Procedures, Prohibitions

The term “certification” as used herein shall be as set forth in Rule 61G15- 18.011(4), F.A.C. (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(6), F.S., have been performed by the professional engineer, and based upon the professional engineer’s knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.”
- When an engineer is presented with a certification to be signed and/or sealed, he or she should carefully evaluate that certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these circumstances would apply, that engineer shall either: (a) modify such certification to limit its scope to those matters which the engineer can properly sign and/or seal, or (b) decline to sign such certification.

61G15-30.002: DEFINITIONS COMMON TO ALL ENGINEER'S RESPONSIBILITY RULES

This Rule defines many terms that are referenced in other rules, and thus very important when interpreting other rules.

1. Engineer of Record:
2. Prime Professional:
3. Delegated Engineer
4. Delegated Engineering Documents
5. Public Record
6. Engineering Documents prepared for Public Record
7. Shop Drawings
8. Record Documents

RULE 61G15-30.003: MINIMUM REQUIREMENTS FOR ENGINEERING DOCUMENTS

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

61G15-30.005 DELEGATION OF ENGINEERING DOCUMENTS: OBLIGATIONS OF THE ENGINEER OF RECORD

1. An Engineer of Record who delegates a portion of his responsibility to a delegated engineer is obligated to communicate in writing his engineering requirements to the Delegated Engineer.
2. An Engineer of Record who delegates a portion of his design responsibility to a delegated engineer shall require submission of delegated engineering documents prepared by the Delegated Engineer and shall review those documents for compliance with his written engineering requirements and to confirm certain requirements contained in the Rule,

61G15-30.009, F.A.C.: RETENTION OF ENGINEERING DOCUMENTS

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



RESPONSIBILITY RULES

- 61G15-31: Design of Structures
- 61G15-32: Design of Fire Protection Systems
- 61G15-33: Design of Electrical Systems
- 61G15-34: Mechanical Systems
- 61G15-35: Threshold Building Inspections
- 61G15-36: Product Evaluation

RULES

Adopted, Amended, or Repealed During the Immediate Preceding Bienniums and Current Biennium

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUMS TO PRESENT

Rule No.	Rule Title	Effective Date
61G15-18.011	Definitions	06/05/2024
61G15-19.001	Grounds for Disciplinary Proceedings	04/19/2024
61G15-19.004	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	1/30/2024
61G15-19.0071	Citations	05/20/2024
61G15-19.008	Confidentiality of Investigations	5/20/2024
61G15-20.0010	Application for Licensure as Professional Engineer	06/24/2024
61G15-20.0011	Structural Engineering Recognition Program For Professional Engineers	06/29/2023
61G15-20.0015	Application for Certification as Engineering Intern	08/15/2022
61G15-20.0017	Application for Retired Status	07/18/2022
61G15-20.0018	Application for Low Income and Military Veterans Fee Waiver	08/15/2022
61G15-20.002	Experience	01/30/2024

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUMS TO PRESENT

Rule No.	Rule Title	Effective Date
61G15-20.007	Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees	01/18/2023
61G15-20.008	Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees	01/18/2023
61G15-21.007	Re-examination; Additional Requirements After Third Failure	08/30/2023
61G15-22.001	Continuing Education Requirements	01/30/2024
61G15-22.009	Exemptions from Continuing Education Requirements	02/01/2023
61G15-22.006	Demonstrating Compliance; Audits; Investigations	07/11/2024
61G15-22.012	Obligations of Continuing Education Providers	05/27/2024
61G15-24.001	Schedule of Fees	05/07/2024
61G15-26.001	Standards for Supervision of Governmental Employees by Professional Engineers	10/30/2022

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUMS TO PRESENT

Rule No.	Rule Title	Effective Date
61G15-30.006	Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record	05/20/2024
61G15-32.004	Design of Water Based Fire Protection Systems	06/29/2023
61G15-32.005	Design of Gas Agent Fire Suppression Systems	05/22/2023
61G15-32.006	Design of Foam and Foam Water Fire Suppression Systems	05/22/2023
61G15-32.007	Design of Dry Chemical and Miscellaneous Fire Suppression or Control Systems	06/29/2023
61G15-32.008	Design of Fire Alarms, Signaling Systems, and Control Systems	05/22/2023
61G15-34.003	Design of Heating, Ventilation, Air Conditioning, and Refrigeration Systems	08/04/2022
61G15-35.0021	Definitions	05/20/2024
61G15-35.003	Qualification Program for Special Inspectors of Threshold Buildings and Special Inspectors of Threshold Buildings (Limited)	05/20/2024

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUMS TO PRESENT

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 must be obtained from courses approved by the Board pursuant to rule 61G15-22.015, F.A.C.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-32: Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems. The rules have been amended to update codes, standards and references.

61G15-33 Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems. The rules have been amended to update codes, standards and references, and to provide additional requirements to be considered in the design of various systems.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

Grounds for Disciplinary Proceedings 61G15-19.001. Removes the act of expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon from the definition of Misconduct. April 2023

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

For business organizations that are not properly qualified, a disciplinary guideline was added to include a reprimand, a \$500-\$5,000 fine, and 1-year suspension for the first violation. January 2024.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUMS TO PRESENT

Application for Licensure, Education Requirements, and Experience, Rule 61G15-20.001.

- Allows for “Engineering Technology Programs” to be considered as Board approved engineering programs.
- Amended December 2019

Licensure Change of Status, Reactivation; Reinstatement of Void Licenses, Rule 61G15-22.0002(3).

- Created December 2019

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-19.008 confidentiality of investigations.

The following violations have been deemed to involve the potential for substantial physical or financial harm to the public:

- (1) Negligence, as defined in subsection 61g15-19.001(4), F.A.C., Or misconduct, as defined in subsection 61g15-19.001(6), F.A.C., Involving either threshold buildings as defined in section 553.71(7), F.S.; Or the collapse or major damage to any structure; or leading to death or serious physical injury of any person.
- (2) No later than 90 days prior to December 31, 2022, the board shall review and amend, modify, or sunset this rule if it determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. Failure by the board to act in accordance with this provision will result in the expiration of this rule on December 31, 2022.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-20.0011 Structural Engineering Recognition Rule

- (1) Any professional engineer currently licensed in good standing in the state of Florida who desires recognition as a Structural Engineer in Florida shall submit an application to the Board. The instructions and application Form FBPE/030 (04/23), entitled, “FBPE Application for Recognition in the Florida Structural Engineer Recognition Program” is hereby incorporated by reference, copies of which may be obtained from the Board office at 2400 Mahan Drive, Tallahassee, Florida 32308; from the Board’s website at [FBPE.org/licensure/structural-engineering-recognition-program/](https://www.flrules.org/licensure/structural-engineering-recognition-program/) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15465>. The Board shall recognize only those applicants who have completed the Application, including submission of required documentation, and who have demonstrated to the Board that they have:
- a) Passed the NCEES Structural I and Structural II exams taken prior to January 1, 2011, OR
 - b) Prior to January 1, 2004, passed a 16-hour state-written examination equivalent in scope and content to the examination identified in paragraph (1)(a) above. For purposes of this rule, the board identifies the following examinations as equivalent in scope and content: the 16-hour Western States Structural Engineering examination, OR
 - c) Passed the NCEES Structural II exam plus an 8-hour state-written structural examination prior to January 1, 2011. For purposes of this rule, the board will accept the following 8-hour examinations: 8-hour NCEES Civil: Structural Examination; 8-hour NCEES Architectural Engineering Examination; 8-hour California Structural Engineering Seismic III Examination; or 8-hour Washington Structural Engineering III Examination, OR
 - d) Passed the NCEES 16-hour Structural Engineering examination (vertical and lateral) taken after January 1, 2011, OR

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-20.0011 Structural Engineering Recognition Rule (Continued)

- e) Has at least five (5) years of experience after licensure as a Professional Engineer in any jurisdiction(s) designing significant structural engineering projects. For purposes of this rule, “significant structural engineering projects” is defined as the design of structural components and structural systems of any of the following:
 1. Buildings three stories or greater.
 2. Risk Category III or IV buildings, as defined by Table 1604.5 RISK CATEGORY OF BUILDINGS AND OTHER STRUCTURES in the current Florida Building Code in effect at the time of application or equivalent classification in another jurisdiction.
 3. Vehicular Bridges
- f) Been Certified as a Special Inspector of Threshold Buildings pursuant to Section 471.015(7), F.S. prior to February 2016, or if so certified after February 2016, sought certification based on principal practice in the area of structural engineering as defined in paragraphs 61G15-35.003(1)(a) and (b), F.A.C. Certification as a Special Inspector (Limited) will not qualify an applicant for recognition.
- g) The license(s) and/or registration(s) must not have been disciplined or otherwise acted against for a violation related to the field of structural engineering.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-20.0011 Structural Engineering Recognition Rule (Continued)

(2) Any Florida Licensed PE recognized by the Florida Board may be so indicated by using the designation “Florida Board Recognized Structural Engineer” or “FRSE.” A professional engineer who is recognized by the program may identify such recognition in her or his professional practice, including marketing and advertising materials.

(3) Recognition by the program is not required for a professional engineer to practice structural engineering.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

Amendments to Rules 61G15-20.007 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees & 61G15-20.008 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Technology Degrees: Amendment clarifies the rule language and incorporates material for “course credit equivalencies” that may be used to resolve educational deficiencies. Effective 1/18/2023.

61G15-22.009 Exemptions from Continuing Education Requirements.

~~(1) licensees who have passed a principles and practices of engineering examination and become licensed in Florida during the current biennium shall be exempt from continuing education requirements except for that same biennium. this exemption does not apply to the requirement of section 471.0195, F.S., regarding advanced building code training and the Florida-approved laws and rules and professional ethics hours required by Rule 61g15-22.001(1)(a) and (b), F.A.C.~~

(2) through (4) no change.

~~(5) this rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date. no later than December 31, 2024, the board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.~~

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-35.0021 Definitions.

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

(1) through (5) no change.

(6) “all structural components” shall mean each structural element necessary to the complete load path of the structure.

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

(1) Special inspectors of threshold buildings: the minimum qualifying criteria for special inspectors of threshold buildings, also referred to as threshold inspectors, established by the board shall be as follows:

(A) no change.

(B) licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on all structural components involved in the new construction of 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 all structural components of new threshold buildings. For the purpose of these criteria, structural design and/or inspection shall mean the design and/or inspection of all structural components of the building under construction and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

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

(C) licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on the new construction of threshold buildings or equivalent pursuant to a threshold/special inspection plan relevant to the work performed and possess each of the certifications identified in paragraph 61g15-35.004(2)(f), F.A.C., At the time of application. In addition, the threshold/special inspection plan must be prepared by the engineer of record for the project.

(D) design and/or inspection experience of restoration, repair or alteration of existing buildings is not creditable towards the design and inspection experience required for si certification.

(2) special inspectors of threshold buildings limited

(A) no change.

(B) the minimum qualifying criteria for threshold inspectors (limited) are established by the board to be as follows:

1. Proof of current licensure in good standing as a licensed professional engineer in the state of Florida whose principal practice is Structural engineering.

1. Through 2. Renumbered to 2. Through 3. No change.

(3) applications for special inspector of threshold buildings.

(C) applications shall contain the following basic information pertaining to the applicant:

1. Through 2. No change.

3. A list of new construction projects submitted for experience credit.

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

(I) though (iii) no change.

(Iv) whether the experience is claimed to be new construction or restoration/repair/alteration of existing threshold buildings.

B. Credible experience. The board will only grant experience for work on new construction projects identified pursuant to sub-subparagraph (2)(c)3.A.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-22.006 Demonstrating Compliance; Audits; Investigations.

(1) Pursuant to section 471.017(3), Florida Statutes, as a condition of licensure renewal, licensees must have completed no less than 18 hours of Continuing Education per licensure biennium. In order to demonstrate compliance with continuing education requirements, licensees must affirmatively declare completion of the continuing education requirements upon licensure renewal. Said declaration shall be accomplished by establishment of a free National Council of Examiners for Engineering and Surveying (NCEES) Continuing Professional Competency (“CPC”) Tracking Account and certification by the Licensee of the holding of such account.

(a) Licensees shall be responsible for uploading CE credits to the NCEES Tracking Account.

(b) At the time of licensure renewal, each licensee shall indicate on the renewal application that such account has been established.

(c) Upon so certifying, the Licensee shall be allowed to proceed with renewal of the license.

(2) No Change.

(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. The submission of such documentation to the free NCEES CPC Tracking Account shall constitute compliance with this requirement.

(4) No Change.

RULES ADOPTED, AMENDED, OR REPEALED DURING THE PREVIOUS BIENNIUM TO PRESENT

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record.

(1) through (2) No Change.

(3) The delegated engineer shall forward the delegated engineering document to the engineer of record for review. All final delegated engineering documents prepared by the delegated engineer must be properly signed and sealed by ~~require the impressed seal and signature of the delegated engineer and include:~~

(a) through (c) No Change.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History—New 1-26-93, Formerly 21H-30.006,_____.

THE DISCIPLINARY PROCESS

COMMON GROUNDS FOR DISCIPLINARY ACTION:

- Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.
- Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

ADMINISTRATIVE DISCIPLINARY PROCEEDINGS

The courts have recognized proceedings against your license to practice to be “penal” in nature. This means that the law recognizes that a licensee has many (but not all) of the rights of a criminal defendant, such as the right to remain silent, the right to confront witnesses, and the right to review any evidence against you.

WHAT CAN THE BOARD DO TO YOU FOR A VIOLATION?

When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1), 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.

WHAT CAN THE BOARD DO TO YOU FOR A VIOLATION?

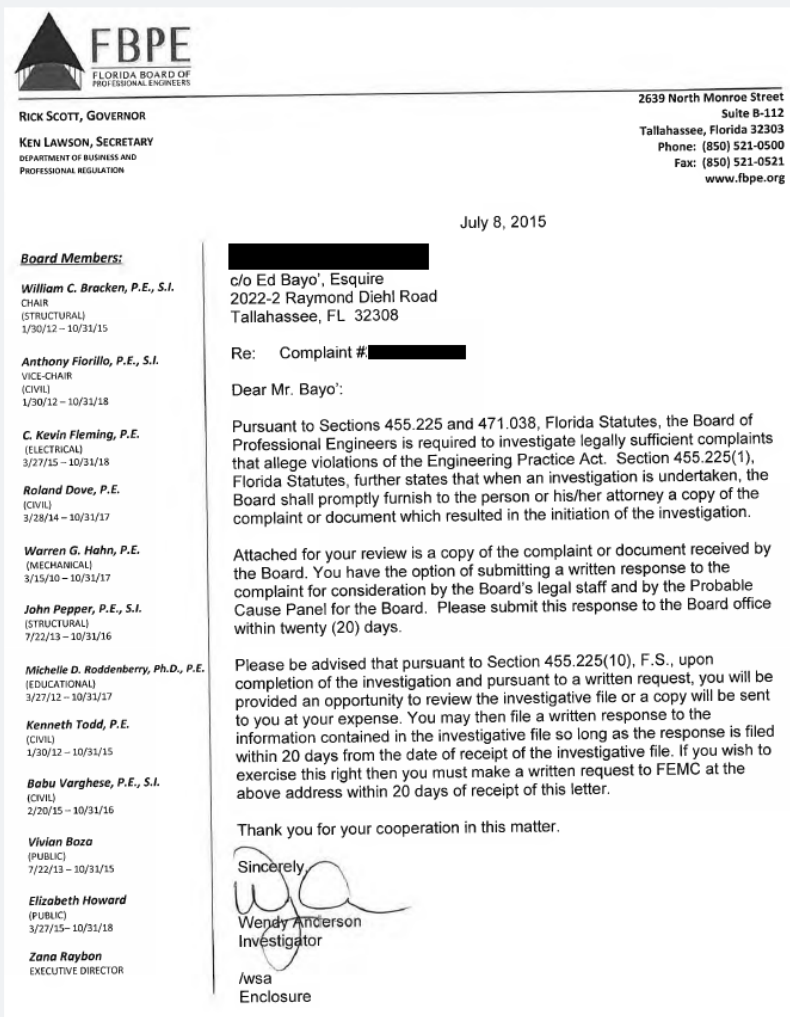
- d. Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
- e. Issuance of a reprimand.
- f. Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those 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.

DISCIPLINARY PROCESS

§455.225, F.S., Disciplinary Proceedings.–

- A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred.
- The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true.

DISCIPLINARY PROCESS



- When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.
- **The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel.**

DISCIPLINARY PROCESS

- Upon completion of the investigation and pursuant to a written request by the subject, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. The subject may file a written response to the information contained in the investigative file.
- **Such response must be filed within 20 days, unless an extension of time has been granted by the department.**

DISCIPLINARY PROCESS

- When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the Department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.
- The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate.
- All proceedings of the panel and all documents and information obtained during an investigation are confidential only until an Investigation ceases to be active. An investigation ceases to be active when the case is dismissed without a finding of probable cause or 10 days after probable cause is found.

PROBABLE CAUSE PANEL OPTIONS

- Dismiss the case.
- Find probable cause, issue an **Administrative Complaint.**
- Request additional information or investigation.
- In lieu of a finding of probable cause, the probable cause panel, or the department when there is no board, may issue a Letter of Guidance to the subject.

FILED
Florida Engineers Management Corporation

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk.
CLERK: *Evelle Lawson-Proctor*
Date: [REDACTED]
File # [REDACTED]

Clerk: *Joshua Taylor*

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,
Petitioner,
v. [REDACTED]
Respondent,

FEMC Case No. [REDACTED]

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation (FEMC) on behalf of Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner," and files this Administrative Complaint against [REDACTED], hereinafter referred to as "Respondent." This Administrative Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes. Any proceeding concerning this complaint shall be conducted pursuant to Section 120.57, Florida Statutes. In support of this complaint, Petitioner alleges the following:

1. Petitioner, Florida Board of Professional Engineers, is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This complaint is filed by the Florida Engineers Management Corporation (FEMC) on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers pursuant to Section 471.038, Florida Statutes (1997).

WHAT ARE YOUR OPTIONS?

- **Formal hearing** before an administrative law judge. Facts in dispute.
- **Informal hearing** before the board. You admit the facts and argue the law, and/or offer mitigating circumstances.
- **Settlement Stipulation**
- **Do nothing** (default)

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. [REDACTED]

[REDACTED]
Respondent,

SETTLEMENT STIPULATION

[REDACTED] hereinafter referred to as "Respondent," and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC," hereby stipulate and agree to the following joint stipulation and Final Order of the Florida Board of Professional Engineers, hereinafter referred to as "Board," incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number [REDACTED]
2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

WHAT ARE THE BEST WAYS TO AVOID LEGAL AND DISCIPLINARY PROBLEMS?

- Become familiar with the laws and rules.
- Renew your license and keep up with your continuing education.
- Respond (timely) to any notice from the board.
- When in doubt, talk to your lawyer!



End of Presentation

Edwin A. Bayó

Board Certified in State & Federal Government
and Administrative Practice

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