

PREVIOUSLY APPROVED EDITS; IN PROCESS AS OF JULY 8. This came from JAPC correspondence.
ADDITIONAL BOARD APPROVED EDITS TO RULE, JUNE 9, 2020. NOT PART OF THE RED PROJECT.
“Round Two.” This language came from the Board’s review of the JAPC correspondence at the June board meeting.
Counsel BOARD APPROVED ADDITIONAL LANGUAGE, JULY 8, 2020. To be added to the “green project” language as part of Round Two. This is a continuation of the discussion started at the June Board meeting.

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

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners (including qualified business organizations) guilty of violating Chapters 455 or 471, F.S or the rules promulgated thereto. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 455 or 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 455 or 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board’s discretion. All impositions of probation as a penalty shall include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Plans review requires payment of additional fees to the Board approved consultant. Unsatisfactory plans reviews may lead to the institution of additional disciplinary proceedings. Other terms may be imposed by the Board at its discretion.

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

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of chapter 471, F.S., or rule of the Board or Department. (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S.) <u>not otherwise specifically enumerated below.</u>	Reprimand and \$1,000.00 fine, to One (1) year suspension, two (2) years probation and \$5,000 fine.	<u>\$5,000.00 fine and</u> One (1) year suspension <u>followed by</u> two (2) years probation <u>and</u> <u>\$5,000.00 fine</u> to <u>\$5,000.00 fine and</u> Revocation.
1. Failure to sign, seal or date documents. (Section 471.025(1), F.S.)	Reprimand to one (1) year probation.	Reprimand and one (1) year probation to Revocation.
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended. (Section 471.025(2), F.S.)	Suspended license: Revocation and \$1,000.00 fine. Revoked license: Referral to State’s Attorney’s office.	Suspended license: Revocation and \$5,000.00 fine. Revoked license: Referral to State’s Attorney’s office.
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform. (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and \$1,000.00 fine; to \$5,000.00 fine, one (1) year suspension and two (2) years probation.	Reprimand, \$5,000.00 fine, one (1) year suspension and two (2) years probation to Revocation.
4. Firm practicing without proper qualification.	\$1,000.00 fine to \$5,000.00	\$5,000.00 fine.

(Section 471.023, F.S., and subsection 61G15-19.001(3), F.A.C.)	fine.	
5. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer. (Sections 471.031(1)(a), (b), F.S.)	\$1,000.00 fine to \$5,000.00 fine.	\$5,000.00 fine and referral to State Attorney's office.
6. Presenting as his or her own the license of another. (Section 471.031(1)(c), F.S.)	\$1,000.00 fine to \$5,000.00 fine.	\$5,000.00 fine and referral to State Attorney's office.
7. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter. (Sections 471.031(1)(d), (g), F.S.)	\$1,000.00 fine to \$5,000.00 fine and suspension.	Reprimand and \$5,000.00 fine to Revocation.
8. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Sections 471.031(1)(f), and 455.227(1)(j), F.S.)	\$1,000.00 fine and reprimand; to \$5,000.00 and suspension.	Reprimand and \$5,000.00 fine to Revocation.
9. Having been found liable for knowingly filing a false complaint against another licensee. (Section 455.227(1)(g), F.S.)	\$1,000.00 fine and reprimand; to \$5,000.00 per count and suspension.	Reprimand and \$5,000.00 fine to Revocation.
10. Failing to report a person in violation of Chapters 455, and 471, F.S., or the rules of the Board or the Department. (Section 455.227(1)(i), F.S.)	Reprimand to \$5,000.00 and suspension for one (1) year.	Reprimand and \$5,000.00 fine to Revocation.
11. Failing to perform any statutory or legal obligation. (Section 455.227(1)(k), F.S.)	Reprimand to one (1) year suspension and a \$1,000.00 fine.	Reprimand and a \$5,000.00 fine to Revocation,
12. Exercising influence on a client for financial gain. (Section 455.227(1)(n), F.S.)	Reprimand to one (1) year suspension and \$5,000.00 fine.	Reprimand and \$5,000.00 fine to Revocation.
13. Improper delegation of professional responsibilities. (Section 455.227(1)(p), F.S.)	\$1,000.00 fine and probation for one (1) year, to suspension.	Reprimand and \$5,000.00 fine to Revocation.
14. Improperly interfering with an investigation or inspection or disciplinary proceeding. (Section 455.227(1)(r), F.S.)	\$1,000.00 fine and probation for one (1) year; to suspension.	Reprimand and \$5,000.00 fine to Revocation.
(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department. (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)	One (1) year suspension and \$1,000.00 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney.	Revocation and \$5,000.00 fine if licensed; if not licensed, denial of license and referral to State Attorney.
(c) Having a license to practice engineering acted against or denied by another jurisdiction. (Sections 471.033(1)(c) and 455.227(1)(f), F.S.)	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes.	Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes.
(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to a, crime which relates to the	Depending on the severity of the crime, from	Depending on the severity of the crime, from one (1) year

practice or ability to practice. (Sections 471.033(1)(d) and 455.227(1)(c), F.S.)	Reprimand \$1,000.00 fine, and one (1) year probation, to Revocation.	suspension with 2 years' probation to Revocation.
2. Conviction of crime related to building code inspection or plans examination. (Paragraph 61G15-19.001(7)(a), F.A.C.)	Reprimand \$1,000.00 fine, and one (1) year probation.	One (1) year suspension with 2 years probation to Revocation.
(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing. (Sections 471.033(1)(e), 455.227(1)(l), F.S., and paragraph 61G15-19.001(7)(c), F.A.C.)	Reprimand and \$1,000.00 fine to one (1) year suspension, two (2) years probation.	One (1) year suspension, 2 years' probation, and \$1,000.00 fine, to Revocation and \$5,000.00 fine.
(f) Fraudulent, false, deceptive or misleading advertising. (Sections 471.033(1)(f), F.S., and subsection 61G15-19.001(2), F.A.C.)	Reprimand to one (1) year probation and \$5,000.00 fine.	One (1) year probation and \$5,000.00 fine to Revocation.
(g) Fraud, deceit, negligence, incompetence or misconduct. (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	Reprimand, two (2) years probation and \$1,000 fine, to one (1) year suspension and \$5,000.00 fine.	One (1) year suspension and \$5,000.00 fine to Revocation.
2.a. Negligence. (Subsection 61G15-19.001(4), F.A.C.)	Reprimand, two (2) years probation and \$1,000 fine, to \$5,000.00 fine, five (5) year suspension and ten (10) years probation.	Two (2) years probation and \$1,000.00 fine, to \$5,000.00 fine and Revocation.
b. Negligence in procedural requirements. (Subsections 61G15-30.003(2), (3) and (5), F.A.C.; Rules 61G15-30.005 and 61G15-30.006, F.A.C.)	Reprimand to two (2) years probation and \$1,000.00 fine.	Two (2) years probation and \$1,000.00 fine, to \$5,000.00 fine and Revocation.
c. As a special inspector.	Reprimand, two (2) years probation and \$1,000 fine, to \$5,000.00 fine.	Two (2) years probation and \$1,000.00 fine, to \$5,000.00 fine and Revocation.
3. Incompetence. (Subsection 61G15-19.001(5), F.A.C.)	Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation.	Suspension until ability to practice proved followed by two (2) year probation, to Revocation.
4. Misconduct. (Subsection 61G15-19.001(6), F.A.C.)	Reprimand and \$1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and \$5,000.00 fine.
a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion. (Paragraph 61G15-19.001(6)(a), F.A.C.)	Reprimand and \$1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and \$5,000.00 fine.
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission	Reprimand and \$1,000.00 fine to one (1) year suspension.	One (1) year suspension to Revocation and \$5,000.00 fine.

would or reasonably could lead to a fallacious conclusion. (Paragraph 61G15-19.001(6)(b), F.A.C.)		
c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies. (Paragraph 61G15-19.001(6)(e), F.A.C.)	Reprimand, \$5,000.00 fine per count and suspension for five (5) years, to Revocation.	Five (5) years suspension to Revocation.
d. Soliciting or accepting gratuities without client knowledge. (Paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation and \$5,000.00 fine.	One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
e. Failure to preserve client's confidence. (Paragraph 61G15-19.001(6)(r), F.A.C.)	Reprimand, one (1) year probation and \$1,000.00 fine, to one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer).	One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
f. Professional judgment overruled by unqualified person. (Paragraph 61G15-19.001(6)(l), F.A.C.)	Reprimand, one (1) year probation and \$1,000.00 fine, to one (1) year suspension, two (2) years probation and \$5,000.00 fine.	One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
g. Use of name/firm in fraudulent venture. (Paragraph 61G15-19.001(6)(k), F.A.C.)	Reprimand, one (1) year probation and \$1,000.00 fine, to \$5,000.00 fine, one (1) year suspension and two (2) years probation.	One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
h. Undisclosed conflict of interest. (Paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	Reprimand, \$1,000.00 fine and two (2) years probation, to Revocation and \$5,000.00 fine.	One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
i. Renewing or reactivating a license without completion of continuing education hours. (Paragraph 61G15-19.001(6)(s), F.A.C.)	Reprimand, \$1,000.00 fine, to suspension until licensee demonstrates compliance.	One (1) year suspension and \$1,000.00 fine to Revocation.
(h) Violating any provision of chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	Depending on the severity of the violation, Reprimand and \$1,000.00 fine per count, to \$5,000.00 fine and revocation.	Depending on the severity of the violation, One (1) year suspension, two (2) years probation and \$5,000.00 fine to Revocation.
(i) Practicing on a revoked, suspended, inactive or delinquent license, or through a business organization not properly qualified. (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. Delinquent license.	Fine based on length of	

	time in practice while inactive; \$100.00/month or \$1,000.00 maximum, renewal of license or cease practice.	
2. Inactive license.	Fine based on length of time in practice while inactive; \$100.00/month or \$1,000.00 maximum, renewal of license or cease practice.	
3. Suspended license.	Revocation and \$1,000.00 fine.	
4. Revoked license.	Referral to State Attorney.	Referral to State Attorney.
5. Business Organization not properly qualified.	Reprimand; \$500.00 fine to \$5,000.00 fine, and one (1) year suspension.	One (1) year suspension and \$5,000.00 fine to Revocation.
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control. (Section 471.033(1)(j), F.S., and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and \$1,000.00 fine, to \$5,000.00 fine, one (1) year suspension and two (2) years' probation.	One (1) year suspension, two (2) years' probation and \$5,000.00 fine to Revocation.
(k) Violating any order of the board or department. (Sections 471.033(1)(k), 455.227(1)(q), F.S., and paragraph 61G15-19.001(6)(o), F.A.C.)	Depending on the severity of the violation, from Suspension until compliant with the order of the Board and \$1,000.00 fine, to Revocation and \$5,000.00 fine.	Depending on the severity of the violation, Suspension until compliant with the order of the Board and \$1,000.00 fine, to Revocation and \$5,000.00 fine.
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	\$1,000.00 fine and probation for one (1) year, to \$5,000.00 fine and suspension.	Reprimand and \$5,000.00 fine to Revocation.
(m) Failing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction. (Section 455.227(1)(t), F.S.)	Reprimand to \$5,000.00 fine.	Six (6) month suspension to \$5,000.00 fine and Revocation.

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

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

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

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

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

[5. Refusal to accept responsibility for or to acknowledge the violation.](#)

[6. Degree of cooperation with disciplinary investigation.](#)

[7. Degree to which conduct departed from generally accepted professional standards of conduct.](#)

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

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

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

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

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

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

[6. Acceptance of responsibility for the violation and explanation of the facts and circumstances surrounding the occurrence.](#)

[7. Degree of cooperation with disciplinary investigation.](#)

[8. Degree to which conduct departed from generally accepted professional standards of conduct.](#)

Rulemaking Authority 455.227, 455.2273, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 455.2273, 455.2277, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06, 2-21-10, 9-5-16, 12-29-19.