

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-23.001 Signature, Date and Seal Shall Be Affixed

PURPOSE AND EFFECT: The purpose of the amendment is to update the rule based on the statutory changes in Sections 3 and 9, Chapter 2019-86, Laws of Florida.

SUMMARY: Update rule language regarding statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.025 FS.

LAW IMPLEMENTED: 471.025, 471.033(1)(a), (e), (j) FS. 471.008. 471.033(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; 850-521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.001 Signature, Date and Seal Shall Be Affixed.

(1) through (3) No change.

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

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

1. No change.

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

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

1. No change.

2. The index sheet shall include at a minimum:

a. No change.

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

c. through e. No change.

(c) Engineering Reports or Other Documents.

1. No change.

2. If the engineer signing, dating and sealing an engineering report or other document is practicing through a duly qualified ~~authorized~~ engineering business organization, the printed name and; address ~~and certificate of authorization number~~ of the qualified engineering business organization shall be placed on the signature page or cover letter.

(d) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2019

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-32.002 Definitions

PURPOSE AND EFFECT: The purpose of the amendment is to delete unnecessary language and add new language to update and clarify the rules.

SUMMARY: Update required certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-32.002 Definitions.

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

(2) through (5) No change.

(6) Fire Protection System Layout Documents: Layout drawings, supporting hydraulic ~~calculations~~, catalog information on standard products, and other construction data prepared by either a the licensed contractor or a licensed Engineer of Record that provides detail on the location of risers, service cross ~~mains~~, distribution branch lines, devices, equipment, sprinkler heads, sizing of pipe and/or circuits, hanger locations, and supporting hydraulic calculations and also serves as a guide for fabrication and installation of a fire protection system. Fire Protection System Layout Documents are based upon engineering direction provided in the Fire Protection System Engineering Documents and require no additional engineering input.

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

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

(c) If prepared by a licensed engineer other than the engineer who prepared, signed, dated, and sealed the Fire Protection System Engineering documents, that engineer shall additionally meet the requirements of Rule 61G15-27.001, F.A.C., Procedures for a Successor Professional Engineer Adopting as His Own the Work of Another Engineer.

(7) through (10) No change.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 20, 2019

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule based on the statutory changes from Chapter 2019-86, Laws of Florida.

SUMMARY: Update rule text due to statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

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 ~~holders of certificate of authorization~~) guilty of violating Chapter 471, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board’s discretion. All impositions of probation as a penalty shall include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Other terms may be imposed by the Board at its discretion.

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

VIOLATION	PENALTY RANGE
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	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) No change.		
1. through 3. No change.		
4. Firm practicing without proper qualification certificate of authorization. (Section 471.023, F.S., and subsection 61G15-19.001(3), F.A.C.)	Reprimand, \$1,000.00 fine to one (1) year suspension and \$5,000.00 fine.	Reprimand, one (1) year suspension and \$5,000.00 fine to Revocation.
5. through 13. No change		
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) through (c) No change.		
(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to a crime which relates to the practice or ability to practice. (Sections 471.033(1)(d) and 455.227(1)(c), F.S.)	Depending on the severity of the crime, from Reprimand \$1,000.00 fine, and one (1) year probation, to Revocation.	Depending on the severity of the crime, from one (1) year suspension with 2 years' probation to Revocation.
2. Conviction of crime related to building code inspection or plans examination. (paragraph 61G15-19.001(7)(a), F.A.C.)	Reprimand \$1,000.00 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) through (h) No change.		
(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. through 4. No change.		
<u>5. Business Organization not properly qualified.</u>	<u>Reprimand: \$500.00 fine to \$5,000.00 fine, and one (1) year suspension.</u>	<u>One (1) year suspension and \$5,000.00 fine to Revocation.</u>
(j) through (m) No change.		

(3) No change.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2019