

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:RULE TITLES:

61G15-19.001 Grounds for Disciplinary Proceedings

61G15-19.0051 Notice of Noncompliance

61G15-19.0071 Citations

PURPOSE AND EFFECT: The purpose of the amendments is to update the rules due to statutory changes from Chapter 2019-86, Laws of Florida, and any additional changes as necessary to effectuate the legislative intent.

SUMMARY: Update rule texts.

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: 455.224, 455.225, 455.228(3)(a) 471.033(2) FS.

LAW IMPLEMENTED: 455.224, 455.227, 455.228(3)(a), 471.023, 471.025(1), 471.033, 471.033(1)(f), (g), (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:

61G15-19.001 Grounds for Disciplinary Proceedings.

(1) through (2) No change.

(3) A professional engineer, corporation or partnership, or other qualified business organization ("firm") shall not practice engineering under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection 61G15-19.001(2), F.A.C. When ~~a~~ qualified business organization or individual is practicing engineering as a sole proprietor under a combination of his own given name, and terms such as "engineering," "and associates" or "and company," then said person or qualified business organization is practicing engineering under a fictitious name, and must be qualified by a Florida professional engineer ~~obtain a certificate of authorization pursuant to Section 471.023(2), F.S. The name of a corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. An engineering firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer, registered architect, land surveyor, landscape architect, or professional geologist, in any state.~~

(4) through (5) No change.

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to:

(a) through (n) No change.

(o) Failure on the part of any professional engineer or qualified business organization certificate holder to obey the terms of a final order imposing discipline upon said professional engineer or qualified business organization certificate holder;

(p) through (s) No change.

(7) through (8) No change.

Rulemaking Authority 471.033(2) FS. Law Implemented 471.025(1), 471.033(1)(f), (g), (2) FS. History--New 1-8-80, Amended 6-23-80, 3-23-81, 6-4-85, Formerly 21H-19.01, Amended 5-14-86, 4-23-87, 11-8-88, 1-11-89, 7-3-90, 11-9-92, Formerly 21H-19.001, Amended 11-27-94, 5-20-02, 9-5-16,_____.

61G15-19.0051 Notice of Noncompliance.

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

(a) through (b) No change.

(c) Licensee practicing through a business organization Firm practicing that is not properly qualified without the Board for a current certificate of authorization less than one month.

(d) through (g) No change.

(2) No Change.

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

61G15-19.0071 Citations.

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

(2) No change.

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

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been properly qualified with the board duly certified. The fine shall be \$100 for each month or fraction thereof of said activity, up to a maximum of \$5,000. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) No change.

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

(d) through (e) No change.

(4) through (7) No change.

Rulemaking Authority 455.224, 455.225, 455.228(3)(a) FS. Law Implemented 455.224, 455.227, 455.228(3)(a), 471.023, 471.033 FS. History--New 4-2-00, Amended 9-26-05, 8-26-13,_____.

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 NOS.:RULE TITLES:

61G15-20.001 Definitions

61G15-20.002 Experience

61G15-20.006 Educational Requirements

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

61G15-20.100 Certificates of Authorization

PURPOSE AND EFFECT: The purpose of the rule amendments is to implement the statutory changes in Sections 5 and 6, Chapter 2019-86, Laws of Florida, which establishes a pathway for applicants holding engineering technology degrees to establish eligibility for licensure in Florida.

SUMMARY: Implement statutory changes to rule text.

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, 471.011(1), (4), 471.013(1)(a), 471.013(1)(a)3., 471.015(7) FS.

LAW IMPLEMENTED: 471.005(6), 471.013, 471.013(1)(a), 471.013(1)(a)3., 471.011(4), 471.015, 471.023 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:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) No change.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET or EAC/M-ABET).⁵⁷ The Term "engineering program" is synonymous with the term "engineering science" used in section 471.013(1)(a)1. and "engineering degree," as used elsewhere in this Chapter; or

(b) No change.

(c) Engineering technology programs accredited by the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (ETAC/ABET); or

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

1. Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in subsection 61G15-20.007(1), F.A.C., or

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

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

(f)(e) No change.

Rulemaking Authority 471.008, 471.013(1)(a), 471.015(7) FS. Law Implemented 471.013, 471.015 FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05, 4-9-07, 1-31-08, Amended 10-15-09, 11-2-15, _____.

61G15-20.002 Experience.

(1)(a) In order to qualify for licensure ~~meet the prerequisites for entry into the engineering examination~~, an applicant is required to have the requisite number of four years of acceptable experience in engineering at the time of application for licensure and ~~four years of~~ acceptable educational qualifications. In determining whether an applicant's experience background is sufficient to meet the requirements set forth in sections 471.015(2)3(1)(a)1. and 2., F.S., the Board has determined that an individual must have the requisite number of years of acceptable engineering experience gained through education and through the requisite amount of full-time employment in engineering. The type of employment which shall be acceptable must principally involve activities in the field of engineering as defined in section 471.005(7), F.S. The Board may accept engineering experience in foreign countries if such experience is properly verified by the Board from evidence supplied by the applicant to be equivalent to that accepted as experience by the Board as to any state or territory.

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

1. No change.

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

3. Experience credit is based on a 40 hour per week full-time employment basis. Applicants whose employer authorizes or requires less than 40 hours per week may still be determined to be employed full-time but must demonstrate sufficient hours worked to establish 40 hour per week equivalency. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the pursuit of a master's or doctoral degree while obtaining full-time work experience.

4. through 15. No change.

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

The Board will accept as equivalent to one year's experience a master's degree in engineering from an EAC/M-ABET-accredited program or from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level. The Board will also accept as equivalent to one year's experience a doctorate in engineering from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level. Experience equivalents will be given for the

master's or doctoral degree only if the applicant has earned a prior engineering or engineering technology degree from a college or university that solely meets the requirements of a Board-approved engineering program as defined in subsection 61G15-20.001(2), F.A.C. Experience equivalents shall not be given for a master's or doctoral degree if credits earned for the degree are used to satisfy educational requirements of rules 61G15-20.007, F.A.C. or 61G15-20.008, F.A.C. The combination of experience equivalents and work experience shall not exceed the number of actual months during which the experience is claimed.

Rulemaking Authority 471.008, 471.013(1)(a) FS. Law Implemented 471.005(6), 471.013(1)(a), 471.015 FS. History—New 1-8-80, Amended 3-11-80, 6-23-80, 7-7-83, 9-13-84, Formerly 21H-20.01, Amended 8-18-87, 12-4-91, Formerly 21H-20.002, Amended 12-26-94, 5-20-02, 4-5-04, 11-2-15, 8-8-18, 12-18-18, _____.

61G15-20.006 Educational Requirements.

(1) The evaluation of curricula and standards of accreditation for approval of degree programs required by section 471.013, F.S., shall be made by the Education Advisory Committee and shall be based upon an overview of engineering programs within the United States accredited by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET), and an evaluation of such programs and schools, following the definition of the practice of engineering set forth in section 471.005(7), F.S. Acceptable curricula requirements and degree programs shall conform to the criteria for accrediting engineering programs set forth by the Engineering Accreditation Commission or Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., (EAC/ABET or ETAC/ABET) and found in the applicable Annual Report of EAC/ABET or ETAC/ABET.

(2) A non-EAC/ABET or ETAC/ABET accredited engineering degree program (~~hereinafter "engineering program"~~) which seeks approval pursuant to section 471.013(1)(a), F.S., shall submit the following to the Board:

(a) through (b) No change.

(3) No change.

(4) The Meaning of Approval.

(a) Purpose.

1. Approval of an engineering program is the responsibility of the Board and is based on standards established by the Board. The same standards as are applied in the accreditation of engineering programs by EAC/ABET or ETAC/ABET will be applied for approval of an engineering program.

2. through 3. No change.

(b) No change.

(5) Objectives.

(a) An essential objective of a program in engineering education leading to a Bachelor's of Science in Engineering (BSE) or Bachelor's of Science in Engineering Technology (BSET) degree must be to meet the standards herein described for approval that its graduates will be prepared to qualify for licensure, to provide competent engineering services and to have the educational background necessary for lifelong learning. An engineering program may establish additional objectives consistent with its available resources. Objectives must be defined in writing and made known to faculty and students. While recognizing the existence and appropriateness of diverse institutional missions and educational objectives, the Board subscribes to the proposition that local circumstances do not justify approval of a program that fails to meet the standards as set forth in this rule.

(b) No change.

(6) No change.

(7) Administration.

(a) through (b) No change.

(c) Design and Management.

1. The program's faculty must be responsible for the design, implementation, and evaluation of the educational program. A faculty committee should undertake this responsibility with full support of the chief academic officer and staff. The curriculum of the program leading to the professional engineering or engineering technology degree must be designed to provide a general professional education, recognizing that, this alone, is insufficient to prepare a graduate for independent, unsupervised practice throughout a professional lifetime.

2. No change.

(d) Content.

1. through 4. No change.

5. The faculty committee responsible for curriculum should develop, and the chief academic officer should enforce, the same rigorous standards for the content of each year of the program leading to the BSE or BSET. The final year should complement and supplement the curriculum of the individual student so that each student will acquire appropriate competence in general engineering care regardless of subsequent career specialty.

6. No change.

(e) No change.

(8) Resources for the Educational Program.

(a) Finances. The cost of conducting a certified educational program leading to the BSE or BSET must be supported by sufficient financial resources. Dependence upon tuition must not cause schools to seek enrollment of more students than their total resources can accommodate and provide with a sound education experience.

(b) through (c) No change.

(9) No change.

(10) Board Approval.

(a) through (c) No change.

(d) Provisional approval may be granted where deficiencies exist but are not of such magnitude to warrant denial entirely. The Board shall determine the period of provisional approval, not to exceed three (3) years, based on the nature of the deficiencies found, and an estimate of the reasonable period of time which may be necessary to remedy the deficiencies. Failure to remedy the deficiencies within the time specified by the Board may be grounds for denial of approval. The Board may, however, extend the period within which deficiencies may be remedied, if there is good cause to do so. A site visit may be required by the Board if it deems it necessary to determine whether the deficiencies have been adequately remedied and whether any other conditions may have changed during the period of provisional approval.

(e) No change.

(f) Periodic surveys and evaluations of all approved schools shall be made at least every four (4) years.

(g) No change.

Rulemaking Authority 471.013(1)(a)3. FS. Law Implemented 471.013(1)(a)3., 471.005(6) FS. History—New 8-18-87, Formerly 21H-20.006, Amended 12-26-94, 4-10-08,_____.

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

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

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

1. No change.

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

(b) through (c) No change.

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

(2) through (3) No change.

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

(5) No change.

(6) Credit toward meeting the education requirements will only be given for coursework with a Grade of "C" or better.

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

61G15-20.100 Qualified Business Organizations Certificates of Authorization.

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

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

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

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

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:

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

PURPOSE AND EFFECT: The purpose of the amendment is to update the rule based on the statutory changes in Section 10, Chapter 2019-86, Laws of Florida, which creates subsection 471.025(4), F.S.

SUMMARY: Update rule text.

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: 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(j), 471.005(6) 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:

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

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

(2) Prior to sealing and signing such work a successor professional engineer shall be required to notify the original professional engineer, his successors, or assigns of the successor's intention to use or reuse the original

professional engineer's work. Notification shall be by certified letter or other verifiable communication to the last known physical or electronic address of the original professional engineer.

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

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

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:

61G15-24.001 Schedule of Fees

PURPOSE AND EFFECT: The purpose of the rule amendment to implement the statutory changes from Chapter 2019-86, Laws of Florida.

SUMMARY: Implement 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: 455.213, 455.2179(3), 455.219, 455.271, 471.008, 471.011 FS.

LAW IMPLEMENTED: 455.217(3), (7), 455.2179(3), 471.011, 471.015, 471.021 FS.

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:

61G15-24.001 Schedule of Fees.

(1) No change.

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

(a) through (e) No change.

(f) Temporary license (qualified business organization) Certificate of Authorization (firm) – \$50.00.

(g) ~~Reinstatement fee - \$150.00. Application fee for a Certificate of Authorization (firm) – \$125.00 non-refundable.~~

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

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

(j) through (p) renumbered (h) through (n) No change.

(3) through (5) No change.

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

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

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