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# Florida Laws and Rules for the 2021-2023 Cycle

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# Florida Laws and Rules (Biennium Cycle 2021-2023)

## Introduction

This one hour course provides an outline of Florida laws, rules, and agencies which govern the practice of engineering, plus recent changes which have occurred in the Florida Administrative Code and Florida Statutes, governing the practice of professional engineering in the state of Florida. In addition, overviews of the disciplinary action cases which have occurred since the previous biennial cycle are briefly discussed. **Note: changes from 19-21 version are shown as highlighted text.**

Topics: Florida laws, rules, and agencies which govern the practice of engineering

- Overview of the Florida Statutes, FAC, FBPE, and the FEMC
- Recent revisions to rules in FAC 61G15
- Recent revisions to Florida Statute Ch. 455 and Ch. 471
- Overview of the FBPE complaints process
- Summary of recent cases of disciplinary actions

## Chapter 1: Florida laws, rules, and agencies which govern the practice of engineering

### Florida Laws

Within the state of Florida, the professional practice of engineering is regulated by the Florida laws and rules which reside in the Florida Statutes, Chapters 455 and 471, as well as the Florida Administrative Code, 61G15.

### Florida Statutes

The Florida statutes provide various state agencies the authority to make rules to carry out statutes. In many cases, the statute does not define specifically what can and cannot be done; that's the purpose of the Florida Administrative Code.



The Florida Statutes are updated on an annual basis by laws that create, amend, or repeal statutes. There are two (2) chapters in the Florida Statutes that address the profession of engineering; FS 455 and FS 471. The Florida Statutes are state laws which are organized by titles, chapters, parts, and sections.

The Florida Legislature deemed it necessary to protect the public's health and safety, by regulating the practice of engineering in the State of Florida. As outlined in Chapter 471, F.S., "Engineering", the Florida Board of Professional Engineers (FBPE) was given the responsibility of reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state jurisdiction. Within the Florida Statutes, Chapter 471 is specific to the field of engineering, while Chapter 455 more broadly encompasses business and professional regulations.

### Florida Administrative Code

The Florida Administrative Code consists of the rules and regulations which govern various Florida regulatory agencies; whereas the Code of Federal Regulations (CFR) governs the federal regulatory agencies. The FAC is organized by titles, with each title number representing a department, commission, board or other agency. Section 61G15 of the FAC pertains to the Florida Board of Professional Engineers and its duties in overseeing the practice of engineering.

### Florida Board of Professional Engineers (FBPE)

With over 44,000 active licensed engineers in the state of Florida, the Florida Board of Professional Engineers (FBPE) is committed to protecting the interest of public health and safety by properly regulating the practice of engineering.

The Florida Board of Professional Engineers is established under the Engineering Registration Law, Chapter 471, Florida Statutes, and is comprised of 11 members, nine of whom are licensed professional engineers representing multiple

disciplines and two laypersons who are not and never have been engineers or members of any closely related profession or occupation. All members are appointed by the Governor for terms of four years each.



*Committed to protecting the interest  
of public health and safety by properly  
regulating the practice of engineering*

The Florida Legislature found it necessary in the interest of public health and safety to regulate the practice of engineering in the state of Florida, creating Chapter 471, F.S., making the FBPE responsible for reviewing applications, administering exams, licensing qualified applicants, and

regulating and enforcing the proper practice of engineering in the state.

The FBPE meets six times a year in designated locations around the state. The schedule and locations of all meetings can be found on the Calendar. All meetings of the Board are open to the public, and licensees and members of the public are welcome and encouraged to attend. Board meeting agendas and materials are available for download on the Agendas, Meetings, & Minutes page under the Meetings and Information section of our website.

FBPE is dedicated to always providing quality service, timely assistance, and accurate information, and encourages any communication as it relates to ensuring the quality of engineering in the state of Florida.

### **Florida Engineers Management Corporation (FEMC)**

Under Section 471.038, Florida Statutes, administrative, investigative, and prosecutorial services are provided to the FBPE by the FEMC. FEMC is a non-profit, single-purpose corporation that operates through a contract with the State of Florida's Department of Business and Professional Regulation.



FEMC's corporate board of directors is composed of seven members. Five directors are appointed by the Florida Board of Professional Engineers and must be Florida registrants. Two directors are appointed by the Secretary of the Department of Business and Professional Regulation and must be laypersons not regulated by the Board.

## **Chapter 2 – Revisions to Rules in FAC 61G15**

The following are the rules which were recently amended, adopted or repealed from the FAC, 61G15.

### **Chapter 61G15-18 – Organization and Purpose**

#### **Changes made to Section 61G15-18.011 – Definitions**

Reference to the new 6th edition of the Florida Building Code (2017) was incorporated into the Board's rules:

*As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:*

*(6) The term "Florida Building Code" refers to the Florida Building Code, 6th Edition, (2017), and is herein incorporated by reference. These materials are copyrighted and available for public inspection and examination though may not be copied. These materials are located at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.*

### **Chapter 61G15-19 – Grounds for Disciplinary Proceedings**

#### **Changes made to Section 61G15-19.0051 – Notice of Noncompliance**

Updated the rule language to include an additional minor violation:

*(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:*

*(g) Failure to comply with the location, content, or formatting requirements of paragraphs 61G15-23.004(3)(a)-(d) or 61G15-23.005(4)(a)-(d), F.A.C.*

## **Chapter 61G15-22 – License Renewal, Continuing Education**

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### **Changes made to Section 61G15-22.0001 – License Renewal**

Updated the language, incorporated the new application for armed forces members/veterans/ spouses license renewal:

*(3) Members of the Armed Forces and Spouses. Members of the United States Armed Forces serving on active duty, or having been discharged within the twenty-four (24) months preceding renewal; or spouses or surviving spouses of active duty members, may renew a license as specified in section 455.02(1) and (2), F.S. Applications for renewal shall be made by remitting to FEMC Form FBPE 040, 12/18, Renewal Application Military Change of Status, which is incorporated by reference herein and may be obtained from [www.fbpe.org/index.php/licensure/other-forms](http://www.fbpe.org/index.php/licensure/other-forms) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref>.*

## **Chapter 61G15-32 – Responsibility Rules of PEs Concerning the Design of Fire Protection Systems**

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### **Changes made to Section 61G15-32.008 – Design of Fire Alarms and Detection Systems**

Updated the Board rules in regards to the professional responsibilities required of engineers who design fire alarms and detection systems:

*(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction. The Florida Building Code and the Florida Fire Prevention Code are incorporated by reference in Rule 61G15-18.011, F.A.C.*

*(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:*

- The documents shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. The documents shall indicate locations where fire ratings are required as determined by the system's survivability requirements, and shall identify the general occupancy of the protected property and each room and area unless it is clear from features shown.*
- (b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include elevator controls smoke control systems, dampers, and doors.*

*(c) Strobe intensity and speaker output ratings for all notification devices.*

*(d) Identify the Class of circuits as listed in NFPA 72, which is contained within and incorporated into the Florida Fire Prevention Code.*

*(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.*

*(f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.*

*(g) Locate surge protective devices and required protective features.*

*(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.*

*(i) The documents shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.*

*(j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.*

*(k) For fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.*

*(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code.*

*(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties as defined in Section 2 of the Florida Building Code, Building.*

*(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.*

*(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of owner's operating personnel, as needed to operate the systems as intended over time.*

## **Chapter 61G15-35 – Responsibility Rules of PEs Providing Threshold Building Inspection**

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### **Changes made to Section 61G15-35.003 – Qualification Program for Special Inspectors of Threshold Buildings**

Clarified the application form (including separate pages for design and inspection experience, as well as details on threshold building parameters):

*(2) Applications.*

*The instructions and application form for Special Inspector, Form FBPE/TBI/006(10/15) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/TBI/006 may be obtained from the Board office or by downloading it from the internet website [www.fbpe.org/licensure/application-process](http://www.fbpe.org/licensure/application-process) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06472>.*

*(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006.*

*(c) Applications shall contain the following basic information pertaining to the applicant:*

- 1. Name;*
- 2. Florida license number;*
- 3. Experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria have been met;*
- 4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;*
- 5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and*
- 6. Completed form FBPE/TBI/006.*

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

## **Chapter 3 – Revisions to Florida Statute Ch. 455 and Ch. 471**

The following sections of Chapter 455 and 471, FS were modified during the preceding biennial period:

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

Clarified the waiver of license renewal fees for members (and their spouses) of the USAF under certain conditions:

*(1) Any member of the US Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the boards or programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable board or program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge*

*from active duty, engaged in his or her licensed profession or occupation in the private sector for profit in this state must complete all license renewal provisions except remitting the license renewal fee, which shall be waived by the department.*

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

#### **455.219 Fees; receipts; disposition; periodic management reports**

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The initial licensing fee of a USAF member, spouse of a USAF member and low-income individual were waived, (under certain circumstances):

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

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

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

#### **455.227 Grounds for discipline; penalties; enforcement**

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Modified the language (in bold) for grounds for discipline due to termination from an impaired practitioner program:

*(u) Termination from an **impaired practitioner program** as described in s. 456.076 for failure to comply, without good cause, with the terms of the **monitoring or participant** contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.*

#### **455.271 Inactive and delinquent status**

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Added the following prefix (in bold) to the clause:

*(7) **Notwithstanding the provisions of the professional practice acts administered by the department**, each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee of \$25 on a delinquent status licensee when such licensee applies for active or inactive status.*

#### **471.003 Qualifications for practice; exemptions**

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Added the text (shown in bold):

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

*1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$125,000 or less; and*

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

#### **471.045 Professional engineers performing building code inspector duties.**

Revision to the statute number (in bold). “468.603(6) and (7)” was revised to “s. 468.603(5) and (8)”:

*Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. **468.603(5) and (8)** to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of Chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h).*

## **Chapter 4: Complaints Process**

### **FBPE Complaints Process**

Complaints are filed with FBPE from a variety of complainant sources. Any member of the public may file a complaint against either a practicing engineering licensee, or against a party or firm misrepresenting themselves as licensed engineers or engineering firms. Most of the written complaints received by FBPE are from consumers of engineering services and building department officials. Professional engineers or professionals from related fields, such as contractors, surveyors, and architects, also file many of the complaints that form the basis for board investigations.



Complaints can be filed when it is suspected that a licensee, firm, or individual has violated the provisions of the laws and rules outlined in Chapter 455, FS, Chapter 471, FS, and Chapter 61G-15, FAC.

Once a complaint has been filed, it is then forwarded to an FEMC engineering consultant for review. The preliminary opinion and complaint documents are analyzed to determine if what has been alleged is against the law. If the complaint is not a violation of law a letter is sent indicating the file is being closed. If it is determined that the allegation made would constitute a violation of the engineering laws or rules, notification that an investigation will take place will be sent to the complainant. Following the investigation, the case will go to the FBPE Probable Cause Panel, which is similar to a grand jury, and the panel will determine if the case should be recommended to the full FBPE for discipline. The FBPE then serves as jury in the case and decides guilt or innocence, as well as the level of discipline if the accused is found guilty.

### **Anonymous complaints**

The Board does accept anonymous complaints; however the Board encourages the complainant to include his/her name and phone number, should additional information be required. When filing a complaint as completely anonymous, the investigator will be unable to make contact for clarification or for further information, so it is important that all of the information necessary to prove that a violation has occurred is included.

### **Malicious and “bad faith” complaints**

Additionally, it is important to note that Section 455.225, F.S., states:

*“A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complaint or witness acted in bad faith or with malice in providing such information.”*



## Chapter 5: Recent Cases of Disciplinary Action

### 1) Cases of Disciplinary Action (failure to meet all continuing educational requirements)

The vast majority of the cases of disciplinary action against PE's, involved the licensee's failure to complete all continuing educational requirements within the designated period of time.



Example:

*"Licensee was charged with violating Sections 471.033(1)(a), Florida Statutes, and Rule 61G15-19.001(6)(s), Florida Administrative Code; renewing his/her Professional Engineer license without having completed all required continuing education."*

This violation typically resulted in a ruling, where the case was presented to the full Board upon a Settlement Stipulation, with the Board imposing an administrative fine and costs, with a final order being issued. Licensees rarely experienced suspension or revocation unless there were additional, and more serious circumstances involved, such as misrepresentative or fraudulent behavior.

### 2) Cases of disciplinary action (negligence in the practice of engineering)

The second most common reason for disciplinary actions against licensees was acting negligent in the practice of engineering.

*Examples of the violations are:*

- Filing of a certification letter where the work was not fully completed
- Sealing of documents with material deficiencies, (such as structural, mechanical, electrical fire design)
- Duplication of another licensee's designs and specifications
- Negligence in practice as a special investigator
- Contracting for services, accepting payment, then failing to complete said services
- Failure to exhibit due regard for acceptable standards of engineering principles and practice

### 2) Cases of disciplinary action (unlicensed practice of engineering)

Another common reason for actions being filed against licensees was the practicing of engineering without a valid license to practice in the state of Florida.

*Examples of this violation included:*

- Delinquent certificate of authorization and/or license to practice
- Licensees from other states who had no license to practice within the jurisdiction of the state of Florida
- Practicing while a license was revoked or suspended for previous violations
- Performing or offering of engineering services while not being fully licensed to practice

### 2) Cases of disciplinary action (other reasons)

Various other cases of disciplinary actions involved:

- Being adjudicated guilty of a crime which directly relates to the practice of engineering or the ability to practice
- Facing disciplinary actions which have occurred in another jurisdiction than Florida
- Failure to report violations, or other enforceable actions which had occurred in other jurisdictions (states)
- Sealing of engineering design and specifications which were outside the licensee's area of practice, competence, and expertise
- Signing of inspection and completion reports without full verification of the work performed