

# Florida Laws and Rules (2023-2025 Renewal Cycle)

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## Introduction

This Florida laws and rules course is designed to fulfill the Florida laws & rules requirement for state of Florida PEs for the renewal period ending February 28, 2025. This course is to be taken within the renewal cycle between: March 2023 to February 2025.

Following the review of these materials, a brief 10-question multiple-choice/ true-false quiz must be taken and passed with a 70% or better.

### *Topics:*

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

- Governing the Practice of Engineering
- Recent revisions to rules in FAC 61G15
- Recent revisions to Florida Statute Chapters 455 and 471
- Patterns in Disciplinary Actions
- About FBPE CE Requirements
- About the FBPE CE Audit Process



## Section 1: Governing the Practice of Engineering

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### Florida Laws, Rules, and Agencies

#### *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 precisely what can and cannot be done; that's the purpose of the Florida Administrative Code.

The Florida Statutes are updated annually by laws that create, amend, or repeal statutes.

*The Florida Statutes are state laws organized by:*

- Titles
- Chapters
- Parts
- 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 FBPE was given the responsibility of:*

- reviewing applications

- administering examinations
- licensing qualified applicants
- regulating/enforcing the practice of engineering throughout the state's jurisdiction

*Within the Florida Statutes:*

- **Chapter 471** - is specific to the field of engineering
- **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 Statutes and Rules page - <https://fbpe.org/legal/statutes-and-rules/>*

*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, with all members being appointed by the Governor for terms of four years each.

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.



### *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 FBPE 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.

## Section 2 – Revisions to Rules in FAC 61G15

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### *Based on information provided in the FBPE January 2023 Newsletter:*

Chapter 61G15, Florida Administrative Code, contains the rules that govern the practice of engineering in Florida. The rules are adopted by the Florida Board of Professional Engineering based on Chapter 471, Florida Statutes, Engineering. The rules are regularly reviewed and updated by the Board.

### *The latest changes, as of Jan. 18, 2023, include:*

- [Rule 61G15-20.007](#) - Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees.
- [Rule 61G15-20.008](#) - Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees.

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

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### Previous Updates to Florida Engineering Rules

*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:*

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 a 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 two years preceding the date of renewal.

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

*The initial licensing fee of a USAF member, spouse of a USAF member, and the low-income individual was 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 U.S. 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**

*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**

*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**

*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).

## Section 4: Patterns in Disciplinary Actions by the FBPE

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Through a review of previous disciplinary action cases archived at the FBPE website, the following patterns in disciplinary infractions were observed.

### 1) Failure to fully 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 education requirements within the designated period of time.

*An example of one licensee's disciplinary case:*

"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."

*Typical disciplinary rulings:*

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) Negligence in the practice of engineering

The second most common reason for disciplinary actions against Florida licensees was acting negligently 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 (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

## 3) 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 with no license to practice within the jurisdiction 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.
- Practiced under the guise of being a licensed engineer, though not having an active PE license within the Florida jurisdictional area.
- Performing engineering services without having competence in that area of practice.

## 4) Other reasons that PEs faced disciplinary action in Florida

### *Various other cases of disciplinary actions involved:*

- Being found guilty of a crime relating to the practice of engineering or the ability to practice.
- Facing disciplinary actions which have occurred in jurisdictions other than Florida.
- Failure to report criminal violations or that had occurred in other jurisdictions (states) (ex. DUI).
- 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

## 5) Florida PEs who do not respond to CE audits can face disciplinary action

### *The following is from an article in the FBPE newsletter (FBPE Newsletter - October 2022):*

More than 100 Professional Engineers licensed in Florida recently failed to respond to the FBPE's continuing-education audit and faced having a disciplinary complaint opened against them.

### *Concerning board CE audits:*

Following licensure renewal every two years, a sampling of PEs is randomly audited to ensure they are completing the required 18 hours of continuing education. When renewing their license, PEs attest that they have already completed or will complete their continuing education by midnight Feb. 28 of each renewal period.

### *Penalties for failing to complete CE on time:*

Under Rule 61G15-19.004, Florida Administrative Code, penalties for a first violation for failing to complete your CE courses — in addition to the costs of the investigation — can range from a Reprimand and a \$1,000 fine to a one-year suspension, a two-year probation, and a \$5,000 fine.

#### *Issues with contact info:*

FBPE had attempted to contact each of the PEs multiple times using the email address in their account at myfloridalicense.com.

Florida statutes require that PEs licensed in the state keep their contact information up to date with the Board. This includes a valid contact email address, mailing address, and place of practice. (See Section 455.275(1), Florida Statutes.)

#### **NOTE:**

Be sure to keep all contact information with the FBPE current and accurate, and be sure to read all information thoroughly when clicking "Yes," "I agree," etc.

## Section 5 - About the FBPE CE Requirements

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Licensed PEs in Florida are required to complete their 18 required continuing education hours (CEHs) in order to renew their licenses. These CEHs are mandated under Rule 61G15-22.001, Florida Administrative Code, Continuing Education Requirements.

*Out of these 18 CEHs, two must be obtained through providers approved by the Florida Board of Professional Engineers:*

- (1) CEH - relating to Florida laws and rules of the Board (Ch. 471, Florida Statutes, and Chapter 61G15, F.A.C.)
- (1) CEH - relating to professional ethics.

#### *Qualifying Activities:*

According to Rule 61G15-22.003(2), F.A.C., Qualifying Activities for Area of Practice Requirement, CEHs obtained through courses, tutorials, webinars, or distance learning, offered through various delivery methods such as live, correspondence, recorded, Internet-based, or through attending seminars (including in-house engineering seminars), workshops, or professional and technical seminars at meetings, conventions, and conferences must be presented/sponsored by a provider or vendor with specific knowledge related to the licensee's area of practice approved under Rule 61G15-22.011, F.A.C., Board Approval of Continuing Education Providers.

- [Rule 61G15-22.001](#) - requires that CEHs satisfying the requirements for Florida laws and rules and for professional ethics must be from Board-approved providers.
- [Rule 61G15-22.011](#) - lists the various ways for a person or organization to become a Board-approved continuing education provider.
- [Rule 61G15-22.012, F.A.C., Obligations of Continuing Education Providers](#) - outlines the various requirements for these providers to maintain their Board-approved status as a CE provider.

#### *These requirements include:*

- Provide courses or seminars that enhance the education of engineers in the practice of engineering
- Require each licensee to complete the entire course or seminar in order to receive a certificate of completion
- Furnish each participant with an individual certificate of attendance
- Maintain an attendance record for four years, which is available for inspection by the Board and the FEMC.
- Ensure their Board-approved provider number is listed on all promotional materials for courses and seminars offered to PEs.

- Allow only one CEH per one hour of instruction, being a minimum of 50 minutes of instruction or presentation
- Allow only one CEH per one hour of correspondence study, based on the average completion time of the course as established by the provider
- Provide a written examination to each participating licensee in correspondence study, and ensure the licensee signs and dates the examination and receives a minimum grade of 70 percent
- Notify the Board within 14 days of any change in address or telephone number of the provider
- Allow designees from FBPE and FEMC to have access to information concerning courses or seminars conducted by the CE provider
- Make sufficient course information available to potential participants to allow a participant to clearly understand the course content, learning objectives and outcomes, and level of difficulty prior to enrolling in the course.
- Providers should also note that, according to Rule 61G15-22.013, F.A.C., Evaluation of Providers, the Board or its designee may evaluate CE courses or seminars offered to engineers for credit through either observation or reviewing the files of the provider to gain any information about these courses.

## Section 6 – About FBPE CE Audit Process

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*From an article in the FBPE 2022 Newsletter:*

### A CE Course Can Only Be Counted Once

You can't double-dip when it comes to your continuing education credits. Hours that you earn in a continuing-education class can only be counted once.

Florida PE licenses are valid for two years beginning March 1 of each odd-numbered year. During that two-year period or biennium, PEs must complete 18 hours of continuing education. The deadline for completing your continuing education is Feb. 28 of each odd-numbered year, when licensure renewal closes. During the online renewal process, PEs must legally attest to completing all 18 hours by the last day of the renewal period.

After each renewal period, 3 percent of Florida's licensed engineers are randomly selected for a continuing-education audit. If you fail an audit, you are automatically re-audited the next period.

Anytime a PE is ordered to take continuing education courses to fulfill the requirements from a previous renewal, those CE credits cannot be used again to meet the current renewal requirements, even if they are taken within the same biennium.

For example, a PE failed to complete the Florida laws and rules course in the 2021 audit, and was required to complete that course late to bring them into compliance. When it is again time to renew their license in 2023, the PE may not use that same CE provider or CE certificate to meet the current continuing-education requirements.

In addition, if disciplinary action ordered by the Board requires a PE to complete a professionalism and ethics course, that course cannot be used to meet CE requirements.

### In case you're audited.....Proof of CE

*Here are tips for providing proof of continuing education when asked by the Board:*

- When responding to a CE audit, provide only certificates for courses that are completed.

- Service as a member of the Legislature or as an elected state or local official meets requirements for the laws and rules and ethics courses.
- To claim CE credit for teaching a college course, a PE must provide a letter from the university or college that lists the name of the course, the dates taught, and the first time that the course was taught by the PE. You may only use the teaching of a college course once, regardless of whether you updated the course materials. Also, full-time faculty may not use the teaching of college courses as substitute CE credit.
- To claim CE credit for a peer-reviewed paper, a PE must provide the paper and include the date of the peer review and who conducted the review.
- To claim CE credit for a patent, a PE must provide documentation from the U.S. Patent and Trademark Office assigning the patent number.
- To claim CE credit for making a presentation at a "lunch and learn," a PE must provide a letter from whomever requested the presentation, with the topic, date, and length of time of the presentation.
- To claim CE credit for presentations to professional or technical societies, a PE must provide a letter from the organization with the topic, date, and length of time of the presentation.
- To obtain CE credit for serving as an officer of a professional or technical society, a PE must provide a letter from the organization that indicates what office was held and the term of the service. CE credits are not earned until the end of each calendar year of completed service.

*From the July 2021 Newsletter:*

### Continuing Education Audit Begins for Florida PEs

Over the next few months, just over 3 percent of Florida's more than 43,000 Professional Engineers will be audited to verify the completion of their continuing education.

PEs renewing their Florida licenses must attest that, by the Feb. 28 renewal deadline, they have completed 18 hours of continuing education during the previous two years. PEs must retain completion and attendance certificates, which are provided by CE providers, for four years or two renewal periods. PEs renewing their license without having met the CE requirement can be disciplined by the Board.

Of the 1,263 PEs audited during the previous biennium, 152 cases were opened after PEs was unable to provide records or did not respond to requests for records by Board investigators. Of those 152 cases, 84 Final Orders have been issued by the Board so far, and two engineers voluntarily relinquished their licenses.

Under Rule 61G15-19.004, Florida Administrative Code, penalties for a first violation, in addition to the costs of the investigation, can range from a Reprimand and a \$1,000 fine to a one-year suspension, a two-year probation and a \$5,000 fine.

If you are one of the 1,200 licensees randomly selected for the audit, you will be notified by email and must electronically submit evidence of completing your CE credits. Do not mail your records to the Board office.