

FICE Professional Practices Committee
Meeting Minutes
May 6, 2009
Teleconference

I. Call to Order/Welcome

Chair Smith called the meeting to order at approximately 10am EST and welcomed the committee to the call. Smith thanked the committee for all of their work this year on the CCNA brochure revisions and provided the link to the FICE CCNA educational materials at <http://fleng.org/FICE/ficelegis.cfm>. She reminded the committee that although they do not have a formal mission, the goal of the committee is to review and recommend to the FICE Board on any issues relating to Contractual/Legal Issues, Ethics, Inter Professional, and Legislative/Regulatory. The FICE CCNA letter writing campaign was promoted and all members are encouraged to send RFP's to FICE staff if they see possible CCNA violations. Smith noted that although 90% of the time the agency amends their RFP into compliance, it is not the roll of FICE to take any legal action. The Firm must take this action.

II. Roll Call

The following committee members were present on the call:

Sandy Smith, PE, Chair
Jack Breed, PLS
Edwin Buck, III, PE
David Campbell, PE
James Claybrooke, PE
Peter Hallock, PE
John Nagle, PE
Jai Ramkissoon, PE
Daniel Stanfill, PE
David Venters, PE
Mark West, PLS
David Wilkison, PE
Frank Wilson, II, PE
Mike Wilson, PE

Also present:

Samantha Hobbs, Government Affairs Coordinator

III. Commissioning

Discussion followed on Commissioning and how this type of engineering work may fall under the CCNA law. There were two City RFP's reviewed and Venters will be retrieving more information from the City on these cases. It was noted that although Commissioning is performed by a Professional Engineer, we may need to strengthen FS 471 as the industry is changing. Venters and Smith formed a subcommittee to research this issue more. Hobbs will send a response letter to Sarasota with a copy to the City Attorney that requests research on why the City asks for certain requirements that CCNA law would be implied, yet they do not believe CCNA law is necessary.

IV. Breach of CCNA by Submitting PE's/CA Holders

Discussion followed on possibly changing FS 471 to include a penalty on PE's who do not abide by the CCNA law. Texas currently has some language in their law that does this. Wilkison and Smith formed a subcommittee to research this issue more. Looking at the agency side Attorney General and Auditor General Reports can be filed. Hobbs will research the Auditor General Reports, as the Attorney General Reports must be requested by an agency.

Research findings: The Auditor General has a section in FL law-11.42 FS. How they become engaged is varied. Primarily they conduct audits required by law or resolution of legislation or as directed by the Legislative Auditing Committee. They conduct audits of local governments when AG deems necessary or when directed by Legislative Auditing Committee or if required by law. The audit requested can be from local government itself but this is rare in part because local government must pay cost if they ask for audit. No specific provision allows individuals or firms to ask for and get audits done of a county although 20 percent of registered voters of a city can petition to do so.

V. Not "bidding" continuing services means holding off on rate negotiations

This item was intended to be an FYI

VI. Piggybacking

It was noted that some agencies do this with good and services, but it is not intended for services provided under CCNA. Members were urged to report any piggyback clauses to FICE staff if they see them in contracts. If the issue becomes common, then FICE will take a stance.

VII. Presentations to PE's/Laws and Rules education re: CCNA

New FES and FICE members now receive the CCNA educational brochure and agencies are given the CCNA PowerPoint presentation when it is requested. It was then discussed how to educate our current member and other PE's on the law and its impact on the profession. Hobbs will check into obtaining a spot at annual conference to give our members the educational opportunity.

Outcome: Annual Conference schedule is full for 2009. Hobbs will get the program onto the 2010 schedule. This year the CCNA educational brochure and a letter will go into all registration packets.

The call adjourned at approximately 10:50 am.