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March 23, 2026

James Gonzalez, P.E., Chair, and the  
Florida Board of Professional Engineers  
2400 Mahan Dr.  
Tallahassee, FL 32308

**RE: Proposed Rule 61G15-38  
ENGINEERING EVALUATION OF DAMAGED STRUCTURES**

Dear Chairman Gonzalez and Honored Members:

The National Academy of Forensic Engineers (NAFE) is writing to provide comments on proposed Rule 61G15-38, *Responsibility Rules of Professional Engineers Concerning the Evaluation of Damaged Structures*, prior to its incorporation into the promulgated rules governing the practice of professional engineering as provided under Division 61G15 of the Florida Administrative Code.

NAFE supports the Board's efforts to clarify expectations for engineering evaluations of damaged structures. NAFE further believes that revision of the proposed rule will provide the FBPE with broader latitude for evaluating complaints regarding investigative and forensic engineering matters regardless of the cause of the occurrence, be it hurricane, wind, flood, defective construction or other events.

Damage evaluation reports, as stated in the proposed rule, resulting from storm events address a very narrow scope of forensic engineering reporting. Building damage evaluations resulting from vehicular accidents, fires, equipment failures or other occurrences may also require the assistance of forensic engineers and would fall under the rule as defined at 61G15-38.001(1).

We don't believe that the rule, in its current form, provides the FBPE with an objective standard-of-care framework for evaluating complaints against engineers across the full range of damage evaluations.

Forensic engineers are called upon to investigate, analyze, and report while assisting owners, insurers and their adjusters, attorneys and the judiciary to understand the technical factors of the event and to offer opinions to assist the trier of fact, should litigation arise.

The proposed rule does not provide a reasonable structure for damage evaluations beyond a single category. We believe that restructuring the rule to provide a broader framework for forensic engineering evaluations would better assist the FBPE in evaluating complaints and would serve the public better than the very narrowly constructed rule to address a single type of event.



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Several NAFE members, including Florida-licensed Professional Engineers, are active members of the American Society of Testing and Materials (ASTM) Committee E58 on Forensic Engineering. ASTM E3176, *Standard Guide for Forensic Engineering Expert Reports*, could serve as a strong foundation for a Florida rule that applies to all forensic engineering investigations and reports.

This ASTM standard utilizes and references ASTM E2292, *Standard Guide to Forensic Engineering*, which establishes the basis for the practice of forensic engineering. Used together, while tailoring the desired administrative rule, these standards could position Florida at the forefront of state regulatory bodies in establishing a clear and defensible framework for a reasonable standard of care for a professional engineering practice across multiple licensed engineering disciplines.

Of particular concern is the unintended consequences of the rule as proposed. Its narrowly defined scope may limit the ability of the FBPE to receive, review, and investigate claims of misconduct beyond those specifically addressed in the rule.

We are concerned that the rule as presented will lead to - or be perceived as - enforcement unfairness across the range of claims to which the FBPE may receive.

Thank you, in advance, for your consideration. The National Academy of Forensic Engineers welcomes the opportunity to assist the Board on this issue.

Respectfully,

Tonja K. Marking, P.E., D.F.E.  
President  
National Academy of Forensic Engineers