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From the Chairman

Signing & Sealing Documents

By John C. Burke, PE

1 What has to be signed and sealed?

As provided in Section 471.025(1) all final engineering documents (drawings, specifications, plans, reports and any other documents) that are “prepared or issued” by a PE and are either (1) being filed for public record, or (2) are provided to “the owner or the owner’s representative” must be sealed, signed and dated. This requirement applies to final certifications and as-built/record drawings and reports that are filed with agencies at the conclusion of construction.



Under the law, the foregoing are the only documents that must be sealed, signed and dated. Other “preliminary” documents may be sealed, signed and dated at the direction of clients and agencies, however, a PE must indicate the limits placed upon the use of such documents or it will be presumed that the documents are “final” and can be put to whatever reasonable uses by clients or agencies that are normal uses for such “final” documents.

2 Reminder of responsible charge requirement and what it entails as a prerequisite to signing and sealing.

A PE may not seal, sign and date documents unless the documents were prepared under the PE’s “responsible supervision direction and control” (Section 471.033(1)(j)). What constitutes “responsible supervision direction and control” is described in Rule 61G15-18.011(1) which defines “responsible charge.” As set out in that Rule, “responsible charge” is the “degree of control” that a PE must exercise in order to be able to provide the “supervisory direction and control authority” required by Chapter 471. A PE who is in “responsible charge” is the Engineer of Record for the project as a whole or that portion of the project over which the PE exercises such charge (Rule 61G15-18.011(1)).

The degree of control that must be exercised may vary based upon the type of project, however, at a minimum, a PE who is Engineer of Record must make and accept personal professional responsibility for all ultimate engineering decisions made in a project or portion thereof over which the PE exercises Engineer of Record responsibility. Included in that responsibility is not only the duty to personally make final engineering decisions but also the duty to make sure that information upon which the PE relies to make those decisions has been prepared and transmitted to the PE by others, such as subordinates or consultants, who are adequately trained and qualified to collect and transmit such information.

Continued

John Burke: Signing & Sealing Documents (continued)

3 Board's interpretation of "complete"

Engineering documents under seal are considered complete when the information contained on the documents meets acceptable engineering standards of practice and complies with the applicable Responsibility Rules of the Board, when the documents are usable for all purposes (such as bidding or permitting) for which they can reasonably be used by clients, and when the seal, the autograph signature (not stamp), and date are affixed to the pages or pages of the document that is required by the Board's Rules.

4 Qualifiers on documents

A PE is generally advised not to seal documents that are not final or which are not complete. However, sometimes it is necessary to do so in order to comply with AHJ (Authority Having Jurisdiction) requirements or with client demands. If a PE must seal such documents then the PE must describe whatever limits have been placed both on the PE's responsibility and/or on the scope of use of the documents. Such limitations on responsibility or scope of use must be found on the documents and must be clear and unambiguous. Failure on the part of the PE to clearly set out any limit on the PE's responsibility or scope of use of the document will result in the document being considered to be both complete and final and usable for any purposes for which such an engineering document could reasonably be put, such as for governmental permitting, for bidding and construction, construction completion certification, inspection approval, and the like.

5 Documented understanding with building department when submitting unqualified incomplete drawings.

PEs should not rely upon "common practice" to submit sealed, signed and dated engineering documents to permitting agencies that are knowingly incomplete but without any notation of that fact on the plans. However, the Board is aware of the fact that certain agencies will perform "initial reviews" or "dry run analysis" of plans but will not engage in such "preliminary" or "dry run" plans reviews upon sealed documents that are stamped as usable only for that purpose. These agencies require the filing of unqualified plans. If PEs are forced to submit unqualified plans to AHJs to obtain a preliminary "dry run review" then, in order to assure that the PE can justify filing plans that are knowingly incomplete, the PE must create a contemporaneous documented understanding of the scope of the AHJs review and of the parties full understanding that the plans were submitted for "dry run" review and would later be supplemented with complete final sealed documents.

6 Building departments are not for QA/QC

Submissions of documents under seal and without qualifiers on their use to AHJs are considered to be submissions of final documents and the documents are assumed to be complete for the purpose for which they have been filed. PEs whose practice has been to submit incomplete documents to AHJs and using the review process as a method of Quality Assurance/Quality Control should be aware of the fact that they run the risk of having their work considered to be negligently prepared and subject to discipline. Responding to such a charge that the documents were only submitted for review and were not intended to be complete is not a defense in the absence of some notation on the design of such a limited purpose.

All Professional Engineers licenses must be renewed by February 28, 2009

All Current Licensees will need to complete four (4) hours of Areas of Practice and four (4) hours of Laws & Rules with a \$5.00 renewal fee before the expiration date. If a current license is not renewed by 02/28/2009, your license will become delinquent. You cannot practice engineering in Florida with a delinquent P.E. license.

A \$100.00 delinquency fee will be added to the renewal fee if you renew after 02/28/2009.

All Delinquent Licensees will need 16 Professional Development Hours are eight (8) hours of Laws & Rules from two different providers and eight (8) hours of Areas of Practice. You will also require a renewal fee of \$235.00. If your license is not renewed timely, your license will go Null & Void.

NOTE: All Professional Development hours submitted for continuing education credit must meet the requirements of our Continuing Education Rules 6G15-22, F.A.C.

When a license goes "Null & Void" Status, your license cannot be re-activated or renewed. You must reapply for a new PE license in Florida through the Endorsement application process.

You can renew your Florida Professional Engineers license online at www.myfloridalicense.com by reporting your Areas of Practice hours, viewing your Laws & Rules Course, and paying your fees.

You can review a list of Continuing Education providers on the Boards website at www.fbpe.org under the Continuing Education link.

If you choose to renew by mail, submit your completed renewal form to the Board Office to the address on the renewal form.