

CHAIRMAN'S CORNER

Chapter 23, F.A.C. Recent Updates at a Glance

This edition of the FBPE's Connection focuses largely on the recent changes to Chapter 23 of our rules and the acceptable methods of signing, dating and sealing engineering documents. Licensees are strongly encouraged to read through both the article and the rules so as to develop an understanding of exactly what is required.

As discussed within the body of this newsletter, the main goal behind the reorganization of **F.A.C. Rule 61G15, Chapter 23** was to better communicate the following: what needs to be signed, dated and sealed; what needs to be included within the signature, date and seal; and the difference between physical documents with physical seals and electronic documents with electronic or digital seals.

- Once a physical document - always a physical document. Physical documents must be physically signed, dated and sealed.
- Once an electronic document - always an electronic document. Electronic documents must be either electronically or digitally - signed, dated and sealed.

A physical copy of an electronically or digitally signed, dated and sealed document **IS NOT** a valid signed, dated and sealed document. Similarly, an electronic document (PDF, scan or fax copy) of a physically signed, dated and sealed document **IS NOT** a valid signed, dated and sealed document.

It should be noted that **the requirements of Chapter 23 also extend to any and all documents issued by a company holding an engineering Certificate of Authorization** which constitute an engineering document.

Licensees are encouraged to simply develop the practice of signing, dating and sealing any document produced by them or on behalf of their company that contains an opinion, directive or creative work which constitutes the practice of engineering.

For example, the Board has run into cases where licensed non-engineer inspectors have performed engineering inspections, signed off as an inspector and then issued the document under the name of a licensed engineering company. In these cases, because the document constituted an engineering document and was issued under the name of a licensed company, those documents are required to be signed, dated and sealed by a professional engineer in responsible charge.

It should also be noted that the requirements pertaining to records retention apply to all engineering documents whether electronic or physical. **61G15-30.009, Florida Administrative Code** requires that each licensee keep at least one copy of all documents

displaying the licensee's signature, date and seal. These documents are to be kept for no less than three years from the date the documents were sealed. This provision also allows the licensee to maintain these documents in hardcopy or in electronic format.

In addition, this provision requires that each licensee or their employer retain all calculations relating to the signed, sealed and dated documents for no less than three years from the date the documents were sealed.

The most recent version of the Florida Administrative Code 61G15 can be accessed through the board website at: <https://www.fbpe.org/index.php/legal/statutes-and-rules>.

For more information on the various requirements discussed above, please review the **Florida Administrative Code 61G15 Chapters 23 and 30**. You are also welcome to contact the Board office at 850-521-0500 and ask to speak to someone in our *Legal* department, or you can send an email to board@fbpe.org.

In Service to Florida's Licensees,
William C. Bracken, PE, SI, CFM
FBPE Chair



William C. Bracken, PE, SI, CFM is a licensed Professional Engineer and Special Inspector in the State of Florida and is the President and Principal Engineer for Bracken Engineering located in Tampa, Florida. Mr. Bracken has served on the FBPE Board since 2012 and was the Board's Vice-Chair for 2013-2014. He is currently serving his second term as the FBPE's Chair.