

## Notice of Emergency Rule

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

RULE NO.: RULE TITLE:

61G15ER20-\_\_\_ Printed Copies of Digitally or Electronically Signed and Sealed Plans Considered Valid  
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Board of Professional Engineers (“FBPE”) is statutorily mandated to require the forms by which plans or other documents are considered properly signed and sealed by a Florida Professional Engineer. Pursuant to this authority, the FBPE has promulgated rules in Chapter 61G15-23, Florida Administrative Code. These rules allow three forms of signing and sealing: digital, electronic, or physical. The current rules specifically mandate that printed copies of digitally or electronically signed and sealed plans are not considered signed and sealed. However, a number of building departments, authorities having jurisdiction, or other state, county, or local governmental agencies do not currently accept digital or electronic plans or documents, requiring physically signed and sealed documents be submitted or filed.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency in response to the spread of the Novel Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. On April 1, 2020, Governor DeSantis issued Executive Order Number 20-91 (Essential Services and Activities During COVID-19 Emergency), which directed all persons within the State to remain at home unless engaged in the provision of essential services or engaged in essential activities.

COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of April 8, 2020, there are over 14,000 confirmed cases of COVID-19 in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential travel, interpersonal contact, and to avoid groups of persons as much as possible.

Since the issuance of the Executive Orders and declaration of a public health emergency by the State Health Officer and Surgeon General Dr. Rivkees, the FBPE office has received a number of calls and emails from licensees who are concerned about having to interact in person to physically sign and seal plans and documents in order to have those documents filed. All have suggested that removing the requirement that printed copies of digitally signed and sealed copies are not considered signed and sealed; they suggest this would allow the plans to be digitally or electronically signed and sealed, and then those documents could be transmitted by electronic means, and printed by the recipient, which would eliminate the need for groups of licensees to meet, or individual licensees to leave their homes to travel to a location to sign/seal the plans and then physically deliver them. It has been strongly suggested this will satisfy the purpose and intent of the signing and sealing law without exposure to the dangers of being in groups of people, necessity of travel itself, potential contribution to the spread of the virus, and most importantly, would ensure compliance with the State Health Officer’s Orders, CDC Recommendations, and Governor DeSantis’s Emergency Orders.

Florida’s Professional Engineers, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the FBPE, by emergency rule, will waive the restriction that printed copies of digitally or electronically signed and sealed plans or documents are not considered signed and sealed as required by Chapter 471, Florida Statutes, and Rule Chapter 61G15-23, Florida Administrative Code. The FBPE finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 to Floridians, including Professional Engineers and those that come in contact with them, while still satisfying the purpose and intent of the waived restriction.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the recently declared emergency in the State of Florida; Emergency Order 20-91; the recent guidance from the CDC; and the fact that professional engineers will be required to maintain the original digitally or electronically signed and

sealed documents, the FBPE finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No. \_\_, on April 10, 2020. In addition, notice of the FBPE's meeting was posted on the FBPE's official website.

SUMMARY: The proposed emergency rule removes the restriction that printed copies of digitally or electronically signed and sealed plans or documents are not considered signed and sealed, thus allowing printed copies to be used in any manner in which physically signed and embossed sealed plans could otherwise be. Removal of the restriction would only be for the ninety-day effective period of the emergency rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; 850-521-0500, [ZRaybon@fbpe.org](mailto:ZRaybon@fbpe.org).

THE FULL TEXT OF THE EMERGENCY RULE IS:

61G15ER-20- Printed Copies of Digitally or Electronically Signed and Sealed Plans Considered Valid. During the effective period of this rule, comprising ninety (90) days from the effective date, the restriction contained in Rules 61G15-23.004(3)(c)3. and 61G15-23.005(4)(c)3., F.A.C., that printed copies of digitally or electronically signed and sealed plans or documents is removed, and printed copies of said plans or documents are deemed validly signed and sealed for any purpose allowed by law. After the expiration of this emergency rule, the restriction is re-imposed. Any licensee seeking to use printed copies of digitally or electronically signed and sealed plans or documents must retain an original copy of the signed and sealed plans. In addition, a copy of this rule text must be attached to or included with the plans or documents.

Rulemaking Authority: 471.008, 471.025, 471.033(2), FS. Law Implemented:471.025, 471.033(1)(a), (e), (j), 668.003, 668.006, FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 8, 2020