Signing & Sealing Documents

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In late 2010 chairman of the Florida Board of Professional Engineers, Mr. John C. Burke, PE, wrote an article titled; *What Has to be Signed and Sealed?* Originally published in FBPE's NewsWatch, Volume 12, Issue 1, the essence of the article and the importance of its message remain unchanged.

In short this article provided direction and cited statutes that govern whether an engineering document is required to be sealed or not. The article cited Florida Statute 471.025(1) and read in part:

> *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.*

Chairman Burke's article then went on to state:

> *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.*

It should be noted that this requirement does not apply exclusively to, but does include, documents filed with agencies at the conclusion of construction. Therefore, when an engineer issues final certifications, as-built/record drawings and/or reports intended to be filed with agencies at the conclusion of construction, extreme discretion must be exercised. That is to say, the engineer issuing these documents must clearly establish exactly what is being certified and what the engineer is assuming responsibility for.

The absence of specificity could result in the engineer assuming greater responsibility than was originally contemplated. The danger here is that the engineer could wind up certifying items that he or she never intended to certify. The absence of specificity, whether intentioned or not, could also lead to a fallacious conclusion on the part of the client, employer or general public. The danger in this instance is that being untruthful, deceptive, or misleading in any professional report, statement, or testimony can be construed as committing misconduct.

61G15-19.001 Grounds for Disciplinary Proceedings

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to:

(b) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;

So when issuing engineering documents, (drawings, specifications, plans or reports) that are either being filed for public record, or provided to the owner or the owner's representative, the engineer must exercise extreme discretion. It is highly recommended that the engineer should clearly establish exactly what is being certified, what the engineer is assuming responsibility for and what the engineer is not assuming responsibility for.