F.A.C. Rule 61G15, Chapter 23, “SEALS” Undergoes Major Reorganization

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Starting back in 2012 the FBPE began examining and updating its rules regarding the various methods of signing, dating and sealing engineering documents. As changes were made and additional sections were added the chapter became cumbersome and difficult to navigate. This point was emphasized by numerous complaints from licensees and the increasing number of improperly signed, dated and sealed engineering documents that were turned over to the Board.

In response the FBPE undertook the process of reorganizing F.A.C. 61G15-23, Seals, with the updates going into effect in November of 2015. The goal of this effort was to break up the chapter by section so as to address all of the methods of signing and sealing individually and appropriately.

The purpose of this article is to introduce the key points, the organization of F.A.C. 61G15-23 (Chapter 23 - Seals) and to provide a discussion with examples on how to sign, date and seal engineering documents. This article is offered only as an introduction and to provide guidance. Licensees are still required to read and understand all of the rules that govern the practice of engineering within the state of Florida in their entirety.

**KEY POINTS**

Three key points warranting additional clarification and emphasis surfaced during this effort: 1) what needs to be signed, dated and sealed, 2) what needs to be included within the signature, date and seal, and 3) physical documents versus electronic documents.

1) **What Needs To Be Signed, Dated and Sealed?**

Here in Florida, our laws and rules require that any document filed for public record (directly or indirectly) bear the engineer’s signature, date and seal at a minimum. Specifically, Florida Statute 471.025(1) and Florida Administrative Code 61G15-23.002 require not only all final engineering documents filed for public record but all final engineering documents “provided to the owner or the owner’s representative” be signed, dated and sealed. This includes not only plans but reports and even letters that contain engineering opinions or directives.

It is the desire of the FBPE as part of this effort to emphasize that **ANY** and **ALL** final documents prepared or issued by the licensee and being filed for public record, **ALL** final documents provided to the owner or the owner’s representative, and **ALL** documents required by any public entity or any provision of a contract which may require signing, dating and sealing are **to be signed, dated and sealed**.

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In addition, part of this effort focused on clarifying references to “documents” within the rule to include: plans, prints, specifications, reports or other documents. These clarifications can be found within Section 61G15-23.001, F.A.C.- Signature, Date and Seal Shall Be Affixed which addresses in detail what needs to be signed, dated and sealed.

In a number of cases, licensees, much to their detriment, failed to sign, date and seal documents simply because their client didn’t require it. Even if a licensees’ client doesn’t require a document to be signed, dated and sealed, the licensee is required to sign, date and seal it if the rules require it.

Confusion also occurs with the term “filed for public record.” In a number of other cases, licensees have failed to sign, date and seal documents because the document was not intended to be filed for public record. Again, licensees are required to sign, date and seal all documents required by rule which include far more than those simply intended to be filed for public record.

2) What Needs To Be Included Within The Signature, Date and Seal?

Many licensees within the State of Florida fail to understand that the date a document is signed MUST be included for both physical and electronic documents. In the case of physically transmitted documents, the licensee’s signature is required to be overlapping and partially obscured by the seal (so as to verify the authenticity of the signature), not “below” the seal on the page.

Sections 61G15-23.003 through 61G15-23.005 address in detail what needs to be included within the signature, date and seal.

Note: A scanned, facsimile, digitally created or copied image of the licensee’s signature IS STILL NOT allowed to be used on original signed, dated and sealed documents.

3) Physical Documents vs. Electronic Documents

Simply put, the issue of physical documents versus electronic documents can be summed up as:

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.

While an electronic (scanned) copy of a physically signed, dated and sealed document is suitable for archival purposes, IT IS NOT considered to be an original signed, dated and sealed document. In order for the electronic (scanned) copy of a physical document to be considered legitimately signed, dated and sealed, the electronic (scanned) copy MUST be re-sealed electronically or digitally.

Likewise, the printed copy of an electronic document is suitable for archival purposes but IT IS NOT considered to be an original signed, dated and sealed document. In order for the printed copy of an electronically signed, dated and sealed document to be considered legitimately signed dated and sealed it MUST be physically signed, dated and sealed.

Section 23.003-Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents addresses in detail how to sign, date and seal physical documents. While, Section 23.004-Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents addresses in detail how to digitally sign, date and seal electronic documents and Section 23.005-Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents addresses in detail how to electronically sign, date and seal electronic documents.
How to Sign, Date and Seal Engineering Documents

Placement of the date is required regardless of whether the document is physically or electronically transmitted. The signature and seal however vary according to whether the document is physically or electronically transmitted.

- **Dating Documents**
  
  Both physically and electronically transmitted documents require the date that the signature and seal is affixed be placed immediately adjacent to the signature. However, it is not required to be placed beneath the seal.

  > **61G15-23.001(4)(d)** The date that the signature and seal is affixed as provided herein shall be entered on said plans, prints, specifications, reports or other documents immediately adjacent to the signature of the professional engineer.

- **Signing and Sealing Physically Transmitted Documents**

  Physically transmitted documents require that the licensee create by hand an original of the licensee’s signature. A scanned, facsimile, digitally created or copied image of the licensee’s signature is not allowed.

  > **61G15-23.003(1)** The licensee shall sign by hand an original of the licensee’s signature on each page required to be sealed. A scanned, facsimile, digitally created or copied image of the licensee’s signature shall not be used.

  As for creating the seal, physically transmitted documents are allowed to be embossed, contain a digitally created seal or sealed using a wet stamp. In each of these cases the seal is to be placed partially overlapping the licensee’s signature such that the signature is not made illegible.

  > **61G15-23.003(2)** The licensee must then use a wet seal, a digitally created seal, or an embossing seal placed partially overlapping the licensee’s signature on each page required to be sealed. The placement of the seal shall not render the signature illegible.

  **Acceptable Examples**

  ![Acceptable Examples](image-url)
Signing and Sealing Electronically Transmitted Documents

Similar to physically transmitted documents, electronically transmitted documents are required to contain the date they were signed and sealed (located immediately adjacent to where the signature would appear) and are permitted to have a digitally created seal. However, electronically transmitted documents are prohibited from including a scanned or digitally created image of the licensee’s signature.

Furthermore, unlike physically transmitted documents, electronically transmitted documents are required to contain a statement clearly indicating that the document has been electronically signed and sealed (located immediately adjacent to where the signature would appear) and that printed copies of the document are not considered signed and sealed. This is required so that the recipient of a printed copy of an electronically transmitted document will know that the printed copy is not an original signed and sealed copy.

As for signing and sealing, electronically transmitted documents are considered to be signed and sealed by virtue of the fact that the licensee has electronically “locked” the document, thereby preventing any changes from being made without corrupting the document and more importantly without the licensees’ knowledge. Electronically transmitted documents can be “locked” (or signed and sealed) by one of two methods: 1) digital signing and sealing, or 2) electronic signing and sealing.

1) Digital Signing and Sealing

Digital signatures are typically provided by a third party and are used to electronically lock documents. When using a digital signature, the licensee is required to have their identity authenticated by a certification authority and to assure that the digital signature is:

a) Unique to the person using it;
b) Capable of verification;
c) Under the sole control of the person using it; and,
d) Linked to a document in such a manner that the digital signature and the corresponding document can be deemed invalid if any data in the document is changed.

After opening a legitimately digitally signed and sealed document, the viewing screen will show a colored text bar on the screen indicating the “authenticity of the signature”. If this bar does not appear or the text within the bar indicates that there is a problem with any of the signatures then the document has not been or is no longer legitimately signed and sealed.

Below is an example of what should appear to indicate that the document has been legitimately digitally signed and sealed. In this example, the blue bar across the top of the document with the text: “Signed and all signatures are valid” indicates that it is valid and has not been altered since it was signed and sealed.

Below is an example of what would appear to indicate that the document has not been legitimately digitally signed and sealed. In this example, the blue bar across the top of the document stating that “At least one signature requires validating” indicates that the document is not valid or may have been altered since it was signed and sealed.

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Of equal importance is what is required within the document where a signature would normally appear. Within the document, if a digitally created seal is used, the seal along with the required text is to appear where the signature would normally appear.

![Acceptable Example](image)

Within the document, if a digitally created seal is not used, the required text is to appear where the signature would normally appear.

![Acceptable Example](image)

2) **Electronic Signing & Sealing**

Electronic signatures are also used to electronically lock documents but do not require third party verification. However, because this method does not require third party verification, it does involve a multi-step process aimed at protecting the integrity of the document.

In short, licensees are required to create a “signature” file and a “signature” report. The “signature” file is the file that contains the document(s) to be electronically signed and sealed (locked) for submittal. The “signature” report is a singular document intended to summarize what is in the “signature” file and is being electronically signed and sealed. This report is required to include a brief overall description of the engineering document(s) being signed and sealed along with the SHA-1 authentication code(s). **NOTE:** A SHA-1 authentication code in cryptography, is a cryptographic hash function that produces a “message digest” or “hash value” (hexadecimal number) that is used to protect sensitive information.

Once the “signature” file and the “signature” report have been created, the “signature” report is to be printed out, signed, dated and sealed following the procedures for physically transmitted documents. The original “signature” report is then to be transmitted along with the “signature” file. The “signature” file is considered to be signed and sealed if the “signature” file’s SHA-1 authentication code(s) match the authentication code(s) on the manually signed, dated and sealed “signature” report.
NOTE: Previously the rule allowed a scanned copy of the signed and sealed “signature” report to be transmitted with the “signature” file provided the licensee maintained a hardcopy of the physically signed and sealed “signature” report in accordance with Rule 61G15-30.009, F.A.C. However, the option to transmit a scanned copy of the “signature” report with the “signature” file was inadvertently omitted during the reorganization process. The FBPE still recognizes this option and is in the process of adding it back into the rule.

The method of creating an electronic signature found in the previous rule was kept in its entirety and can be found within 61G15-23.005(2)(a) through (2)(d), F.A.C. This method was written specifically to support the use of the Florida Department of Transportation’s (FDOT) PEDDS program and while confusing, actually describes the functionality of the PEDDS program. Further, the FBPE understands that while the FDOT has stopped using and supporting the PEDDS program, other municipalities have adopted it and are currently using it.

NOTE: Rule 61G15-23.005 will be further modified by the FBPE so as to provide non-PEDDS specific language regarding electronically signing and sealing within the rule.

Of equal importance is what is required within the document where a signature would normally appear. Within the documents themselves, if a digitally created seal is used, the seal along with the required text is to appear where the signature would normally appear.

NOTE: The rule as published inadvertently omitted the graphic examples for this case and the FBPE is in the process of adding it back into the rule.

Acceptable Example

This item has been electronically signed and sealed by [Licensee, PE] on [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

Acceptable Example

This item has been electronically signed and sealed by [Licensee, PE] on [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

The most recent version of Florida’s Statutes and Administrative Code as it relates the practice of engineering can be found on FBPE’s website at https://www.fbpe.org/index.php/legal/statues-and-rules or by selecting the Statutes and Rules page under the Legal section of www.fbpe.org. If you have any questions or require further clarification to the changes to F.A.C. Rule 61G15-23, you can contact someone in our Legal Department at 850-521-0500, or send an email to board@fbpe.org.