


TO: Regulatory Program Staff

FROM: Jeff Littlejohn, P.E. 
Deputy Secretary for Regulatory Programs

DATE: September 24, 2012

SUBJECT: Signing and Sealing Permit-Related Documents

As a Professional Engineer myself, I take my professional responsibilities very seriously. We have an obligation to protect the public health and welfare, and special trust and confidence have been placed in us by the people of Florida. Drawing from my professional experience in the private sector, including submittal of construction plans and specifications to local building officials, and discussions with other professionals both within and outside of the Department, I have decided to revoke the current policy of signing and sealing as a Professional Engineer certain documents associated with the review of permit applications.

If you are a registered professional, you will understand that when you sign and seal a document, you assume responsibility for the exercise of your professional engineering judgment. While you may not assume any financial liability for the performance of the project as a state employee (due to sovereign immunity), you are personally responsible to the Florida Board of Professional Engineers (FBPE) for your actions and may subject yourself to disciplinary action if you commit misconduct as defined in the engineers' practice act and rule.

Because of this, I became concerned upon learning of the Department's various policies requiring the signing and sealing of certain permit-related documents. An opinion on this matter from an attorney for the FBPE supports my concern. That opinion says, in part:

It appears that the PEs under your charge are charged with reviewing engineering documents to determine whether DEP's permitting requirements have been met by the applicant. When acting in this capacity your PEs may be acting in a position akin to individuals performing plans reviews for building permit applications. Thus, to the extent that your employees - who happen to be PEs - are reviewing submissions for compliance with DEP Rules, then there is no need for them to seal their conclusions since they are merely reviewing the submission for compliance with DEP's Rules and are not making an independent engineering analysis.

As such, effective immediately, DEP Regulatory Program staff will no longer sign and seal as Professional Engineers, any documents associated with the review of permit applications. Directors, please update internal guidance documents, procedures manuals and the like to reflect this revised policy within 30 days. Please be sure that anyone working on the Department's behalf to review permit-related documents (local governments, delegated or approved local programs, contractors, etc.) is informed to abide by this policy.

If there are unusual circumstances where you believe that you must act as the Engineer of Record (as defined in chapter 61G15-30, Florida Administrative Code), or in any other circumstance where you believe you must substitute your own professional engineering judgment for that of the applicant's Engineer of Record, then please bring the situation to my attention through your chain of command. I will review the circumstances on a case-by-case basis.

Please do not hesitate to bring up any questions or concerns regarding this policy, and thank you for all of your hard work and professionalism.