

September 30,

1999

**VIA FACSIMILE TRANSMISSION**  
**AND U.S. MAIL**

Ed Bayo, Staff Attorney  
Florida Board of Professional Engineers  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050

Dear Mr. Bayo:

Please accept this letter as a request for a written opinion from the board regarding the application of chapter 471, Florida Statutes, to the exercise of product evaluation by "approved product evaluation entities," as defined in section 553.842, Florida Statutes (1998 Supp). The commission respectfully requests that the board consider this request at its meeting on Wednesday, October 6<sup>th</sup>, as we discussed via telephone earlier this week.

As we discussed, the commission is concerned with the construction of the engineering statute in light of the legislature's enactment of section 553.842, Florida Statutes, regarding product approval. As evidenced by the attached electronic mail to me from Commissioner Steve Bassett, there is some concern regarding whether, under the product approval system to be established by the commission, a local building official may require that an evaluation entity submit proof that a Florida registered engineer conducted the evaluation which the entity submits as the basis for approval of a product.

According to your interpretation, employees of product evaluation entities are exempt, pursuant to section 471.003(2)(c), Florida Statutes, from the statutory requirement to be registered engineers. Your opinion is based upon the fact that such entities do not offer engineering services to the public although the evaluation does require the application of some engineering principles. The commission is interested in receiving written confirmation of the board's determination in this matter.

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Thank you for speaking with me about this issue earlier this week. I appreciate your effort to bring this matter before the board at its meeting next week. Please contact me if you need any further information on this issue.

Sincerely,

Suzanne H. Schmith  
Staff Attorney  
Florida Building Commission

SHS/ms

Enclosures

cc: Rick Dixon, Executive Director  
Florida Building Commission  
Commissioner Steve Bassett  
Commissioner Leonard Lipka



