



Informal Interpretation Report Number 8682



Date August 30, 2022

Edition 2021

Section Alternative plans review and inspection.

Question:

Pertaining to Section (11) of 553.791, if the Certificate of Compliance is Electronically Sealed by the EOR, does it still need to be notarized?

Answer

No, the certificate of compliance as mentioned in section 11 and 12 of 553.791 is to be submitted on a form acceptable to the building official. There is no statement in the statute requiring the notarization of any signature associated with the certificate of compliance. The AHJ shall determine if a notarized signature is required to make the form acceptable to them or if an electronically signed and sealed document will suffice.

Commentary:

The legislative intent (F.S. 668.002) of the engineers' electronic signatures is to lend authenticity and integrity; and to minimize fraud. Printing or scanning the electronically signed document then adding a notary stamp will invalidate the digital seal

Further, a Notary is governed by Florida Statute 117. Section 117.05 contains specifics about the notarization of a signature. The notary is verifying the signature on the paper is that of the signer, not the legality of the document. Much like the requirement for an Engineer to sign and seal documents in accordance with Florida Statute 471 and the associated rule 61G-15 Florida Administrative Code. However, by signing the document, the Engineer is stating it meets the design and code requirements that are applicable.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.