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ausley.com

Reply to: Tallahassee

Writer's Email: dweiss@ausley.com

September 28, 2026

VIA EMAIL ONLY

Honorable Chairman and Members
of the Florida Building Commission
Code Administration Technical Advisory Committee
c/o Ms. Marlita Peters
marlita.peters@myfloridalicense.com

Re: Public Comment/Private Provider Certificate of Compliance Form
October 2, 2026 TAC Meeting/Agenda Item 5

Dear Honorable Chairman and Members
of the Florida Building Commission
Code Administration Technical Advisory Committee:

This firm represents the Private Provider Association of Florida, Inc. ("PPAF"). This public comment is submitted on behalf of PPAF in connection with Item 5 on the agenda for the October 2, 2026 TAC Meeting. These comments are directed solely to the lack of notarization required on the Standardized Certificate of Compliance Form.

The September 17, 2026 Final Report regarding the Creation of Private Provider Certificate of Compliance and Inspection Forms attached to the meeting agenda states that the Advisory Group formed to develop the standardized forms was unable to determine whether notarization of the Certificate of Compliance form is a legal necessity. PPAF respectfully submits that it is not a legal necessity, and that requiring notarization would be a violation section 553.791, Florida Statutes (the "Private Provider Statute") and binding Florida law.

First and foremost, the Private Provider Statute does not require notarization. Subsection (15) of the statute requires the form to be signed "under oath." However, requiring a form be submitted "under oath" does not mandate notarization.

Section 92.525, Florida Statutes, is the section of the Florida Evidence Code which sets forth the requirements for verification of documents. § 92.525, Fla. Stat. Under the evidence code, if a document is required to be verified by a statute or administrative rule, verification may be accomplished either by oath or affirmation before a judge, clerk, law enforcement officer, or notary OR with a written declaration signed under penalties of perjury. Id.

The First District Court of Appeal specifically addressed this issue in 2022, and found that under section 92.525, Florida Statutes, a statute requiring a statement to be made “under oath” does not require notarization as long as the statement is signed under penalties of perjury. Kuong v. Giordano, 346 So. 3d 108, 112-13 (Fla. 1st DCA 2022).

The Private Provider Statute expressly prohibits the adoption or enforcement of any laws, rules, procedures, policies, qualifications or standards that are inconsistent with the statute. § 553.791(19)(a), Fla. Stat. Accordingly, requiring notarization of the Certificate of Compliance form would violate the Private Provider Statute and binding Florida law.

In addition, the Private Provider Statute expressly authorizes electronic execution and transmission of forms, including the Certificate of Compliance. § 553.791(15), Fla. Stat. Requiring notarization is inconsistent with such authority and the Legislature’s intent to expedite processing of private provider projects. Mandatory notarization would add an administrative requirement that would delay the completion of projects and the issuance of certificates of occupancy in contravention of legislative intent. Additional administrative costs and delays negatively affect affordability and result in increased home prices, which is inconsistent with legislative initiatives for the timely provision of affordable housing that is desperately needed throughout the State.

Moreover, the Private Provider Statute provides that the Certificate of Compliance form may be signed and sealed by the private provider. The signature and seal of the private provider afford professional authentication and accountability, so notarization is entirely unnecessary.

Thank you for the opportunity to address this matter. We trust that these comments will assist the TAC in determining that notarization of the Certificate of Compliance form is not legally necessary or appropriate. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DW', is written over a horizontal line.

David J. Weiss

DJW/sls

cc: Mr. Mo Madani, Technical Manager, Florida Building Commission (via email)
Mr. Justin Vogel, General Counsel, Florida Building Commission (via email)