



1 Section 1. Paragraph (f) of subsection (1),  
2 subsections (2) and (4), paragraph (a) of subsection (6), and  
3 subsections (7), (9), (11), (12), (14), (15), and (17) of  
4 section 553.791, Florida Statutes, are amended to read:

5 553.791 Alternative plans review and inspection.--

6 (1) As used in this section, the term:

7 (f) "Permit application" means a properly completed  
8 and submitted application for+

9 ~~1-~~ the requested building or construction permit,  
10 including:-

11 ~~1.2-~~ The plans reviewed by the private provider.

12 ~~2.3-~~ The affidavit from the private provider required  
13 pursuant to subsection (5).

14 ~~3.4-~~ Any applicable fees.

15 ~~4.5-~~ Any documents required by the local building  
16 official to determine that the fee owner has secured all other  
17 government approvals required by law.

18 (2) Notwithstanding any other provision of law or  
19 local government ordinance or local policy, the fee owner of a  
20 building or structure, or the fee owner's contractor upon  
21 written authorization from the fee owner, may choose to use a  
22 private provider to provide building code inspection services  
23 with regard to such building or structure and may make payment  
24 directly to the private provider for the provision of such  
25 services. All such services shall be the subject of a written  
26 contract between the private provider, or the private  
27 provider's firm, and the fee owner. The fee owner may elect to  
28 use a private provider to provide ~~either~~ plans review or  
29 required building inspections, or both. However, if the fee  
30 owner or the fee owner's contractor uses a private provider to  
31 provide plans review, the local building official, in his or

1 her discretion and pursuant to duly adopted policies of the  
2 local enforcement agency, may require the fee owner or the fee  
3 owner's contractor ~~who desires~~ to use a private provider ~~to~~  
4 ~~use the private provider~~ to also provide ~~both plans review and~~  
5 required building inspections ~~inspection services~~.

6 (4) A fee owner or the fee owner's contractor using a  
7 private provider to provide building code inspection services  
8 shall notify the local building official at the time of permit  
9 application, or no less than 7 business days prior to the  
10 first scheduled inspection by the local building official or  
11 building code enforcement agency for a private provider  
12 performing required inspections of construction under this  
13 section, on a form to be adopted by the commission. This  
14 notice shall include the following information:

15 (a) The services to be performed by the private  
16 provider.

17 (b) The name, firm, address, telephone number, and  
18 facsimile number of each private provider who is performing or  
19 will perform such services, his or her professional license or  
20 certification number, qualification statements or resumes,  
21 and, if required by the local building official, a certificate  
22 of insurance demonstrating that professional liability  
23 insurance coverage is in place for the private provider's  
24 firm, the private provider, and any duly authorized  
25 representative in the amounts required by this section.

26 (c) An acknowledgment from the fee owner in  
27 substantially the following form:

28  
29 I have elected to use one or more private providers to provide  
30 building code plans review and/or inspection services on the  
31 building or structure that is the subject of the enclosed

1 permit application, as authorized by s. 553.791, Florida  
2 Statutes. I understand that the local building official may  
3 not review the plans submitted or perform the required  
4 building inspections to determine compliance with the  
5 applicable codes, except to the extent specified in said law.  
6 Instead, plans review and/or required building inspections  
7 will be performed by licensed or certified personnel  
8 identified in the application. The law requires minimum  
9 insurance requirements for such personnel, but I understand  
10 that I may require more insurance to protect my interests. By  
11 executing this form, I acknowledge that I have made inquiry  
12 regarding the competence of the licensed or certified  
13 personnel and the level of their insurance and am satisfied  
14 that my interests are adequately protected. I agree to  
15 indemnify, defend, and hold harmless the local government, the  
16 local building official, and their building code enforcement  
17 personnel from any and all claims arising from my use of these  
18 licensed or certified personnel to perform building code  
19 inspection services with respect to the building or structure  
20 that is the subject of the enclosed permit application.

21  
22 If the fee owner or the fee owner's contractor makes any  
23 changes to the listed private providers or the services to be  
24 provided by those private providers, the fee owner or the fee  
25 owner's contractor shall, within 1 business day after any  
26 change, update the notice to reflect such changes. In  
27 addition, the fee owner or the fee owner's contractor shall  
28 post at the project site, prior to the commencement of  
29 construction and updated within 1 business day after any  
30 change, on a form to be adopted by the commission, the name,  
31 firm, address, telephone number, and facsimile number of each

1 private provider who is performing or will perform building  
2 code inspection services, the type of service being performed,  
3 and similar information for the primary contact of the private  
4 provider on the project.

5 (6)(a) No more than ~~Within~~ 30 business days after  
6 receipt of a permit application and the affidavit from the  
7 private provider required pursuant to subsection (5), the  
8 local building official shall issue the requested permit or  
9 provide a written notice to the permit applicant identifying  
10 the specific plan features that do not comply with the  
11 applicable codes, as well as the specific code chapters and  
12 sections. If the local building official does not provide a  
13 written notice of the plan deficiencies within the prescribed  
14 30-day period, the permit application shall be deemed approved  
15 as a matter of law, and the permit shall be issued by the  
16 local building official on the next business day.

17 (7) A private provider performing required inspections  
18 under this section shall inspect each phase of construction as  
19 required by the applicable codes. The private provider shall  
20 be permitted to send a duly authorized representative to the  
21 building site to perform the required inspections, provided  
22 all required reports and certifications are prepared by and  
23 bear the signature of the private provider. The duly  
24 authorized representative must be an employee of the private  
25 provider entitled to receive unemployment compensation  
26 benefits under chapter 443. The contractor's contractual or  
27 legal obligations are not relieved by any action of the  
28 private provider.

29 (9) Upon completing the required inspections at each  
30 applicable phase of construction, the private provider shall  
31 record such inspections on a form acceptable to the local

1 building official. These inspection records shall reflect  
2 those inspections required by the applicable codes of each  
3 phase of construction for which permitting by a local  
4 enforcement agency is required. The private provider, before  
5 leaving the project site, shall post each completed inspection  
6 record, indicating pass or fail, at the site and provide the  
7 record to the local building official within 2 business days.  
8 The local building official may waive the requirement to  
9 provide a record of each inspection within 2 business days if  
10 the record is posted at the project site and all such  
11 inspection records are submitted with the certificate of  
12 compliance. Records of all required and completed inspections  
13 shall be maintained at the building site at all times and made  
14 available for review by the local building official. The  
15 private provider shall report to the local enforcement agency  
16 any condition that poses an immediate threat to public safety  
17 and welfare.

18 (11) No more than ~~Within~~ 2 business days after receipt  
19 of a request for a certificate of occupancy or certificate of  
20 completion and the applicant's presentation of a certificate  
21 of compliance and approval of all other government approvals  
22 required by law, the local building official shall issue the  
23 certificate of occupancy or certificate of completion or  
24 provide a notice to the applicant identifying the specific  
25 deficiencies, as well as the specific code chapters and  
26 sections. If the local building official does not provide  
27 notice of the deficiencies within the prescribed 2-day period,  
28 the request for a certificate of occupancy or certificate of  
29 completion shall be deemed granted and the certificate of  
30 occupancy or certificate of completion shall be issued by the  
31 local building official on the next business day. To resolve

1 any identified deficiencies, the applicant may elect to  
2 dispute the deficiencies pursuant to subsection (12) or to  
3 submit a corrected request for a certificate of occupancy or  
4 certificate of completion.

5 (12) If the local building official determines that  
6 the building construction or plans do not comply with the  
7 applicable codes, the official may deny the permit or request  
8 for a certificate of occupancy or certificate of completion,  
9 as appropriate, or may issue a stop-work order for the project  
10 or any portion thereof as provided by law, if the official  
11 determines that such noncompliance poses a threat to public  
12 safety and welfare, subject to the following:

13 (a) The local building official shall be available to  
14 meet with the private provider within 2 business days to  
15 resolve any dispute after issuing a stop-work order or  
16 providing notice to the applicant denying a permit or request  
17 for a certificate of occupancy or certificate of completion.

18 (b) If the local building official and private  
19 provider are unable to resolve the dispute, the matter shall  
20 be referred to the local enforcement agency's board of  
21 appeals, if one exists, which shall consider the matter at its  
22 next scheduled meeting or sooner. Any decisions by the local  
23 enforcement agency's board of appeals, or local building  
24 official if there is no board of appeals, may be appealed to  
25 the commission as provided by this chapter ~~pursuant to s.~~  
26 ~~553.77(1)(h)~~.

27 (c) Notwithstanding any provision of this section, any  
28 decisions regarding the issuance of a building permit,  
29 certificate of occupancy, or certificate of completion may be  
30 reviewed by the local enforcement agency's board of appeals,  
31 if one exists. Any decision by the local enforcement agency's

1 board of appeals, or local building official if there is no  
2 board of appeals, may be appealed to the commission as  
3 provided by this chapter ~~pursuant to s. 553.77(1)(h)~~, which  
4 shall consider the matter at the commission's next scheduled  
5 meeting.

6 (14)(a) No local enforcement agency, local building  
7 official, or local government may adopt or enforce any laws,  
8 rules, procedures, policies, qualifications, or standards more  
9 stringent than those prescribed by this section.

10 (b) A local enforcement agency, local building  
11 official, or local government may establish, for private  
12 providers and duly authorized representatives working within  
13 that jurisdiction, a system of registration to verify  
14 compliance with the licensure requirements of paragraph (1)(g)  
15 and the insurance requirements of subsection (15).

16 (c) This section does not limit the authority of the  
17 local building official to issue a stop-work order for a  
18 building project or any portion of such order, as provided by  
19 law, if the official determines that a condition on the  
20 building site constitutes an immediate threat to public safety  
21 and welfare.

22 (15) A private provider may perform building code  
23 inspection services on a building project under this section  
24 only if the private provider maintains insurance for  
25 professional ~~and comprehensive general~~ liability covering with  
26 ~~minimum policy limits of \$1 million per occurrence relating to~~  
27 all services performed as a private provider. Such insurance  
28 shall have minimum policy limits of \$1 million per occurrence  
29 and \$2 million in the aggregate for any project with a  
30 construction cost of \$5 million or less and \$2 million per  
31 occurrence and \$4 million in the aggregate for any project



1 with a construction cost of over \$5 million. This section does  
2 not limit the ability of a fee owner to require additional  
3 insurance or higher policy limits. For these purposes, the  
4 term "construction cost" means the total cost of building  
5 construction as stated in the building permit application. If  
6 the private provider chooses to secure claims-made coverage to  
7 fulfill this requirement, the private provider must also  
8 ~~maintain, including tail~~ coverage for a minimum of 5 years  
9 subsequent to the performance of building code inspection  
10 services. The insurance required under this subsection must be  
11 written only by insurers authorized to do business in this  
12 state with a minimum A.M. Best's rating of A. Before providing  
13 building code inspection services within a local building  
14 official's jurisdiction, a private provider shall provide to  
15 the local building official a certificate of insurance  
16 evidencing that the coverages required under this subsection  
17 are in force.

18 (17) Each local building code enforcement agency may  
19 ~~shall develop and maintain a process to~~ audit the performance  
20 of building code inspection services by private providers  
21 operating within the local jurisdiction. Work on a building or  
22 structure may proceed after inspection and approval by a  
23 private provider if the provider has given notice of the  
24 inspection pursuant to subsection (8) and, subsequent to such  
25 inspection and approval, the work may not be delayed for  
26 completion of an inspection audit by the local building code  
27 enforcement agency.

28 Section 2. Paragraph (i) of subsection (1) of section  
29 468.621, Florida Statutes, is amended to read:

30 468.621 Disciplinary proceedings.--  
31

1           (1) The following acts constitute grounds for which  
2 the disciplinary actions in subsection (2) may be taken:

3           (i) Failing to lawfully execute the duties and  
4 responsibilities specified in this part and ss. 553.73,  
5 553.781, ~~and~~ 553.79, and 553.791.

6           Section 3. This act shall take effect October 1, 2005.

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8                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9                           COMMITTEE SUBSTITUTE FOR  
10                           Senate Bill 1470

11 The community substitute (CS) amends s. 553.791, F.S., to  
12 replace the term "building" with the term "building or  
13 structure." It also amends s. 553.791(2), F.S., to include  
14 the fee owner's contractor as one of the persons that the  
15 local enforcement agency may require to provide building  
16 inspection services if already providing plans review.

17 The CS deletes the requirement in current law that private  
18 providers maintain professional liability insurance with  
19 minimum policy limits of one million dollars per occurrence.  
20 It also deletes the reference to tail coverage.

21 The CS requires minimum comprehensive general liability  
22 insurance policy limits for projects that are dependent on the  
23 construction cost. It provides that the fee owner may require  
24 additional insurance. It defines the term "construction  
25 cost." It provides for claims-made coverage. It requires  
26 that the insurance must be written by an insurer authorized in  
27 Florida and with a minimum A.M. Best rating of A. It requires  
28 that the private provider give to the local building official  
29 a certificate evidencing the required insurance coverage.

30 The CS amends s. 468.621, F.S., to reference s. 553.791, F.S.  
31