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A bill to be entitled
 An act relating to alternative plans review and
 inspection; amending s. 553.791, F.S.; clarifying a
 definition; expanding authorization to use private
 providers to provide building code inspection services;
 including fee owner contractors within such authorization;
 revising notice requirements for using private providers;
 revising procedures for issuing permits; providing
 requirements for representatives of private providers;
 providing for waiver of certain inspection records
 requirements under certain circumstances; requiring
 issuance of stop-work orders to be pursuant to law;
 providing for establishment of a registration system for
 private providers and authorized representatives of
 private providers for licensure compliance purposes;
 preserving authority to issue emergency stop-work orders;
 revising insurance requirements for private providers;
 specifying conditions for proceeding with building work;
 providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

553.791 Alternative plans review and inspection.--
 (1) As used in this section, the term:

29 (f) "Permit application" means a properly completed and
 30 submitted application for:

31 ~~1.~~ the requested building or construction permit,
 32 including:

33 1.2. The plans reviewed by the private provider.

34 2.3. The affidavit from the private provider required
 35 pursuant to subsection (5).

36 3.4. Any applicable fees.

37 4.5. Any documents required by the local building official
 38 to determine that the fee owner has secured all other government
 39 approvals required by law.

40 (2) Notwithstanding any other provision of law or local
 41 government ordinance or local policy, the fee owner of a
 42 building, or the fee owner's contractor upon written
 43 authorization from the fee owner, may choose to use a private
 44 provider to provide building code inspection services with
 45 regard to such building and may make payment directly to the
 46 private provider for the provision of such services. All such
 47 services shall be the subject of a written contract between the
 48 private provider, or the private provider's firm, and the fee
 49 owner. The fee owner may elect to use a private provider to
 50 provide ~~either~~ plans review or required building inspections, or
 51 both. The local building official, in his or her discretion and
 52 pursuant to duly adopted policies of the local enforcement
 53 agency, may require the fee owner who desires to use a private
 54 provider to use the private provider to provide both plans
 55 review and required building inspection services.

56 (4) A fee owner or the fee owner's contractor using a
57 private provider to provide building code inspection services
58 shall notify the local building official at the time of permit
59 application, or no less than 7 business days prior to the first
60 scheduled inspection by the local building official or building
61 code enforcement agency for a private provider performing
62 required inspections of construction under this section, on a
63 form to be adopted by the commission. This notice shall include
64 the following information:

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

66 (b) The name, firm, address, telephone number, and
67 facsimile number of each private provider who is performing or
68 will perform such services, his or her professional license or
69 certification number, qualification statements or resumes, and,
70 if required by the local building official, a certificate of
71 insurance demonstrating that professional liability insurance
72 coverage is in place for the private provider's firm, the
73 private provider, and any duly authorized representative in the
74 amounts required by this section.

75 (c) An acknowledgment from the fee owner in substantially
76 the following form:

77
78 I have elected to use one or more private providers to provide
79 building code plans review and/or inspection services on the
80 building that is the subject of the enclosed permit application,
81 as authorized by s. 553.791, Florida Statutes. I understand that
82 the local building official may not review the plans submitted
83 or perform the required building inspections to determine

84 compliance with the applicable codes, except to the extent
85 specified in said law. Instead, plans review and/or required
86 building inspections will be performed by licensed or certified
87 personnel identified in the application. The law requires
88 minimum insurance requirements for such personnel, but I
89 understand that I may require more insurance to protect my
90 interests. By executing this form, I acknowledge that I have
91 made inquiry regarding the competence of the licensed or
92 certified personnel and the level of their insurance and am
93 satisfied that my interests are adequately protected. I agree to
94 indemnify, defend, and hold harmless the local government, the
95 local building official, and their building code enforcement
96 personnel from any and all claims arising from my use of these
97 licensed or certified personnel to perform building code
98 inspection services with respect to the building that is the
99 subject of the enclosed permit application.

100
101 If the fee owner or the fee owner's contractor makes any changes
102 to the listed private providers or the services to be provided
103 by those private providers, the fee owner or the fee owner's
104 contractor shall, within 1 business day after any change, update
105 the notice to reflect such changes. In addition, the fee owner
106 or the fee owner's contractor shall post at the project site,
107 prior to the commencement of construction and updated within 1
108 business day after any change, on a form to be adopted by the
109 commission, the name, firm, address, telephone number, and
110 facsimile number of each private provider who is performing or
111 will perform building code inspection services, the type of

112 service being performed, and similar information for the primary
 113 contact of the private provider on the project.

114 (6)(a) No more than ~~Within~~ 30 business days after receipt
 115 of a permit application and the affidavit from the private
 116 provider required pursuant to subsection (5), the local building
 117 official shall issue the requested permit or provide a written
 118 notice to the permit applicant identifying the specific plan
 119 features that do not comply with the applicable codes, as well
 120 as the specific code chapters and sections. If the local
 121 building official does not provide a written notice of the plan
 122 deficiencies within the prescribed 30-day period, the permit
 123 application shall be deemed approved as a matter of law, and the
 124 permit shall be issued by the local building official on the
 125 next business day.

126 (7) A private provider performing required inspections
 127 under this section shall inspect each phase of construction as
 128 required by the applicable codes. The private provider shall be
 129 permitted to send a duly authorized representative to the
 130 building site to perform the required inspections, provided all
 131 required reports and certifications are prepared by and bear the
 132 signature of the private provider. The duly authorized
 133 representative must be an employee of the private provider
 134 entitled to receive unemployment compensation benefits under
 135 chapter 443. The contractor's contractual or legal obligations
 136 are not relieved by any action of the private provider.

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

140 building official. These inspection records shall reflect those
141 inspections required by the applicable codes of each phase of
142 construction for which permitting by a local enforcement agency
143 is required. The private provider, before leaving the project
144 site, shall post each completed inspection record, indicating
145 pass or fail, at the site and provide the record to the local
146 building official within 2 business days. The local building
147 official may waive the requirement to provide a record of each
148 inspection within 2 business days if the record is posted at the
149 project site and all such inspection records are submitted with
150 the certificate of compliance. Records of all required and
151 completed inspections shall be maintained at the building site
152 at all times and made available for review by the local building
153 official. The private provider shall report to the local
154 enforcement agency any condition that poses an immediate threat
155 to public safety and welfare.

156 (11) No more than ~~Within~~ 2 business days after receipt of
157 a request for a certificate of occupancy or certificate of
158 completion and the applicant's presentation of a certificate of
159 compliance and approval of all other government approvals
160 required by law, the local building official shall issue the
161 certificate of occupancy or certificate of completion or provide
162 a notice to the applicant identifying the specific deficiencies,
163 as well as the specific code chapters and sections. If the local
164 building official does not provide notice of the deficiencies
165 within the prescribed 2-day period, the request for a
166 certificate of occupancy or certificate of completion shall be
167 deemed granted and the certificate of occupancy or certificate

168 of completion shall be issued by the local building official on
 169 the next business day. To resolve any identified deficiencies,
 170 the applicant may elect to dispute the deficiencies pursuant to
 171 subsection (12) or to submit a corrected request for a
 172 certificate of occupancy or certificate of completion.

173 (12) If the local building official determines that the
 174 building construction or plans do not comply with the applicable
 175 codes, the official may deny the permit or request for a
 176 certificate of occupancy or certificate of completion, as
 177 appropriate, or may issue a stop-work order for the project or
 178 any portion thereof as provided by law, if the official
 179 determines that such noncompliance poses a threat to public
 180 safety and welfare, subject to the following:

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

186 (b) If the local building official and private provider
 187 are unable to resolve the dispute, the matter shall be referred
 188 to the local enforcement agency's board of appeals, if one
 189 exists, which shall consider the matter at its next scheduled
 190 meeting or sooner. Any decisions by the local enforcement
 191 agency's board of appeals, or local building official if there
 192 is no board of appeals, may be appealed to the commission as
 193 provided by this chapter ~~pursuant to s. 553.77(1)(h).~~

194 (c) Notwithstanding any provision of this section, any
 195 decisions regarding the issuance of a building permit,

196 certificate of occupancy, or certificate of completion may be
 197 reviewed by the local enforcement agency's board of appeals, if
 198 one exists. Any decision by the local enforcement agency's board
 199 of appeals, or local building official if there is no board of
 200 appeals, may be appealed to the commission as provided by this
 201 chapter pursuant to s. 553.77(1)(h), which shall consider the
 202 matter at the commission's next scheduled meeting.

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

207 (b) A local enforcement agency, local building official,
 208 or local government may establish, for private providers and
 209 duly authorized representatives working within that
 210 jurisdiction, a system of registration to verify compliance with
 211 the licensure requirements of paragraph (1)(g) and the insurance
 212 requirements of subsection (15).

213 (c) Nothing in this section limits the authority of the
 214 local building official to issue a stop-work order for a
 215 building project or any portion of such order, as provided by
 216 law, if the official determines that a condition on the building
 217 site constitutes an immediate threat to public safety and
 218 welfare.

219 (15) A private provider may perform building code
 220 inspection services under this section only if the private
 221 provider maintains insurance for professional ~~and comprehensive~~
 222 ~~general~~ liability with minimum policy limits of \$1 million per
 223 occurrence covering ~~relating to~~ all services performed as a

224 private provider. If the private provider chooses to secure
225 claims-made coverage to fulfill this requirement, the private
226 provider must also maintain, including tail coverage for a
227 minimum of 5 years subsequent to the performance of building
228 code inspection services. Occurrence-based coverage may not be
229 subject to any tail coverage requirement. Before providing
230 building code inspection services within a local building
231 official's jurisdiction, a private provider must provide to the
232 local building official a certificate of insurance evidencing
233 that the coverages required under this subsection are in force.

234 (17) Each local building code enforcement agency shall
235 develop and maintain a process to audit the performance of
236 building code inspection services by private providers operating
237 within the local jurisdiction. Work on a building may proceed
238 after inspection and approval by a private provider if the
239 provider has given notice of the inspection pursuant to
240 subsection (8) and, subsequent to such inspection and approval,
241 the work may not be delayed for completion of an inspection
242 audit by the local building code enforcement agency.

243 Section 2. This act shall take effect October 1, 2005.