PRIVATE PROVIDER RECOMMENDATIONMS
ADOPTED BY THE FLORIDA BUILDING COMMISSION

Direct versus Contract Labor (duly authorized representative)
Clarify in 553.791(7) that a duly authorized representative means an employee of the private provider as defined by the Fair Labor Standards Act and the Internal Revenue Service.

Job Site Notification
Amend 553.791 to require that a private provider must post contact information on the job site permit board. The permit holder shall be responsible to ensure the required information is posted. The information must be provided for plans review and/or inspection services.

30 Business Days versus 30 Calendar Days to start permit clock
Support legislative efforts to retain the 30 business day provision currently found in 553.791(6). The Work Group voted to recommend maintaining the existing provisions.

Valid Permit Application
Amend 553.791(1)(f) to read:
(f) “Permit Application,” means a properly completed and submitted application for the requested building or construction permit, and includes:
1. The plans reviewed by the private provider.
2. The affidavit from the private provider required pursuant to subsection (5).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

Insurance Tail Coverage
The Work Group discussed requiring 5 year tail coverage for claims made policies, and not requiring tail coverage for occurrence based policies but was unable to reach a 75% level of agreement.
At the recommendation of Jim Richmond, DCA attorney, the Commission discussed the issue and made a recommendation.

Insurance
Require private provider to submit to the local jurisdiction a certificate of their insurance coverage (certificate of insurance), pursuant to the requirements found in F.S. 553.791 (15) prior to providing services within the jurisdiction.

Appeal Rights Of Private Providers
Recommend adding a new section to 553.791 that clarifies the law does not limit the authority of the local jurisdiction to stop work as authorized by provisions of other law or local ordinance.

Audit Requirements
Revise. F.S. 553.791 (17) “Each local building code enforcement agency shall develop and maintain a process to audit the performance of building code inspection services by private providers operating within the local jurisdiction. Work may proceed after inspection and approval by the private provider provided that notice is given pursuant to 553.791(8).
Documentation Requirements
Revise F.S. §553.791(9) “Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and provide the record to the local building official within 2 business days. The Building Official may be authorized to waive the requirement for a written record of each inspection within the time frame indicated provided that a copy is posted at the building site and they are submitted with the Certificate of Compliance. Records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.”

Local Qualifications For The Private Provider
Revise 553.791 (14) “No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, qualifications, or standards more stringent than those prescribed by this section. Local enforcement agencies, local building officials, local governments, or other authorities having jurisdictions may establish a system of registration for the Private Providers and Duly Authorized Representatives working within their jurisdiction, whereby staff verifies statutory compliance with the insurance requirements of 553.791 (15) and the licensure requirements of 553.791 (1) (e) & (g).

Buyer’s Choice And Disclosure To Buyer
The Commission recommends to the Legislature a statutory change authorizing the Commission to adopt by rule a jobsite notice form. The Commission shall determine and adopt by rule who the viewer should be directed to regarding contacting a provider.

Time For Private Providers To Notify Their Intent To Conduct Inspections On A Project
Revise F.S. 553.791 (4) “A fee owner using a private provider to provide building code inspection services shall notify the local building official at the time of permit application on a form to be adopted by the commission. This notice shall include the following information:…” (4)(a) Exception: A fee owner using a private provider to provide only the inspection portion of the building code inspection services shall notify the local building official at the time of permit application or at least seven (7) business days prior to the first scheduled building department inspection.”

Job Size Restrictions For Chapter 468 Private Providers
Change definition of “Private provider” to allow any person licensed under Chapter 468 as a Building Code Administrator to perform services as a private provider subject to the limitations of the license/s they hold.
Uniform Interpretation And Enforcement By Licensing Boards
Recommend that the respective licensing boards shall adopt rules to facilitate better communication, uniform interpretation & enforcement of the laws regarding plan review and inspections, and training for both building officials and private providers. The Building Commission should further this effort by publishing applicable rules, interpretations & enforcement actions on its website. The Florida Building Commission believes this should be a coordination effort, and not a specific requirement.

Commission Rule Authority to Establish Format for Forms
553.791(5) third line
The private provider shall stamp each sheet of all plans reviewed and approved. The Commission should seek authority to establish the minimum information required on the stamp by rule.

Policy Statement
The Building Commission should implement an education program to inform consumers, local governments, contractors and industry of the purposes & limitations of plan review & inspections, the role of local building officials, private providers and their respective regulatory bodies, and the procedures.

This education program should include specific information informing consumers, local governments, contractors and industry as to the proper implementation of building code inspection services, what additional steps they may take to assure that construction meets building code requirements and what steps an owner may take to resolve a grievance or file a complaint.