June 28, 2004

Florida Building Commission  
Dept of Community Affairs  
Building Codes and Standards  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

RE: PUBLIC COMMENTS RELATIVE TO THE ALTERNATE PLANS REVIEW AND INSPECTIONS WORK GROUP’S PROPOSED RECOMMENDATIONS TO THE BOARD.

Dear Sirs:

We have had representation to each of three work group sessions. After attending the sessions, I would like to offer the following observations and concerns with the items as listed A through N on the facilitator’s agenda for the June 17, 2004, meeting in Ocala, as follows:

A) Insurance
   No concern

B) Appeal rights of Private Providers
   No concern

C) Audit Requirements
   Here there is great concern. FSS553.79(17) requires that the local jurisdiction develop and maintain a process to audit the performance of the private provider, without providing specific guidelines to follow. Some jurisdictions have developed processes to audit the performance of the private provider that are more detailed than others and some in the industry have objected to this.

   Here is the basis for the concern. When we hire a new inspector, whether they have a provisional or standard license, they must ride with one of our established inspectors a minimum of 6 weeks. This is done so we can evaluate their construction and Code knowledge and to insure that they enforce the Code and conduct any and all inspections in line with the jurisdiction’s policies and procedures.
The local Building Official is charged with Code interpretation at the local level. To allow someone to conduct inspections and plans reviews without insuring that they do so within the interpretative guise of the Building Official is not in the best interest of all who are involved. This is why the audit system is so important. It allows the local jurisdiction some level of assurance that the Code is being followed and applied correctly.

To paraphrase one of the work group members from the meeting held in Jacksonville, we audit our private providers 5% of the time and have found a lot of serious problems. This means that the other 95% that are not being audited probably have the same issues, but are proceeding unscathed. This immediately threw up a red flag. To allow construction work to continue whether or not the audit inspection has been conducted is cause for concern. If problems are present, why allow work to continue?

Comments were made at the Tampa meeting that Duvall County is the only jurisdiction experiencing problems with private providers. This is incorrect. We have spoken to Building Officials of other Central Florida jurisdictions who are experiencing problems as well.

One group member stated that the public is getting the impression that there is a distinct difference between the local government inspections of buildings as opposed to private provider inspections but, he said they should be viewed in the same light. To view both entities the same would include the ability of the local jurisdiction to audit the performance of private provider as often as they feel it necessary, as they do with their own staff.

D) **Documentation Requirements**
No concern.

E) **Building Officials Oversight Authority**
No concern.

F) **Private Providers’ Responsibility to Buyer**
No concern.

G) **Contractor Liability**
No concern.

H) **Conflicts of Interest**
No concern.

I) **Local Qualifications for the Private Provider**
No concern.

J) **Buyers Choice and Disclosure to Buyer**
The buyer should have the right to know that their property was inspected by a private provider in lieu of the local jurisdiction.
K) **Re-Inspections on the Same Day and Notification**
No concern.

L) **Time for Private Providers to Notify Their Intent to Conduct Inspections on a Project**
No concern.

M) **Job Size Restrictions for Chapter 468 Private Providers**
No concern.

N) **Local Fees and Refunds When a Private Provider is Used**
The Fees collected by the local jurisdiction for the sole purpose of enforcing the Code should be allocated at the direction of the Local Building Official and should not be mandated to be reduced and or redistributed to training and or audit purposes by statutes.