

## Table of Contents

<b>1</b>	Executive Summary	1
<b>2</b>	Introduction	7
<b>3</b>	Florida Building Code	9
<b>4</b>	Product Approval	11
<b>5</b>	Building Code Training Program	13
<b>6</b>	Alternative Plans Review and Inspections	15
<b>7</b>	Summary of Recommendations	17
<b>8</b>	Appendix	
<b>A</b>	Alternative Plans Review and Inspections Report	



## 1. Executive Summary

The primary focus of the Florida Building Commission during 2004 was the development of the second edition of the Florida Building Code (the Code), implementation and refinement of the product approval system, development of recommendations for refinement of the system for plans review and inspections by private providers and implementation and refinement of the Building Code Training Program.

The Florida Building Code system was developed after Hurricane Andrew to streamline statewide adoption and enforcement of improved hurricane protection standards. Hurricanes Charley, Frances, Ivan and Jeanne demonstrated the effectiveness of the Code. Though analyses of these storms will continue throughout the coming year, preliminary assessments indicate the design wind speeds required by the Code were adequate and buildings built to the new code did not experience nearly as severe damage as older buildings. While some new building technologies did have weaknesses, the major structural systems failures seen in older buildings were avoided in buildings complying with the Florida Building Code.

The Code establishes minimum requirements to protect buildings and their occupants from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for buildings and products that go into their construction. The Commission must be able to quickly integrate these standards into the Code to keep pace with changes in building technology and advances in the sciences of storm dynamics and building performance. To do this, current law needs to be changed. The edition of the primary wind resistance design standard used in the Code, (the American Society of Civil Engineers Standard 7), is established by law, so the law must be amended to adopt new editions. The Commission recommends this be changed to allow updated editions to be adopted by administrative rule.

Florida law requires that the Code be updated every three years consistent with the development cycle for new editions of the national model building codes on which it is based. The first update of the Code is the 2004 Florida Building Code, and is based on the 2003 edition of the national model codes. The most significant differences between the 2001 Code and 2004 Code are the addition of a new code specific to existing buildings based on the International Existing Buildings Code, the addition of a new code specific to one and two family homes and townhouses based on the International Residential Code and the transition from the Standard Building Code to the International Building for commercial buildings requirements. The 2004 Code maintains the 2001 Code standards for fire safety and hurricane protection. It is scheduled to take effect July 1, 2005, after a six-month period for training and industry adjustment.

The product approval system went into effect October of 2003 and the workload of the Commission increased immediately. Since inception 3648 applications were processed and 11,433 products were approved for statewide use within limitations established by the approvals. The Commission also conducted public workshops and initiated processes to refine the administrative rules implementing section 553.842, Florida Statutes, which created the system. The process to establish consensus refinements to the system is scheduled for completion by February 2005 and rule amendment completed by July 1, 2005, concurrent with implementation of the 2004 Code.

The effectiveness of the building code depends on the knowledge of professionals who design and construct buildings. The Commission continued to work with the Department of Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and to integrate building code continuing education into licensing requirements. The Commission developed rules and an online application process for a course accreditation the licensing boards had completed or were in the process of adopting rules requiring continuing education.

The Legislature created a system for fee owners of buildings to utilize private providers to conduct plan reviews and inspections to determine building code compliance. In this system local governments still issue the permits for construction and final certificates of occupancy and audit the private providers work. As with any new system, refinements were necessary and the Commission conducted a consensus development exercise with representative stakeholders to form recommendations for amending the system which is embodied totally in law. The intent of the proposed modifications is to clarify the authorities of the local governments building official and to facilitate the building owners use of private providers.

Monitoring the building code system and determining refinements that will make it more effective is a primary responsibility of the Commission and it continually makes refinements by administrative rule amendment where statute delegates authority. However, the system is established in law so some refinements require amendment of statute. The Commission's recommendations for amendments to law that will improve the system's effectiveness are summarized as follows:

- Eliminate the edition designation and referenced amendments of the American Society of Civil Engineers, Standard 7 (ASCE 7) currently in Section 109, 2000-141, Laws of Florida, and allow updated editions of the standard to be adopted through updates to the Florida Building Code.
- Eliminate the designation of the wind borne debris region for the panhandle of Florida from Chapter 200-141, Laws of Florida, and allow the wind borne debris region for that area of the state to be determined by the Florida Building Code.

- Eliminate the definition of wind exposure class C from Section 553.73, Florida Statutes, and allow the definition of ASCE 7 as adopted by the Florida Building Code to be used.
- Authorize the Commission to make determinations related to designing for internal pressures.
- Amend Section 553.73, Florida Statutes, to add “hospice” facilities to the list of state regulated facilities whose licensing standards are included in the Florida Building Code.
- Amend Section 553.842, Florida Statutes, to recognize the International Code Council Evaluation Services as a designated product evaluation entity.
- Amend Section 553.79, Florida Statutes, to authorize the Commission to determine facility types and criteria for the types of work that would qualify for facility maintenance permits.
- Amend respective sections of Chapter 553, Florida Statutes, to authorize the Commission to establish disciplinary rules for entities that conduct plans review and production inspections of manufactured buildings and for entities that conduct product evaluations, quality assurance inspections and validation of Code compliance.
- Amend Section 553.841, Florida Statutes, to clarify responsibilities for building code continuing education under the Building Code Training Program consistent with requirements currently in Chapters 468 Part B, 471, 481 and 489, Florida Statutes.
- Recommendations for the Alternative Plans Review and Inspections System
  - Clarify 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.
  - Require that: the 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; and, the information must be provided for plans review and/or inspection services.
  - Retain the 30 “business day” provision currently found in 553.791(6).
  - 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.
  - Require the private provider to submit to the local jurisdiction a certificate of insurance coverage (certificate of insurance), pursuant to the requirements found in Section 553.791(15), Florida Statutes, prior to providing services within the jurisdiction.

- Add a new subsection to Section 553.791, Florida Statutes, 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.
- Revise Section 553.791(17), Florida Statutes, to read “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).”
- Revise Section 553.791(9), Florida Statutes, to read “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 is 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.”
- Revise Section, 553.791(14), Florida Statutes, to read “ 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).”
- Amend Section 553.791, Florida Statutes, to authorize the Commission to develop a jobsite notification form and adopt it by administrative rule. Direct the Commission to delineate on the form that a viewer should contact regarding the private provider on the job.
- Revise Section 553.791(4), Florida Statutes, to read “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.”

- Amend the 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.
- 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.
- Amend Section 553.791(5), Florida Statutes, to clarify the private provider of building plans reviews must stamp each sheet of all plans reviewed and approved and authorize the Commission to establish the minimum information required on the stamp by administrative rule.





## 2. Introduction

Florida adopted a state minimum building code law in 1974 that required all local governments to adopt and enforce a building code. The system provided four separate model codes which local governments could adopt that were considered to establish minimum standards of health and life safety for the public. In that system the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.

Hurricane Andrew demonstrated in 1992 this system of local codes did not provide the level of public protection that was necessary when the local code that was universally acknowledged to set the strongest standard for hurricane protection essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies and the federal government poured billions of dollars of aid into the disaster area. It became starkly apparent the state had a significant interest in the effectiveness of building codes.

After Andrew, Miami-Dade County conducted an exhaustive review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Board of Building Codes and Standards (predecessor to the Commission) adopted significant upgrades to wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also instituted licensing of local governments' building code enforcement personnel. These steps proved critical to the contributions of building codes to improved building performance in the 2004 hurricane season.

The state, like Miami-Dade County, went beyond just modernizing the state minimum building codes. In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code and the first edition replaced all local codes March 1, 2002.

The first major tests of the building code enhancements implemented since Hurricane Andrew came with 2004's Hurricanes Charley, Frances, Ivan and Jeanne. Hurricanes Frances and Jeanne produced winds below the design speeds required by the Code but they were long in duration and produced significant rainfall. Hurricane Charley was a design wind speed storm that moved quickly across the state and produced less rainfall. Hurricane Ivan, like Hurricane

Opal in 1995, was a category 4-5 storm approaching land whose winds diminished dramatically when approaching land but whose storm surge wreaked havoc along barrier islands and mainland waterways. Each storm provided different kinds of tests and exposed different types of building failures. The difference in the building failures experienced by buildings built to older codes and those built to the new Florida Building Code was older buildings had major damage to property and were unsafe shelters where buildings built to the Code had minor property damage and provided safe shelter. The testimony of homeowners who in 2002 were skeptical of the new code requirements and its added costs was they felt safe in their homes and found value in the additional costs.

Engineering standards progress as new tests like hurricanes provide the laboratory for expanding knowledge. It is essential that Florida maintain pace with the evolving standards because its coastal exposure and rapidly expanding population create a major risk and limits options for ensuring the safety of its citizens. The Commission keeps pace by amending the Code annually to adopt updated reference standards and by major updates every three years to incorporate new editions of the national model codes. A major focus of its efforts in 2004 was developing the first update to the Code.

### **3. The Florida Building Code**

The law establishing the Florida Building Code requires the Commission to update the Code every three years. National model building codes and most engineering standards are updated every three years and the intent is to keep the Code up-to-date with evolving national standards of health, safety and welfare of the public. The Commission applied much of its attention to completion of the first update to the Code during 2004.

The model building codes on which the Florida Building Code is based have undergone a major transformation since work began on the Florida Building Code in 1998. In 1998 there were three model code organizations, each with a separate model code that included a "building" code for structural, fire safety and general building design requirements and separate plumbing, mechanical (heating, cooling and ventilation) and fuel gas sub-codes. The code for electrical systems is a reference standard and is developed by a separate organization. During the late 1990's the three regional model code organizations were transitioning into a single organization, the International Code Council, which was to develop a single national model code. When that code was completed and the organizations merged, the three prior model codes were abandoned. In late 1998 when the Commission selected a model code to provide the base requirements for the Florida Building Code, the International Plumbing, Mechanical and Fuel Gas sub-codes were in place but the "Building" code was still under development. The first edition of the Florida Building Code is based on the International sub-codes and the Standard Building Code, which had been used by Florida counties, municipalities and state agencies since the mid-1970's, for the "building" volume. The last edition of the Standard code was published in 1999. The first edition of the new International Building Code was in place by 2000 and has since been updated with a second edition, the 2003 International Building Code.

The consideration of many in building related industries and code enforcement officials was that though it is a primary goal of the law to maintain the Florida Building Code up-to-date with national model codes and standards, it would be best to allow the new International Building Code to go through one major update cycle then consider the second edition for adoption. The timing of the completion of the 2001 Florida Building Code and its first three year update fit with the development cycle of the 2003 International Building Code. In the interim the Commission conducted aggressive annual amendments to the Code to ensure evolving standards were integrated into the Code.

The Commission conducted a review and consensus development process to determine whether to transition to the 2003 International Building Code as the base for the 2004 Code. Once decided, work began during the second half of

2003 and was completed this year. While structural requirements and reference standards remain essentially unchanged, the changes to fire safety and general design requirements and the separation of requirements for building types previously all covered by the Standard Building Code into three separate International codes was complex and required considerable effort. The 2004 Florida Building Code will mirror the International codes with a volume for commercial buildings only, the Building Volume, a new volume for residential buildings only, the Residential Volume, and a new volume for existing buildings of all types, the Existing Buildings Volume. Extensive consideration was given to all concerns expressed regarding provisions of the new base model codes that could have potentially reduced the standards of health and safety established by the 2001 Code. The major Florida specific amendments to the new International Building and Residential Codes adopted by the Commission were made to maintain fire safety provisions of the 2001 Code for commercial buildings and to maintain the standards for hurricane protection established by the 2001 Code for both commercial and residential buildings. Other Florida specific amendments, including enhanced termite protection requirements and elimination of seismic requirements, incorporated in the 2001 Code were also carried forward into the new Commercial, Residential and Existing Buildings volumes for the 2004 Code.

The 2004 Florida Building Code is in many respects a simple update to the 2001 Code but in some respects it is a redevelopment of the Code. The changes to code enforcement practices and design practices are in some instances as or even more important than the changes in requirements. Consequently, implementation of this second edition may have similar transition difficulties as the transition from local codes to the first Florida Building Code. A successful transition to the 2004 Code has been a fundamental consideration in all the Commission's actions and policies over the past two years. Commission staff began training building department personnel at the Florida Building Officials Association's 2003 Education Conference and has provided training at numerous other trade and professional association meetings. Also, the Commission had several courses developed and made available to private trainers and industry associations in order to expand training opportunities while maintaining consistency. Above all, the Commission has maintained a consistent policy of providing six months from completion of the 2004 Code before enforcement will begin. The repeated extension of opportunities for stakeholder scrutiny of the draft code and retracing of steps to consider all parties concerns, regardless their timeliness, have resulted in several delays in finalizing the Code. Each time, the Commission reset the implementation date to maintain six months before implementation. Every reasonable effort has been made to make this transition easy on industry and local government. The response and transition is now in their hands.

## 4. Product Approval

The building code establishes standards for products integrated into buildings in addition to standards for the design of buildings themselves. Where compliance with prescriptive standards such as location of fire exists can be determined by review of building plans and onsite inspections during construction, the performance of products such as windows cannot be determined by review of drawings or inspection of the product alone. Yet compliance of the individual products is fundamental to compliance of the overall building. To determine compliance of products and building systems the building official must rely on engineers and testing laboratories to evaluate performance then rely on the manufacturers to maintain quality control of production to ensure production products perform like the ones tested. The product approval system framed in law and implemented through rule requires accreditation of the product evaluators and quality assurance monitors and standardizes the information that must be provided to demonstrate code compliance.

The Commission directed a major part of its efforts since its inception in 1998 to standardizing the many combinations of product evaluation and quality control monitoring services provided by private companies into a system for public regulation. The diversity of approaches used in different industries for product evaluation and quality control monitoring make standardization particularly difficult and a considerable amount of time and effort have been dedicated to this task. Patience and hard work characterize the contributions of all parties.

The administrative rule implementing Section 553.842, Florida Statutes, establishes uniform procedures for both local and optional state approval of products. While implementation of the system has progressed relatively smoothly for state approvals and most local governments have integrated approval procedures efficiently into their business processes, other building departments report difficulties. In response the Commission appointed a Local Product Approval work group to review the procedures in the rule and develop consensus recommendations for refinements. This work group was then expanded to address procedures for state approval also and will continue its work through February. The Commission will then work through the rule amendment processes to implement the recommendations by July 1, 2005, concurrent with the implementation of the 2004 Florida Building Code.

The current rules implementing the product approval system were finalized in 2003 and the system went into effect October 1, 2003. Since that time the Commission has processed 3648 applications and approved 11,433 products and 113 private entities that evaluate products performance and manufacture. While the system relies on nationally or internationally accredited entities and state licensed engineers and architects to evaluate the performance of products

and to monitor their production, the Commission was not staffed to review applications for completeness and verifiability. The initial approach of relying on parties who were contracted by manufacturers to validate applications proved unreliable and staff had to be borrowed from other programs to conduct the minimum application sufficiency reviews. A contractor was hired November 2004 to take over review of the applications for approval of products. When the transition to contractor reviews is complete, program staff will be available to conduct the training for manufacturers as originally planned. It is expected that program efficiency will improve, understanding of the system will be broadened through industry and dissatisfaction levels will diminish.

## 5. Building Code Training Program

The state building code system, first established in 1974, was overhauled in 1998 to improve its effectiveness. The Florida Building Code is the centerpiece of the overhaul and the Building Code Training Program is a primary element of the plan to improve compliance and enforcement. It provides incentives and resources to support this objective by providing a focus for code-related education and by coordinating existing training resources, including those of universities, community colleges, vocational technical schools, private construction schools and industry and professional associations.

All state licensed construction industry professionals are required to take a Florida Building Code core curricula course and additional continuing education courses on the Code to maintain licensure. The licensing boards determine how many Code course hours will be required for each license period and the boards together with the Commission establish how the courses will be approved and quality maintained. Following is the number of required advanced course hours established by each licensing board to date:

Architect – Section 481.215(6), F.S.:	2 hours
Landscape Architect – Section 481.313(6), F.S.:	2 hours
Construction – Section 489.115(4)(b)4, F.S.:	1 hour
Electrical Contractors – Section 489.517(6), F.S.:	1 hour
Building Code Administrators and Inspectors Board:	NA
Board of Professional Engineers	NA

The Commission developed the Code “core curricula” courses, which all licensees must take once, but additional courses will be developed by educational institutions and private sector training providers. The licensing boards approve these “advanced” topics courses through their general continuing education approval programs but most boards do not have building code experts to review course curricula for accuracy and relevance. During 2004 the Commission developed a program to assist the boards with ensuring these courses are accurate and of high quality.

The Commission’s voluntary Course Accreditation Program provides a means for building code experts to review advanced module courses developed by private providers for compliance with the Florida Building Code and its processes. Individuals with demonstrated expertise in the Florida Building Code are approved by the Florida Building Commission to review the courses and ensure 100% compliance with the current edition of the Florida Building Code. After the course has been reviewed and deemed to comply with the Florida Building Code, the accreditor shall issue a Certificate of Accreditation, including course

certification number, course title, approved number of course hours, targeted profession(s), and date of certification. The course provider will include the Certificate as part of the Department of Business and Professional Regulation continuing education course application.

The Florida Building Code Information System (BCIS) supports the accreditation process in a paperless fashion, using electronic “in-boxes” tailored for each group involved in the process. An “in-box” basically provides screens customized for each individual user, directing them to the tasks they need to perform, such as,

- **Licensees/Public**
  - Search Courses – Search for courses that have been approved by a Commission-endorsed accreditor.
  - Search Approved Accreditors – Search for accreditors that have been approved by the Commission.
  
- **Accreditors**
  - Application Approval – Submit an application (and \$100 application fee) to the Florida Building Commission to become an approved course accreditor.
  - Course Review – During the course review process, electronically request additional information from the provider.
  - Course Approval/Denial – Submit the final disposition of the accreditor’s course review process (approval or denial).
  
- **Providers**
  - Register – Submit an application (and \$25 application fee) to the Florida Building Commission to provide training programs.
  - Course Submission – Submit information to an accreditor for a proposed course. Provide any additional information requested by the accreditor.
  
- **DBPR**
  - Course Notification – Provides notifications when courses have been submitted to an accreditor and when a course has been approved or denied by the accreditor.
  
- **DCA**
  - Application Approval – Enter the Commission’s final disposition for an accreditor’s application.



## 6. Alternative Plans Review and Inspections

In 2002 the Florida Legislature passed legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections services. The Legislation also directed the Florida Building Commission to submit a report to the Legislature on the implementation of this section of law on or before January 1, 2004.

In response to this reporting mandate, the Department of Community Affairs contracted with the Shimberg Center for Affordable Housing at the University of Florida, (the Center), directing an efficacy assessment of the implementation of Section 553.791.

In order to solicit additional feedback, The Commission held a public workshop at the October 13, 2003 Commission meeting. During the workshop the Center reported to the Commission that the results of their survey and interviews indicated there was no strong consensus between local jurisdictions and industry on the benefits of the private provider option. In addition, there were public comments ranging from total support to total rejection of the private provider option.

As a result of the assessment report and public comments, on January 13, 2004, the Commission voted to recommend to the 2004 Florida Legislature that the Florida Building Commission work with stakeholders to clarify the intent and requirements of Section 553.791. In order to begin this process, the Florida Building Commission also voted to convene a workgroup tasked with reviewing issues related to the implementation of the legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections, and to develop consensus recommendations to enhance the system's efficacy.

Florida Building Commission Chair, Raul Rodriguez, selected a 13 member workgroup representing the following stakeholder groups: the Florida Building Commission, building officials, local government, general contractors, home builders, insurance industry, private providers, Florida engineers, Florida architects, and public consumer interests.

The Workgroup was charged by the Chair to work within a facilitated consensus building process where members were asked to propose and evaluate options for refining the existing system, and to present a final package of recommendations to the Commission after having vigorously explored ways to achieve 100% acceptance. In instances where 100% support was not possible, the workgroup's procedures required a 75% favorable vote in order to submit a consensus recommendation to the Commission. Proposals not achieving the

75% threshold, but enjoying at least a simple majority, were submitted as a minority report.

The Workgroup developed the final package of consensus recommendations during the course of four meetings conducted in various locations around the state. The major issues evaluated and recommendations developed include: clarification of insurance requirements for private providers; clarification of requirements for building departments' audit of private provider inspections; flexibility for owners to select private provider inspections after permits are issued; preemption of local requirements for private providers, and; authorization of licensed building code administrators to be private providers.

After receiving the Workgroup's consensus recommendations and minority report, the Commission accepted public comment at their August and October 2004 meetings and unanimously adopted a package of recommendations for submittal to the 2005 Legislature. The Commission's recommendations are included in the Summary of Recommendations section of this report.

## 7. Summary of Recommendations

Monitoring the building code system and determining refinements that will make it more effective is a primary responsibility of the Commission and it continually makes refinements by administrative rule amendment where statute delegates authority. However, the system is established in law so some refinements require amendment of statute and chapter law. The Commission's recommendations to the Governor and 2005 Legislature for amendments that will improve the system's effectiveness are summarized as follows:

- Eliminate the edition designation and referenced amendments of the American Society of Civil Engineers, Standard 7 (ASCE 7) currently in Section 109, 2000-141, Laws of Florida, and allow updated editions of the standard to be adopted through updates to the Florida Building Code.

The American Society of Civil Engineers, Standard 7, is the national standard of engineering practice for designing buildings for all types of structural loads. It is updated and maintained by the engineering society based on advances in the understanding of wind characteristics within hurricanes and advancements in building science with new editions published every three years. The 2000 Legislature designated this standard's wind load design requirements as the basis for the Code by referencing a specific edition of the standard in law. This designation of the edition in law requires the Legislature to adopt new editions instead of the Commission amending the Code. With the rate of new construction in Florida the Code needs to stay up-to-date with the best standards for hurricane protection. This could best be done through the administrative rules amendment and code amendment processes used by the Commission.

- Eliminate the designation of the wind-borne debris region for the panhandle of Florida from Chapter 200-141, Laws of Florida, and allow the wind borne debris region for that area of the state to be determined by the Florida Building Code.

The 2000 Legislature modified the ASCE 7 designation of the "wind-borne debris region" for the Florida panhandle from Apalachee Bay to the Alabama border when it adopted the standard. ASCE 7 designates all areas where the required design wind speed is 120 mph or greater as this region where special window and door protection or building strengthening is required. This designation would include areas reaching roughly half way between the coast and the borders with Georgia and Alabama within the panhandle area of the state. The modification in

law designates only that area within one mile of the coast in the panhandle as wind-borne debris region. The Commission considers that hurricanes which approach shore as strong tight storms like Hurricanes Charley and Andrew maintain their strength and speeds much further inland than one mile and recommend the Legislature defer to the scientists to determine the appropriate boundary for the wind-borne debris region in the panhandle.

- Eliminate the definition of wind exposure class C from Section 553.73, Florida Statutes, and allow the definition of ASCE 7 as adopted by the Florida Building Code to be used.

The ASCE 7 standard considers both wind speeds that can be developed by hurricanes and factors such as terrain and shielding by other buildings which effect the strength of those winds when they impact buildings. Exposure A is characteristic of large cities with large expanses of tall buildings. Exposure B is characteristic of suburban areas with large expanses of short and medium height buildings and wooded areas. Exposure C is characteristic of areas exposed to expanses of open terrain or open water. Florida with its long coastline and many lakes, bays, and other water bodies has a great deal of area exposed to wind that is not disrupted by features such as other structures, trees or terrain impact buildings. The force of such winds will be twenty to thirty percent greater than the force of similar hurricane winds in areas where there are disrupting features. The law defines exposure C as the area extending 1500 feet landward of the coast. This definition omits consideration of the many other open areas of Florida where wind forces will be considerably higher than required by the Code and places citizens at risk. The Commission recommends elimination of the definition of exposure C from law thereby allowing the ASCE 7 standard's definition to be used by the Code.

- Authorize the Commission to make determinations related to designing for internal pressures.

When the Florida Building Code was approved by the 2000 Legislature ASCE 7 allowed buildings in "wind-borne debris regions" either to be constructed with window and glass door protection or to be constructed to withstand additional interior pressurization should a window or door be blown out. The Legislature repeated this requirement in law thereby guaranteeing the options for all but Miami-Dade and Broward Counties. Since that time national model codes have taken steps to require window and door protection for all residential buildings and there is serious discussion regarding a similar requirement for critical facilities. The Commission recommends elimination of the option for interior pressure design versus window and door protection from Florida law to allow

determination of which structures would be required to protect windows and doors to be determined by amendment of the Code.

- Amend Section 553.73, Florida Statutes, to add “hospice” facilities to the list of state regulated facilities whose licensing standards are included in the Florida Building Code.

The Florida Building Code was created as a document that would incorporate all building design requirements of state and local regulations. The primary content is the traditional building code requirements but the Code also incorporates design standards required for facility licensing. The incorporation of these standards is authorized by designation of the facility types in Section 553.73, Florida Statutes, and reference to that section from the sections of law specific to the given facility license requirement. Most health care facilities are included in the list of covered facilities and the Commission recommends addition of hospice facilities to this list.

- Amend Section 553.842, Florida Statutes, to recognize the International Code Council Evaluation Services as a designated product evaluation entity.

Section 553.842, Florida Statutes, creates the system for product evaluation and approval. The section identifies different types of product evaluation organizations and authorizes the Commission to establish criteria for their approval. The exception is the category of “evaluation entity”. The section identifies five specific entities recognized by the state for this category. At the time this law was developed, four of the five organizations were separate entities. Since that time those four entities have organized themselves into a single organization. This organization performs product evaluations for manufacturers and also maintains product evaluation reports developed by its predecessors in their names. The Commission recommends adding this organization, the International Code Council Evaluation Services, to the list of those currently in law.

- Amend Section 553.79, Florida Statutes, to authorize the Commission to determine facility types and criteria for the types of work that would qualify for facility maintenance permits.

Section 553.79, Florida Statutes, currently authorizes annual facility maintenance permits for public school facilities. This permit allows repair and replacement

construction to be conducted without the issuance of permits for each separate job. All work is reported and inspected but the redundancy of permit application and issuance is avoided for these small scale projects. The Commission recommends it be given authority to identify and establish the scope of projects to be covered by this type permit for other facilities where this approach would provide efficiencies without diminishing effective code enforcement.

- Amend respective sections of Chapter 553, Florida Statutes, to authorize the Commission to establish disciplinary rules for entities that conduct plans review and production inspections of manufactured buildings and for entities that conduct product evaluations, quality assurance inspections and validation of Code compliance.

Section 553.39, Florida Statutes, delegates enforcement of the Code for manufactured modular buildings to the Department of Community Affairs and development of the rules for administration to the Commission. This law requires that private sector third party agencies contracted to the manufacturers conduct plans review and inspections. While the agency has authority to establish non-financial contracts with these third party agencies it does not have clear authority to discipline those agencies who perform poorly. The Commission recommends this authority be delegated clearly in law to provide a legitimate tool for encouraging good performance and effective building code enforcement.

- Amend Section 553.841, Florida Statutes, to clarify responsibilities for building code continuing education under the Building Code Training Program consistent with requirements currently in Chapters 468 Part B, 471, 481 and 489, Florida Statutes.

Current law is structured to create the Building Code Training Program in Section 553.841, Florida Statutes, and to require all licensed construction industry professionals to take a core course on the Code. Requirements for continuing education to maintain a license are located in the respective professional license statutes. The separation of responsibilities between licensing statutes and the Training Program statute has created confusion and disagreement. The Commission has a technical advisory committee that includes representatives of the licensing boards to advise it and concludes that repeating related responsibilities and program components in a single statute will provide a clear and comprehensive statement of program requirements and facilitate the timely completion of the professional training essential to effective Code implementation.

- Recommendations for the Alternative Plans Review and Inspections System
  - **Direct versus Contract Labor (duly authorized representative)** Amend Section 553.791(7), Florida Statutes, to clarify 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 Section 553.791, Florida Statutes, 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 Section 553.791(6), Florida Statutes. The Work Group voted to recommend maintaining the existing provisions.
  - **Valid Permit Application** Amend Section 553.791(1)(f), Florida Statutes, 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 insurance 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 Section 553.791(15), Florida Statutes, 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 Section 553.79(17), Florida Statutes, to read: “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 Section 553.791(9), Florida Statutes, to read: “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 is 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 Section 553.791(14), Florida Statutes, to read: “ 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 Section 553.791(15), Florida Statutes, and the licensure requirements of Section 553.791(1)(e) & (g), Florida Statutes.”



- **Buyer's Choice And Disclosure To Buyer** Amend Section 553.791, Florida Statute, to authorize the Commission to develop a jobsite notification form and adopt it by administrative rule. Direct the Commission to delineate on the form who a viewer should contact regarding the private provider on the job.
  
- **Time For Private Providers To Notify Their Intent To Conduct Inspections On A Project** Revise Section 553.791(4), Florida Statutes, to read: "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 Part B, Florida Statutes, 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 Plan Stamps** Amend Section 553.791(5), Florida Statutes, to clarify the private provider of building plans reviews must stamp each sheet of all plans reviewed and approved and authorize the Commission to establish the minimum information required on the stamp by administrative rule.



## Appendix A

### Alternative Plans Review and Inspections Report

# ALTERNATIVE PLANS REVIEW AND INSPECTIONS WORK GROUP

## PHASE II RECOMMENDATIONS TO THE FLORIDA BUILDING COMMISSION

PROPOSED REVISIONS TO SECTION 553.791, F.S.

Process Design & Facilitation By



Report By Jeff A. Blair



[jblair@fsu.edu](mailto:jblair@fsu.edu)  
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.

# **FINAL REPORT OF THE ALTERNATIVE PLANS REVIEW AND INSPECTIONS WORK GROUP**

## **OVERVIEW**

In 2002 the Florida Legislature passed legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections services. The Legislation also directed the Florida Building Commission to submit a report to the Legislature on the implementation of this section of law on or before January 1, 2004.

In response to this reporting mandate, the Department of Community Affairs issued a purchase order, to the Shimberg Center for Affordable Housing at the University of Florida (The Center), directing an efficacy assessment of the implementation of Section 553.791.

In order to solicit additional feedback, The Commission held a public workshop at the October 13, 2003 Commission meeting. During the workshop the Center reported to the Commission that the results of their survey and interviews indicated there was no strong consensus between local jurisdictions and industry on the benefits of the private provider option. In addition, there were public comments ranging from total support to total rejection of the private provider option.

As a result of the assessment report and public comment, on November 18, 2003 the Commission voted to recommend to the 2004 Florida Legislature that the Florida Building Commission work with stakeholders to clarify the intent and requirements of Section 553.791 and develop consensus recommendations for revisions to the law governing the alternative plans review and inspections system.

As a first step in developing recommendations to the Legislature, on January 13, 2004, The Florida Building Commission voted to convene a work group tasked with reviewing issues related to the implementation of legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections. The Commission adopted a plan that will address the issue in phases, with Phase I focusing on identifying and agreeing on consensus recommendations to enhance the system's efficacy in the short-term. Phase I recommendations were presented and approved by the Commission at the March 2, 2004 meeting and submitted to the 2004 Legislature.

Phase II recommendations were developed by the Work Group during the course of three meetings in various locations around the state and are presented in this report. The Commission will review the Work Group's recommendations at their August 2004 meeting and solicit additional public comment. In addition, the Commission will be asked to provide their preliminary feedback at the August meeting, and finalize their recommendations at the October 2004 Commission meeting, for submittal to the 2005 Legislature.

Commission Chair, Raul Rodriguez, appointed 13 members to the Work Group and assigned Rick Dixon (FBC executive director) and Jim Richmond (FBC legal council) to serve as DCA staff. In addition, Jeff Blair (FBC facilitator) was assigned to serve as process designer and meeting facilitator. Following are the Work Group members and their respective stakeholder groups:

**Florida Building Commission's Interests**

James Schock, P.E., CBO  
Doug Murdock, CBO

**League of Cities Interests**

George Wiggins

**General Contractors' Interests**

Allen Douglas

**Florida Engineers' Interests**

Gary H. Elzweig, P.E.

**Private Provider Interests**

George W. Dixon, MPA, CBO

**Building Officials' Interests**

Ronnie L. Spooner  
Bill Dumbaugh, CBO  
Robert Nagin

**Insurance Interests**

Do Y. Kim, P.E.

**Home Builders' Interests**

Jack Glenn, CBO

**Florida Architects' Interests**

Mike Rodriguez, AIA

**Public Consumer Interests**

Barry Ansbacher

**PROCESS OVERVIEW**

The Work Group's Consensus building and decision making process was a participatory one whereby on matters of substance, the members jointly strove for agreements which all of the members can accept, support or at least agree not to oppose.

In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of recommendations, and where 100% acceptance or support is not achievable, final recommendations of the Work Group required at least a 75% favorable vote of all members present and voting. This super majority decision rule underscored the Work Group's view of the importance of seeking and developing agreements with the participation of all members and with which all can live with and support. Where the Work Group did not reach consensus (75% in favor) on a decision, a minority report was issued on proposals achieving a 50% or greater level of support, articulating the rationales and preferences of those dissenting, and is included in this submittal of the package of recommendations.

In order to enhance final consensus recommendations, an amendatory text process was used at the final meeting.

## PROCESS SCHEDULE

### Phase I

Work Group Meeting I	February 18, 2004	Orlando
----------------------	-------------------	---------

### Phase II

Work Group Meeting II	April 2, 2004	Jacksonville
-----------------------	---------------	--------------

Work Group Meeting III	June 3, 2004	Tampa
------------------------	--------------	-------

Work Group Meeting IV	June 17, 2004	Ocala
-----------------------	---------------	-------

### Phase III

Public comment and recommendations delivered to the Florida Building Commission	August 31, 2004	Miami
---	-----------------	-------

Public comment and Commission's decision and submittal to 2005 Legislature	October 19, 2004	Orlando
--	------------------	---------

## WORK GROUP RECOMMENDATIONS

### PHASE I—APPROVED UNANIMOUSLY BY THE FLORIDA BUILDING COMMISSION ON MARCH 2, 2004

#### **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.

## **WORK GROUP’S PHASE II RECOMMENDATIONS**

***NOTE: Exact language and citations within the statute (§553.791) will be prepared by DCA legal staff.***

### **INSURANCE**

#### **Work Group Consensus Recommendation**

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**

#### **Work Group Consensus Recommendation**

The Work Group unanimously agreed to 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**

### **Work Group Consensus Recommendation**

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**

### **Work Group Consensus Recommendation**

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 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**

### **Work Group Consensus Recommendation**

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**

### **Work Group Consensus Recommendation**

The Commission recommend to the Legislature a statutory change authorizing the Commission to adopt by rule a jobsite notice form. In addition, the Work Group recommends the Commission 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**

### **Work Group Consensus Recommendation**

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 seven (7) business days prior to the first scheduled building department inspection.”

(See Minority Report)

## **JOB SIZE RESTRICTIONS FOR CHAPTER 468 PRIVATE PROVIDERS**

### **Work Group Consensus Recommendation**

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.

(See Minority Report)

## **ADDITIONAL WORK GROUP CONSENSUS RECOMMENDATIONS**

### **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.

### **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 RECOMMENDED BY WORK GROUP**

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.

## **MINORITY REPORT**

**(Proposals achieving at least a 50% favorable vote)**

### **BUILDING OFFICIALS' OVERSIGHT AUTHORITY**

Revise F.S. §553.791 (2) Notwithstanding any other provision of law, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner. The fee owner may elect to use a private provider to provide either plans review or required building inspections. ~~The local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner who desires to use a private provider to use the private provider to provide both plans review and required building inspection services.~~

### **PRIVATE PROVIDERS' RESPONSIBILITY TO BUYER I**

Add explicit liability provision similar to §553.84  
Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of the private provider's negligence in accordance with applicable law and the applicable codes shall have a cause of action.

### **PRIVATE PROVIDERS' RESPONSIBILITY TO BUYER II**

Add explicit liability provision similar to §553.84  
Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of the private provider's failure to perform building code inspection services in accordance with applicable law and the applicable codes. The insurance required to be maintained by the private provider shall be for the benefit of such persons or parties. The prevailing party in any such action will be entitled to recover their reasonable attorney's fees and costs.

## **TIME FOR PRIVATE PROVIDERS TO NOTIFY THEIR INTENT TO CONDUCT INSPECTIONS ON A PROJECT**

(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 five (5) 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.

## **LOCAL FEES/REFUNDS WHEN A PRIVATE PROVIDER IS USED I**

(2) Notwithstanding any other provision of law, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building and may make payment directly to the private provider for the provision of such services. The fees normally being paid to the local building department shall not be reduced below that necessary to support the required audit program. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner. The fee owner may elect to use a private provider to provide either plans review or required building inspections. The local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner who desires to use a private provider to use the private provider to provide both plans review and required building inspection services.

## **LOCAL FEES/REFUNDS WHEN A PRIVATE PROVIDER IS USED II**

Allocate a portion of fees when private providers are used for audit and training purposes, but do not reduce the fees.

## **ADDITIONAL MINORITY REPORT RECOMMENDATIONS**

### **EFFICACY STUDY**

Commission conduct a statistically viable efficacy study of the private provider system after implementation of the Work Group's current package of recommendations.

### **MINORITY POLICY STATEMENT RECOMMENDATION**

The integrity of the private provider program requires oversight by both the local building official and by the respective licensing boards for the private providers.

1. Local building officials should use the audit process under existing law to monitor compliance and protect the public, but not to discourage the legitimate use of private providers who are performing review or inspection services in accordance with the law and applicable professional standards.
2. If the auditing performed by local building officials reveals either a pattern of negligence or misconduct by a private provider then the local building official should be encouraged to notify the applicable licensing board(s).
3. The respective licensing boards should be encouraged to adopt rules to expedite the audit by a local building official, and where circumstances warrant suspend the licensee's authority to perform plan review or inspections under Section 553.791 pending final adjudication of the complaint.