Informal Interpretation Report
Number 8166

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Section 553.791 (6)

Question:

Private Provider paperwork indicates that plan review has been performed by the private provider and the forms as required by the statute have been attached. Does the Building Department also perform a plan review?

The Private Provider paperwork indicated that they were doing Inspections.

After the PP informs the Building Department of scheduled inspections:

Does the Building Department perform the Inspections & Post the Results?

or

Does the PP Perform the Inspections & then Notify the Building Department of the results? Which they then post.

Answer

This is a very complex issue and the answer is "it depends". Some AHJs perform 100% audit of the plan review as well as the inspections. It is purely up to the Building Official. The departments have numerous 30 day windows in the statute. Your experience could be any where from no audit to 100% audit. Typically, once a firm has proven their work to the BO, they get "spot checked". Unfortunately, some of the private providers do not do a proper job and the only way to ensure a safe and code compliant project is for the project to be audited. Please see the attached commentary more in depth information.

Commentary:

Much of the following information is directly from the statutory wording to ensure accuracy.
Private Provider paperwork indicates that plan review has been performed by the private provider and the forms as required by the statute have been attached.
Does the Building Department also perform a plan review?

A review by the Building Official is optional; however, “No more than 30 business days after receipt of a permit application and the affidavit from the private provider required …, the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.”

The Private Provider paperwork indicated that they were doing Inspections. After the PP informs the Building Department of scheduled inspections: Does the Building Department perform the Inspections & Post the Results? or does the PP Perform the Inspections & then Notify the Building Department of the results? Which they then post?

The Building Official may make inspections, but is not required to do so. Nevertheless, " A private provider performing required inspections under F.S. 553.791 shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction.
The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.
A deficiency notice must be posted at the job site by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found.
Further, 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."

There appears to be confusion and varying interpretations of the statute as to if the building department is required, or permitted to perform a plan review.

Although not required, the Building Official may perform duplicative plan review and inspection (as noted above).

Or would it be considered an audit of the review?

The definition of Audit is as follows: “Audit” means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The term does not mean that the local building official is required to replicate the plan review or inspection being performed by the private provider."

If they do not perform this function, can the plan review fee still be charged?

"It is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly."

Notice:
The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This

interpretation is informal, non-binding and subject to acceptance and approval by the local building official.