

Certificate of Occupancy or Certificate of Completion

The Building Official shall issue or provide a list of deficiencies within two days upon receipt of:

1. Request for Certificate of Occupancy or Certificate of Completion.
2. Certificate of compliance and approval of all other government agencies.
3. Certificate of compliance from the private provider.
4. Any applicable fees.

The private provider may respond to the list of deficiencies or appeal to the Board of Examiners.

If you have any questions regarding the use of Private Providers, please feel free to call the Lake County Building Division (352) 343-9653. We are here to help you.



This brochure is general in nature and may not be utilized as a substitute for the actual state statutes that govern this specific process.

09/2006



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Building Services Division

THE USE OF PRIVATE PROVIDERS

Section 553.791
Florida Statutes

Alternative Plans Review
and Inspections
*(Does not apply to the
Florida Fire Prevention Code)*

Reach Us On The Web
www.lakecountyfl.gov

Tavares Office

315 West Main St.
Tavares, FL 32778

Phone (352) 343-9653
Fax (352) 343-9771

THE USE OF PRIVATE PROVIDERS

Section 553.791, Florida Statutes, "Alternative Plans Review and Inspection"
(Does not apply to the Florida Fire Prevention Code)

AVAILABILITY

Notwithstanding any other provision of law, local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure 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.

PLAN REVIEW

Private providers performing plan review shall provide an affidavit under oath indicating:

1. The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.
2. The plans comply with the applicable codes.

From date of complete application acceptance, the Building Official has 30 days to review the plans. If discrepancies are found, the 30 day period is tolled. Upon receipt of responses, the Building Official has the remainder of the tolled time plus five days in which to review. Should previously detailed deficiencies continue to arise, the Building Official has five business days to issue the permit or provide written notice of deficiencies.

All deficiencies can be appealed to the Board of Examiners.

INSPECTION

The private provider can use a duly authorized representative, who must be an employee of the private provider, provided all reports and certifications are prepared and signed by the private provider. The contractor retains obligation regardless of the private provider's action.

Private provider shall notify the Building Official of the date and approximate time of the intent to inspect no later than the prior business day by 2:00 P.M.

Upon completion of an inspection, the private provider shall post the inspection form (form agreed upon by the Building Official) and provide a copy of said inspection, indicating pass or fail, to the Building Official within two business days. A record of all required and completed inspections shall be on the site and available for review by the Building Official.

The private provider is required to notify the Building Official of any condition that poses an immediate threat to public safety or welfare.

The private provider shall provide, after all required inspections have been completed, a certificate of compliance (on a form agreed upon by the Building Official) under oath, indicating the following:

"To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes."

Application Requirements

(See definition of "Permit Application")



The fee owner or the fee owner's contractor, shall notify the Building Official of his intention to use a private provider at time of application, or 7 days prior to the first required inspection, on a form provided by the Commission. The form must include the following information:

1. The services to be performed by the private provider:
2. The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.
3. An acknowledgment from the fee owner in substantially the following form:

"I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected.

I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application."

Any changes made to the providers or the services being provided are required to be updated within one business day to the Building Official and posted on the job site.



After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so no less than 7 business days prior to the next scheduled inspection using the notice provided for in paragraphs (4) (a) - (c).

DISCIPLINE

When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under Chapter 468, Chapter 471, or Chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

INSURANCE

A private provider may perform building code inspection services under this section only if the private provider maintains insurance for professional liability with minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate relating to all services performed as a private provider on construction up to \$5 million. (\$2 million and \$4 million aggregate for projects over \$5 million). As a substitute, the private provider may provide claims made coverage for a minimum of five years subsequent to the performance of building code inspection services.

RESPONSIBILITY

The Building Official retains the ability to deny the permit or request for a Certificate of Occupancy/Certificate of Completion or to issue a Stop Work Order. The Building Official shall be available to meet with the private provider within two business days of the notice to deny or stop work. All of the Building Official's determinations are subject to appeal through the Board of Examiners and ultimately to the Florida Building Commission.

The local government, the local building official, and their building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act.

Definitions

DEFINITIONS



"Permit application" means a properly completed and submitted application for:

1. The requested building or construction permit.
2. The plans reviewed by the private provider.
3. The affidavit from the private provider.
4. Any applicable fees.
5. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

"Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under Chapter 471 or as an architect under Chapter 481, or who holds a standard certificate under Chapter 468, Part XII.

"Private provider" means a person licensed as an engineer under Chapter 471, or as an architect under Chapter 481. For purposes of performing inspections under this section for additions and alterations (limited to 1,000 square feet or less) to residential buildings, the term "private provider" also includes a person who holds a standard certificate under Chapter 468, Part XII.