



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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RICK SCOTT
Governor

BILLY BUZZETT
Secretary

MEMORANDUM

TO: Manufactured (Modular) Building
 Third Party Agencies and Manufactures

FROM: Ila Jones, Manager
 Building Codes and Standards Section

SUBJECT: Employee vs. Independent Contractor

DATE: January 21, 2011

At the January 14, 2011 webinar on “Development of Quality Control Manuals,” the Department of Community Affairs was asked to respond to questions regarding s.9B-1.006(1), Florida Statutes, requiring individuals who perform plan review and inspection services to either be certified as an Agency or be employed by a certified Agency.

Provide a definition/explanation of an Agency Employee vs Independent Contractor

Section 9B-1.006(1), Florida Statutes, Individuals or entities who desire to perform plan review, inspection, or both plan review and inspection of manufactured buildings shall be certified by the department. Those inspectors and plans reviewers employed by entities to perform the delegated functions do not require individual certification as an agency to the extent that the delegated functions are performed within the scope of the individuals’ regular course of employment. Individuals or entities performing delegated functions as an independent contractor for an Agency shall be individually certified.

The terms “employee” and “independent contractor” are commonly used and applied in the areas of workers compensation and taxation. If you have any questions regarding the correct status of individuals performing plans review or inspection services for your Agency, please consult with your attorney and/or accountant and/or insurance agent who can provide ample guidance.

Is the answer the same for Agencies domiciled in states other than Florida?

Agencies domiciled outside Florida are required to comply with the same statutes and rules as Agencies located in Florida.

If you need additional information, please contact me at ila.jones@dca.state.fl.us or (850) 922-6091.

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