

**CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE
TELECONFERENCE MEETING FROM TALLAHASSEE, FLORIDA**

WEB UR: <https://global.gotomeeting.com/join/122373485>

AUDIO: DIAL-IN NUMBER 1 866-899-4679

CONFERENCE CODE: 122-373-485

Tuesday, October 4, 2016

10:00 AM

Minutes

CODE ADMINISTRATION TAC PRESENT:

Bob Boyer

David Gilson

John O'Connor

Don Brown

Richard Goff

CODE ADMINISTRATION TAC NOT PRESENT:

Hamid Bahadori

Bill Dumbaugh

Jay Carlson, Chairman

STAFF PRESENT:

Mo Madani

Marlita Peters

April Hammonds

Joe Bigelow

Thomas Campbell

Nick DuVal

Jim Hammers

Chris Howell

Welcome:

Time: 10:00 am

Ms. Peters welcomed everyone to the teleconference call of the Code Administration Technical Advisory Committee. She provided information for the callers on how to mute systems to avoid background noise.

Roll Call:

Ms. Peters performed roll call for the Code Administration Technical Advisory Committee. A quorum was determined with 5 members present.

Agenda Approval:

Ms. Peters advised that there was one correction on the agenda under items 5 and 6. She stated the petitioner's name was misspelled, it should read Rune Lero.

Mr. O'Connor entered a motion to approve the agenda for today's meeting as amended with correction to the petitioner's name. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Approval of the Minutes from July 15, 2016

Mr. Brown entered a motion to approve the minutes from the July 15, 2016 meetings as posted. Mr. O'Connor seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Consider and make recommendations to the Commission on Declaratory Statements:

Ms. Peters asked if the petitioner was present on the line.

Petitioner was not on the line.

DS2016-063 by Rune Lero of Innovative Construction Inspections, Inc.

Mr. Madani provided the background of the petition including detail of the specific issues and questions regarding 553.791(8) and (10).

DS2016-063 by Rune Lero of Innovative Construction Inspections, Inc. (cont.):

Ms. Hammonds advised as Mr. Madani had stated the petitioner submitted four questions and for the record the original petition was amended by a comment from the petitioner that had been attached to the agenda. She stated if you looked at the original petition questions two and four have been replaced by the comments two and four that are now being presented for view on the webinar now.

Mr. Madani continued the background detail and specific information that was provided.

Mr. Madani stated there were four questions in which there were two answers provided for their consideration. He stated one answer was from the petitioner and the second answer was from the staff. Mr. Madani read the questions and the answers provided for each.

Public Comment:

Mr. Lero, Innovative Construction Inspections, Inc. stated he was on the call but during the time we asked, he could not be heard. He explained the process they would be using and how this would be accomplished. Mr. Lero further provided examples of how the inspection process would take place.

TAC Comments/Questions:

Mr. Gilson prefaced his comment stated he is a proponent of third party private inspections and electronics. He said in this instance we are pushing boundaries of what can be done with technology currently as explained by the engineering company. We are putting a lot of weight on the contractor in the field with requirements. He said in this instance just because we can does not mean we should.

Mr. O'Connor stated he does not support remote solution or allowable by statute and spoke of the alterations and additions and excludes repairs. He also spoke on roofing and the limitations on roofing. Mr. O'Connor further stated he does not feel the statutory requirement will support and would require legislative changes.

Mr. Brown stated there are two issues, one being a technical interpretation of what the statute and the rules call for and he is willing to accept staff opinion on that. He further stated that he shares the concerns of the others with this technology however he receives routine reports on private sector on the inspection process especially under 553 regulations. Mr. Brown stated there are some serious flaws in the statute; they do not go far enough to ensure a uniform application of the building code. He stated there needs to be corrections made to strengthen 553 and he supports staff answer as there is too much work to do to correct the current process.

DS2016-063 by Rune Lero of Innovative Construction Inspections, Inc. (cont.):

Mr. Boyer stated most of his comments had been addressed and he is in agreement with the staff recommendations.

Mr. Boyer entered a motion to accept staff recommendations on questions 1, 2 3, and 4. Mr. Brown seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Questions and Staff Recommendations are listed below for this vote.

Question #1:

Based on Florida Statute 553.791(8) which states in part: "A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes", is an inspection performed by a private provider through the use of smartphone telecommunications as described in the background section above a compliant means of inspection required by applicable codes?

Option #2/Staff: "No", as per Section 553.791(8), Florida Statutes, site inspections for the projects in question must be performed by the provide provider.

Question #2:

Based on Florida Statute 553.791(8) which states in part: "The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the signature of the private provider or the private provider's duly authorized representative", is the performance of inspections by use of an app and smart phone interactive technology acceptable in lieu of onsite inspections? (revised)

Option #2/Staff: "No", as per Section 553.791(8), Florida Statutes, site inspection by the private provider/duly authorized representative is required.

Question # 3:

Likewise, based on the same Florida Statute 553.791(8) which states in part: " The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the signature of the private provider or the private provider's duly authorized representative", is it acceptable to provide either a copy of a signed report and/or provide an electronic report along with an electronic signature of the private provider or duly authorized representative?

DS2016-063 by Rune Lero of Innovative Construction Inspections, Inc. (cont.):

Option #2/Staff: “No”, as per Section 553.791(8), Florida Statutes, the private provider or the duly authorized representative must perform the required inspections and all required reports must be prepared by and bear the signature of the private provider or the provider’s authorized representative.

Question # 4:

Likewise, based on Florida Statute 553.791(10) which states in part: “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”, is it an acceptable means to transmit to the on-site representative of the contractor who facilitated the inspection being performed, and interacted with the private provider during the inspection process through telecommunication means, an electronic version of the inspection record for the purpose of the representative mobile printing and posting such notice at the site? (Revised)

Option #2/Staff: “No”, as per Section 553.791(10), Florida Statutes, a site inspection must be performed by the private provider and a completed inspection report must be posted on the job site by the private provider before leaving the project site.

DS2016-064 by Rune Lero of Innovative Construction Inspections, Inc.

Mr. Lero, Innovative Construction Inspections, Inc. provided background information on the questions and answers on this petition regarding private providers qualifications. He detailed the responses that were provided on the statement.

Ms. Hammonds reminded the TAC that when addressing what is permitted under Statute 468 that would be a question for the Board of Building Code Inspectors, thus why the answers were crafted the way they were. She further stated that yes 468 is included within the statute however, whatever the scope of the license is would be outside of the jurisdiction of this Commission and would be more appropriate for the BCIAB.

Mr. Lero stated he understood that 468 and the board would be the venue on licenses, but he is asking if there is consideration for the existing buildings and could a 468 licensee perform these functions.

Ms. Hammonds referenced the answers and the limitations of the TAC and the Commission.

Mr. Madani provided the background of the petition including detail of the specific issues and questions regarding 553.791. He detailed the questions and the specifics of 553-791(i).

[553.791 Alternative plans review and inspection.—](#)
(1) As used in this section, the term

DS2016-064 by Rune Lero of Innovative Construction Inspections, Inc. (cont.)

(i) “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 that are 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 part XII of chapter 468.

Mr. Madani read all questions and an answer options provided for each question.

Public Comment:

None

TAC Comments:

Mr. Gilson asked for clarification of alterations and square foot limitations and does this apply to individual components included if this is not an addition.

Mr. Madani said this is on replacements and this would be under level 1 alteration in the Code.

Ms. Hammonds stated this is why there are two options provided by the staff.

Mr. O’Connor expressed concerns and number one is not as clean and it is not as neat as it sounds. He provided background and the current process being used in the field and when they are applying for permits.

Ms. Hammonds addressed option 2 and stated it clearly is within the Statue, but the option would be the pleasure of the TAC.

TAC Motions:

Mr. O’Connor entered a motion to recommend staff option number 2 for question number 1 as listed below. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Question #1: Based on the definition of Private Provider as found in F.S. 553.791(1)(i) which states: “”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 that are 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 part XII of chapter 468”, is an individual who holds the appropriate standard certification as a building inspector under part XII of chapter 468 allowed to be a private provider when performing

TAC Motions (cont.):

inspections on residential maintenance work including but not limited to residential air conditioning condenser replacement, residential air conditioner air handler replacement, residential air conditioning ductwork replacement, residential main garage door replacement in existing openings, residential water heater replacement, and residential electrical service changes without requiring the accompanying assistance, participation or signature of an individual licensed as an engineer under chapter 471 or as an architect under chapter 481?

Option #2/Staff: “Yes”, as long as the area of level of work for the projects in question (only for the projects listed above) does not exceed 1,000 square feet (see Section 553.791 (1) (i), Florida Statutes) and that the inspections for the projects in questions are performed by individuals licensed under Chapter 468, Florida Statutes subject to the limitations of the licensed they hold.. Mr. O’Connor entered a motion to recommend staff option number 2 for question number 2 as listed below. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

*Question #2: Based on the definition of Private Provider as found in F.S. 553.791(1) (i) which states:” “”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 that are 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 part XII of chapter 468”, is an individual who holds the appropriate standard certification as a building inspector under part Xii of chapter 468 allowed to be a private provider when performing inspections on residential maintenance work including but not limited to residential air conditioning condenser replacement, residential air conditioner air handler replacement, residential air conditioning ductwork replacement, residential main garage door replacement, residential garage service door replacement, residential window and/or door replacement in existing openings, residential water heater replacement, and residential electrical service changes on any residential **structure as these noted inspections are not inspections on ”additions or alterations of 1,000 square foot or less to residential buildings”?***

Option #2/Staff: “No”, as per Section 553.791(1) (i), Florida Statutes, the area of level of work for the projects in question must not exceed 1,000 square feet.

Mr. O’Connor entered a motion to recommend staff option number 2 for question number 3 as listed below. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Question # 3: Based on F.S. 553.791(10) which states: “Upon completing the required inspections at each applicable phase of construction, the private provider shall record such

TAC Motions (cont.):

inspections on a form acceptable to the local building official. The form must be signed by the provider or the provider's duly authorized representative. 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 local building official may waive the requirement to provide a record of each inspection within 2 business days if the record is posted at the project side and all such inspection records are submitted with the certificate of compliance", is the building official acting as the Authority Having Jurisdiction required to accept inspection results on the appropriate form directly from an individual who holds the appropriate standard certification as a building inspector under part XII of chapter 468 acting as a private provider in accordance with the appropriate sections of F.S. 553.791, without requiring the accompanying signature of a person licensed as an engineer under chapter 471 or as an architect under chapter 481?

Option #2/Staff: "Yes", as long as the said inspection report is provided in a format acceptable to the local building official (see Section 553.791(10), Florida Statutes.) However, inspections results are subject to review and approval by the local authority having jurisdiction.

Mr. O'Connor entered a motion to recommend staff option number 2 for question number 4 as listed below. Mr. Boyer seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Question # 4: Likewise, based on F.S. 553.791(11) which states: "Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the local building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes", is the Building Official acting as the Authority Having Jurisdiction required to accept a certificate of compliance on the appropriate form directly from an individual who holds the appropriate standard certification as a building inspector under part XII of chapter 468 acting as a private provider in accordance with the appropriate sections of F.S. 553.791, without requiring the accompanying signature of a person licensed as an engineer under chapter 471 or as an architect under chapter 481?

Option #2/Staff: "Yes", as long as the certificate of compliance is provided in a format acceptable to the local building official (see Section 553.791(11), Florida Statutes.) However, the certificate of compliance is subject to review and approval by the local authority having jurisdiction.

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Public Comment:
None

TAC Comment:
None

Ms. Peters performed a final roll call and all 5 members were remaining on the call.

The meeting was adjourned at 11:13 a.m.