

**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/22/2016
File #	

Company: Innovative Construction Inspections, Inc.
Address: 1655 Flagstone Ct.
New Port Richey, Florida 34655

Name: Rune Lero, C.B.O. C.B.C.
Title: President/CEO
Telephone: 727-514-5152
E-Mail: hooperkona@gmail.com

DS 2016-063

Petitioner's Attorney or Representative:

Rune Lero, C.B.O. C.B.C.
President/CEO
Telephone: 727-514-5152
E-Mail: hooperkona@gmail.com

Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

Florida Statute 553.791
Florida Statute 468.603

Background:

Petitioner is a recently formed Florida corporation which wishes to engage in the practice of Private Provider, as defined in Florida Statute 553.791. More specifically, Petitioner wishes to engage in the inspection of work performed as related to residential ancillary maintenance 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 roofing replacement, residential roof over existing roofing, residential water heater replacement, and residential electrical service changes. Petitioner wishes to perform these functions using smartphone technology and proprietary software. More specifically, a subscriber to the petitioner's service will initiate the inspection using his/her own smartphone device, be placed in direct interactive communication with an employee inspector who holds a standard certificate under part XII of chapter 468, and be instructed as to what the inspector must visibly observe in order to perform the inspection. Upon completion of the inspection, ICI will provide to the subscriber an electronic document to be printed and immediately posted at the site either confirming the acceptance of the inspection or listing the deficiencies found. A successful inspection will be followed with ICI producing the required results to the Authority Having Jurisdiction in a form acceptable to the Building Official, in the timeframe required by Statute. This innovation is allowing current technology to be utilized by the building inspection community in the same manner that this paradigm has been applied to the way we conduct other aspects of our lives, from navigation to banking to shopping to entertainment to even the way we monitor our health and consult with our physician.

Questions:

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 the applicable codes?
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 it the intent of this Statute to allow for an on-site inspection by a private provider or a duly authorized representative since the phrase "shall be permitted" was used, rather than intend to require that an on-site inspection occur?
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?
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 alternative means of meeting the intent of this statute 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?

Summary:

The petitioner respectfully believes that the answer to all of the above questions is **Yes**. It is the petitioner's desire that the Florida Building Commission express, through the vehicle of a Declaratory Statement, that smartphone telecommunication innovation is allowed and promoted to be utilized by the building inspection community in the same manner that this paradigm has been applied to the way we conduct other aspects of our lives.

Respectfully Submitted,
Innovative Construction Inspections, Inc.

Rune Lero 8/18/16

Rune Lero, C.B.O., C.B.C.
President