

**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.
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DS 2016-064

Petitioner's Attorney or Representative: Rune Lero, C.B.O. C.B.C.
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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 the services of employee building inspectors properly certified in their respective trades as defined by F.S. 468.603. Petitioner wishes to perform the above noted inspections without the assistance or participation of a person licensed as an engineer under chapter 471 or as an architect under chapter 481.

Questions:

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 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 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?


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”?*
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 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 site 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?*
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?

Summary:

The petitioner respectfully believes that the answer to all of the above questions is **Yes**. The noted Florida Statutes indicate that a properly certified building inspector can act as a private provider when not performing inspections on additions or renovations greater than 1,000 square feet, and the reports associated with these inspections should be accepted by the Authority Having Jurisdiction.

**Respectfully Submitted,
Innovative Construction Inspections, Inc.**

 8/22/16
Rune Lero, C.B.O., C.B.C.
President