

November 10, 2008

Petition for Declaratory Statement Before the Florida Building Commission

Attention: Ms. Paula Ford
Clerk of the Florida Building Commission
Department of Community Affairs
2555 Shumard Oaks Blvd.
Tallahassee, FL 32399-2100

DCAC8-DEC-337
FILED, on this date, with the designated
Clerk of the Florida Building Commission, of which is hereby
acknowledged.
Paula P. Ford 11/10/08
Commission Clerk Date

Dear Ms. Ford,

Please consider this letter as a request for a petition for a declaratory statement before the Florida Building Commission. Our request involves interpretation of the 2008 Florida Statute 553.791.

The question we pose is - Does the statute limit private provider services to only those inspections required under the requirements of a general building permit for an entire building or can services be provided for inspections required for specialty permits requiring only a final inspection? In other words, can private provider services be performed for an event such as an air conditioner change-out?

According to section 1(c) of the statute - "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure for which permitting by a local enforcement agency is required.

According to section 1(d) of the statute - "Building code inspection services" means those services... ..and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

According to Section 2 of the statute - Notwithstanding any other law or 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... ..

Offering services:

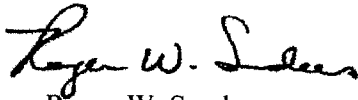
Code Compliance - Private Provider Services™ - Environmental Consulting and Remediation - Geotechnical Engineering - Construction Materials Testing and Inspection Services - Facility Engineering - Building Envelope Consulting - Loss Prevention
Municipal Support/Outsourcing - Condominium Defect Mitigation™


Based upon our understanding of the statute, we do not believe that private provider services are specifically limited to multi-phase general building permits, only. We see no limitations either inferred or stated in the statute which would not allow private provide inspection services for this type of single phase project/permit.

Our firm has been approached by a client to provide them with inspection services under permit procedures established in the Private Provider Law.

Thank you in advance for your assistance in this matter.

Sincerely,
NOVA ENGINEERING AND ENVIRONMENTAL, LLC


Roger W. Sanders
C.B.O. BU 399


J. Doug Coffey, Jr.
Vice President



"Roger Sanders"
<rsanders@usanova.com>
11/10/2008 11:02 AM

To <Jim.Richmond@dca.state.fl.us>,
<Mo.Madani@dca.state.fl.us>,
<joe.bigelow@dca.state.fl.us>, <Paula.ford@dca.state.fl.us>
cc "Doug Coffey" <DCoffey@usanova.com>

bcc

Subject Declaratory statement Re:553.791

Please find attached our declaratory statement request for the next Building Commission meeting. We are submitting hard copies via FedEx also mailed out today. Please don't hesitate to call if I can be of any further assistance. Thank you in advance for your prompt review and consideration.

Regards,

Roger W. Sanders CBO,PX,BN,ER
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