

<b>FILED</b>	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
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File #	

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

**Company:** Classic Florida Dream Homes, LLC

**Address:** 424 Harbor Dr. N.

Indian Rocks Beach, FL 33785

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# **DS 2021-050**

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

Florida Statutes 553.791(1)(e); 2020 Florida Building Code 107.6.1

### **Background:**

Classic Florida Dream Homes, LLC has been successfully using Private Provider services for both plans review and construction inspections for many years.

We are under contract to construct a single family home along the beach community of Indian Rocks Beach. Specific to this Petition For A Declaratory Statement, I will be constructing a project consisting of a two story single family home on Harbor Drive, Indian Rocks Beach. This home is not in permitting now. This 3,800sf home is in flood zone "AE". The lot address is 435 Harbor Dr. N, Indian Rocks Beach, FL.

Various government agencies have determined that Private Providers are not allowed to perform their services in flood prone areas. Yet after reviewing the law, large municipalities in Florida have determined that Private Provider services are allowed in flood prone areas, specifically, Tampa and Sarasota to name two. I request a Declaratory Statement from the Florida Building Commission to address this issue for my project in Indian Rocks Beach.

It is of course very important to insure that at final inspection a home in a flood prone area meets all requirements of FEMA. That is provided for by an independent surveyor at projects end, issuing a signed and sealed Elevation Certificate, whether inspected by the municipality or Private Provider, to certify that required floor elevations meet the required FEMA and local codes, and flood vents have been properly installed. Also, whether the home was inspected by a municipal inspector or Private Provider, each municipality assigns an employee to review the final Elevation Certificate signed and sealed by the independent surveyor, to ensure that it meets the requirements of the National Flood Insurance Program. Additionally, F.S. 553.791

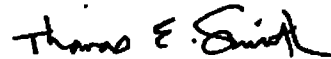
allows a jurisdiction to audit Private Provider plans review and inspections. Many fail safes are in place to provide for proper conformance to federal FEMA regulations.

**Summary:**

The petitioner believes that a properly licensed Private Provider, as defined by Florida Statute 553.791, is not to be considered by a municipality as an “affidavit” inspector. Private Providers should be allowed to provide plans review and inspection services in all areas, including flood prone areas. The intent of the law is clear. FBC 107.6.1 require a “Review” by the government agency, and this could easily be accomplished by having the government inspector and Private Provider co-inspect for the final inspection, before the governments FIRM Inspector reviews the Elevation Certificate for compliance.

I therefore pose the question “Per the 2020 Florida Building Code, does section 107.6.1 **Building Permits issued on the basis of an affidavit** apply to Private Providers per F.S. 553.791? The petitioner respectfully requests the Florida Building Commission to issue a Declaratory Statement allowing Private Provider services in flood prone areas.

Respectfully Submitted,



Thomas E. Smith, Managing Member  
Classic Florida Dream Homes, LLC