

Mo,

Please find my comments related to DS 2025-030.

The partitioner is providing confusing information combining a few different subject, rules and regulations into one question.

First there is a tremendous difference between a Private Provider regulated under FS 553.791 and a local Building Official and a contracted by a jurisdiction Building Official.

A Private Provider is hired for alternative plan review and inspections and is not the local building official and does not have the authority of a local building official.

## Definitions

### FS 553.791(1)(k)

(k) “Local building official” means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

### FS 553.791(1)(n)

(n) “Private provider” means a person licensed as a building code administrator under part XII of chapter 468, 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.

### FS 553.71(5)

(5) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

### FS 468.603(2)

(2) “Building code administrator” or “building official” means any of those employees of municipal or county governments, or any person contracted, with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. This term is synonymous with “building official” as used in the Florida Building Code. One person employed or contracted by each municipal or county government as a building code administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part, including performing any plan review or inspection as a currently designated standard certified building official under an interagency service agreement with a jurisdiction having a population of 50,000 or less.

Florida Building Code

[A] Building Official. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

A Private Provider cannot act the local building official and cannot have the authority of the local building official.

As far as the question related to the release of utilities. A local building official can allow the private Provider to release utility connection for specific instances when approved by the building official, such as releasing electrical power to a local utility on the local utilities website. This would only be allowed when authorized. But the Private Provider cannot just claim that authority.

This is not to say that the statute will not be changed in the future to address some of these Private Provider changes. The Private Providers have favorable changes to the statute each legislative session.

Thank you

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