

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

Petitioner:

My Amelia Inc. dba Inspected
Ian Cohen, CEO
1250 S. Pine Island Road, Suite 400
Plantation, FL 33324
ian@inspected.com
(917)903-8626

Petitioner's Representative:

Chandra Parker Doucette, PA
Chandra Doucette, Esq.
621 NW 53rd Street, Suite 240
Boca Raton, FL 33486
chandra@chandralaw.net
(754)999-0285

DS 2026-058

Introduction

Petitioner, My Amelia Inc. dba Inspected (INSPECTED) is a Private Provider Firm conducting business in 400+ local jurisdictions across Florida to provide alternative plan review and inspections pursuant to 553.791 across Florida as well as in several other states. Petitioner seeks clarification of their responsibilities and requirements imposed for registration, submitting Notice to Building Official and/or securing authorization from the fee owner based on the changes to 553.791(2)(a) after HB803.

Relevant Authority: Statute 553.791 2(a), 2(e), 4, 11, 19(a); 553.792(6)(c) & FBC(8th Ed).Sec. 105.4 and 105.6

- The Commission adopted a standardized form 61G20-2.005-2002-01 for the Notice to Building Official ("NTBO") which went into effect January 1, 2025.
- Effective July 1, 2026 F.S. 553.791(2)(a) now states:

*(2)(a) 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 **explicit**¹ written authorization from the fee owner, may choose at any time to use a private provider to provide plans review or building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon **explicit**¹ written authorization of the fee owner. A copy of such written authorization must be submitted to the local building official. The local enforcement agency may not require the contract to be provided as part of the permit application or as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the*

¹ The word "explicit" is an undefined term subject to interpretation.

fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

2(e) A local government or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (5), if a fee owner or the fee owner's contractor uses a private provider.

(4) A local enforcement agency must create a registration system for private providers and private provider firms working in the local enforcement agency's jurisdiction. A local enforcement agency must have a method to register and update registration information electronically. The local enforcement agency may not charge an administrative fee for registration or updates to a registration. The private provider or private provider firm must provide its contact information and verify compliance with the licensure requirements of paragraph (1)(n) or paragraph (1)(o), as applicable, and the insurance requirements of subsection (20). The private provider or private provider firm must register with the local enforcement agency in the jurisdiction in which the provider or firm is working before contracting to provide services in such jurisdiction. The private provider or private provider firm must update its registration within 5 business days after any change to the provider's or firm's contact information, licensure, or insurance coverage.

(11) A local enforcement agency is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration.

(19)(a)(17)(a) A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18):

Additionally, §553.791(6)(c) establishes timeframes for permits to be issued, denied or automatically be approved. (See also FBC 105.4 and 105.6). Each of these cited provisions directly impacts Petitioner's interaction with local building officials, contractors and fee owners. Petitioner therefore requests the Commission to clarify the rights and responsibilities regarding the NTBO and/or explicit fee owner authorization in order to maintain regulatory compliance and allow Petitioner to streamline its business based on recent legislative changes.

Question 1: Does the addition of the word "explicit" to 553.791(2)(a) have any impact on the previously adopted Form 61G20-2.005-2002-01 to provide a Notice to Building Official?

Petitioner Inspected contends "NO" because the form can be signed by either the fee owner or the contractor. Neither the NTBO nor the owner authorization forms a tri-party contract with the Private Provider and merely acknowledges authority to use a private Provider.

Question 2: Is a separate owner authorization required if the fee owner signs the Commission's Notice to Building Official Form 61G20-2.005-2002-01?

Petitioner contends "NO" because the purpose is merely to ensure that the fee owner is aware that a private provider is being used rather than the services of the building official.

Question 3: Is the fee owner authorization required to include the scope of the contractor's work (similar to a Notice of Commencement) in order to be "explicit" under §553.791(2)(a)?

Petitioner contends "NO" because the authorization relates to the use of the services of the private provider rather than the services of the contractor. The fee owner's authorization is not meant to be a substitute for a copy of the contract between the owner and the contractor, which is no longer required, nor does it require privity between the owner and private provider.

Question 4: Are there any restrictions related to the method of execution for the explicit fee owner authorization, such as original wet-ink signatures, under oath, or notarization?

Petitioner contends "NO" because other sections of the statute and code expressly state when an affidavit under oath is required. Adoption of additional requirements would violate the plain language of 553.791(19)(a) prohibiting adoption or enforcement of more stringent rules, ordinances, policies, procedures than set forth in §553.791 Alternative Plan Review and Inspections. The NTBO Form does not require a notary and can be signed electronically, so it follows that the explicit owner consent affirmatively acknowledging the use of a private provider, should therefore not impose a more burdensome signing process which would be construed as more stringent and prohibited by §553.791(19)(a) [formerly subsection (17)(a)].

Question 5: When registering under §553.791(4) is a Duly Authorized Representative (DAR) for a Private Provider Firm required to submit photo ID, residential address or date of birth?

Petitioner contends "NO" because the statute 553.791(4)(a) only specifies the private provider or private provider firm must provide its contact information and compliances with licensure requirements, and insurance requirements. Providing private personal information exposes individual registrants to an unnecessary risk of identity theft without any legitimate reason and could expose individuals to identity theft without any legitimate governmental interest.

Question 6. Is a private provider still required to resubmit copies of the DAR information and Certificate of Insurance with each NTBO?

Petitioner contends "NO" because §553.791(11) now states "A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration." Because the DAR licensing information and COI are now incorporated into the mandatory registration process §553.791(4), repeatedly producing this information for each NTBO and permit application defeats the legislative purpose of maintaining a Private Provider registry

that can be updated by the Private Provider electronically thus streamlining the workflow and review process for all affected parties.

CONCLUSION

Petitioner, My Amelia, Inc. dba Inspected asserts that a declaratory statement is the appropriate vehicle to determine the rights of an affected party inquiring about its own conduct. Petitioner further urges that the Commission should declare “NO” in response to each of Petitioner’s inquiries. However if the Commission determines the answer is “YES” to one or more of the foregoing inquiries, Petitioner seeks an explanation of its responsibilities to ensure its business practices are fully compliant with the legislative impact of HB803; avoid confusion or delays in the registration and permitting process when owners and contractors opt to use Alternative Plan Review or Inspections under 553.791; as well as to create uniform interpretation of the regulatory landscape across the State prior to implementing the 9th Edition of the Florida Building Code.

Respectfully submitted:

By



Chandra Parker Doucette, FBN 412716

On behalf of My Amelia Inc dba Inspected

Submitted this 31st day of July, 2026