

BEFORE THE FLORIDA BUILDING COMMISSION

PETITION FOR DECLARATORY STATEMENT

Private Provider / Building Official Dispute-Resolution Procedure

Petitioner, pursuant to sections 120.565 and 553.775, Florida Statutes, and Chapter 28-105, Florida Administrative Code, petitions the Florida Building Commission for a declaratory statement concerning the application of section 553.791, Florida Statutes, to Petitioner's particular circumstances.

I. PETITIONER

Petitioner: Michael Price

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DS 2026-063

Petitioner is the fee owner and/or permit holder of single-family residential construction projects located in Santa Rosa County, Florida, that are presently subject to Stop Work Orders and an unresolved dispute concerning revised construction documents and Private Provider plan-review services.

II. STATUTORY PROVISIONS AT ISSUE

Petitioner requests a declaratory statement concerning the application of the version of section 553.791, Florida Statutes, applicable to Petitioner's circumstances, including section 553.791(15)(a) and (b), concerning the procedure for resolution of disputes between a Private Provider and local Building Official following issuance of a Stop Work Order or other action specified by the statute.

III. PARTICULAR CIRCUMSTANCES

Petitioner had active building permits for single-family residential projects for which construction had commenced pursuant to construction documents previously reviewed and approved by the local enforcement agency.

During construction, certain additional features were added that were not depicted on the originally approved construction documents. The local Building Official subsequently issued Stop Work Orders based upon those added features and concerns regarding the configuration of the projects.

Petitioner prepared revised construction documents depicting the added features and submitted those revised documents to the local Building Official for review. Petitioner repeatedly requested identification of the specific Florida Building Code provisions under which the added features or revised plans were considered noncompliant.

Petitioner subsequently retained a qualified Private Provider to review the revised construction documents for compliance with the applicable codes. The Private Provider completed the plan review, determined that the revised plans complied with the applicable codes, and provided the required Plan Compliance Affidavit.

The local Building Official did not accept the Private Provider's determination as resolving the Code-compliance disagreement and maintained that the revised plans did not comply.

Because the Private Provider had determined that the revised plans complied while the local Building Official maintained that they did not, Petitioner requested the meeting described in section 553.791(15)(a) so that the Building Official and Private Provider could address the disagreement. The requested meeting did not occur.

Petitioner thereafter agreed to remove the added features and return the projects to conformity with the originally approved plans in an effort to resolve the Stop Work Orders, resume construction, and mitigate continuing financial losses. The Stop Work Orders nevertheless remain in effect.

The disagreement therefore remains material to Petitioner's present circumstances. Petitioner must determine whether section 553.791(15) provides a dispute-resolution procedure applicable to this type of unresolved disagreement and what procedure Petitioner may invoke or rely upon in seeking to move the projects forward.

IV. QUESTIONS PRESENTED

1. Under section 553.791(15), when a qualified Private Provider determines that revised construction documents comply with the applicable codes while the local Building Official maintains that they do not and the projects remain subject to Stop Work Orders, is that type of unresolved disagreement a dispute subject to the procedure established by section 553.791(15)?
2. When such a dispute remains unresolved and the fee owner seeks to invoke section 553.791(15)(a), does that subsection require the local Building Official to be available to meet with the Private Provider within two business days for the purpose of attempting to resolve the dispute?
3. If a dispute subject to section 553.791(15) cannot be resolved between the local Building Official and Private Provider, what procedure does section 553.791(15)(b) provide for Petitioner to pursue resolution so that Petitioner may determine how to proceed with the projects?

V. MANNER IN WHICH THE STATUTE SUBSTANTIALLY AFFECTS PETITIONER

The requested interpretation substantially affects Petitioner because the projects remain subject to Stop Work Orders, construction has not been permitted to resume, and Petitioner continues to incur financial consequences from the work stoppage.

Petitioner must determine whether the dispute-resolution procedure in section 553.791(15) applies to the presently unresolved disagreement and what procedure Petitioner may invoke or rely upon now in seeking resolution and authorization to proceed.

The requested interpretation concerns Petitioner's present rights, obligations, and future course of conduct under section 553.791. Petitioner does not request a determination that the local Building Official committed a past violation or a determination imposing liability or discipline upon any person.

VI. DECLARATION REQUESTED

Petitioner respectfully requests that the Florida Building Commission issue a declaratory statement determining the application of section 553.791(15)(a) and (b), Florida Statutes, to Petitioner's present unresolved circumstances and the dispute-resolution procedure available to Petitioner in seeking to proceed with the projects.

Respectfully submitted,

Michael Price

Michael Price
Date: 08/26/2026