

BEFORE THE FLORIDA BUILDING COMMISSION
PETITION FOR DECLARATORY STATEMENT

Private Provider Withdrawal After Completed Plan Review and Plan Compliance Affidavit

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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Petitioner is the fee owner and permit applicant for new, unstarted single-family residential projects in Santa Rosa County, Florida, for which Private Provider plan-review services and Plan Compliance Affidavits were submitted to the local enforcement agency.

II. STATUTORY PROVISIONS AT ISSUE

Petitioner requests a declaratory statement concerning the application of section 553.791, Florida Statutes, including the provisions governing notices identifying Private Providers and the services they perform, changes to listed Private Providers or services, Private Provider plan review, Plan Compliance Affidavits, and local processing of permit applications submitted with Private Provider plan review.

III. PARTICULAR CIRCUMSTANCES

Petitioner submitted new permit applications for single-family residential projects utilizing a qualified Private Provider for plan review. The Private Provider completed its plan review, determined that the plans complied with the applicable codes, and provided the required Plan Compliance Affidavits, which were submitted to the local enforcement agency.

After submission of the Private Provider-reviewed plans and Plan Compliance Affidavits, the local Building Official questioned the Private Provider's Code-compliance determinations.

The local Building Official subsequently took the position that the Private Provider had withdrawn from the projects and that the permit applications could not proceed based upon the previously completed Private Provider plan reviews. The applications were thereafter treated as "null and void."

Petitioner sought clarification directly from the Private Provider regarding whether its previously completed plan reviews and Plan Compliance Affidavits had been rescinded or withdrawn.

Petitioner contends that the Private Provider's plan reviews and Plan Compliance Affidavits had already been completed and submitted before the Private Provider indicated that it would no longer provide services for the projects. The Private Provider did not identify any error, deficiency, or Code-compliance issue with its previously completed plan reviews or affidavits. Rather, the Private Provider indicated that its decision to discontinue services resulted from difficulties or disagreements involving the local Building Official.

Petitioner subsequently retained another qualified Private Provider and submitted replacement Private Provider documentation, new Plan Compliance Affidavits, and updated Notices to Building Official for the existing permit applications.

Petitioner's permit applications remain unresolved. Petitioner therefore must determine the legal effect, under section 553.791, of the original provider's termination of future services and whether Petitioner may proceed on the existing applications using the replacement qualified Private Provider.

IV. QUESTIONS PRESENTED

1. Where a qualified Private Provider has completed plan review, determined that submitted plans comply with the applicable codes, and submitted the required Plan Compliance Affidavit, what legal effect does the provider's

subsequent withdrawal or termination of future services, by itself, have under section 553.791 upon the previously completed plan review and Plan Compliance Affidavit as Petitioner seeks to proceed with the pending applications?

2. Where the Private Provider's subsequent withdrawal or termination of future services is not based upon any identified error, deficiency, or Code-compliance issue in the completed plan review or Plan Compliance Affidavit, under what circumstances, if any, does section 553.791 permit that completed plan review or affidavit to be rescinded, withdrawn, invalidated, or rendered ineffective?

3. For purposes of determining how Petitioner may proceed with the pending applications, does section 553.791 authorize the local enforcement agency to treat a Private Provider's withdrawal or termination of future services, by itself, as rendering an existing permit application unable to proceed after plan review has been completed and the Plan Compliance Affidavit submitted?

4. Under Petitioner's present circumstances, may the fee owner retain another qualified Private Provider, update the Notice to Building Official to identify the replacement provider and services to be performed, and maintain the existing permit application rather than initiate a new permit application solely because the prior Private Provider ceased providing further services?

V. MANNER IN WHICH THE STATUTE SUBSTANTIALLY AFFECTS PETITIONER

The requested interpretation substantially affects Petitioner because the permit applications concern Petitioner's new and unstarted residential projects, the applications remain unresolved, and Petitioner has already retained a replacement qualified Private Provider and submitted updated Private Provider documentation for the existing applications.

Petitioner must determine whether section 553.791 permits the existing applications to proceed with the replacement provider and what legal effect the original provider's termination of future services has upon plan-review services and affidavits already completed and submitted.

The requested interpretation concerns Petitioner's present rights, obligations, and future course of conduct with respect to pending permit applications. Petitioner does not request a determination imposing liability or discipline upon the local Building Official or any other person.

VI. DECLARATION REQUESTED

Petitioner respectfully requests that the Florida Building Commission issue a declaratory statement determining the application of section 553.791, Florida Statutes, to the effect of a Private Provider's withdrawal or termination of future services after completion of plan review and submission of a Plan Compliance Affidavit, and to Petitioner's present use of a replacement qualified Private Provider for the existing pending permit applications.

Respectfully submitted,

Michael Price

Michael Price
Date: 08/26/2026