

DEC REPORT
October 13, 2026
Code Administration Technical Advisory Committee {TAC}

DS2026-058 BY IAN COHEN, OF MY AMELIA, INC.

- Question 1)** Does the addition of the word “explicit” to 553.791(2)(a) have any impact on the previously adopted Form 61G20-2.005-2.002-01 to provide a Notice to Building Official?
- Question 2)** Is a separate owner authorization required if the fee owner signs the Commission’s Notice to Building Official Form 61G20-2.005-2.002-01?
- Question 3)** Is the fee owner authorization required to include the scope of contractor’s work (similar to a Notice of Commencement) in order to be “explicit” under §553.791(2)(a)?
- 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?
- Question 5)** When registering under §553.791(4) is a Duly Authorized Representative for a Private Provider required to submit photo ID, residential address or date of birth?
- Question 6)** Is a private provider still required to resubmit copies of the Duly Authorized Representative information and Certificate of Insurance with each NTBO?

- Answer 1)** Form 61G20-2.005-2.002-01 remains in effect, but, as noted in the notice of development published on July 27, 2026, in volume 52/144 of the Florida Administrative Register, the rule is currently under development in response to the identified statutory changes.
- 2) The Commission is without jurisdiction to answer this question.
- 3) The Commission is without jurisdiction to answer this question.
- 4) The Commission is without jurisdiction to answer this question.
- 5) The Commission is without jurisdiction to answer this question.
- 6) The Commission is without jurisdiction to answer this question.

DS2026-062 BY MICHAEL PRICE -

- Question 1.** Under the version of section 553.791 applicable to Petitioner's circumstances, where a qualified Private Provider has completed plan review, determined that revised construction documents comply with the applicable codes, and provided the required Plan Compliance Affidavit, may Petitioner rely upon that completed Private Provider plan review in determining how to proceed with the projects if the local enforcement agency independently conducts or proposes to conduct a technical Code-compliance review of those same plans for the purpose of determining whether the Private Provider's Code-compliance determination is correct?

- Question 2.** For purposes of determining Petitioner's rights and obligations in proceeding under section 553.791, does an independent technical examination by the local enforcement agency of plans already reviewed for Code compliance by Petitioner's Private Provider constitute replication of the Private Provider's plan review within the meaning of section 553.791(1)(b)?
- Question 3.** In light of section 553.791(1)(d), which included review of building plans within "building code inspection services," do the audit requirements of section 553.791(20) apply when a local enforcement agency audits Private Provider plan-review services?
- Question 4.** If section 553.791(20) applies to Private Provider plan-review services, may Petitioner's Private Provider plan review be subjected to an audit or technical re-review by a local building-code enforcement agency that has not established the standard operating Private Provider audit procedures required by that subsection?
- Question 5.** If section 553.791 otherwise authorizes the local enforcement agency to identify an alleged deficiency in Private Provider-reviewed plans as Petitioner seeks authorization to proceed, what written identification of the specific deficiency and applicable Code provisions is required under Petitioner's circumstances?

Answer:

The Florida Building Commission has limited involvement with, or authority concerning, the utilization of private providers or the interactions between private providers and local building officials.

The Commission does not have general enforcement authority over the conduct of building officials or private providers. As explicitly stated in section 553.791(21):

When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

Likewise, section 468.621(1)(i), Florida Statutes (2026), provides that disciplinary action can be taken by the Florida Building Code Administrators and Inspectors Board against licensees "[f]ailing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791."

The Commission has been tasked with creating certain forms to be used when a private provider is involved with a project. Section 553.791(5), Florida Statutes (2026), directs the Commission to adopt a form to provide notice to the local building official that a private provider will be utilized. Section 553.791(14), Florida Statutes (2026), directs the Commission to provide a form to record inspections performed by the private provider. Section 553.791(15), Florida Statutes (2026), directs the Commission to provide a form to be used for the preparation of a certificate of compliance that summarizes the inspections performed and states that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes.

In addition to creating these forms, the Commission is charged with hearing the appeal of certain decisions rendered by the local building official:

If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

Section 553.791(17)(b), Florida Statutes (2026) (underlining provided). See also section 553.791(17)(c), Florida Statutes (2026). The only provision in chapter 553, Florida Statutes (2026), which provides for the appeal of a local building official to the Commission is section 553.775(3)(c), Florida Statutes (2026), which states that "[t]he commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days." Thus, even the Commission's authority to review disputes between the building official and the private provider is limited to interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction, not the private provider statutes.

Aside from the creation of the related forms that will be used statewide, the Legislature did not task the Commission with creating, enforcing, or interpreting any of the provisions pertaining to the utilization of private providers. As the

Commission does not have authority over these provisions, it cannot issue a declaratory statement regarding their application.

With respect to Petitioner's first question, whether he may "rely" on the private provider's plan review in determining how to proceed with his projects is too general of an inquiry for the Commission to answer. If the question is intended to solicit a statement imposing constraints on or requirements concerning the conduct of other entities, it is not the appropriate subject of a declaratory statement.

With respect to questions two through five, they pertain to the conduct of entities other than the petitioner. Furthermore, the courts have stated that "a petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied." *Novick v. Dep't of Health*, 816 So. 2d 1237, 1240 (Fla. 5th DCA 2002) (citing *Chiles v. Dep't of State, Div. of Elections*, 711 So. 2d 151 (Fla. 1st DCA 1998)). The Commission is thus unable to issue a declaratory statement pertaining to the past conduct of other individuals.

DS2026-063 BY MICHAEL PRICE

Question 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)?

Question 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?

Question 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?

Answer:

In response to Petitioner's *first and third* questions, the only provision in chapter 553, Florida Statutes (2026), which provides for the appeal of a local building official to the Commission is section 553.775(3)(c), Florida

Statutes (2026), which states that “[t]he commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.” 1 (underlining provided). This is the process that would be implicated by section 553.791(17), Florida Statutes (2026)

In response to Petitioner’s *second* question, it pertains to the conduct of other individuals, and so is not the appropriate subject of a declaratory statement.

DS2026-064 BY MICHAEL PRICE -

- Question 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?
- Question 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?
- Question 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?
- Question 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?

Answer:

The Florida Building Commission has limited involvement with, or authority concerning, the utilization of private providers or the interactions between private providers and local building officials.

The Commission does not have general enforcement authority over the conduct of building officials or private providers. As explicitly stated in section 553.791(21):

When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

Likewise, section 468.621(1)(i), Florida Statutes (2026), provides that disciplinary action can be taken by the Florida Building Code Administrators and Inspectors Board against licensees "[f]ailing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791."

The Commission has been tasked with creating certain forms to be used when a private provider is involved with a project. Section 553.791(5), Florida Statutes (2026), directs the Commission to adopt a form to provide notice to the local building official that a private provider will be utilized. Section 553.791(14), Florida Statutes (2026), directs the Commission to provide a form to record inspections performed by the private provider. Section 553.791(15), Florida Statutes (2026), directs the Commission to provide a form to be used for the preparation of a certificate of compliance that summarizes the inspections performed and states that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes.

In addition to creating these forms, the Commission is charged with hearing the appeal of certain decisions rendered by the local building official: If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building

official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

Section 553.791(17)(b), Florida Statutes (2026) (underlining provided). See also section 553.791(17)(c), Florida Statutes (2026). The only provision in chapter 553, Florida Statutes (2026), which provides for the appeal of a local building official to the Commission is section 553.775(3)(c), Florida Statutes (2026), which states that “[t]he commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.” Thus, even the Commission’s authority to review disputes between the building official and the private provider is limited to interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction, not the private provider statutes.

Aside from the creation of the related forms that will be used statewide, the Legislature did not task the Commission with creating, enforcing, or interpreting any of the provisions pertaining to the utilization of private providers. As the Commission does not have authority over these provisions, it cannot issue a declaratory statement regarding their application.

Besides the jurisdictional issues, Petitioner’s first and fourth questions address the consequences of conduct that has already occurred, and the courts have stated that “a petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied.” *Novick v. Dep’t of Health*, 816 So. 2d 1237, 1240 (Fla. 5th DCA 2002) (citing *Chiles v. Dep’t of State, Div. of Elections*, 711 So. 2d 151 (Fla. 1st DCA 1998)).

Petitioner’s *second and third* questions both concern the conduct of entities other than the Petitioner, and are thus not the appropriate subject for a declaratory statement.

For all the foregoing reasons, the Commission declines to answer the petition.

DS2026-070 BY MICHAEL PRICE -

Question 1. Under Petitioner's present circumstances, where construction has already commenced on permitted single-family residential projects and Petitioner

presently requires plans review of revised construction documents, may Petitioner elect a qualified Private Provider under section 553.791 to perform that plans review and provide the Plan Compliance Affidavit required by subsection (7)?

Question 2. If the answer to Question 1 is yes, and the local enforcement agency has a policy pursuant to section 553.791(2)(a) requiring a fee owner or contractor who uses a Private Provider for plans review to also use a Private Provider for required building inspections, how does that requirement apply to Petitioner when construction has already commenced and subsection (6) separately addresses the election of a Private Provider for inspection services after commencement of construction?

Answer:

The Florida Building Commission has limited involvement with, or authority concerning, the utilization of private providers or the interactions between private providers and local building officials.

The Commission does not have general enforcement authority over the conduct of building officials or private providers. As explicitly stated in section 553.791(21):

When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

Likewise, section 468.621(1)(i), Florida Statutes (2026), provides that disciplinary action can be taken by the Florida Building Code Administrators and Inspectors Board against licensees "[f]ailing to lawfully execute the duties and responsibilities specified in this part and ss. 553.73, 553.781, 553.79, and 553.791."

The Commission has been tasked with creating certain forms to be used when a private provider is involved with a project. Section 553.791(5), Florida Statutes (2026), directs the Commission to adopt a form to provide notice to the local building official that a private provider will be utilized. Section 553.791(14), Florida Statutes (2026), directs the Commission to provide a form to record inspections performed by the private provider. Section 553.791(15), Florida Statutes (2026), directs the Commission to provide a form to be used for the preparation of a certificate of compliance that summarizes the inspections performed and states that, to the best of the private provider's knowledge

and belief, the building construction inspected complies with the approved plans and applicable codes.

In addition to creating these forms, the Commission is charged with hearing the appeal of certain decisions rendered by the local building official:

If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

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Aside from the creation of the related forms that will be used statewide, the Legislature did not task the Commission with creating, enforcing, or interpreting any of the provisions pertaining to the utilization of private providers. As the Commission does not have authority over these provisions, it cannot issue a declaratory statement regarding their application.

Accordingly, the Commission declines to answer the petition