

DATE: September 23rd, 2026
TO: Florida Building Commission
ATTN: Mo Madani
REF: DS 2026-058
FROM: Doug Sposito
Deputy Building Official
Collier County FL

I respectfully submit additional comments for Consideration regarding DS 2026-058 Petition for Declaratory Statement

Code, Statute Sections Considered

FS 553.791

FS 671.201 General definitions.—Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other chapters of this code which apply to particular chapters or parts thereof, have the meanings stated.

FS 553.791(1)(f) “Duly authorized representative” means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

Primacy of Legislative Intent: The overarching goal of statutory construction in Florida is to give effect to the intent of the Legislature. When the Legislature includes an explicit definition in a statute, that definition is the ultimate indicator of legislative intent.

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

Additional comments on Petitioner Question #6:
The answer to Petitioners question 6 is yes.

FS 553.791 has or had required three tasks of the building official with regards to a Duly Authorized Representative (DAR). Verifying their license, verifying insurance is in effect for the DAR and identifying the DAR who will perform work on specific permits.

Prior to HB 803 using the registration of a private provider or a DAR to verify licensure and insurance was not mandated nor required.

FS 553.791(19)(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).

But per FS 553.791(1)(f) the private provider was still required to identify the DAR performing plan reviews and inspections with each permit application even if there was no registration requirement.

“Duly authorized representative” means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section...

Prior to HB 803 the registration of a DAR was not required and now under HB 803 the registration of a DAR is still not a requirement but identifying them in the permit application still is.

FS 671 gives further direction when considering the meaning of a definition:

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The overarching goal of statutory construction in Florida is to give effect to the intent of the Legislature. When the Legislature includes an explicit definition in a statute, that definition is the ultimate indicator of legislative intent.

The legislature was clear with its intent in the definition of a Duly Authorized Representative. A “duly authorized representative” means an agent of the private provider identified in the permit application.

If a person is not identified as a DAR in a permit application, then they are not a DAR by definition and are not allowed to provide building inspection services.