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Department of Business and Professional Regulation
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BEFORE THE FLORIDA BUILDING COMMISSION

PETITION FOR DECLARATORY STATEMENT

Pursuant to section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code, Petitioner respectfully requests a Declaratory Statement from the Florida Building Commission concerning the interpretation and application of section 553.791, Florida Statutes.

I. PETITIONER

DS 2026-088

Name: Tim Jewell
Florida Standard Building Inspector Certificate: BN8344
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Petitioner holds a Florida Standard Building Inspector certificate issued pursuant to Part XII of Chapter 468, Florida Statutes.

II. PARTICULAR CIRCUMSTANCES

Petitioner intends to personally provide private-provider building inspection services pursuant to section 553.791, Florida Statutes.

Petitioner intends to limit these services to residential replacement windows, replacement doors, and reroofing where no structural alteration is involved, within the scope authorized by Petitioner's Florida Standard Building Inspector Certificate No. BN8344.

Petitioner intends to register with local building departments as required by section 553.791, Florida Statutes, and to contract directly with property owners or contractors, upon the authorization required by section 553.791, for these inspection services.

Before commencing these services, Petitioner requires clarification as to whether his qualification under section 553.791(1)(n) permits him to register, contract, and independently provide these limited private-provider inspection services.

Petitioner also intends to conduct his private-provider inspection business through a Florida single-member limited liability company. Petitioner would be the sole member of the company and would personally perform all private-provider inspections. Petitioner does not intend to employ, contract with, or otherwise use other inspectors to perform private-provider inspections.

Petitioner therefore requires clarification as to whether conducting his individual private-provider inspection business through a single-member limited liability company, when Petitioner remains the sole person performing the inspections, causes the limited liability company to be considered a "private provider firm" under section 553.791(1)(o), Florida Statutes.

Section 553.791(1)(n), Florida Statutes, includes within the definition of a "private provider" a person holding a standard certificate under Part XII of Chapter 468 who may perform certain inspections for residential additions and alterations limited to 1,000 square feet or less.

Petitioner seeks clarification regarding how this 1,000-square-foot limitation applies to residential alteration work, particularly replacement windows and doors.

For example, a homeowner may replace ten windows in an existing 5,000-square-foot single-family residence. The replacement of the windows constitutes an alteration to the existing building, but the work does not involve alteration of the entire 5,000-square-foot dwelling.

Petitioner requires clarification as to whether the 1,000-square-foot limitation applies to the total area of the existing residential building or to the area of the addition or alteration being inspected and, if it applies to the alteration, how that area is determined for replacement windows and doors.

III. STATUTORY PROVISIONS

The statutory provisions relevant to this Petition include section 553.791, Florida Statutes, including but not limited to:

- Section 553.791(1)(n), defining "private provider" and including certain persons holding a Standard Certificate under Part XII of Chapter 468 for specified residential inspections.
- Section 553.791(1)(o), defining "private provider firm."
- Section 553.791(1)(r), defining "single-trade inspection" and including, among other things, door or window replacements and reroofing with no structural alteration.
- Section 553.791(2), concerning contracts for private-provider services.
- Section 553.791(3), concerning private-provider services within the disciplines covered by the provider's licensure or certification, including single-trade inspections.
- Section 553.791(4), concerning registration of private providers and private provider firms with local enforcement agencies.
- Section 553.791(6), concerning the election to use a private provider for single-trade inspections on single-family or two-family dwellings.

IV. PRIOR DECLARATORY STATEMENT

Petitioner is aware of **Declaratory Statement DS 2016-064**, which involved questions concerning whether a person holding a Standard Building Inspector certificate under Chapter 468 could perform certain private-provider inspection services under section 553.791.

That petition was withdrawn before final adoption by the Florida Building Commission. Therefore, Petitioner seeks a formal interpretation of the current statutory language as it applies to Petitioner's particular circumstances.

V. QUESTIONS PRESENTED

Petitioner respectfully requests that the Florida Building Commission issue a Declaratory Statement answering the following questions:

1. Does the 1,000-square-foot limitation contained in section 553.791(1)(n), Florida Statutes, apply to the total square footage of the existing residential building, or does it apply to the square footage of the residential addition or alteration being inspected?

2. If the 1,000-square-foot limitation applies to the addition or alteration rather than the entire residential building, how should the area of the alteration be determined for replacement windows and doors? For example, if ten windows are replaced in an existing 5,000-square-foot residence, what area constitutes the "addition or alteration" for purposes of the 1,000-square-foot limitation?

3. May a person holding a Standard Certificate under Part XII of Chapter 468 who qualifies as a private provider pursuant to section 553.791(1)(n) register with local building departments, contract directly with property owners or contractors, and independently provide the limited private-provider inspection services authorized by section 553.791 without being required to operate as a "private provider firm"?

4. If Petitioner conducts his private-provider inspection business through a Florida single-member limited liability company, where Petitioner is the sole member, personally performs all private-provider inspections, and does not employ or contract with any other inspectors to perform such inspections, is that single-member limited liability company considered a "private provider firm" under section 553.791(1)(o), Florida Statutes?

VI. SUBSTANTIAL EFFECT ON PETITIONER

The interpretation of section 553.791 directly and substantially affects Petitioner because Petitioner intends to register and personally provide private-provider inspection services authorized by his Standard Building Inspector certification.

Petitioner intends to provide residential replacement-window, replacement-door, and reroofing inspection services where no structural alteration is involved and to contract for these services directly with property owners or contractors as permitted by section 553.791.

Petitioner may conduct these activities through a Florida single-member limited liability company. Petitioner would remain the sole member and the sole individual performing all private-provider inspections and does not intend to hire or contract with other inspectors to perform those inspections.

The answers to the questions presented will determine the scope of residential properties and alterations Petitioner may inspect, how the 1,000-square-foot limitation must be calculated, whether Petitioner may independently register and contract to provide these services, and

whether conducting the business through a single-member limited liability company causes the company to be considered a "private provider firm."

These issues directly affect whether and how Petitioner may commence the contemplated private-provider inspection services. Petitioner therefore requires an authoritative interpretation of section 553.791 before commencing these services.

VII. REQUEST FOR DECLARATORY STATEMENT

WHEREFORE, Petitioner respectfully requests that the Florida Building Commission issue a Declaratory Statement answering the questions presented above and clarifying the application of section 553.791, Florida Statutes, to Petitioner's particular circumstances.

Respectfully submitted,

Tim Jewell
Florida Standard Building Inspector
Certificate No. BN8344

Signature: 

Date: 9/23/2026