DS 2026-088 by Tim Jewell

Summary of Issue:

Petitioner is an individual who holds a Florida Standard Building Inspector certificate issued pursuant to part XII of chapter 468, Florida Statutes, and who intends to personally provide private provider building inspection services through a Florida single-member limited liability company, of which he would be the sole member.

Petitioner's Questions:

Petitioner presents the following questions pertaining to his proposed business organization and the scope of services he is able to offer:

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?

Relevant Provisions:

Section 553.775(3)(a), Florida Statutes (2026), provides that the Commission shall "issue declaratory statements pursuant to s. 120.565 relating to the enforcement or administration by local governments of the Florida Building Code or the Florida Accessibility Code for Building Construction." (underlining provided)

Rule 28-105.001, Florida Administrative Code, states that "[a] declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority." (underlining provided)

Staff's Suggested Answers:

The Florida Building Commission has limited involvement with, or authority concerning, the utilization of private providers.

The Commission has not been tasked with creating, enforcing, or interpreting the provisions pertaining to the use of private providers, or who may provide those services and under what circumstances. As the Commission does not have authority over these provisions, it cannot issue a declaratory statement regarding their application.