

THE FLORIDA BUILDING COMMISSION REPORT TO THE 2004 LEGISLATURE

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1. Executive Summary

The focus of the Florida Building Commission during 2003 continued to be the implementation of the first edition of the Florida Building Code (the Code) and new support programs. Major development tasks included: refining and implementing the Product Approval system rules; working with the licensing boards for construction industry professions on the Building Code Training Program; evaluating implementation of the new alternative plans review and inspections authority; and beginning the two year project to develop and implement the first major triennial update to the Code. Other major tasks included: interpretations and clarifications of the Code by declaratory statement; ruling on appeals of local jurisdictions' Code amendments; ruling on petitions for waiver of accessibility requirements; and implementation of the 2003 annual Code amendments.

The first year of implementation of the Code, 2002, was a period of rapid adjustment for industry and the Commission. Code support programs and processes authorized by 1998 legislation were implemented and refined for better efficiency and effectiveness and additional programs authorized later were developed and implemented. The second year, 2003, was more settled and the Commission's Code support programs became more standard. During 2003, the Commission moved from a primary focus on program development to a primary focus on program maintenance and refinement. Looking ahead to 2004, its focus and efforts will be on the first major update of the Code, which will be implemented in 2005.

The Commission continues evaluating the building code system and identifying and implementing improvements important to its operation and effectiveness. Recommendations for changes to law that would improve the system are presented in this report and, in summary form, include:

- Provide the Commission authority to issue binding interpretations of the Florida Building Code in order to establish statewide consistency in each jurisdiction's enforcement of the Code.
- Clarify the authorities to establish core curricula on building codes and to determine how core skills will be demonstrated for professional licensure. Clarify authority to approve advanced courses on the Code. Authorize a program for voluntary accreditation of building code courses.
- Amend Chapter 553, Florida Statutes, to authorize the Commission to establish disciplinary rules for entities which conduct buildings plan review, production inspections, evaluations of product compliance with the Code, validation of product compliance with the Code or Quality Assurance

inspections for the state manufactured buildings, prototype buildings and product approval programs.

- Amend Section 553.79, Florida Statutes, to authorize the Commission to determine facility types and criteria for types of work, which will qualify for facility maintenance permits.
- Amend Section 553.842, Florida Statutes, to recognize the International Code Council, as the successor organization to the three currently recognized model code organizations.

2. Introduction

Building codes began in Florida as individual local codes and evolved through the past century into a state code system. Their evolution paralleled the transformation of Florida from a rural state with just a few major coastal population centers, to an urban/suburban state with the majority of its population located in coastal regions. Prior to 1974, building codes were the prerogative of local governments. Then in 1974, the state mandated that all local jurisdictions adopt and enforce a building code which imposed at least the minimum requirements of one of four state recognized model codes. Local governments could amend the model code they selected, and most did. By the mid-1990's, the complexity of this system of local codes was seen as contributing to code compliance and public safety failures and a state study commission recommended replacing the system with a single, state building code. In 1998, the Legislature passed House Bill 4181 creating the Florida Building Commission and authorizing development of the Florida Building Code (the Code) and a system of support programs. The 2000 Legislature approved the first edition of the Code, which then took effect March 1, 2002.

The guiding principle for the new Florida Building Code system was that public safety would be served by simplifying the codes, by improving consistency of requirements statewide, and by requiring licensed individuals to have code training. The core of the new system is the Florida Building Code, and major programs which support it are the Building Code Training Program, the program for approving products covered by the Code, the program for issuing advisory opinions and declaratory statements to interpret the Code, and the program for registering, reviewing, and repealing local amendments. These programs were developed and implemented by the Florida Building Commission.

The Florida Building Commission developed and maintains the Code and administers the support programs. It is a twenty-three-member body whose members represent the spectrum of state licensed contractors, engineers, architects, building owners, the insurance industry, public schools, local governments, and persons with disabilities. It also has nine technical advisory committees whose eleven members represent industry and public interests. Together, the Commission and its technical advisory committees bring a broad spectrum of expertise and interests to developing and maintaining building codes for Florida and to developing recommendations for building code policies for the Legislature.

3. The Florida Building Code

The Code

The Florida Building Code is based on national model codes that are amended where necessary to address Florida specific needs. Both the Florida Building Commission and local governments may amend the Code annually with amendments being reviewed during Code updates to determine whether there is still a need for that amendment. The Code is kept up-to-date with changes in technology and changes in standards of practice for design and construction of buildings by adopting changes to the base model codes, which are continuously maintained and updated every three years. In addition to the individual state and local amendments, the Code incorporates the Florida Accessibility Code for Building Construction, the Florida Energy Efficiency Code for Building Construction and the Uniform Code for public schools as well as facility licensing standards required by law for food service, health care, and other facilities. The Code is also coordinated with the Florida Fire Prevention Code to maintain consistency of fire and life safety requirements.

The first edition of the Code was published in 2001 and replaced all local codes in March 2002. The first update to the Code will produce the 2004 edition scheduled for implementation January 2005.

The 2001 Code

Initially, there was widespread concern that the new code would cause disruption in the construction industry. The assumption was that many code requirements would change. Experience later revealed that the Commission was successful in developing a Code that resulted in much less disruption than feared. The new Code was based on the national model code that was in most widespread use throughout the state and Commission amendments added hurricane protection requirements for those areas employing a different model code. In the end, the Code was similar in major requirements to what all areas of the state were familiar with but without the quirks of many of the local jurisdiction requirements.

As expected, the development of such a complex and broad document resulted in a few unintended consequences and a number of glitches were identified during implementation. Much of the Commission's effort in 2002 was directed to interpreting requirements, identifying the glitches, and conducting the process to amend the Code. Those amendments, referred to as the 2003 Amendments, were implemented June 30, 2003.

The 2004 Code

The first edition of the Code was based on the parts of the International Codes that were available in 1998 when its development was initiated. At that time only the plumbing, mechanical, and fuel gas components were complete. The building component of the International Codes was not yet available so the Commission selected the final edition (1997) of the Standard Building Code for use as the building component of the Florida Building Code.

The Commission recognized that continuing to base the building component of the Code on a model code that was no longer maintained would cause long-range problems. Unless it moved to a model code that was maintained nationally, the Commission would have to do all of the maintenance on the Code itself. The advantages of the expertise brought to the national model code development process would be lost, along with the coordination between components of the Code resulting from the use of a single family of model codes. The Commission then decided the second edition of the Code would be based on the building components of the International Codes. The update will require reviews of the International Building Code (IBC) and the International Residential Code (IRC), then adoption of the portions the Commission determines meet Florida needs.

The Commission initiated the update in the Spring of 2003, and has completed work preliminary to rule adoption on the plumbing, mechanical, fuel gas, and electrical components of the Code. It is scheduled to consider integration of Florida-specific amendments into the building (IBC) and residential (IRC) components of the International Codes and what portions of those codes will not be adopted during the Spring of 2004. The new edition of the Code will be adopted by rule and will be available to the public online by mid-Summer. Implementation of the Code 2004 edition is scheduled for January 1, 2005.

Rehabilitation Code for Existing Buildings

The Commission reported to the 2003 Legislature its development of requirements for rehabilitation of existing buildings and recommended authorization for expediting their adoption into the Code to take effect in 2003. No building code bill passed during the 2003 legislative session so the Commission pursued adopting the requirements during the 2004 Code update cycle referenced above. Chapter 34 of the Code 2004 edition, which is scheduled to take effect January 1, 2005, will be revised to include the new standards developed by the Commission.

Code Interpretations

Though most of the Florida Building Code is not new, it still generated many requests for interpretation. In the period between March and December of 2002, the Commission issued 35 Declaratory Statements. During 2003 the Commission

issued 26 Declaratory Statements. The advisory opinions alternative (described below) and improving familiarity with the Code resulted in a decline in requests for Declaratory Statement interpretations.

The process for issuing Declaratory Statements is time consuming and deliberative. It involves review of requests by Legal Counsel for sufficiency. Those requests determined to be sufficient are then reviewed by an appropriate Technical Advisory Committee (TAC), which develops recommended interpretations. The TAC recommendations are considered at a public hearing before the Commission, out of which comes a draft interpretation. Legal staff drafts final orders of the Declaratory Statements, which are then posted on the Commission's website for public review. The Declaratory Statements are finalized at a second Commission meeting where a second opportunity for input by the public is provided. The process is a deliberative one and was designed to provide ample opportunity for public involvement in Commission decisions. It takes two to three months to render interpretations, and these interpretations are intended for broad effect rather than for settling disputes between industry and code enforcement officials on specific projects where time is more critical. The statute provides an alternative process, which begins at local appeal boards to address such time sensitive circumstances.

Advisory Opinions

The 2002 Legislature provided an additional mechanism to provide guidance on the Code. It authorized the Commission to recognize an outside entity to issue non-binding advisory opinions developed by licensed code enforcement officials. The Commission selected the Building Officials Association of Florida (BOAF), which has a system for providing advisory opinions to its members. The service was expanded to include all parties and BOAF issued 160 advisories in 2002 and 440 advisories in 2003.

Requests for opinions are received through the Commission's website and then forwarded to BOAF which forwards the request to a panel of industry and building department experts. The advice of these experts is directed to an experienced building official who drafts a response and forwards it to a select group of licensed and active Building Code Enforcement Officials familiar with the subject matter. These officials make the final determination of the response, which then is forwarded to the questioner and posted on both the BOAF site and in the Commission's Building Code Information System. The electronic information system can be queried for advisory opinions and Declaratory Statements by subject area for any section of the Code. The service is provided free to the public with BOAF compensated by the Commission.

Appeals of Local Amendments

The Commission issued final orders on two challenges of local amendments during 2003. In the first case, the identified motives for modifications to the electrical requirements of the Code were not local conditions within the meaning of the law. In the second case, proceedings for adoption of amendments to the mechanical requirements of the Code failed to include any findings, discussion, or evidence pertaining to local conditions that justified the amendment. Based on findings and conclusions of an Administrative Law Judge assigned by the Division of Administrative Hearings, the Commission concluded in each case that the subject amendments failed to comply with the restriction of local amendments to the Code in Section 553.73(4) (b), Florida Statutes. The Commission entered a Final Order in each case invalidating the amendments and no appeals have been taken.

4. Product Approval

The Code sets standards of performance for products, methods, and systems used in the construction of buildings. Determining that products comply with the Code is a part of determining that a building complies. Historically, code enforcement officials have relied on nationally recognized test laboratories and engineering groups, and on Florida licensed engineers and architects to evaluate the performance of products when approving their use. The Commission's rules for product approval establish uniform criteria for using this approach in local and state approvals.

Section 553.842, Florida Statutes, establishes a framework for the product approval system and authorizes the Commission to adopt implementing rules. It requires the Commission to identify products covered by the uniform rule and requires rule implementation October 1, 2003. The first edition of Rule 9B-72, Florida Administrative Code, was completed and the Commission began approving organizations that test and evaluate products in 2002. The sections of the rule relating to optional state approval of products were clarified through a rule amendment in 2003 and the Commission began approving products for statewide acceptance in October.

The Commission clarified in Rule 9B-72 that all products covered by the Code must be approved but only eight product categories are subject to the uniform procedures of the rule. Those eight product categories are panel walls, exterior doors, roofing products, skylights, windows, shutters, structural components, and new technologies for building envelope products. Products not in these categories may have their compliance with the Code demonstrated in a manner acceptable to the building official. Products in these eight categories must have their performance evaluated by Commission approved organizations or Florida registered engineers or architects, and must have their manufacture monitored by a Commission approved quality assurance organization. Commission approved organizations must be accredited according to appropriate International Standards Organization (ISO) standards or equivalent standards to obtain approval by the Commission.

During 2003, the Commission approved 21 organizations to conduct testing and evaluation of products and 9 organizations to monitor product manufacturing. In the period between October 1 and November 18, the last meeting of 2003, the Commission approved 388 products. The product approval rule has been effective just 3 months, but preliminary information indicates that many code enforcement jurisdictions do not have the resources to consistently and rigorously determine whether products comply with the Code. Many jurisdictions refer manufacturers to the Commission for state approval as a means of addressing this responsibility. Considering the status of local resources and the

efficiency of single point approval to manufacturers, the Commission anticipates optional state approval will be the choice of more manufacturers in the future.

5. Building Code Training Program

The Florida Building Code was conceived as a system for improving the effectiveness of building codes. While the single unified Code is the centerpiece of the system, improved knowledge through building code training is the most crucial means of improving effectiveness. Toward this end, state law requires all licensed contractors, code enforcement personnel, architects, and engineers to take a minimum number of continuing education hours each license renewal period and complete a core course on the Code. The Building Code Training Program was also created by law to provide a focus for code-related education and to coordinate all training resources, including universities, community colleges, vocational technical schools, industry and professional associations, and private construction entities.

The first task in development of the Code education program was establishment of the core curricula. The transition from existing local codes to the Florida Building Code was considered the first training issue to address as part thereof, and the Commission developed transition courses specific to plumbing, mechanical, and building trades. Delivery of the courses began May 2001, and as of November 2003, some 55,434 licensees holding 64,636 licenses (including multiple license holders) had completed a requisite transition core course. The Commission created a Technical Advisory Committee of members representing the construction industry licensing boards, industry associations, and Department of Business and Professional Regulation, which reviewed options for development, delivery and approval of Code training and developed an implementation strategy consistent with authorities currently assigned to the different entities in Chapters 553, 468, 471, 481 and 489, Florida Statutes.

Coursework in core knowledge on the Building Code will be a continuing requirement for current and new licensees. Methods for determining basic knowledge of the Code by licensees will be decided by each licensing board whether by training requirements, testing on a licensing exam, or a separate test on the specific core knowledge. Core curricula for each trade will include the information necessary for each licensee to understand his or her administrative and technical responsibilities under the Code. The Commission will provide the information for the administrative curricula and the design and contracting professions will approve the technical curricula developed by public and private providers.

Advanced courses on building code requirements will be developed by private and public providers and approved by the individual licensing boards for the continuing education requirements for their respective licensees. The licensing boards are required to determine the number of hours needed for each licensing

cycle. Following is the number of required advanced course hours established by each licensing board:

Architect – Section 481.215(6), F.S.:	0 hours
Landscape Architect – Section 481.313(6), F.S.:	2 hours
Construction – Section 489.115(4)(b)4, F.S.:	1 hour
Electrical Contractors – Section 489.517(6), F.S.:	0 hours
Building Code Administrators and Inspectors Board:	NA
Board of Professional Engineers	NA

The Commission is requesting authority to develop a program that will provide voluntary accreditation of advanced building code training courses. Commission approved “accreditors of advanced building code training courses” will review courses developed by public and private providers to ensure all code information in the courses complies with the Florida Building Code. The courses accredited by the Florida Building Commission will need to be reviewed by the Department of Business and Professional Regulation and individual licensing boards.

This system, currently outlined in the statutes, has led to confusion and disagreement over specific requirements among the participant organizations. Specific authorities and responsibilities in the statutes should be clarified to delineate the licensing boards’ approval and enforcement authorities and the Commission’s supervisory role. The Commission recommends amending Section 553.841, Florida Statutes, to provide needed clarity in this regard.

6. Alternative Plans Review and Inspections

Section 553.791, Florida Statutes

Section 553.791 establishes a system for building plans reviews and inspections for Code compliance to be conducted by private providers and overseen by local jurisdiction personnel. The system authorization became effective October 1, 2002. The Commission was directed to assess the implementation of the system and report to the Legislature by January 1, 2004. The report on the assessment and the Commission's recommendations was provided separately and is included in this report as Appendix A. The results, conclusions and recommendations are summarized as follows.

Assessment Results

The Commission's assessment began with a survey conducted under contract with the University of Florida, Shimberg Center for Affordable Housing. A final report on the survey was distributed to Commission members and to the public for review. The Commission then held a public workshop at its October 2003 meeting to solicit additional public comment.

Potential benefits reflected in the survey report include:

- In high growth areas the private provider option can supplement the plans review and inspection resources of the local jurisdiction.
- The private provider system provides additional oversight of plans review and inspections. Local jurisdictions are authorized to audit private provider services and to cause remedy of any deficiency found. Licensed architects or engineers must perform or oversee all private provider plans review and inspections.
- The private provider system provides the consumer with a "remedy" by way of the insurance provision in the statute should the provider's services be deficient in addition to remedy by way of civil action against the contractor. The municipal system provides a remedy only by action against the contractor. Local governments are shielded by sovereign immunity.
- Though some jurisdictions provide similar services, commercial and residential construction may benefit by having a private inspector on call for special tasks or for evening or weekend inspections. Such on-demand service can provide improved scheduling and efficiency in the construction process. Some contractors indicated a willingness to pay private provider fees in addition to normal building department fees to obtain this flexibility.

The survey report indicates that comments by Building Officials were generally negative regarding benefits of private inspections to the building departments. Three responding Building Officials indicated their workload had increased due to the need to re-inspect every project. One respondent had assigned one inspector to this task full time. Building Officials also point out that building departments are responsible for steps in the enforcement of a number of non-building-code related land development regulations. Enforcement of these regulations is out of the authorized scope of services of private providers so local jurisdiction personnel must still perform these functions when a private provider is used for building code enforcement.

Comments from the public hearing conducted by the Commission are summarized as follows:

- Duval County has integrated private provider inspections into building code enforcement but has documented concerns about the quality of private inspections. Its administrators advise the development of effective oversight authorities for building officials is essential to ensuring that private inspections become a real asset rather than a burden on local jurisdictions.
- The experience and concern of one private provider was that oversight measures adopted by some local jurisdictions are being used to prevent the adoption and implementation of the private provider inspections option.
- A private provider and engineer who was involved in the development of the original legislation suggests that stakeholders should be reconvened to further consider the major issues essential to acceptance and effective implementation of the private provider option.

Conclusion

The survey and the public comment before the Commission indicate little consensus on the realized benefits of the private provider option and the problems that must be resolved to improve its implementation. The survey report indicates considerable divergence between what the Building Officials report versus what builders/contractors report as realized benefits. Builders/contractors are generally reporting a substantial time savings resulting in cost reductions. Building Officials are reporting no benefit to either the building department or to the fee owner. They cite duplicative costs and little improvement in response times. One respondent pointed out contractors in high volume markets may find quicker response times, but under normal circumstances, the response times are claimed to be about the same. Public comment before the Commission indicates that a major local jurisdiction which has integrated private provider inspections into enforcement considers more building official oversight authority is necessary

while the private provider believes building officials are misusing current oversight authorities to prevent implementation of the private provider option.

Recommendations

The Commission recommends that it work with stakeholders to clarify the intent and requirements of the current law and to develop consensus recommendations for revisions to law governing the alternative plans review and inspections system.

The system took effect October 2002 so there was little experience with its implementation prior to the collection of data for this report. The study conducted under contract with the Shimberg Center for Affordable Housing along with the public comment at the Commission workshop indicate problems with little consensus among stakeholders for those problems or their solutions. The Commission will work with stakeholders during the coming year to identify and develop consensus on issues that must be resolved to improve implementation of the system. Issues that can be addressed through interpretation of current law will be addressed using the Commission's authority to issue declaratory statements. Issues that would require changes to current law will be addressed through development of consensus recommendations for presentation to the 2005 Legislature.

7. Other Programs and Initiatives

Accreditation Standards for Building Departments

The Commission conducted a project during 2003 to develop voluntary standards for accreditation of building departments. The accreditation standards will provide objective measures by which Florida's building code enforcement jurisdictions can gage themselves and when implemented will improve building code enforcement. The Commission's initiative was conducted in partnership with the Building Officials Association of Florida and the International Accreditation Services, a subsidiary of the national association of building officials. The project tapped a national interest in development of accreditation standards and provided a starting point for development of national standards. (See Appendix B)

Prototype Building Plans Approval

The law authorizes the Commission to establish a program for state approval of plans for prototype buildings whose designs are used multiple times. Such plans for the superstructure of a building remain the same so they can be reviewed and approved once for multiple use without necessitating review and approval by every jurisdiction in which the prototype building may be built. Foundation plans and site plans are specific to individual building locations, so those portions of the building plans are reviewed and approved by each local jurisdiction.

The Commission developed and adopted rules governing the state approval of plans for prototype buildings in 2002 and contracted with Applied Research Associates in 2003 to operate the system.

Manufactured Buildings

The Commission reviewed recommendations of the Department of Community Affairs' staff regarding accountability of entities approved for evaluating compliance of building plans and products with the Code and conducting in-plant inspections and quality assurance. At this time, it concurs with the Department's recommendation that authority be provided in law for the Commission and DCA to establish and carry out disciplinary options. Current policy only allows the more extreme action of withdrawal of approval where incidents of non-compliance occur. The Commission also requests such authority for the prototype buildings and product approval programs as discussed in the above section.

8. Summary of Recommendations

As experience with the new Florida Building Code system grows, implementation improves and areas for further improvement are identified. The combined experience of industry and code enforcement officials, brought together through the Commission's consensus problem solving forums, provide broad based recommendations for improvement to the system. Many adjustments essential to improvement of the system are within the Commission's current authorities. However, others require that new authorities be delegated by the Legislature. The following recommendations address these authorities and improvements to the system:

- Authorize the Commission to issue statewide binding interpretations of the Code. Declaratory statements authorized by Chapter 120, Florida Statutes, are not recognized by local code enforcement jurisdictions as preemptive clarifications of Code requirements. The remaining tool for maintaining consistency in the application of the Code is administrative rule amendment. Procedural requirements of Section 553.73, Florida Statutes, limit amendments to once per year, which prevents timely clarifications of Code requirements. The Commission needs authority to issue binding interpretations in a timely manner to maintain consistency throughout the state and to resolve problem areas in terms of implementing and enforcing the Florida Building Code.
- Authorize the Commission to establish a program for voluntary accreditation of building code courses. Maintain Florida Building Code core skill requirements as a condition of licensure and defer to the professional licensing boards to determine the method, either licensure tests or courses, for determining competency. Defer to the licensing boards' continuing education course approval processes for advanced building code course approvals.
- Authorize the Commission to establish rules of discipline for entities which conduct building plans reviews, production inspections, evaluation of product compliance with the Code, validation of product compliance with the Code, or Quality Assurance inspections for manufactured buildings, prototype buildings, and product approval programs. Current law only provides for the Commission to approve or disapprove entities contracted or accredited to perform any of these services. Withdrawing approval constitutes extreme action where problems in the performance of an entity are short of severe. Such action would have critical impact on both the entities as well as the clients whose buildings or products they review, inspect, or evaluate. Authority to establish alternative disciplinary actions is necessary for appropriately tailoring state action to the particular offense.

- Authorize the Commission to determine facility types and criteria for the work covered by issuance of facility maintenance permits. Section 553.79, Florida Statutes, currently authorizes building officials to issue facility permits for public schools. These permits authorize multiple maintenance projects of a limited scale under a single permit thereby improving efficiency of code compliance activities for facilities managers. Other code enforcement jurisdictions indicate the need to treat other types of facilities similarly to improve efficiencies for both the jurisdictions and the facility managers.
- Recognize the International Code Council (ICC) as an approved product evaluation entity by amending Section 553.842(9)(a), Florida Statutes, to add the ICC to the list of five currently recognized entities. The International Code Council is the successor organization to the Southern Building Code Congress International, the Building Officials and Code Administrators International, and the International Conference of Building Officials, all of which are currently recognized in that part of the law. This organization will assume the product evaluation services of the three separate organizations in January 2003.

The Commission recommends that any major changes to the statutes governing alternative plans review and inspections by private providers be deferred until it has developed consensus recommendations. Law implemented this new system, October 1, 2002. Consequently, the assessment of its implementation is based on limited experience. The assessment also indicated there is little agreement among the effected parties on specific changes to the law at this time. The Commission will use its existing authority to interpret the building code statutes to both assist with implementation and to identify issues that must be addressed by changing the law. It will work concurrently with local code enforcement jurisdictions and industry representatives to develop consensus on recommendations for changes to law to improve implementation.

In addition to the above listed recommendations for establishing new authorities, making changes to current law, and addressing the critical private provider issue, the Commission expresses opposition to the following proposals put forward by other interest groups: (1) changes to the qualifying criteria for commissioners and the procedures for their appointment; (2) limitations on local governments' ability to use building permit fees to reduce or waive permitting and inspection fees for projects of community interest; and (3) outsourcing of the staffing and administrative support for the Florida Building Commission.

Appendix A

Alternative Plans Review and Inspections Report

FLORIDA BUILDING COMMISSION

REPORT ON

**THE IMPLEMENTATION OF SECTION 553.791, F.S.-
ALTERNATIVE PLANS REVIEW AND INSPECTIONS**

JANUARY 1, 2004

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SUMMARY

In 2002 the Florida Legislature passed a modification of Title XXXIII - Regulation of Trade, Commerce, Investments, and Solicitations, Chapter 553 - Building Construction Standards. Specifically, the Legislature created Section 553.791, Florida Statutes, titled *Alternative plans review and inspection* (see Appendix A). Paragraph (19) of Section 553.791 directed the Florida Building Commission to submit a report to the Legislature on the implementation of this section of law on or before January 1, 2004.

Assessment Methodology

Investigation of the implementation of Section 553.791 began with a survey assessment conducted under contract with the University of Florida, Center for Affordable Housing. The contractor first conducted a telephone survey to identify jurisdictions where private providers had been employed (as defined under paragraph (1) (g)). Over two hundred responses were received from local building departments. The thirteen jurisdictions that reported having experienced construction projects that employed private providers were then interviewed more thoroughly to investigate the implementation process. The survey further included interviews with the trade/professional associations whose memberships are impacted by the legislation (Building Officials Association of Florida, Florida Home Builders Association, Associated General Contractors, Associated Builders & Contractors) and corporations serving as active private providers. A final report of the survey activity (see Appendix B) was distributed to Commission members and the public for review and comment. The Commission then held a public workshop at its October 2003 meeting to solicit additional public comment. A summary transcription of the workshop discussion is presented as Appendix C. Specific written comments from the workshop submitted by Duval County and by Universal Engineering Science, Inc., a private provider, are presented as Appendices D and E respectively.

Survey Results

There was no strong consensus evidenced by the survey between local jurisdictions and industry on the benefits of the private provider option. The differing perspectives reported during the interviews are described in the contractor's report (Appendix B). Potential benefits reflected in the report include:

- In high growth areas the private provider option can supplement the plans review and inspection resources of the local jurisdiction.
- The private provider system provides for additional oversight of plans review and inspections. Local jurisdictions are authorized to audit private provider services and to cause remedy of any deficiency found. Licensed architects or engineers must perform or oversee all private provider plans review and inspections.
- The private provider system provides the consumer with a "remedy" by way of the insurance provision in the statute should the provider's services be deficient in addition to

- remedy by way of civil action against the contractor. The municipal system provides for remedy only by action against the contractor. Local governments are shielded by sovereign immunity.
- Though some jurisdictions provide similar services, commercial and residential construction may benefit by having a private inspector on call for special tasks or for evening or weekend inspections. Such on-demand service can provide for improved scheduling and efficiency in the construction process. Some contractors indicated a willingness to pay private provider fees in addition to normal building department fees to obtain this flexibility.

The survey consultant reports that comments by Building Officials regarding benefits to the building departments were generally negative. Three responding Building Officials indicated their workload had increased due to the need to re-inspect every project. One respondent had assigned one inspector to this task full time. Building Officials also point out that building departments are responsible for steps in the enforcement of a number of non-building-code related land development regulations. Enforcement of these regulations is out of the authorized scope of services of private providers so local jurisdiction personnel must still perform these functions when a private provider is used for building code enforcement.

Public Workshop Comments

Input from the public workshop included:

- Duval County has integrated private provider inspections into building code enforcement but has documented concerns about the quality of private inspections. Its administrators advise the development of effective oversight authorities for building officials is essential to ensuring that private inspections become a real asset rather than a burden on local jurisdictions.
- The experience and concern of one private provider were that oversight measures adopted by some local jurisdictions are being used to prevent the adoption and implementation of the private provider inspections option.
- A private provider and engineer who was involved in the development of the original legislation suggests that stakeholders should be reconvened to further consider the major issues essential to acceptance and effective implementation of the private provider option.

Conclusion

The survey and public comment before the Commission indicate little consensus on the realized benefits of the private provider option and the problems which must be resolved to improve implementation. The survey report indicates considerable divergence between what the Building Officials report versus what builders/contractors report as realized benefits. Builders/contractors are generally reporting a substantial time savings that results in considerable cost reductions. Some Building Officials are reporting no benefit either to the building department or to the fee

owner. They cite duplicative costs and little improvement in response times. One respondent pointed out contractors in high volume markets may find quicker response times, but under normal circumstances the response times are claimed to be about the same. Public comment before the Commission indicates that a major local jurisdiction which has integrated private provider inspections into enforcement considers more building official oversight authority is necessary while the private provider believes building officials are misusing current oversight authorities to prevent implementation of the private provider option.

Recommendations

The Commission recommends that it work with stakeholders to clarify the intent and requirements of the current law and to develop consensus recommendations for revisions to law governing the alternative plans review and inspections system.

The system took effect October 2002 so there was little experience with its implementation prior to the collection of data for this report. The study conducted under contract with the Shimberg Center for Affordable Housing and public comment at the Commission workshop indicate problems but little consensus among stakeholders on either the problems or their solutions. The Commission will work with stakeholders during the coming year to identify and develop consensus on issues that must be resolved to improve implementation of the system. Issues that can be addressed through interpretation of current law will be addressed using the Commission's authority to issue declaratory statements. Issues that would require changes to current law will be addressed through development of consensus recommendations for presentation to the 2005 Legislature.

APPENDIX A

Section 553.791, Florida Statutes

Alternative Plans Review and Inspection

(1) As used in this section, the term:

- (a) "**Applicable codes**" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to chapter 633.
- (b) "**Building**" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure for which permitting by a local enforcement agency is required.
- (c) "**Building code inspection services**" means those services described in s. 468.603(6) and (7) involving the review of building plans to determine compliance with applicable codes and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.
- (d) "**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 certificate under part XII of chapter 468.
- e) "**Local building official**" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.
- f) "**Permit application,**" means a properly completed and submitted application for:
1. The requested building or construction permit.
 2. The plans reviewed by the private provider.
 3. The affidavit from the private provider required pursuant to subsection (5).
 4. Any applicable fees.
 5. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.
- (g) "**Private provider**" means a person licensed as an engineer under chapter 471 or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential

buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(h) "**Request for certificate of occupancy or certificate of completion**" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required pursuant to subsection (10).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(2) Notwithstanding any other provision of law, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner. The fee owner may elect to use a private provider to provide either plans review or required building inspections. The local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner who desires to use a private provider to use the private provider to provide both plans review and required building inspection services.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner using a private provider to provide building code inspection services shall notify the local building official at the time of permit application on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building that is the subject of the enclosed permit application.

If the fee owner makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner shall, within 1 business day after any change, update the notice to reflect such changes.

(5) A private provider performing plans review under this section shall review construction plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form adopted by the commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

(6)(a) Within 30 business days after receipt of a permit application, the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (12) or to submit revisions to correct the deficiencies.

- (c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 30-day period plus 5 business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be issued by the local building official on the next business day.
- (d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (12) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.
- (7) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports and certifications are prepared by and bear the signature of the private provider. The contractor's contractual or legal obligations are not relieved by any action of the private provider.
- (8) A private provider performing required inspections under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.
- (9) Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and provide the record to the local building official within 2 business days. Records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.
- (10) Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the local building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building

construction inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(11) Within 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (12) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(12) If the local building official determines that the building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof, if the official determines that such noncompliance poses a threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) 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 pursuant to s. 553.77(1)(h).

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision 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 pursuant to s. 553.77(1)(h), which shall consider the matter at the commission's next scheduled meeting.

(13) For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the facsimile number listed for that person or entity in the permit application or revised permit application, or, if no facsimile number is stated, when actually received by that person or entity.

(14) No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, or standards more stringent than those prescribed by this section.

(15) A private provider may perform building code inspection services under this section only if the private provider maintains insurance for professional and comprehensive general liability with minimum policy limits of \$1 million per occurrence relating to all services performed as a private provider, including tail coverage for a minimum of 5 years subsequent to the performance of building code inspection services.

(16) 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.

(17) Each local building code enforcement agency shall develop and maintain a process to audit the performance of building code inspection services by private providers operating within the local jurisdiction.

(18) The local government, the local building official, and their building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act.

(19) The Florida Building Commission shall report on the implementation of this section to the Legislature on or before January 1, 2004, as part of the report required by s. 553.77(1)(b).

APPENDIX B

Final Report

Assessment of the Implementation of s. 553.791 F. S.

FINAL REPORT

Assessment of the Implementation of 553.791, F.S.

Prepared for:

Florida Department of Community Affairs
Housing & Community Development
2555 Schumard Oak Blvd
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INTRODUCTION

In 2002 the Florida Legislature passed a modification of Title XXXIII - Regulation of Trade, Commerce, Investments, and Solicitations, Chapter 553 - Building Construction Standards. Specifically, the legislature produced Section 553.791 titled *Alternative plans review and inspection*. (See Appendix A) Section 553.791, paragraph (19), called for the Florida Building Commission to report on the implementation of this section to the Legislature on or before January 1, 2004.

In response to this mandate, the Department of Community Affairs (DCA) issued Purchase Order S5200-020146, dated 21 July 2003, to the Shimberg Center for Affordable Housing at the University of Florida. The purchase order directed the Shimberg Center to assess the implementation of 553.791, F.S. This report summarizes that assessment.

TECHNICAL APPROACH

The methodology employed by the Shimberg Center for collecting information about the implementation of 553.791 involved attempting direct contact with the Building Departments in the 267 cities and 67 counties in Florida. Assisting this process, the Department of Community Affairs provided its Building Official database of 134 contact points; the Building Officials Association of Florida provided contacts in 17 additional cities, and the Florida League of Cities provided contact information in 153 small Florida cities. All telephone numbers on all lists were called. Up to four attempts were made to reach the building official in each jurisdiction. In all, 206 surveys were completed.

Collecting information from Building Officials across the state was a two-step process. The first contact was made by the Florida Survey Research Center and served as a screening mechanism to identify those Building Departments that had experienced use of the private provider option. The second step involved re-contacting those jurisdictions that had experience with construction projects that had chosen to employ a private provider for either plan review or inspection.

During step one, an interview protocol, which had been reviewed and approved by the University of Florida's Institutional Review Board (IRB), guided the conversation (see Appendix B). The primary objective of this step was to identify jurisdictions that had experienced fee owners or contractors that had chosen to notify the Building Official that either their plan review or their construction inspection would be handled by a private provider. Four attempts were made to contact each jurisdiction. Ultimately, 206 interviews with the building official or his/her representative were completed.

During the second step of the assessment process, the Building Officials in jurisdictions reporting that they had experienced construction projects that employed private providers for plan review and/or inspection were interviewed again to delve into the nuances of the process

and the general success (or failure) of the private provider option from the Building Official's standpoint. The protocol that guided the interview was reviewed and approved by the University of Florida's Institutional Review Board (See Appendix C).

After completing the survey of Building Officials, the Shimberg Center conducted interviews with the associations representing the building officials and the associations representing contractors/builders in Florida. These interviews provided a broader perspective on the implementation of the private provider option. They also provided contact information for companies that were known to have utilized the private provider process as well as contact information for organizations that were actively serving as private providers. Interviews were conducted with each of these private firms.

BUILDING OFFICIAL SURVEY

Incidence of Use

The initial survey of Building Officials successfully contacted 206 jurisdictions across Florida. Of that number, 18 jurisdictions or 8.7% of the cities and counties contacted in Florida reported that alternative plans review and inspection provisions of Chapter 553.791 had been employed for at least one project.

Five Building Departments misinterpreted the question about using a private provider to conduct plan reviews and/or building inspections. The source of the confusion stemmed from the fact that these jurisdictions routinely employ an outside contractor to do plan reviews and building inspections on behalf of the local government. This "out sourcing" of a government function was identified during the follow-up survey and was not the object of this implementation study.

The remaining 13 jurisdictions (6.3%) had, in fact, experienced projects that employed the private provider option described in 553.791, Florida Statutes. The numbers of construction projects cited ranged from one to six. Two jurisdictions reported that two projects had planned to use the private provider option but did not follow through. Three jurisdictions reported that "several" projects had employed the option.

Plan Review vs. Building Inspection

All jurisdictions reported that they offered the option for the permit applicant to use a private provider for either plan review or building inspection. Six of the 13 reported that even though both options were open, only the building inspection option had been taken. The most common reason given for limiting the private provider activity to inspections was that the plan review option involves departments outside the Building Department that address many site development issues not related to the building code. Seven of the 13 Building Officials interviewed indicated that the plan review option was not selected by the permit applicants because of the processing delays associated with the non-building-code-related reviews: zoning, concurrency, health, environment, etc.

Performance Auditing

All thirteen of the jurisdictions in the follow-up interview group had some form of performance auditing process in place. In one case the process had not been formally documented.

Ten of the thirteen jurisdictions had defined a procedure in which 95-100 percent of the plans reviewed by a private provider would be subjected to a similar plan review by the Building Department. The same level of auditing performance was reported by the ten jurisdictions for private-provider-performed inspections.

The audit procedures for both the plan review and building inspection tasks found that private provider performance was variable – some did an excellent, thorough job while others performed very poorly. In one instance the Building Official considered reporting the private inspector to the licensing board. Another private inspector was found to produce a punch list of things to be corrected but never confirmed that the work was performed. However, most of the reports were more positive. In general, the technical oversights of the private providers were minor in nature.

Two of the thirteen Building Officials pointed out that the Building Department is responsible for documenting all aspects of the construction project. Their work is not limited to the structural requirements of the Florida Building Code. In order to be complete the file on a given project the documentation must contain certification of compliance with tree ordinances, setback requirements, lot grading, house numbering, and a variety of other non-building-code items. Unfortunately, the private provider of construction inspection services does not address these items. The result is that the Building Department staff must perform the inspection that addresses these items. In one jurisdiction, the Building Official reported that his office performs all final inspections whether or not a private provider is involved. Based on this input, it appears that the private providers will have to become more aware of the administrative role that they have assumed if the Building Department is to realize maximum benefit.

Validate Qualifications

Ten of the thirteen jurisdictions indicated that they use professional registration (e.g., Professional Engineer, Registered Architect), Threshold Inspector Certification, ex-Building Official with 468-Certification, or (in one jurisdiction) listed on the Department of Business & Professional Regulation web site. Experience resumes and proof of appropriate insurance coverage were also reported as being required.

Even with this documentation in place, most of the respondents indicated that they tend to check very thoroughly on the performance of reviewers and inspectors until the building office gains confidence in their work. In general, the technical review and inspection work of the private providers was considered to be good, but less than perfect.

No single, standardized approach for validating qualifications was identified during the study. This situation may stabilize as more fee owners and contractors choose to use private providers for their plan review and/or inspection. One jurisdiction has established a database of private

providers that have submitted all necessary qualification and insurance documentation. If the Notice to Building Official lists a private provider not in the database, the application is rejected.

Thirty-day Permitting

Section 553.791, F.S., allows a Building Department a 30-day window of time to issue a permit following Permit Application submittal. This 30-day period begins when the department receives the application package. Four of the thirteen jurisdictions indicated that their normal turn-around time for a residential permit was 5-7 days. Four other jurisdictions simply reported “no problem” meeting the 30-day requirement.

The review and approval of the plans, however, involves more than just the Building Department. Some of the other departments or organizations that may be involved in the review of plans before a building permit can be issued are zoning, fire, health, concurrency, environmental protection, and the water management district. The consensus by the Building Officials interviewed was that the review of plans within the Building Department for compliance with the provisions of the Florida Building Code is routinely handled within the 30-day time period. Four of the respondents stated specifically that they had no problem complying with the 30-day turn-around time for permitting but they added the caveat: “excluding site development review.” It is the time required for review by other departments and agencies that takes the process out of the Building Official’s control. Once out of the Building Official’s control, there is no guarantee that a building permit can be issued in the allotted time.

In order to comply with the 30-day requirement, Building Departments have refused to “officially” log the receipt of the permit application materials until the applicant has obtained all other approvals. Unfortunately, in one jurisdiction the Building Department had served as the coordinator of plan reviews with the other involved organizations. This one-stop service had to be stopped in order to comply with the 30-day requirement. In the absence of the Building Department’s shepherding of the application through the process, the total time required for site plan review has been extended.

Certificate of Occupancy

Only one jurisdiction reported that the 2-day requirement might not be met at the end of the month when they are particularly busy. All other jurisdictions reported that they had no difficulty in meeting the 2-day turn-around for issuing a Certificate of Occupancy once all paperwork had been completed.

Board of Appeals

No instance of a private provider requesting a Board of Appeals hearing was reported.

Building Official Perspective

The Building Officials Association of Florida (BOAF) served as the source of information on the general, rather than local, disposition of Building Officials in Florida with regard to the private provider option for plan review and construction inspection. The general attitude reported is that the Building Officials are reluctant to give up the task of plan review and construction inspection. Their attitude stems from the fact that s. 553.791, F.S., in no way relieves the Building Official of the responsibility of insuring that plans and construction materials and methods are in compliance with the Florida Building Code. When a fee owner or contractor notifies the Building Official that a private provider will conduct plan review and/or construction inspection, the initial reaction has been that a large proportion (sometimes 100%) of the reviews and inspections will be checked by Building Department personnel. The purpose of these redundant steps is to insure the public's safety. If or when the private provider option is employed more widely, it is likely that the Building Official will become familiar with the skill and knowledge of the private reviewers and inspectors and will adjust the frequency of their quality reviews accordingly. As noted during the interviews with local Building Officials some of the private providers do a good job while the performance of others is unacceptable. It was also pointed out that the scope of activity of the Building Department personnel extends beyond the provisions of the building code. Specifically, local Building Department personnel are concerned with local tree ordinances, house numbering, setback requirements, lot grading, and other non-building-code-related compliance verification. Private providers are not well prepared, if prepared at all, to perform these compliance checks.

CONTRACTOR/BUILDER SURVEY

After completing fact-finding interviews with individual Building Offices across the state, the Shimberg Center spoke with individual builders/contractors that had experience with the private provider provision as well as representatives of the various professional associations serving the builders and contractors in the construction industry. The purpose of these interviews was to obtain the contractor/builder perspective on the implementation of s. 553.791, F.S.

Individual Companies

The builders/contractors indicated that the private provider option has the potential of making significant improvements in the plan review and construction inspection aspects of construction in Florida. At the present time the builders/contractors reported that the private provider option works well in this regard in some jurisdictions while not working well in others. The difference in the areas appears to be the degree to which the local Building Official accepts the provision and sees it as a benefit to his/her department and an improvement in the overall process. This is particularly true in areas with high volume construction activity. In these areas the building inspectors are called upon to make many (e.g., possibly 30 or more) inspections in a day. Not

counting travel time, this workload leaves about 15 minutes per inspection in an 8-hour workday. The private provider option is designed to absorb some of this workload.

The builders/contractors that are using the private provider system are aware that they must have all ancillary department reviews and approvals before submitting for the Building Department permit. Those companies familiar with the process make use of the plan review option only in jurisdictions where the municipal construction plan review associated with the structural, general building, and the MEP components have historically taken extended periods (e.g., several months) to complete.

Homebuilder Perspective

The Florida Home Builders Association (FHBA) has not conducted a formal survey of builder members, however, the informal feedback received from the statewide membership indicates that there is reluctance on the part of some local Building Department personnel to release plan reviews and construction inspection to a private provider. The original intent of the private provider option was to save time for the builder by expediting plan reviews and having inspections performed at any time the building is ready for inspection. The example cited was that a request made at 3:00 pm for an inspection by Building Department personnel would routinely have to be scheduled the next day.

Plan reviews involve site development issues that require reviews by departments outside the Building Department. These outside reviews take considerably longer than the Building Department's reviews. It was recognized by the builders that these reviews must be completed successfully before the Building Department plan reviews are begun. Accordingly, where the private provider option has been used, the builders have opted for construction inspection rather than plan review. The reason is that the builders feel that they can save time (and money) by having an inspector available on an "on-call" basis rather than having to provide advance notification to the Building Department. (Example: One builder reported that it costs \$60-\$80/house in interest for every day a home is in the process of construction. If they have 100 to 150 homes in process, a one-day delay can be costly.)

Under s. 553.791, F.S., the builder's responsibility is to "notify" the Building Official of a scheduled inspection by the private provider. It is then the Building Official's decision to conduct follow-up inspections of all, some, or none of the work. If Building Department inspectors are responsible for a variety of non-building-code-related compliance issues, it was pointed out that the building permit fees paid by the builders cover these costs for the Building Department.

Commercial Contractor Perspective

The Associated General Contractors (AGC) Council provided background on the original intent of the legislation and on the task force that was established to develop the legislative proposal. It was the Council's position that it was still quite early in the life of the private provider option to assess its implementation. An illustration of this point was that some of their constituency had reported occasions in which the local Building Department was not familiar with the provisions of the statute. For example, in some cases the local department had informed the permit

applicant that the private provider option was not accepted by the jurisdiction. Clearly, accepting or not accepting the private provider provision is not an option for the local jurisdiction under 553.791, F.S. According to the AGC Council, one of the primary objectives of the statute was to relieve the workload of Building Departments, particularly in areas with an active construction market.

PRIVATE PROVIDER SURVEY

Active private providers were interviewed to provide the perspective of the organizations that perform the plan reviews and inspections. The lack of awareness of the provisions of 553.791, F.S. on the part of local Building Departments was reaffirmed by the private providers as well as a lack of familiarity with the intent and procedures outlined in the statute. The private provider suggested that site plan submittal be separated from building plan submittal to allow the site plan to proceed through its reviews while the building plans are being finalized. Separation of the submittals in this manner would allow the Notice to the Building Official of private provider construction inspection to be submitted either at the time of construction plan submittal or at any time prior to the first inspection.

A private provider must be able to document his/her qualifications. In order to simplify the Notice to the Building Official and the Building Official's task of reviewing the material submitted by a specific private provider, industry representatives suggested that a registry of qualified private providers be established either within a jurisdiction or at the state level.

The private providers believe that the consumer is afforded a higher degree of protection under the private provider provision as well as remedial recourse should the private provider's services be deficient in any way. Their rationale is based on the fact that the private plans examiner and inspector must be a licensed engineer or architect and must provide the insurance coverage required by the statute. In contrast, municipal plans examiners and construction inspectors are protected from recourse by the consumer through sovereign immunity in the event that the services provided are deficient.

A system of pre-qualifying Private Provider firms may be helpful. A private provider firm may place on file with a jurisdiction a copy of their qualifications and insurance certificates so as to allow for a more timely review of the Notice to Building Official. However, it is not in the authority of the jurisdiction to approve or deny a private provider firm if that firm has sufficiently demonstrated compliance with the statutory requirements.

The private providers also noted that the insurance requirements of 553.791, F.S., should be revisited. The issue deals with the difference between a claims-made policy and an occurrence-based policy. As it currently stands, a minimum of \$1 million in professional and comprehensive general liability with a 5-year tail is required. Under such a policy, a claim may be filed up to five years after the project is completed. The alternative that should be considered is the occurrence-based policy. This type policy does not require the 5-year tail.

BENEFITS OF PRIVATE PROVIDER PROVISION

Presented below are the various benefits of the private provider option cited by building officials, contractors/builders, or private providers during the interviews:

- Typically in jurisdictions where significant growth is being experienced local building inspectors and plan examiners have workloads that make thorough inspections and reviews nearly impossible. The private provider system will take a significant load off the municipal building department and will result in an improved process on both the public and private side
- The private provider system lends itself to a more in-depth and thorough inspection and review process particularly in high-volume construction areas. This statement is based on the fact that in high volume construction areas the local Building Department must meet the workload with existing staff.
- In high growth areas where there is a very active construction market, Building Departments can become inundated with plan reviews and field inspections. The private provider system can play a key role in meeting this high demand.
- The private provider option, by statute, has additional layers of checks and balances by virtue of the fact that a private provider's licensed engineer or architect must oversee the duties of the FS 468 certified inspectors and examiners that he employs. This is a higher standard of care and an additional layer of oversight.
- The private provider system, unlike the municipal system, provides the consumer with a "remedy" by way of the insurance provision in the statute should the services provided be deficient in anyway. Such a remedy is not available in the municipal system. In fact, the municipal system is protected by "sovereign immunity".
- Commercial and residential construction may benefit from having an inspector essentially on call for special tasks or for evening or weekend work (e.g., for a large concrete pour). Some Building Officials, however, disagreed with this claim because they have and are willing to make arrangements to have an inspector available whenever necessary. In either case, the contractor can schedule their work better if they can dictate at what time during the day they need the inspection.
(Example: If a contractor needs to start a concrete placement on a major structural component at 9AM, he can schedule the Private Provider Inspector for 7 or 8 AM. If the work is not 100% complete at the time of the inspection, the private provider inspector can stay until satisfactory completion is achieved. This is either extremely difficult or can not be done with a municipal inspector.)
- Developers and contractors are willing to pay twice for the inspection and review process if they can shave valuable time off their construction schedules. The result is in a considerable benefit to over-stretched building departments since they can still generate the same permit revenue and have a decreased workload.
- There seems to be a considerable divergence between what the Building Departments are reporting and what builders/contractors are reporting. Some Building Departments are reporting no benefit either to the Building Department or to the fee owner/contractor in either private provider plan review or construction inspection. The problems cited centered on the duplicate cost to the contractor and the expectation of faster response time even though normal response times are about the same. One respondent pointed out

how contractors in high volume building market may find quicker response times, but under normal circumstances the response times are claimed to be about the same. However, builders/contractors are reporting a substantial timesavings that results in considerable cost reduction. Additional time may be needed to truly quantify the cost/benefit ratio.

The comments about benefit for the Building Department made by Building Officials were all negative. The most negative comment referred to the private provider option as “a disaster.” Three of the responding Building Officials indicated that their workload actually increased due to the need to re-inspect nearly every project. One respondent had assigned one inspector to this re-inspection task full time. There is also the need to document all aspects of the project by the Building Department, including non-building-code-related items, which are not part of the private provider’s assignment but are the responsibility of the Building Department.

RECOMMENDATIONS

The following recommendations are presented on the basis of the observations made during this assessment of the implementation of s. 553.791, F.S.:

- The Building Officials in the jurisdictions within which the private provider option has been implemented reported that the construction inspection option was the preferred choice. The reason for this preference is that the review of the site development plan can take weeks – routinely exceeding the 30-day time frame within which the local Building Department is given by 553.791 to issue the building permit. As a result, Building Departments have chosen to not “officially” record receipt of the building permit application until all site development reviews are completed and the plan accepted. One jurisdiction that functioned as a “one-stop” entry point for building permit application submittal, terminated the one-stop service because of the time required to conduct site development plan reviews even though this jurisdiction takes only 5 to 10 days to review the construction plans. If the private provider option is to be more widely adopted for plan review, it will be necessary to separate the time required for site development plan review from the construction plan review. The solution should consider a process that allows the Building Department to shepherd the site development plan reviews through the various departments and agencies involved.
- Revise the 30-day deadline to read 30 calendar days.

Although the construction inspection option is currently the more popular option in the few jurisdictions that have experienced the use of the private provider option, it too can be improved such that Building Departments are more willing to welcome its use. A number of potential areas for improvement were identified:

- Documentation of the inspections, punch-list items to be corrected/completed, and follow-up final inspections performed by the private provider must be signed by the

licensed engineer or architect cited on the Notice to Building Official for the project's building permit.

- Modify the deadline for submission of the Notice to Building Official for Inspections to be either: (1) at the time of construction plan submittal or (2) at the time that the first inspection is to occur.
- Modify the insurance provisions to read “A private provider may perform building code inspections and plan reviews under this section only if the private provider maintains insurance for professional liability with minimum policy limits of \$1 million per occurrence relating to all of the services performed as a private provider, including tail coverage for a minimum of 5 years for claims-made type policies only. Occurrence-based policies are not required to have a 5-tail policy.
- Provide for the private provider firm may place on file with a jurisdiction a copy of their qualifications and insurance certificates so as to allow for a more timely review of the Notice to Building Official. However, it is not in the authority of the jurisdiction to approve or deny a Private Provider Firm if that firm has sufficiently demonstrated compliance with the statutory requirements.
- When a fee owner or contractor employs the private provider option, the statute should be modified to state that the Building Official is relieved of all liability for those portions of the planning and construction process that were handled by the private provider.

Finally, Florida Statute 553.791 imposes changes to a long-standing process. In order to insure that the intended benefits are derived, an educational program should be organized for all parties to the construction process: Building Officials, Fee owners/contractors, and private providers.

APPENDIX A

Section 553.791, Florida Statutes
Alternative Plans Review and Inspection
(Available on request)

APPENDIX B

Step 1 Interview Protocol
Building Official Screening
(Available on request)

APPENDIX C

Step 2 Interview Protocol
Building Official Interview
(Available on Request)

APPENDIX D

Florida Building Commission
Workshop on Private Plans Review & Inspections
(Discussion Notes)
(Available on request)

APPENDIX C

Florida Building Commission Workshop on Private Plans Review & Inspections

Discussion Transcription

WORKSHOP ON PRIVATE PLANS REVIEW AND INSPECTIONS

Chairman Rodriguez directed the Commission to Mr. Stroh for an overview and discussion of the research from the Shimberg Center for Affordable Housing at the University of Florida.

Bob Stroh, University of Florida, College of Design, Construction & Planning

Mr. Stroh presented the findings resulting from research in written form. (See *FINAL REPORT, Assessment of the Implementation of 553.791, F.S.*) He explained the center had attempted to contact every jurisdiction in the state of Florida to identify areas that had received applications for private inspectors or plans reviewers. He stated all jurisdictions were not successfully contacted resulting in 206 jurisdictions available for inquiry. Mr. Stroh continued stating that of the 206 jurisdictions, only 13 had received applications for private plans review or inspections and had projects underway or completed.

Mr. Stroh stated there had also been industry segment contacts, i.e., ABC, AGC, the Building Officials Association of Florida, and the Florida Home Builders Association. He continued stating that private providers had been contacted including Capri Engineering, Independent Inspections Ltd., and Universal Engineering. Mr. Stroh reported the findings were as follows:

GENERAL FINDINGS:

- The most common use of 553 is for inspection rather than plans review.
- Performance auditing of most work is performed by building departments.
- All jurisdictions had a method of validating qualifications of private inspectors, however no consistent technique.
- The thirty-day turn around requirement from application to building permit under normal circumstances in most jurisdictions was satisfactory.
- No difficulty was reported in issuing Certificates of Occupancy following completion of Final Inspection.
- Home builders in the residential sector feel the quick response inspector will result in economic savings.
- Commercial builders indicated the private provider option was not preferred.
- Private providers recommended separating site development plans from building plans.
- Private provider option provides the consumer with a remedy option whereas the municipal system is protected by sovereign immunity.
- Clarify or define thirty days, i.e., calendar or business.
- Inspection documents must be signed by the P.E. of record.
- Modify insurance requirements to maintain the \$1 million requirement with continued five-year coverage or occurrence-based policy with seven year statute of limitations.
- Incorporate language to relieve municipal workers of all liability for those projects that utilize a private provider option.

-Initiate educational program to inform all concerned parties what the statute is defining.

Commissioner Wiggins referenced *FINAL REPORT – Assessment of the Implementation of 553.791, F.S.* requesting clarification of the fourth bulleted item (page 12): “Modify the deadline for submission of the Notice to Building Official for Inspections, to be submitted only prior to the first inspection and not at the time of Permit Application.”

Mr. Stroh responded stating the current system is designed so the application for permit specifying a private provider is submitted as the entire package with site plans, building plans, etc., resulting in a long delay. He explained the recommendation was to separate the site development plan to get it into the system prior to building plans review to prevent unnecessary delays.

Commissioner Wiggins then offered comment regarding the second bulleted item (page 11): “Revise the 30-day deadline to read 30 calendar days.” He stated the 30-day deadline was specifically created to be 30 business days to allow the jurisdiction adequate time for review.

Commissioner Greiner requested clarification regarding inspections and the time frame required to conduct the inspections. He asked if there were problems with inspections in all 13 jurisdictions interviewed.

Mr. Stroh replied the general guideline was a 24-hour notice requirement. He reported a number of cases involving tunnel-form applications that are being used in a residential project where the agreement was that a private provider was being used to inspect all structural work and the local jurisdiction provided the MEP inspections. Mr. Stroh then stated in some areas of the state the inspection process is very smooth while in others the inspection process is was described as a “disaster”.

Commissioner Kim stated one important factor of the task force findings was the insurance and service providers. He referenced the fifth bulleted item (page 12): “Modify the insurance provisions to read...” recommending specific language reflecting the standardized professional liability which can be tailored to the individual needs with varying sunset periods.

Mr. Richmond interjected the issue has been discussed during the Legislature and the Commission last year. He stated he was not aware of any specific limitation in terms of occurrence-based policies in cases of covered events.

Gary Elzweig, Florida Engineering Society (FES)

Mr. Elzweig stated FES are strong advocates of F.S. 553.791 and have reviewed Mr. Stroh’s report. He continued stating on behalf of the society the report was an excellent assessment of the first year’s implementation of the statute. He explained only a number of jurisdictions had experience with private providers and attributed that to the following reasons: 1) the private provider system was never intended to work in jurisdictions that are able to service a community, and 2) the reluctance of some building departments to embrace the private

provider statute. Mr. Elzweig stated there are jurisdictions imposing more stringent requirements for the private provider, which is specifically disallowed in the statute. He then referenced the “Benefits of Private Provider Provision” (page 10) and reviewed the benefits as they were listed in the document.

James R. Schock, P.E., C.B.O., Building Inspection Division, Duval County, City of Jacksonville

Mr. Schock presented comments to the *FINAL REPORT, Assessment of the Implementation of 553.791, F.S.* in a written document, which was distributed to each Commissioner. (See *Comments pertaining to the Final Draft report Regarding Assessment of the Implementation of 553.791, F.S.* Attachment.)

Commissioner Greiner asked if there had been a large number of inspection requests after hours.

Mr. Schock responded stating the time frames that were mandated were implemented so a Quality Assurance Program could be initiated. He stated there is software being developed currently which will automatically check time frames and allow them to be submitted directly into the system.

Thomas Goldsbury, P.E., C.B.O., Building Inspection Division, Duval County, City of Jacksonville

Mr. Goldsbury offered comment stating Duval County’s Building Inspection Division is not against the private provider program. He stated their county has permitted private provider inspections since 1998 and 1999 for special projects and such. He continued stating the program needs to be refined and added the City of Jacksonville is currently involved in 100 to 150 private inspections being performed every day.

Mike Cozley, M.T. Cozley, Inc.

Mr. Cozley stated his company supplements building departments and manages building departments under contract. He continued stated M.T. Cozley, Inc. performs a limited number of private provider services. Mr. Cozley reiterated Mr. Goldsbury’s comments stating the private provider program needed to be improved and the reason for the private provider program needed to be communicated to the building departments and the companies providing services. He added the language in the law should reflect services of a company and individuals rather than being directed to individuals.

Rick Watson, Association of Builders & Contractors

Mr. Watson offered support for the Legislation for private providers stating while the system is starting slow it seems to be working well. He stated as the building departments become more educated on the benefits of the program there will likely be an increase in the number of private provider services being performed.

*Eric Woods, Director of Building Inspections, Universal Engineering & Sciences,
Orlando*

Mr. Woods offered comment stating the one-year anniversary of the implementation of 553.791 is fast approaching. He urged the Commission not to delay the Report to the Legislature concerning the implementation of the law. Mr. Woods stated the primary problem with the system thus far has been intimidation of the building officials. He continued stating the building officials do not support the private provider system and stated he had experienced belligerence as well as insults from building officials as he submitted applications for private services in the Central Florida area. He furthered by stating building officials have a tremendous amount of authority then expressed concern with some of the recommendations listed in the report from the Shimberg Center for Affordable Housing. Mr. Woods stated he would provide a written version of his comments for further staff and Commission review. (See *Public Comment Eric Woods Attachment*.)

Commissioner D'Andrea moved approval to accept the assessment. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

APPENDIX D

Comments Given before the
Florida Building Commission

The Building Inspection Division
Duval County/City of Jacksonville

Comments pertaining to the Final Draft report

Regarding

Assessment of the Implementation of 553.791 F.S.

Prepared By

**The Building Inspection Division
Duval County / City of Jacksonville**

Chief of The Building Inspection Division

Thomas Goldsbury P.E., C.B.O.

Building Inspection Division Manager

James R. Schock P.E., C.B.O.

Building Inspections Quality Assurance Inspector

Fred Estep BN 3589

**Date:
September 27, 2003**

Purpose:

The purpose of this report is to convey additional comments to the report on the implementation of Florida Statute 553.791 prepared by:

Shimberg Center for affordable Housing
Rinker School of Building Construction
College of Design, Construction and Planning
University of Florida
P.O. Box 115703
Gainesville, Florida 32611-5703
Dated September 2003

The referenced report consists of 22 pages only 10 of which actually address the implementation, the remaining 12 pages is a copy of F.S. 553.791 and the survey forms used in the study.

No factual backup was provided with this report supporting the opinions, comments or recommendations made there in. The report consisted entirely of statistical data and interview comments. We will attempt to provide actual backup data for the information provided with these comments.

First, we wish to say we are not opposed to the use of Private Providers and in-fact have encouraged there use on several complex projects such as large hospital renovations where the work is of a complex nature and the scheduling of much of the project involves complex tie-ins to existing work and work being performed around the clock. However these types of jobs typically have an owner who provides their own construction personnel or have a construction manager that the Private Provider is working for. This management team oversees the contractor.

As stated in the report, we agree that the Private Provider option does help relieve the workload of overloaded Building Departments in a time when down sizing of government is a popular course of action.

As one of the few jurisdictions that has Private Providers operating in it on a wide scale bases, we hope you apply the proper weight in the evaluation of these comments to the areas of the report which they address.

Attachment 1 of this report will show the workload of the local jurisdiction and the private provider for a typical inspection day (September 26th 2003). The local jurisdiction on this day shows 239 inspections requested and no rollover inspections from the previous day. This works out to an average of 12.5 inspections / man. (I will say this is a little low for us, we usually are at about 15 inspections / man) The Private Provider was scheduled for 88 inspections this day and they have 4 inspectors which is 22 inspections / man. This coupled with only 4 inspectors to cover 842 square miles, while we have 19 inspectors covering 842 square miles. We can only wonder who performs the highest quality of inspections to protect the public.

Correction page 3 paragraph 2 of the report:

Complaints to the licensing boards was not only considered but also made. Four complaints in total were made, three on inspectors and one on a private provider. Attachment 2 describes the nature of the complaint, which ranges from unlicensed activity to filing false inspection reports. The problem is that these complaints were filed in February of 2003 and although probable cause has been established, these complaints still have not been resolved. During this time the citizens of our jurisdiction remain at risk. Although we do perform quality assurance inspections we do not have the time and manpower at this time to conduct a 100 percent audit of all inspections. A thorough quality inspection takes several hours to inspect, document, take pictures, notify all parties of any discrepancies, and follow up of the inspection.

The Building Official must have the ability to suspend the private inspection option. Waiting for the licensing boards to act is too long. We would recommend the use of the Appeals Board to provide for due process until such time that the licensing board takes any action on filed complaints.

Page3, Paragraph 3:

It was previously recognized in the Task Force report to the legislature that permitting delays are often out of control of the permitting agency. This is due to the requirements of Fire Marshal reviews as well as a barrage of other local and state approvals, and that this would not allow full effective implementation of the Private Provider alternative.

Conflict of Interest:

This report does not address conflict of interest, which is a major concern within our jurisdiction. Jim Schock was a member of the original Task Force, and in his opinion this law was intended for use on commercial projects where the owner has a permanent interest in the project and the Private Provider was to be hired and paid by the owner to oversee his construction project. Many members of the task force did not envision large track homebuilders utilizing this service.

What has happened is that the homebuilder is the owner at the time of permitting and therefore can hire his own inspectors and pay to inspect the work he constructs. This is an obvious conflict of interest. The homebuilder's objective is to complete the house as quickly as possible and transfer ownership to the buyer at time of closing. This coupled with a system that allows the builder to pay a fixed fee for the inspection process discourages failed inspections in order for all parties to make a profit. This sets up a dangerous situation with regards to public safety.

More often than not the buyer who is the final owner of the property does not even know that the builder is hiring and paying for the inspections on their new home. Attachment 3 shows some complaints we received from buyers with regard to their new home inspection process.

We would make the following recommendations:

- The buyer should have the right to select if they wish to use the private provider option and should pay the inspectors themselves under a separate contract.

- The buyer should have to provide this written choice to the local jurisdiction
- It should be required to identify if a private provider option is utilized and who the provider is, at the jobsite.

The conflict of interest described above also raises the question if the buyer after the sale of the property is protected by the insurance requirements of the law. The whole purpose of this law was also to provide additional protection to the owners by way of the tale requirements on the insurance policy. This protection is now in jeopardy and at the vary least would probably lead to extensive litigation at a cost which would more then likely be greater than the correction of the problem for most homeowners.

Homeowners:

This report also did not make any effort to contact or survey home buyers who's homes were inspected by private providers and determine their level of satisfaction or if they were even aware that the contractor utilized and paid for the inspectors which inspected their home.

Page 3 Paragraph 5:

We disagree with the statement that the technical review and the inspection performed by the private provider are considered to be good.

Quality assurance reviews of the plans received by private providers indicate 90 percent were rejected and returned to the provider for correction. Similarly inspection quality assurance reveals that 86.6 percent of the inspections that were passed by the private provider failed the quality check and required corrective action. (See Attachment 7)

See Attachment 4 for sample copies of our Q/A reports on Private Provider inspections. The photographs attached to these reports clearly identify code violations on passed inspections. We are not trying to say that jurisdiction inspectors don't also make errors, but clearly there is no proof of a hirer standard of care present by using Private Providers.

Page 4 Time Frames:

The time frames in the law were put there so the local jurisdiction could identify a window of time in which they could perform quality assurance activity with undue negative impact to the construction process.

Trying to monitor this longhand proved to be a difficult and cumbersome problem and created an extensive time commitment on our supervisors. So much so that we are writing a computer program that will automatically accept inspections from the private providers and check all required time frames. Each morning a report will be printed out to our Q/A inspector. We have had to reject several inspections because the Private Provider did not verify that trade rough inspections were made prior to the framing inspection as required by code or they would submit final inspections without having all other required inspections complete. For example on October 1st, 2003 the Private Provider submitted 167 inspections, 134 (80.2%) were received late or not

scheduled and 33 (19.8%) were received within the required time frames, for examples, (See Attachment 5).

This computer program will provide the same blocks in the system we have for our own inspections for example:

- Notice of Commencement must be filed
- Elevation Certificates required on the slab before a framing inspection
- All trade rough inspections be complete before a frame inspection
- A final can only be entered after all required inspections are complete

Page 4 Board of Appeals:

We recommend that the local board of appeals be utilized and empowered to hear any request from the Building Official to suspend the Private Provider option, when in the opinion of the Board, the Building Official has shown just cause. This suspension shall remain in effect for the length of time requested by the Building Official or until an appeal is heard by the Board of Building Code Administrators and Inspectors. It takes far to long to be resolved by the boards without any interim action.

Page 5 Last Paragraphs:

Builder / contractors may not use Private Providers; Owners use private providers. This statement illustrates the misconception of the construction industry and shows how the intent of this law is being skewed and mis-applied.

Page 6, Paragraph 1:

We disagree that the Private Inspector option saves any time as suggested in this paragraph. By law the local jurisdiction must be notified the day before the inspection so that the quality assurance inspector has an opportunity to perform a Q/A inspection. As already demonstrated this is a much-needed requirement that we cannot eliminate. Due to the conflict of interest that occurs, oversight of these inspections is critical. If the local jurisdiction does not rollover inspections as demonstrated in Attachment 1, and if the Private Provider and the contractor are following the law by providing the required notice, no time advantage can be gained.

Page 6, Paragraph 2:

Inspections may not be performed on call as stated in this report. The law requires one day notice be given to the jurisdiction for the reasons stated above. It is apparent from this comment that homebuilders do not understand the law. As stated above, the homebuilder can realize no savings. How the builder can save money is by not failing inspections, whether they are private inspections or government inspections, it makes no difference.

Page 7, Paragraph 3:

The nature and severity of the complaints filed in Attachment 2, the quality reports submitted in Attachment 4 and the percentage of failed reviews and inspections shown in Attachment 7, demonstrate beyond any doubt that a higher standard of care is not achieved by Architects and Engineers doing inspections and plan review. Further, remember the jurisdiction is performing these inspections full time every day and become quiet knowledgeable of the Code requirements where Architects and Engineers often have practices other than Private Provider services. Attachment 6 indicates that the Board of Engineers in their meeting of February 21-22, 2001 drafted a letter opposing the use of Engineers providing private inspection services.

The benefit of additional insurance is questionable when the home is sold immediately upon completion unless this insurance protection is transferable.

Page 7, Paragraph 5:

The Private Provider says in paragraph 3 the additional coverage in the statute is additional protection and is a plus, then in paragraph 5 they want to delete the tail coverage requirements.

Page 8, Bullet 1:

Building Departments are required by law to be funded by the permitting fees. If the workload increases the fund increases so additional staff can be hired. The Q/A reports and complaints already reviewed show that a more thorough review and inspection is not a function of Private Providers and does not increase the standard of care.

Page 8, Bullet 3:

There is no hirer standard of care when utilizing the Private Provider option. This is clearly demonstrated when you consider collectively, the fact that errors in the inspection and plan review process are still made, the nature of the complaints already filed and a system of payment, where the inspections are paid for, by the contractor, on a single lump sum fee basis.

As licensed engineers, we will tell you that more often than not Architects and Engineers get very little if any formal Code training in college. The percent of plans and inspections failing our Q/A review show the design professionals submitting this work very often do not know the Codes as well as our plan reviewers and inspectors. Just last week we had a licensed Architect try to tell us that an industrial **zoning** classification automatically meant that the structure he designed was a factory occupancy. (He was designing storage units)

Page 8, Bullet 5:

Inspections may not be on-call, a one-day notice is required for the reasons stated earlier.

Page 8, Bullet 7:

We believe any claim of cost benefits is highly unlikely if the law is followed as required for the reasons stated previously.

Recommendations

Page 9, Bullet 5:

Elimination of the tail coverage will eliminate the very protection to the owner this law was met to provide. Language should be added to assure transferability to the home buyer.

Page 10, Bullet 2:

Paragraph 18 of Florida Statute 553.791 already provides for this.

Add the Following Recommendations:

- The Building Official with concurrence of the Appeals Board may discontinue the Private Providers inspection or plan review privileges. This will provide due process and is much faster than the Licensing Boards. Appeals shall be to the Licensing Boards.
- Homebuilders must disclose and have acceptance in writing from the buyer to utilize the Private Provider option. This signed disclosure must be submitted to the jurisdiction.
- The buyer must contract and pay for the Private Provider option.
- The homebuyer should have the right to choose the method of inspection.
- The construction project must be posted with the name and telephone number of the Private Provider when this option is utilized.

As one of only three jurisdictions that have wide spread experience in the use of the Private Provider option we hope this information is helpful and we wish to thank you for the opportunity to provide you with these comments on such a critical topic.

Attachment 1

Sample
Workload Analysis
(Available on request)

Attachment 2

Samples
Filed Complaints
(Available on request)

Attachment 3

Samples
Homeowner Complaints
(Available on request)

Attachment 4

Samples
Quality Assurance Inspection
Reports
(Available on request)

Attachment 5

Samples
Inspection Results That Could Not Be Accepted
(Available on request)

Attachment 6

Board of Engineers Meeting Review
(Available on request)

Attachment 7

Percentage of Failed Reviews And Inspections
(Available on request)

APPENDIX E

**Comments Given Before the
Florida Building Commission**

Universal Engineering Science, Inc.



UNIVERSAL ENGINEERING SCIENCE, INC.

3532 Maggie Boulevard

Orlando, FL 32811

Phone: 407-423-0504 Fax: 407-423-3106

PRIVATE PROVIDER VIEW POINT

COMMENTS GIVEN BEFORE THE COMMISSION

OCTOBER 13, 2003

FLORIDA BUILDING COMMISSION MEETING

THE ROSEN PLAZA HOTEL

ORLANDO, FLORIDA

Workshop On Private Plans Review And Inspections 553.791 F.S.

These comments are submitted per the request of the Chairman of the Florida Building Commission, Mr. Raul Rodriguez.

INTRODUCTION:

Universal Engineering Sciences, Inc. strongly recommends that the Florida Building Commission NOT delay the reporting of the problems associated with the implementation of 553.791 F.S. to the Florida Legislature by January 1, 2004. A delay will:

1. Negate the intent of the law to truly provide an alternative to plan review and inspections.
2. Serve to exacerbate confusion and strain working relationships between owners, developers, contractors engineers, architects, building officials, and building department staff who use of 553.781.
3. Continue the restraint of free trade.
4. Limit the legislature's ability to address the glitch problems associated with the implementation of 553.791

OVERVIEW:

In 2002, the Florida Legislature passed the Private Plan Review and Inspection Law modifying Title XXXIII - Regulation of Trade, Commerce, Investments and Solicitations, Chapter 553 - Building Construction Standards. The University of Florida, Shimberg Center was authorized to assess the implementation of 553.791 F.S. Their report summarizes the failure of implementation to date. An analysis of the report follows:

ANALYSIS:

The Final Report, Assessment of the Implementation of 553.791 is unreliable in that there is inadequate representation of statistically relevant material to offer a true assessment on the implementation of 553.791 to the Commission. Of 267 cities and 67 counties, 206 Building Officials were contacted. Of that number, 13 jurisdictions (6.3%) had experienced projects that employed the private provider option described in 553.791 F.S. The assessment is based on only 13 jurisdictions statewide, but even with just these 13, the Building Official Survey portion contains some startling admissions that are blatantly against the law. The following excerpts from the “final report” illustrate these admissions.

1. “In one jurisdiction, the Building Official reported that his office performs all final inspections whether or not a private provider is involved. “(p. 5). This is a violation of 553.791 making the private provider inspection process more stringent than what is provided under the law.
2. “The general attitude of the Building Officials Association of Florida is that the Building Officials are reluctant to give up the task of plan review and inspection. “(p. 7) This is a candid and reckless position that the professional organization representing Building Officials have in regard to 553.791 F.S. The “reluctance” takes the form of harassment, intimidation and obstruction and is clearly in violation of the law.
3. “When a fee owner or contractor notifies the Building Official that a private provider will conduct plan review and/or construction inspection, the initial reaction has been that a large proportion (sometimes 100%) of the reviews and inspections will be checked by Building Department personnel. The purpose of these redundant steps is to insure public safety.” There is no authority under the law for these “redundant inspections” except to deter the use of private providers. They are done under the guise of performance audits, undermine the authority of private provider inspectors and results in two statutory inspections being imposed on the builder.
4. “In order to comply with the 30 day requirement, Building Departments have refused to ‘officially’ log the receipt of the permit application materials until the applicant has obtained all other approvals. “ This is obviously a ploy to discourage use of 553.791 F.S. It is patently against the law and an example of the cavalier attitude exhibited by building officials who feel that they are above the law. There is no caveat in the law for extending the time frame. (p. 6) and shows callous disregard for the intent of 553.791.
5. “All thirteen of the jurisdictions had some form of performance auditing process in place. In one case the process had not been formally documented. (p.5) This is contrary to 553.791. Indeed our experience is that most jurisdictions do not have their performance audit procedures formalized in writing.

6. Under the Contractor/Builder Survey, the report states, “at the present time the builder/contractors reported that the private provider option works well in this regard in some jurisdictions while not working well in others. The difference in the areas appears to be the degree to which the local Building Official accepts the provision.” (p. 7) This ought not to be. Building Officials cannot selectively accept or reject laws they do not like. It is a restraint to free trade, a black eye to government, and a situation which cannot be allowed to continue. The statute should uniformly be administered statewide.
7. The Homebuilder Perspective states that “informal feedback received from statewide membership indicates that there is a reluctance on the part of some Building Department personnel to release plan reviews and construction inspection to a private provider.” (p. 8) Again, reluctance translates into negativity, intimidation, and coercion against the use of private provider inspectors.
8. Ignorance of the law is no excuse. The Associated General Contractors (AGC) Council reported that “some local Building Departments were not familiar with the provisions of the statute. For example, in some cases the local department had informed the permit applicant that the private provider option was not accepted by the jurisdiction.” (p. 9) The report rightly concludes “Clearly, accepting or not accepting the private provider provision is not an option for the local jurisdiction under 553.791.” By this time the damage is done. Intimidation by the Building Official has already taken effect. There is no remedy or relief for the private provider under these circumstances. This is further evidence of the need of consistent application of standards by building officials.

BENEFITS:

Cited benefits enumerated on page 10 are wide ranging. They point out the “win-win” aspect of the law for owners, builders, and building departments envisioned by the Florida Legislature. With all of the aforementioned benefits one fundamental question arises. Why are there only thirteen (13) jurisdictions in 267 cities and 67 counties where 553.71 is in use? The disconnect arises out of the last item under the “Benefits” section which states, “There seems to be a considerable divergence between what the Building Departments are reporting and what builders/contractors are reporting.” “Builder/Contractors are reporting a substantial time-savings that results in considerable cost reduction. Conversely, the comments about benefits for the Building Department made by the Building Officials were all negative.” Obviously, there is a need for this law but Building Officials are standing in the way of implementation.

CORPORATE EXAMPLE:

Universal Engineering Sciences, Inc. had a contract to perform private building inspection services for \$1400 per house. The builder planned to build 300 houses a year for 3 years in a municipality in Central Florida. The contract totaled \$420,000 per year. The actions of the Building Official made the private provider inspection process so cumbersome and overbearing for the builder, he eventually cancelled the contract causing Universal to lose

out on approximately half a million dollars per year. Some of the actions taken by the building official to break the contract were:

1. Abuse of the audit procedure by mandating 100% audit inspections
2. Instructing the builder that he cannot proceed to cover up any phase of construction until inspection by building department personnel.
3. Prohibition against correction of inspections and re-inspection the same day. Must wait an additional 24 hrs.
4. Required correction on mandatory inspections on items not in the code.
5. Refused to allow the use of alternate methods of compliance as outlined in the code.
6. Refused to provide formal performance audit procedure in writing.
7. Refused to respond to private provider regarding clarification of plans in a timely manner.
8. Abuse of Red Tag by issuance of Stop Work order for alleged 553.791 F.S. reporting deficiencies i.e., claims that 24 hr. notice fax not received.
9. Created dissention by initiating disputes on initiating on temporary electric pole installation on site.
10. Finally, the builder broke under the pressure and opted out of the contract.

SUMMARY:

The Florida Building Commission in its own words characterized 553.791 F.S. as a “new and significant change to conventional authority and practice.” Building officials steadfastly resist change and view 553.791 as a threat to their authority. To them it is still business as usual and will in no way change the way inspections and plan review are typically done.

RECOMMENDATIONS:

1. Install signage in building departments and advertisement in the electronic and print media alerting the public to the alternative plan review and inspection option to counteract the intimidation and negativity from municipal and county building departments.

2. Clarify the roles of private providers and building department personnel as suggested by the other presenters.
3. Clarify the issue that the Building Officials are alleviated from building code responsibility under 553.791. The law already indemnifies and negates any and all liabilities for the building official and building department staff. This is especially applicable when the engineering firm has a state licensed Building Code Administrator on staff as Universal Engineering Sciences, Inc., has.
4. Restrict contact of the Building Department to the private provider on questions or concerns during the audit inspection process to prevent frustration and confusion of who has responsibility for statutory building inspections under the law.
5. Delineate audit process parameters i.e., compliance with the requirements of jobsite posting, reporting requirements, use of properly licensed inspectors and Q/A performance verification.
6. Prohibit blanket 100% audit inspections by building departments. They are counterproductive and obstructionist in nature. Performance audits for quality assurance are suppose to be set up as unexpected inspections.
7. Issuance of the building permit upon private plan review approval stipulating plan revision for any deficiencies encountered later in the inspection process, similar to Palm Beach County.
8. Modify permit fees for private plan review and inspections. Building departments are not the statutory building inspection authority and are not required to perform inspections and plan review; therefore charging of full permit fees is not justified. A standard permit fee reduction formula should be promulgated statewide to "balance the playing field."

CONCLUSIONS:

It is abundantly clear that Building Officials are the stumbling block to the implementation of the law and must be taken to task for their arbitrary and heavy handed opposition to 553.791 F.S. Election of private provider is a choice solely in the hands of the fee owner. The Building Official cannot continue to call the shots on the use of private plan review and inspections but instead must respond to it in a legal, positive way. It is incumbent upon the

Florida Building Commission to take the lead in its recommendations to the Florida Legislature and set the ground rules for orderly implementation of 553.791 F.S. Inaction will inevitably lead to appeal to mayors, city managers, county commissioners, BCAI Board, DBPR, the Attorney General, and lawsuits in the courts to enforce a much needed duly promulgated Florida Statute.

Respectfully submitted,

UNIVERSAL ENGINEERING SCIENCES, INC.

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Appendix B

Voluntary Building Department Accreditation Standards

INTERNATIONAL ACCREDITATION SERVICE, INC.

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STATE OF FLORIDA

STANDARD FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS

December 12, 2003

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
TALLAHASSEE, FLORIDA

PREPARED BY
INTERNATIONAL ACCREDITATION SERVICE, INC

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STANDARD FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS

1.0 INTRODUCTION

1.1 Scope

This voluntary standard specifies requirements for accreditation of building departments within the state of Florida. For the purposes of this standard, building departments are governmental entities enforcing local and state building laws. Building departments may also be empowered to enforce other city or county ordinances relating to enhancing the quality of life within their jurisdictions.

1.2 Reference Documents

1.2.1 State of Florida Building Code, current edition.

1.2.2 ISO/IEC Standard 17020, General Criteria for the Operation of Various Types of Bodies Performing Inspection.

2.0 DEFINITIONS

2.1 Accreditation: Formal third-party recognition that a body fulfills specified requirements and is competent to carry out specific conformity assessment tasks.

2.2 Appeal: Request for reconsideration of any adverse decision by the building department related to its enforcement authority. Adverse decisions include:

- refusal to accept an application for issuance of permit
- refusal to proceed with plan check or inspections
- corrective action requests
- decisions to deny, suspend or halt construction work
- any other action that impedes the attainment of a certificate of occupancy.

2.3 Applicant: An individual or corporation applying for a building construction permit or plan reviewing in accordance with local codes or other normative documents.

2.4 Approved: Acceptable to the building official.

2.5 Building: Any structure used or intended to support or shelter any use or occupancy.

2.6 Building Department: Authoritative body which performs functions related to enforcement of construction laws.

2.7 Building Code Administrator/ Building Official: The officer or other designated authority charged with the administration and enforcement of codes.

2.8 Certified Contractor: means any contractor who possesses a certificate of competency issued by the Florida Department of Business and Professional Regulation (DBPR) and who shall be allowed to contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

2.9 Construction Documents: Written, graphic and pictorial documents prepared or assembled to describe the design, location and physical characteristics of a building project.

2.10 Contract Staff: A third-party, nongovernmental individual or entity hired by the local jurisdiction to perform plan review and/or inspection services.

2.11 Historic Buildings: Buildings that are listed in or are eligible for listing in the National Register of

Historic Places, or designated as historic under appropriate state or local law.

2.12 Jurisdiction: The governmental unit that has adopted the code under due legislative authority.

2.13 Permit: An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

2.14 Private Providers: A person licensed as an engineer under Florida Statute chapter 471 or as an architect under Florida Statute chapter 481 and hired by the owner to provide plan review and/or inspection services. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of Florida Statute chapter 468.

2.15 Quality Assurance Plan: A written procedure complying with specific project requirements.

2.16 Registered Contractor: means any contractor who has registered with the Florida Department of Business and Professional Regulation (DBPR) pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.

2.17 Registered Design Professionals: Individuals registered or licensed to practice their respective design professions as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

2.18 Special (Threshold) Inspector: A Florida registered architect or professional engineer who has demonstrated experience in the structural design and inspection of threshold type buildings. They are also known as "Threshold Inspectors" and are governed by the Board of Architecture and the Board of Professional Engineers.

2.19 Structure: That which is built or constructed.

3.0 BASIC JURISDICTIONAL INFORMATION

3.1 General Information

The following basic information is necessary on the jurisdiction:

3.1.1 Background information on administering entity.

3.1.2 Size, topography, population and major economic contributors (urban, rural, industrial, educational, tourism, etc.).

3.1.3 Department's responsibility for administration of zoning, transportation, storm-water, utilities (water and

sewer), landscaping, fire inspections, contractor licensing, occupational licensing, etc.

3.1.4 Coordination of work if zoning, transportation, storm-water, fire inspections, contractor licensing, occupational licensing, etc., are under a separate

department and details on how these approvals are

coordinated.

3.1.5 Work done on contract to other cities by local agreements.

3.1.6 Freedom from external/internal pressures and influences, as regards enforcement of codes.

3.1.7 Policies on ethical behavior involving conflicts of interest and job performance.

3.1.8 Steps taken to avoid potential conflicts of interest.

3.1.9 Control of all important procedural documents.

3.1.10 Records and information:

3.1.10.1 Accessibility of information and records.

3.1.10.2 Control of records and establishment of retention times for records (compliance with Florida Statute 119).

3.1.10.3 Details on safe storage of records.

3.1.11 Internal functional process audits and management reviews.

3.1.12 Availability of facilities and equipment, such as books, manuals, equipment for plan review and inspection functions, to employees and contract personnel.

3.1.13 Method of identification and calibration of equipment used, as applicable.

3.1.14 Policy on transportation equipment and maintenance.

3.1.15 Use of computer software and programs.

3.1.16 Details on validation of computer programs used.

3.1.17 Availability to and use of wireless voice and data communication, such as, cell phones, wireless networks, etc. by employees and contract personnel.

3.1.18 Building department's access to legal counsel.

3.1.19 Awareness programs conducted by the department.

3.1.20 Methods used by the department for outreach.

3.1.21 Details of all documents available to the public through the department.

3.2 STAFF INFORMATION

3.2.1 Department Staff — Full- and Part-time

3.2.1.1 Minimum qualifications for staff (not covered under Sections 3.2.1.8, 3.2.1.10 and 3.2.1.13).

3.2.1.2 Additional qualification requirements over and above the state requirement, if any, for code officials (such as P.E. license, contractor license, etc.).

3.2.1.3 Method of hiring, training and supervision of staff.

3.2.1.4 Compliance of staff with state-mandated qualification requirements.

3.2.1.5 Support for state mandated continuing education, and the availability and support of enhanced building code training programs for staff, over and above the minimum state requirements.

3.2.1.6 Participation of staff in code change activities, with details on level of participation.

3.2.1.7 Training requirements for building department personnel in post-disaster assessment and posting of structures.

3.2.1.8 Qualifications and job descriptions of building officials

3.2.1.9 Performance evaluation of building officials.

3.2.1.10 Qualifications and job descriptions of plan reviewers.

3.2.1.11 Number of plan reviewers currently employed:

3.2.1.11.1 Single-trade, i.e., structural, mechanical, electrical, etc.

3.2.1.11.2 Multi-trade.

3.2.1.12 Performance evaluation of plan reviewers.

3.2.1.13 Qualifications and job descriptions of inspectors.

3.2.1.14 Number of inspectors currently employed:

3.2.1.14.1 Single-trade, i.e., structural, mechanical, electrical, etc.

3.2.1.14.2 Multi-trade.

3.2.1.15 Performance evaluation of inspectors.

3.2.1.16 Use of registered design professionals for structural review of residential projects, and how they are employed: on permanent staff, part-time or on contract basis.

3.2.2 Contract Staff

3.2.2.1 Percentage of work done by contract staff (if zero, then go to Section 3.3 of this criteria).

3.2.2.2 Requirements for qualifications of contract plan reviewers, hired by the building department.

3.2.2.3 Percentage of work done by contract plan reviewers, and performance evaluation of contract plan reviewers.

3.2.2.4 Bonding requirements for contract plan reviewers, if any.

3.2.2.5 Percentage of work done by contract inspectors, and qualifications and hiring procedures for contract inspectors.

3.2.2.6 Job description of contract inspectors, and contract inspector training.

3.2.2.7 Performance evaluation of contract inspectors.

3.2.2.8 Qualifications and hiring procedures for private inspection agencies, and procedures for overseeing work done by private providers, hired by the owner.

3.3 Construction Information

3.3.1 Number of commercial buildings in the last three years.

3.3.2 Number of residential buildings in the last three years.

3.3.3 Typical area (square footage) of buildings.

3.3.3.1 Maximum area (square footage) of the largest building in the last three years.

3.3.3.2 Maximum storey height of the largest building in the last three years.

3.3.4 Construction type and building classification:

3.3.4.1 Number of storeys.

3.3.4.2 Construction type.

3.3.4.3 Commercial.

3.3.4.4 Residential – single-family or multi-family.

3.3.5 Historical buildings.

3.3.6 Percentage of new construction versus remodeling.

3.3.7 Permit issuance and coordination with other government departments.

- 3.3.8** Number of permits issued – Combination (master permit), single-trade, etc.
- 3.3.9** Types of permits issued – building, mechanical, electrical, plumbing, etc.
- 3.3.10** Activities related to mitigation from exposure hazards (seismic, hurricanes, flooding, brushfires, etc.).
- 3.4 Department Budget**
- 3.4.1** Budget for building code enforcement for the past fiscal year — Revenue versus Expenditure.
- 3.4.2** Operating budget — details on General Fund, Enterprise Fund and other means of funding, if applicable.
- 3.4.3** Financial audit method (internally or third-party).
- 3.4.4** Liability exposure (self-insured, sovereign immunity, etc.).

4.0 CONSTRUCTION CODES

The following details are necessary:

- 4.1** Procedures followed for local amendments to any administrative provisions of the Florida Building Code.
- 4.2** Procedures followed for local amendments to any technical provisions of the Florida Building Code.
- 4.3** Method of verifying builder and contractor licenses and insurance.
- 4.3.1** Method of verifying registration of architects and engineers not covered under Section 5.5.
- 4.4** Method used by the jurisdiction to enforce applicable Federal Emergency Management Agency (FEMA) requirements.

5.0 PLAN REVIEWS

The following information is necessary:

- 5.1** Policies, procedures and checklists for plan reviews.
- 5.2** Types of reviews done:
 - 5.2.1** Number of residential buildings.
 - 5.2.2** Number of commercial buildings.
 - 5.2.3** Number of site development plan reviews.
 - 5.2.4** Others, such as, fire sprinklers, alarms, etc.
- 5.3** Details of system used for tracking plan review activities, if available.
- 5.4** Department requirements for review of building plans for structural parameters.
- 5.5** Verification of licenses of registered engineers and architects.
- 5.6** Number of plan reviews resulting in rejection during the preceding 12 months.
- 5.7** Number of plan review rejections for reviews done by department staff:
 - 5.7.1** Number of residential.
 - 5.7.2** Number of commercial.
- 5.8** Number of plan review rejections for reviews done by contract staff plan reviewers:
 - 5.8.1** Number of residential.
 - 5.8.2** Number of commercial.
- 5.9** Typical reasons for rejections.

6.0 INSPECTIONS

The following details are necessary:

- 6.1** Policies, procedures and checklists for inspections.
- 6.2** Number and types of inspections done in the last fiscal year, by category (i.e. structural, plumbing, electrical, etc.), and percentage of work rejected by category.
- 6.3** Method of tracking rejections on individual inspector basis, if any.
- 6.4** Typical reasons for rejections.
- 6.5** Number and types of contract and private inspectors employed.
- 6.6** Single-trade or multi-trade inspectors.
- 6.7** Use of and requirements for special (threshold) inspectors (state-certified).
- 6.8** Verification of special (threshold) inspectors' credentials.
- 6.9** Auditing of field work of special (threshold) inspectors.
- 6.10** Procedures for overseeing work of special (threshold) inspectors.
- 6.11** Reporting requirements for special (threshold) inspectors.
- 6.12** Final inspections conducted by the department.
- 6.13** Reporting of inspection results:
 - 6.13.1** Clear, concise and accurate inspection results.
 - 6.13.2** Alteration of inspection results after initial creation and entry into records.

7.0 CERTIFICATE OF OCCUPANCY, AND APPEALS

- 7.1** Methods of issuance of Certificate of Occupancy (CO) or Certificates of Completion (CC).
- 7.2** Handling of complaints.
- 7.3** Handling of appeals.

8.0 ON-SITE PEER EVALUATION

The building department is subject to on-site evaluation by a team of trained peer evaluators to verify compliance with this standard. Peer evaluation procedures will be established by the DCA and the Commission.

Upon conclusion of the on-site visit, the evaluation team leader provides the building department with verbal feedback, with specific information on major nonconformances, if any. Within 30 days of the

evaluation, a formal report is submitted to the oversight body for transmission to the building department. If the final report indicates full compliance, the building department is placed on a list for final review by the oversight body for issuance of the formal accreditation certificate.

9.0 ANNUAL REPORTS AND RE-EVALUATION

To maintain accredited status, the building department must, at all times, be in compliance with the accreditation standards. Annual reports, addressing key elements of the standard, must be

prepared by the department and submitted to the oversight body/authority. Submitted Information must also include changes in key staff, changes in facilities or operating procedures, or any problems that could potentially impact the entity's accredited status. At the end of every four-year term commencing from the initial date of accreditation, the department will be subject to re-evaluation by the oversight body.

10.0 SUPPLEMENTAL REQUIREMENTS - (To be determined based on DCA input).#



PERFORMANCE SUMMARY OF BUILDING DEPARTMENTS BASED ON THE FLORIDA VOLUNTARY STANDARDS FOR BUILDING DEPARTMENT ACCREDITATION

JURISDICTION: _____ **COUNTY:** _____ **DATE:** _____

<u>Accreditation Criteria Requirement</u>	<u>Performance Rating</u> E- Exceptional / G- Good / N- Needs Improvement	<u>Remarks</u>
Basic Jurisdictional Information		
The jurisdiction has a mature building department that operates under a properly documented system		
The building department has adequate facilities and equipment, such as books, manuals, equipment for plan review and inspection functions available to employees and contract personnel.		
The building department staff (full-time, part-time and contract) are appropriately trained and certified/ licensed for the tasks entrusted to them. A proper system for hiring, training and monitoring of staff is in place. Staffing is adequate for the size of the jurisdiction, the complexity of construction and for on-going activities.		
The building department budget is adequate for proper enforcement of the Florida Building Code.		
The local community is supportive of the building department's activities and views their activities as vital to the quality of life within the jurisdiction.		
Construction Codes		
The jurisdiction is enforcing the current Florida Building Code.		

PERFORMANCE SUMMARY OF BUILDING DEPARTMENTS BASED ON THE FLORIDA VOLUNTARY STANDARDS FOR BUILDING DEPARTMENT ACCREDITATION

<u>Accreditation Criteria Requirement</u>	<u>Performance Rating</u> E- Exceptional / G- Good / N- Needs Improvement	<u>Remarks</u>
The department follows a properly documented system for the local amendments to the Code.		
The department has a sound system for verifying registration/ licensing of architects, engineers and contractors.		
A satisfactory methodology is in place to enforce applicable emergency management agency requirements		
Plan Reviews		
The department has proper policies, procedures and checklists to perform plan reviews including proper methodology for verification of licenses of registered engineers and contractors who perform plan reviews.		
The department has a system in place to track plan review activities and number of plan review rejections including rejections of plan reviews done by department staff as well as by contract staff.		
The department has a proper system in place to identify and analyze typical reasons for plan review rejections.		
Inspections		
The department has proper policies, procedures and checklists for inspection activities, including details on the number and type of inspections done		
The department has appropriate systems for tracking percentage of work rejected and identifying the typical reasons for		

PERFORMANCE SUMMARY OF BUILDING DEPARTMENTS BASED ON THE FLORIDA VOLUNTARY STANDARDS FOR BUILDING DEPARTMENT ACCREDITATION

<u>Accreditation Criteria Requirement</u>	<u>Performance Rating</u> E- Exceptional / G- Good / N- Needs Improvement	<u>Remarks</u>
rejections.		
A system is in place to track the number and types of contract and private inspectors employed by the department.		
The department has in place a suitable system for using and monitoring special (threshold) and owner-employed private inspectors.		
The department has appropriate systems for supervising and evaluating the field work of special (threshold) and owner-employed private inspectors.		
Certificate of Occupancy and Appeals		
The department has appropriate methods for issuance of Certificates of Occupancy (CO) or Certificates of Compliance (CC).		
The department has documented procedures for handling of complaints and appeals made against the department.		

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.0	BASIC JURISDICTIONAL INFORMATION					
3.1.1	Background information on administering entity.	City charter, incorporation details, organizational chart etc.			Yes, only addressing changes that may have occurred in the preceding year	
3.1.2	Size, topography, population and major economic contributors (urban, rural, industrial, educational, tourism, etc.).	Written brief along with any public documents generated by the city.			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.3	Department's responsibility for administration of zoning, transportation, storm-water, utilities (water and sewer), landscaping, fire inspections, contractor licensing, occupational licensing, etc.	Written statement by the building official, city ordinances if applicable.			Yes, only addressing changes that may have occurred in the preceding year	
3.1.4	Coordination of work if zoning, transportation, storm-water, fire inspections, contractor licensing, occupational licensing, etc., are under a separate department and how these approvals are coordinated.	Written narrative from the building department and procedural documents as appropriate.			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.5	Work done on contract to other cities by local agreements.	Copy of agreements as appropriate.			Yes, only addressing changes that may have occurred in the preceding year	
3.1.6	Freedom from external/ internal pressures and influences as regards enforcement of codes.	Top level policy statements and city ordinances as appropriate			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.7	Policies on ethical behavior involving conflicts of interest and job performance.	Copy of published policy.			Yes, only addressing changes that may have occurred in the preceding year	
3.1.8	Steps taken to avoid potential conflicts of interest.	Copy of signed agreement executed by full-time and part-time employees along with details of procedural checks for monitoring effectiveness of the policy.			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.9	Control of all important procedural documents.	Master list of all procedural documents with information on control procedures			No	Document control referred here pertains to protection of approved documents from unauthorized revisions or misuse.
3.1.10	<p>Records and information:</p> <p><i>3.1.10.1 Accessibility of information and records:</i></p> <p><i>3.1.10.2. Control of records and establishment of retention times for records (compliance with Florida Statute 119).</i></p> <p><i>3.1.10.3 Details on safe storage of records</i></p>	Written statement outlining city policies.			No	Safe storage of records to ensure redundancy in case original records are lost or accidentally damaged.

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.11	Internal functional process audits and management reviews.	Copies of latest internal process audits and management review documents.			Yes	<p>These audits conducted by a designated senior employee of the building department, examine the various functions within the department to determine compliance with stated policies and procedures.</p> <p>The purpose of a management review is to evaluate the overall performance of the building department, review the results of the internal audit and identify improvement opportunities. These reviews are carried out by the department's top managers.</p> <p>Both internal functional audits and management reviews are typically</p>

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
						conducted once a year, prior to the preparation of the Annual Report referenced in Section 9.0 of the Standard for Voluntary Accreditation of Building Departments.
3.1.12	Availability of facilities and equipment, such as books, manuals, equipment for plan review and inspection functions, to employees and contract personnel.	Written narrative with office layout identifying equipment type and location.			Yes	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.13	Method of identification and calibration of equipment used, as applicable.	Copy of identification label or written narrative of information on the label along with equipment list.			Yes	Equipment such as pressure gages, thermometers, electrical multi-meters etc., require calibration to ensure traceability of measurements.
3.1.14	Policy on transportation equipment and maintenance.	Copy of written policy.			No	This information is only required if city vehicles are assigned to inspection staff.

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.15	Use of computer software and programs.	List of software programs in use along with version thereof.			Yes	
3.1.16	Details on validation of computer programs used.	Self-declaration by the building department.			No	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.17	Availability to and use of wireless voice and data communication, such as, cell phones, wireless networks etc., by employees and contract personnel.	Written statement by the building official.			Yes	
3.1.18	Building department's access to legal counsel.	Written statement by the city manager.			Yes	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.19	Awareness programs conducted by the department.	Copies of published brochures, self-help checklists or other published material.			Yes	A proactive building department can more effectively enforce building laws by gaining community understanding of their roles.
3.1.20	Methods used by the department for outreach.	A statement indicating the methods used i.e. brochures, flyers, TV and radio advertisements etc.			No	

**EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS
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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.1.21	Details of all documents available to the public through the department.	List of documents.			Yes, only addressing changes that may have occurred in the preceding year	
3.2.1 – DEPARTMENT STAFF – FULL-TIME AND PART-TIME						

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.1	Minimum qualifications for staff (not covered under sections 3.2.1.8, 3.2.1.10 and 3.2.1.13): <i>Administrative:</i> <i>Plan review:</i> <i>Permitting (Counter):</i> <i>Field Inspections:</i>	Copies of job descriptions from the Human Resources (HR) department.			Yes, only addressing changes that may have occurred in the preceding year	
3.2.1.2	Additional qualification requirements over and above the state requirements, if any, for code officials. (such as P.E. license, contractor license, etc.).	Copy of city policy.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.3	Method of hiring, training and supervision of staff: <i>Administrative:</i> <i>Plan review:</i> <i>Permitting (Counter):</i> <i>Field Inspections:</i>	Appropriate documentation from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	
3.2.1.4	Compliance of staff with state-mandated qualification requirements.	Written statement by building official.			Yes, only addressing changes that may have occurred in the preceding year	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.5	Support for state-mandated continuing education, and the availability and support of enhanced building code training programs for staff, over and above the minimum state requirements.	Written statements by building official.			Yes, only addressing changes that may have occurred in the preceding year	The important issue here is to determine whether the local jurisdiction supports (provides or pays for) the minimum CE required by the state. Also, it is important to determine if the local jurisdiction provides or supports actual code training which will typically exceed the minimum 14 hr biennial CE required by the state.
3.2.1.6	Participation of staff in code change activities, with details on level of participation.	Written statement by building official.			Yes, only addressing changes that may have occurred in the preceding year	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.7	Training requirements for building department personnel in post-disaster assessment and posting of structures.	Written statement by building official.			Yes, only addressing changes that may have occurred in the preceding year	
3.2.1.8	Qualifications and job descriptions of building officials.	Data from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.9	Performance evaluation of building officials.	a) Copy of a typical performance evaluation document currently in use. b) Information on timeliness and effectiveness of evaluations.			Yes, only addressing changes that may have occurred in the preceding year Yes	
3.2.1.10	Qualifications and job descriptions of plan reviewers.	Data from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.11	Number of plan reviewers currently employed: <i>Single-trade, such as Structural, mechanical, electrical etc.:</i> <i>Multi-trade:</i>	Written statement by building official.			Yes	
3.2.1.12	Performance evaluation of plan reviewers.	a) Copy of a typical performance evaluation document currently in use. b) Information on timeliness and effectiveness of evaluations.			Yes, only addressing changes that may have occurred in the preceding year Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.13	Qualifications and job descriptions of inspectors.	Data from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	
3.2.1.14	Number of inspectors currently employed: <i>Single-trade, such as Structural, mechanical, electrical etc.:</i> <i>Multi-trade:</i>	Written statement by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.1.13	Performance evaluation of inspectors.	a) Copy of a typical performance evaluation document currently in use b) Information on timeliness and effectiveness of evaluations			Yes, only addressing changes that may have occurred in the preceding year Yes	
3.2.1.14	Use of registered design professionals for structural review of residential projects, and how they are employed: on permanent staff, part-time or on contract basis.	Written statement by the building official.			Yes	This item is really intended to determine if a jurisdiction employs the services of an architect or engineer to review structural plans on residential projects, which typically aren't required to be designed by an architect or engineer.

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.2 – CONTRACT STAFF						
3.2.2.1	Percentage of work done by contract staff (if zero, then go to Section 3.3 of this checklist).	Written statement by building official.			Yes	
3.2.2.2	Requirements for qualifications of contract plan reviewers, hired by the building department.	Data from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.2.3	<p>Percentage of work done by contract plan reviewers.</p> <p>Performance evaluation of contract plan reviewers.</p>	<p>Written statement by building official.</p> <p>Copy of a typical performance evaluation document currently in use.</p>			<p>Yes</p> <p>Yes</p>	
3.2.2.4	Bonding requirements for contract plan reviewers, if any.	Written statement by building official.			Yes, only addressing changes that may have occurred in the preceding year	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.2.2.5	<p>Percentage of work done by contract inspectors.</p> <p>Qualifications and hiring procedures for contract inspectors.</p>	<p>Written statement by building official.</p> <p>Copy of a typical performance evaluation document currently in use.</p>			<p>Yes</p> <p>Yes</p>	
3.2.2.6	Job description of inspectors, and inspector training.	Data from the HR department.			Yes, only addressing changes that may have occurred in the preceding year	

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3.2.2.7	Performance evaluation of contract inspectors.	a) Copy of a typical performance evaluation document currently in use b) Information on timeliness and effectiveness of evaluations			Yes, only addressing changes that may have occurred in the preceding year Yes	
3.2.2.8	Qualifications and hiring procedures for private inspection agencies and procedures for overseeing work done by private providers hired by owners.	Written statements by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.3 – CONSTRUCTION CODES						
3.3.1	Number of commercial buildings in the last three years.	Written statement by building official.			Yes	
3.3.2	Number of residential buildings in the last three years.	Written statement by building official.			Yes	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

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3.3.3	<p>Typical area (square footage) of buildings:</p> <p><i>Maximum area (square footage) of the largest building in the last three years:</i></p> <p><i>Maximum storey height of the largest building in the last three years:</i></p>	Written statements by building official.			No	
3.3.4	<p>Construction type and building classification.</p> <p><i>No. of Storeys:</i></p> <p><i>Construction type:</i></p> <p><i>Commercial:</i></p> <p><i>Residential – single-family or multi-family:</i></p>	Written statements by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.3.5	Historical buildings.	Written statement by building official.			No	
3.3.6	Percentage of new construction versus remodeling.	Statement by building official or published data, if available.			Yes	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

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3.3.7	Permit issuance and coordination with other government departments.	Copy of appropriate procedures currently in use.			Yes, only addressing changes that may have occurred in the preceding year	Response to this item will indicate if one-stop permitting process is in place.
3.3.8	Number of permits issued: <i>Combination (master permit):</i> <i>Single-trade:</i>	Written statements by building official or published data, if available.			Yes	

EVALUATION CHECKLIST FOR VOLUNTARY ACCREDITATION OF BUILDING DEPARTMENTS STATE OF FLORIDA

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3.3.9	Types of permits issued: <i>Building:</i> <i>Mechanical:</i> <i>Electrical:</i> <i>Plumbing:</i> <i>Others:</i>	Written statements by building official or published data, if available.			Yes	
3.3.10	Activities related to mitigation from exposure hazards: <i>Seismic:</i> <i>Hurricanes:</i> <i>Flooding:</i> <i>Brushfires:</i> <i>Others:</i>	Written statement by building official or published data, if available.			Yes	

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3.4 – DEPARTMENT BUDGET						
3.4.1	Budget for building code enforcement for the past fiscal year - Revenue versus Expenditure.	Financial statements from the city controller or published information as appropriate.			Yes	
3.4.2	Operating budget - details on: <i>General Fund:</i> <i>Enterprise Fund:</i> <i>Other means of funding:</i>	Written statement by the city controller.			Yes	

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STATE OF FLORIDA**

Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
3.4.3	Financial audit method: <i>Internal:</i> <i>Third-party:</i>	Written statement by the city controller.			Yes	
3.4.4	Liability exposure <i>Self-insured:</i> <i>Sovereign immunity:</i> <i>Others:</i>	Written statement by the city manager.			Yes	

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4.0 – CONSTRUCTION CODES						
4.1	Procedures followed for local amendments to any administrative provisions of the Florida Building Code.	Copy of the amended documents.			Yes, only addressing changes that may have occurred in the preceding year	
4.2	Procedures followed for local amendments to any technical provisions of the Florida Building Code.	Copy of the amended documents.			Yes, only addressing changes that may have occurred in the preceding year	

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4.3	<p>Method of verifying builder and contractor licenses and insurance.</p> <p>Method of verifying registration of architects and engineers not covered under Section 5.5.</p>	<p>Copy of written procedure or public notice as appropriate.</p> <p>Copy of written procedure or public notice as appropriate.</p>			<p>Yes</p> <p>Yes</p>	
4.4	Method used by the jurisdiction to enforce applicable Federal Emergency Management Agency (FEMA) requirements.	Written statement by building official.			Yes, only addressing changes that may have occurred in the preceding year	

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5.0 – PLAN REVIEWS						
5.1	Policies, procedures and checklists for plan reviews.	Copies of appropriate documents			Yes, only addressing changes that may have occurred in the preceding year	
5.2	Types of reviews done: <i>5.2.1 - Number of residential buildings:</i> <i>5.2.2 - Number of commercial buildings:</i> <i>5.2.3 - Number of site development plan reviews</i> <i>5.2.4 - Others, such as, fire sprinklers, alarms etc.</i>	Written statement by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
5.3	Details of system used for tracking plan review activities, if available.	Written narrative or print out from computer database.			Yes, only addressing changes that may have occurred in the preceding year	
5.4	Department requirements for review of building plans for structural parameters.	Written statement by building official or copies of published procedures as appropriate.			Yes, only addressing changes that may have occurred in the preceding year	

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5.5	Verification of licenses of registered engineers and architects.	Copies of written procedures or published documents as appropriate.			Yes, only addressing changes that may have occurred in the preceding year	
5.6	Number of plan reviews resulting in rejection during the preceding 12 months.	Written statement by building official.			Yes	

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5.7	Number of plan review rejections for reviews done by department staff: <i>5.10.1 - Number of residential:</i> <i>5.10.2 - Number of commercial:</i>	Written statement by building official.			Yes	
5.8	Number of plan review rejections for reviews done by contract staff plan reviewers: <i>5.11.1 - Number of residential:</i> <i>5.11.2 - Number of commercial:</i>	Written statement by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
5.9	Typical reasons for rejections.	Written statement by building official.			Yes	
6.0 - INSPECTIONS						
6.1	Policies, procedures and checklists for inspections.	Copies of appropriate documents			Yes, only addressing changes that may have occurred in the preceding year	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
6.2	<p>Number and types of inspections done in the last fiscal year by category:</p> <p><i>Structural:</i></p> <p><i>Plumbing:</i></p> <p><i>Electrical:</i></p> <p><i>Others:</i></p> <p>Percentage of work rejected:</p> <p><i>Structural:</i></p> <p><i>Plumbing:</i></p> <p><i>Electrical:</i></p> <p><i>Others:</i></p>	<p>Written statement by building official.</p> <p>Written statement by building official.</p>			<p>Yes</p> <p>Yes</p>	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
6.3	Method of tracking rejections on individual inspector basis, if any.	Written narrative or print out from computer database.			Yes	
6.4	Typical reasons for rejections.	Written statement by building official.			Yes	

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6.5	Number and types of contract and private inspectors employed.	Written statement by building official.			Yes	
6.6	Single-trade or multi-trade inspectors.	Written statement by building official.			Yes	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
6.7	Use of and requirements for special (threshold) inspectors (state-certified).	Written statement by building official.			Yes	
6.8	Verification of special (threshold) inspectors' credentials.	Copies of appropriate procedures in use.			Yes	

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6.9	Auditing of field work of special (threshold) inspectors.	Copies of appropriate procedures in use.			Yes	
6.10	Procedures for overseeing work of special (threshold) inspectors.	Written statement by the building official along with a copy of a typical evaluation checklist.			Yes, only addressing changes that may have occurred in the preceding year	

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6.11	Reporting requirements for special (threshold) inspectors.	Copies of appropriate procedures in use.			Yes	
6.12	Final inspections conducted by the department.	Published protocol or written statement by building official.			Yes	

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6.13	Reporting of inspection results: 6.12.1 - Clear, concise and accurate inspection results. 6.12.2 - Alteration of inspection results after initial creation and entry into records.	Copy of a typical inspection report. Written statement of alterations discovered, if any, by building official.			No No	
7.0 – CERTIFICATE OF OCCUPANCY AND APPEALS						
7.1	Methods of issuance of Certificate of Occupancy (CO) or Certificates of Completion (CC).	Written statement by building official or published procedures, if available.			No	

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Accrd. Criteria Clause	Criteria Content	Types of documents or evidence submitted	Self -evaluation results (Complies/ Follow-up action required)	On-site peer evaluation (Complies/ Follow-up action required)	Data to be included in annual report (Yes/No)	Remarks
7.2	Handling of complaints.	Summary of complaints received in the preceding 12 months and resolution thereof.			Yes	
7.3	Handling of appeals.	Summary of appeals received in the preceding 12 months and resolution thereof.			Yes	



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