



## CUA-6: PRIVATE PROVIDERS

### STAFF RECOMMENDATION: ADOPT

**PROPOSED POLICY:** SUPPORT legislation that aims to protect citizens when private providers are being used in the homebuilding process.

**BACKGROUND:** Florida Statute 553.791 has allowed the private provider company to perform inspections, which is not in the best interest of public health and safety. Current statute allows contractors to select private providers without the homeowner's knowledge. This policy was designed for the larger cities, which could not meet the demand for building permits and inspections during spikes of building growth in Florida, such as after a hurricane.

Gulf County has received numerous complaints and issues and is now facing litigation in the community due to its lack of control and oversight over inspections of construction within its jurisdiction. The residents are now looking to the county to address these issues.

**ANALYSIS:** Litigation, public health, and safety are at the core of this issue. The public expects and demands that its local authorities have final oversight and consumer protection methods to ensure the homes they buy and reside in have been built to code and are safe.

**FISCAL IMPACT:** Has already and will continue to have devastating financial impacts on Gulf County and its residents.

### FAC STAFF NOTES:

- **Statutes:**

- [s. 553.791 F.S.](#) – Alternative Plans Review: allows property owners or contractors to hire a “private provider” (a licensed engineer, architect, or building code professional who meets qualifications and carries required insurance) to perform plan reviews and building inspections instead of waiting on the local building department.

- **Bills:**

- 2025
  - [HB 683](#) Griffitts ([SB 712](#) Grall) Passed
    - Revises the definition of “single-trade inspection” to include plans review, explicitly includes solar energy and energy storage installations or alterations as an applicable single construction trade.
    - Allows the use of a private provider for inspections related to a single-trade inspection of a single-family or two-family dwelling after work on the project has commenced, regardless

if the local building official is able to provide inspection services within a timely manner.

- Provides that a private provider may use an automated or software plans review program to determine if single-trade plans comply with the applicable building codes.

- [HB 695](#) Gentry ([SB 1474](#) DiCeglie) Died

- Expands the role of private providers in building code inspections, limiting local building officials' oversight and authority. It requires more private provider representation on the Florida Building Code Administrators and Inspectors Board and the Florida Building Commission. The bill prohibits local governments from charging additional fees for private provider inspections and restricts their ability to deny or delay permits. It allows private providers to issue permits and certificates of occupancy while preventing local officials from interfering in their work. This reduces local control over inspections and increases reliance on private firms.

- 2024

- [HB 267](#) Esposito ([SB 684](#) DiCeglie) Passed

- Defines "private provider firm."
- Cuts permit review time from 20 to 10 business days when sealed by a licensed engineer or architect.
- If no written notice is given in 10 days, the permit is automatically approved and must be issued the next day.
- Removes fixed notice period for inspections; only requires approximate date/time notice.
- Local agencies must create and publish standard audit procedures (scope, criteria, process, findings) before auditing private providers.
- Audit procedures and results must be publicly available online and in agency offices.
- Audit limit reduced to four times per year (instead of per month); more only if there's an immediate safety threat.

- **Background:**

- Florida Building code

- The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002. The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code. Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building

Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction

○ Private Providers

- In 2002, [s. 553.791, F.S.](#), was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.
- “Private provider” means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings. Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider’s or representative’s license.
- If a private provider is used, an acknowledgment from the fee owner or fee owners contractor must be submitted in 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 or structure 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 or structure that is the subject of the enclosed permit application.
- Local governments may create a registration system to verify private providers’ license and insurance.



- Permit fees must be reduced to reflect cost savings when private providers are used; only a reasonable administrative fee may be charged.
- Owners/contractors must give written notice when using a private provider—either at permit application or two business days before inspections.
- If local officials can't inspect on time, owners may switch to a private provider with two days' notice.
- Private providers must inspect all construction phases, either in-person or virtually.
- For plans review, private providers must certify under oath that plans comply with codes.
- Building officials have 10 business days to issue a permit or cite deficiencies once an affidavit is submitted.
- Upon receipt of a building permit application and the required affidavit from an architect or engineer, a building official has 10 business days to issue the permit or provide written notice of the plan deficiencies.

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**ASSIGNED COMMITTEE:** CUA

**BOARD SUPPORT:** Yes

**UNFUNDED MANDATE:** No

**PROTECTIVE OF HOME RULE:** Yes