



Building Division  
306 NE 6th AVE, BLDG B  
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## The City of Gainesville Private Provider Policy & Procedures.

**Whereas**, Florida Statute § 553.791 allows for the fee owner of a building or structure to contract directly with a private provider for building code inspections services, the City of Gainesville Building Department has established this document, titled *The City of Gainesville Private Provider Policy & Procedures*.

The following definitions, as provided for in Florida Statute § 553.791, are part of and enforceable within the City of Gainesville as related to private providers.

**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 Firesafety codes adopted pursuant to chapter 633.

**Audit** - means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded.

**Building** - means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

**Building Code Inspection Services** - means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, 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.

**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.

**Immediate Threat to Public Safety and Welfare** - means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.



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**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.

**Permit Application** - means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required under subsection (6).
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.

**Plans** - means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

**Private Provider** - means a person licensed as a building code administrator under part XII of chapter 468, 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.

**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 under Section 553.791(11) F.S.
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.

**Site Work** - means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

**Stop-Work Order** - means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.



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### Owner Options for Building Code Inspection Services

- ✓ The fee owner of a building or structure may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services.
- ✓ If the fee owner or the fee owner's contractor uses a private provider to provide plans review, the City of Gainesville building official, in his or her discretion and pursuant to duly adopted policies of the building department, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.
- ✓ A fee owner or the fee owner's contractor, using a private provider to provide building code inspection services, shall notify the City of Gainesville building official at the time of permit application on a form adopted by the Florida Building Commission.
- ✓ A fee owner or the fee owner's contractor, using a private provider to provide building code inspection services, shall notify the City of Gainesville building official by 2 p.m. local time, 2 business days before the first scheduled inspection by the City of Gainesville building official for a private provider performing required inspections of construction on a form adopted by the Florida Building Commission.
- ✓ After construction has commenced and *if the City of Gainesville building official is unable to provide inspection services in a timely manner*, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the City of Gainesville building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection on a form adopted by the Florida Building Commission.

A timely manner for the City of Gainesville building official to perform scheduled inspections shall be considered, by the City, to be inspections performed by the building department the next business day; more than 2 inspections missed on the next business day shall constitute "*unable to provide services in a timely manner*".



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### Private Provider Change in Service

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

### Private Provider Responsibilities

- ✓ A private provider performing plans review shall review the plans to determine compliance with the applicable codes and place an electronic stamp indicating "Reviewed for Code Compliance" on the approved construction documents prior to the design professional digitally signing the construction documents. This procedure is to ensure the validity of the digital signature by the design professional.
- ✓ A private provider upon determining that the plans reviewed comply with the applicable codes, shall prepare an affidavit or affidavits on a form reasonably acceptable to the Florida Building Commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

***The plans were reviewed by the [affiant], who is duly authorized to perform plans review pursuant to Florida Statute and holds the appropriate license or certificate, and the plans comply with the applicable codes.***

- ✓ All submittals for Gainesville are required to be submitted electronically to the City of Gainesville building official through the City of Gainesville's ePlan Review System. All submittals must comply with the digital signature and digital/electronic seal requirements of Florida Statute § 471 & 481 and the City of Gainesville's published requirements.
- ✓ Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the City of Gainesville building official, through the City of Gainesville's ePlan Review System, with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the City of Gainesville building official.



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## The City of Gainesville Private Provider Policy & Procedures.

- ✓ When the City of Gainesville building official issues a permit, one set of approved construction documents shall be kept at the site of work and shall be open to inspection by the City of Gainesville building official or a duly authorized representative. FBC-B 107.3.1
- ✓ Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted by the private provider as an amended set of construction documents before approval or acceptance by the City of Gainesville. FBC-B107.4

### Plan Review & Permit Fees

- ✓ The building department will reduce the City's Plan Review fee for review of the applicable codes by an amount not to exceed 40% and the remainder will be a Plan Review Administrative fee for processing, issuance of the permit, and archiving the public record.
- ✓ The building department will reduce the City's Inspections fees of the applicable codes by an amount not to exceed 25% and the remainder will be an Inspection Administrative fee for scheduling, processing and archiving the inspection history in the public record.
- ✓ Reinspection or reaudit fees shall not be charged by the City of Gainesville as a result of the City of Gainesville's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

### Private Provider Authority

- ✓ A private provider and any duly authorized representative may only perform onsite building code inspection services that are within the disciplines covered by that person's licensure or certification under Florida Statute chapter § 468, chapter 471, or chapter 481.
- ✓ The individual performing private provider inspections shall report to the City of Gainesville building official and be registered in the City's Inspection Reporting System



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## The City of Gainesville Private Provider Policy & Procedures.

- ✓ A private provider may not provide building code inspection services pursuant to Florida Statute upon any building designed or constructed by the private provider or the private provider's firm.

### Permit Issuance by the City of Gainesville Building Official

- ✓ No more than 20 business days after receipt of a permit application and the affidavit from the private provider, the City of Gainesville building official will 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.
- ✓ To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies or to submit revisions to correct the deficiencies.
- ✓ If the permit applicant submits revisions, the City of Gainesville building official has the remainder of the tolled 20-day period plus 5 business days from the date of resubmittal 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.
- ✓ Any subsequent review by the City of Gainesville building official is limited to the deficiencies cited in the written notice.
- ✓ If the City of Gainesville 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 or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the City of Gainesville building official has an additional 5 business days from the date of resubmittal 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.

### Inspection Requirements for Private Providers

- ✓ A private provider shall inspect each phase of construction as required by the applicable codes and as specified on the approved Permit Documents.





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- ✓ The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, and all inspection reports shall bear the signature and license number of the onsite inspector.
- ✓ The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under Florida Statute § 443.
- ✓ A private provider performing inspection services may not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such certified copy of the required Notice of Commencement with the jurisdiction. Florida Statute 713.135(1)(d)
- ✓ When a private provider is to perform any required inspections, the private provider or the contractor must schedule the required inspection on the City of Gainesville's Inspection Request System no later than the prior business day by 2 p.m. local time.
- ✓ The City of Gainesville building official will not prohibit the private provider from performing any inspection outside the City of Gainesville building official's normal operating hours, including after hours, weekends, or holidays, provided the inspection is scheduled on the City of Gainesville's Inspection Request System the prior business day.
- ✓ A deficiency notice must be posted at the job site and recorded in the City of Gainesville's Inspection Reporting System by the private provider or the duly authorized representative of the private provider whenever a noncomplying item related to the building code or the permitted documents is found. All deficiency notices must be signed by the private provider or the provider's duly authorized representative.
- ✓ After corrections are made, the item must be reinspected by the private provider or provider's duly authorized representative before being concealed.
- ✓ Upon completing the required inspections at each applicable phase of construction, the private provider shall record on the City of Gainesville's Inspection Reporting System in a manner acceptable to the City of Gainesville building official the inspection result and any applicable notes.



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- ✓ These inspection records shall reflect those inspections required by the applicable codes and as listed on the approved permit of each phase of construction for which permitting by the City of Gainesville is required.
- ✓ The private provider, before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and result the inspection in the City of Gainesville's Inspection Request System within 1 business day.
- ✓ Records of all required and completed inspections shall be maintained in the City of Gainesville Inspection Reporting System and posted at the building site at all times to be available for review by the City of Gainesville building official.
- ✓ The private provider shall report to the City of Gainesville building official any condition that poses an immediate threat to public safety and welfare.
- ✓ Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the City of Gainesville 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 City of Gainesville's approved plans and applicable codes.

The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider:

***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 City of Gainesville's approved plans and the applicable codes.***

### Private Provider Registration

- ✓ Private providers and duly authorized representatives working within the jurisdiction must register with the City of Gainesville building official to verify compliance with the licensure requirements of Florida Statute § 553.791(1)(j).





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- ✓ A private provider must provide, to the City of Gainesville building official, a certificate of insurance evidencing that the coverages required under Florida Statute § 553.791(16) are in force.

### **Issuance of the Certificate of Occupancy / Completion**

- ✓ When requesting a certificate of occupancy or certificate of completion, the applicant must present a certificate of compliance and approval of all other government approvals required by law.
- ✓ All requirements of Florida Statute § 633 will be completed and approved by the City of Gainesville building official. The Certificate of Occupancy will indicate full compliance with all fire and life safety inspections.
- ✓ A project audit record will be completed before the Certificate of Occupancy is issued by the building official.
- ✓ The City of Gainesville building official will 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, within 2 business days after receipt of a request.
- ✓ If the City of Gainesville building official determines that the building construction or plans do not comply with the applicable codes, the City of Gainesville building official may deny the request for a certificate of occupancy or certificate of completion, as appropriate.
- ✓ A certificate of occupancy required by FBC-B Section 111 shall not be issued until the floor load signs, required by FBC-B Section 106.1, have been installed.
- ✓ A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the City of Gainesville building official has issued a certificate of occupancy therefore as provided by the FBC. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City of Gainesville. FBC-B 111.1.



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### City of Gainesville Building Official Authority

- ✓ The City of Gainesville building official will visit the building site as often as necessary to verify that the private provider is performing all required inspections in a manner acceptable to the City of Gainesville.
- ✓ A deficiency notice must be posted at the job site and recorded in the City of Gainesville Inspection Reporting System by the building department whenever a noncomplying item related to the building code or the permitted documents is found.
- ✓ If the City of Gainesville building official determines that the building construction or plans do not comply with the applicable codes, the City of Gainesville building 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 as provided by law.
- ✓ Deferral of any submittal items, required by the applicable codes, shall have the prior approval of the City of Gainesville building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the City of Gainesville building official. All plans shall be submitted through the City of Gainesville ePlan Review System. FBC-B 107.3.4.1.
- ✓ A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the City of Gainesville building official.
- ✓ In accordance with and to meet the requirements of municipal code 10-6 and FS 553.791(1) Completion of the entire project site will be required without consideration of partial, conditioned or temporary occupancy.
- ✓ Where the City of Gainesville building official finds any work regulated by this code being performed in a manner either contrary to the provisions of the Florida Building Code, the approved plans, or is dangerous or unsafe, the City of Gainesville building official will issue a stop work order. FBC-B 115.1