



Building Department

2650 N Dixie Freeway
New Smyrna Beach, Florida 32168
Phone: (386) 410-2800
Fax: (386) 410-2805
www.cityofnsb.com

Private Provider



PRIVATE PROVIDER PACKET

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Policy and Procedure

~ Private Providers ~

POLICY No. 2011 - 01: Use of Private Providers, April 26, 2011

REFERENCE: Florida Statute 553.791

The purpose of this policy statement is to establish a clear procedure for administering the permitting and inspection of construction projects that utilize the services of a private provider as stipulated in the Florida Statute.

BACKGROUND:

The Florida Legislature, in response to what it deemed unreasonable delays in the processing of permits and inspections in certain jurisdictions throughout the State, has sanctioned an alternative plan review and inspection process utilizing what is commonly referred to as "Private Providers". The provisions of Florida Statute 553.791 establish the scope of the law, procedural requirements and the local jurisdiction's responsibilities when a private provider is involved in a project.

STATEMENT:

Private providers are independent third party entities and are required to be architects or engineers and use the services of appropriately licensed plan reviewers and inspectors (F.S.468). The intent of the new law is clearly to provide an alternative process to help expedite the permitting and inspection of new development while maintaining the oversight provided by licensed code professionals. The provisions of the law challenge a building department by requiring it to manage two slightly different processes for both plan review and inspections when a private provider is involved. It is very important to recognize an owner's right to choose this method and to slightly modify our standard procedures in order to accommodate this process and assure compliance with all codes and regulations.

PROCEDURE:

Under the law, the City retains the responsibility for issuing both permits and certificates of occupancy for new development. The City also maintains its' responsibility for performing all plan review and inspections for site and fire codes. In addition to the basic procedure outlined in the Questions & Answers section listed below, the following modifications to our basic plan review and inspection process shall be in effect:

Permit/Plan Review - the Residential and Commercial Development Divisions shall perform plan reviews of all plans submitted within the time frame allowed under the law. All project and permit descriptions shall be designated as "private provider" or similar abbreviation to clearly define it as a project or permit involving a private provider. The permit placard shall also be identified by printing "Private Provider" in large bold letters across the top of the placard. In addition, the cover sheet and/or pages of the plans shall be clearly stamped and labeled as a "Private Provider" project. Finally, an MASTER permit shall be created for each project with a description of "Private Provider - Final Inspection Report Required".

Inspection - The Inspection Services Division shall perform random audit inspections of each phase of the construction as approved by the Chief Building Official. The private provider will be required to call in each inspection request on the City's Inspection Line as approved by the Chief Building Official. The private provider shall leave written evidence of the results of his inspection on the jobsite for review by the contractor and inspector. The inspector shall recognize that the project is being inspected by a private provider and shall make every effort to maintain good communication with both the contractor and private provider.

When performing an audit inspection, the Inspector is to make his inspection and record his results in the following manner. If the private provider has already made the inspection prior to the inspector arriving, he is to proceed with the inspection, review the private provider's documentation and record the inspection result with a comment of "Audit". In addition, if the private provider has made the inspection and the work is covered up prior to the inspector arriving as allowed in the law, he is to review the private provider's documentation to insure the inspection was approved and record the inspection result with a comment of "Audit". If the inspector detects any discrepancy in the inspection process or an inspection performed by a private provider, he is to inform the appropriate Chief Building Official who shall follow-up with the contractor and private provider.



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Plan Review and Inspections By Private Providers ~Questions and Answers~

Question:

What is a private provider?

Answer: A private provider is a person licensed as an architect under F. S. chapter 481, or an engineer licensed under F.S. chapter 471. A private provider, for the purpose of performing inspections of residential additions and alterations that are 1000 SF or less, is a person who holds a standard certificate under part XII of F.S. chapter 468.

Question:

Am I, as the fee owner, allowed to use this private provider to do alternative plan review and inspections?

Answer: Yes. You have the option of using a private provider to provide plan review and inspection services.

Question: Can I use the private provider for either plan review or inspections?

Answer: Yes. In the City of New Smyrna Beach, you use a private provider to provide either plan review or inspection services or both.

Question: What do I have to submit to the City of New Smyrna Beach?

Answer: You have to submit the following information on the form approved by the Florida Building Commission:

- Name, firm, address, phone and fax number of the private provider.
- Private provider's license and certification number.
- Qualification statements or resume.
- Certificate of Insurance for the firm, the private provider, and any duly authorized representative. The insurance shall provide coverage for professional and omprehensive general liability with minimum policy limits of \$1 million dollars 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

Question: Will the City of New Smyrna Beach still does plan review and inspections?

Answer: Yes. In accordance with the state law, the City must provide for an audit process to audit the performance of plan review and inspection services by private providers operating within the local jurisdiction.

Question: Will the plan review and inspection fees remain the same?

Answer: Yes, the fees will remain the same.

Question: What types of plan review are covered under the required 30-business day turn-around time?

Answer: Only those plans that fall under the applicable codes of the State of Florida. This means the Florida Building Code, and does not include any applicable local City of New Smyrna Beach codes or any applicable minimum fire prevention and fire safety codes.

Question: So, if I submit for a simultaneous building and site plan review, when does the clock start for the 30- business day turn-around time?

Answer: The clock for the 30-business day turn-around time starts after the approval by all of the site review agencies and the fire marshal. This is because the law states that the 30-business day clock starts "after receipt of a permit application", and part of the required "permit application" is "any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law".

Question: So, if I use a private provider, could it take me longer to go through the plan review process and obtain my permit than if I just used the regular City of New Smyrna Beach permit process?

Answer: It could, depending on how long the fire marshal and site review take, since the "clock" does not start until these approvals have been given.

Question: How will the City of New Smyrna Beach handle inspections by private providers?

Answer: If a private provider will be making inspections, then the following requirements will be followed:

- The private provider provides notice to Inspectional Services no later than 2 PM of the prior business day that an inspection will be made.
- Inspectional Services will also make the random audit inspections.
- The private provider records the inspection on a form acceptable to Inspectional Services, posts it on the site, and provides a copy to Inspectional Services within 2 business days.

Question: Once a private provider approves an inspection, can the contractor proceed with the next step in construction, as it relates to the inspection?

Answer: Yes, in accordance with Florida Statute 553.791.

Question: How will the certificate of occupancy be handled with a private provider?

Answer: Upon completion of all required inspections, the private provider will prepare a certificate of occupancy, on a form provided by Inspectional Services, summarizing the inspections performed and including a written representation, under oath, that the building construction complies with the approved plans and applicable codes.

Question: Will the certificate of occupancy be issued upon receipt of the certificate of compliance by the private provider?

Answer: Inspectional Services will issue a certificate of occupancy once it has determined that all of the permits have received a final inspection, all applicable fees have been paid, and any special requirements have received approval by the City of New Smyrna Beach. If **deficiencies** are noted, the private provider will be notified within 2 business days after the receipt of the request for the certificate of occupancy.

Question: What happens if the private provider and Inspectional Services do not agree?

Answer: Inspectional Services and the private provider must meet within 2 business days of the notice to try and resolve the dispute. If this is not successful, then the matter will be referred to the City of New Smyrna Beach Builders Trade Board for resolution.

Still have questions?

Call 386-410-2800



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Notice for use of a Private Provider in the City of New Smyrna Beach

Section 1

Project Name: _____
Project Address: _____

Section 2

I will be providing the plan review or inspections for the above project.

Plan Review Inspections Both

Private Provider Firm: _____

Private Provider Name: _____

Address:

Phone: _____ Fax: _____

Email: _____

Florida License, Registration or Certificate Number: _____

Section 3

I have elected to use one or more private providers to provide building code plan review and inspection services on the building that is the subject of the enclosed permit and plan review application, as authorized by s.553.791, Florida Statutes. Plan review and required building inspections will be performed by licensed or certified personnel identified in this application. I understand that the local building official will also review the plans submitted and will perform the required building inspections to determine compliance with the applicable codes. 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 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 and plan review applications.

I understand that the Building Official retains the authority to review plans, make required inspections, and enforce the applicable codes within his or her charge pursuant to the standards established by s.553.791, Florida Statutes. If I make any changes to the listed private providers or the services to be provided by those private providers, I shall, within I business day after any change, update this notice to reflect such changes. The building plans review and inspection services provided by the private provider is limited to building code compliance and does not include review for fire code, land use, environmental or other codes.

The following attachments are provided as required:

1. Qualification statements and/or resumes of the private provider and all duly authorized representatives.
2. Proof of insurance for professional and comprehensive liability in the amount 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.

INDIVIDUAL	CORPORATION	PARTNERSHIP
Print individual Name By: _____ (signature)	Print Corporation Name By: _____ (signature)	Print Partnership Name By: _____ (signature)
Print Name: _____	Print Name: _____	Print Name: _____
Address: _____ _____	Address: _____ _____	Address: _____ _____
Telephone No: _____	Telephone No: _____	Telephone No: _____

Please use appropriate notary block

STATE OF _____
COUNTY OF _____

Individual

Before me, this _____ day of _____, 20_____,
Personally appeared who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

Corporation

Before me, this _____ day of _____, 20_____, a
Corporation, on behalf of the state executed the foregoing instrument, and acknowledged behalf of, _____ before me that same was executed for the purposes therein expressed.

Partnership

Before me, this _____ day of _____, 20_____,
Personally appeared Partner/agent on _____ a partnership, who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

Personally known _____ or, produced identification _____ Type of identification produced _____

Signature of Notary

Print Name

Notary Public: NOTARY STAMP BELOW

My commission expires: _____



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Plan Compliance Affidavit

~Private Provider~

Section 1

Private Provider Firm: _____

Private Provider Name: _____

Address:

Phone: _____ Fax: _____

Email: _____

Florida License, Registration or Certificate Number _____

Section 2

I hereby certify that to the best of my knowledge and belief that the plans submitted were reviewed for, and are in compliance with, the Florida Building Code by the following affiant, who is duly authorized to perform plans review pursuant to Section 552.791, Florida Statute and holds the appropriate license or certificate:

Name: _____ Plan Sheets: _____

Signature of Reviewer: _____

Section 3

Notary Public

Personally Known _____, or produced identification _____

Type of identification produced: _____

Notary Signature: _____

Print Name: _____

Notary Stamp Below:

My commission expire _____



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Certificate of Compliance ~Private Provider~

Section 1

Please check the appropriate box:

- Request for a Certificate of Completion Request for a Certificate of Occupancy

Private Provider Name: _____

Address:

Phone: _____ Fax: _____

Email: _____

Section 2

Final Inspection Summary

Check the box next to each selection to indicate that the inspections listed were completed and approved.

Building

Foundation inspection: To be made after trenches are excavated and forms erected. It shall, at a minimum, include the following building components:

- stem-wall
- monolithic slab-on-grade
- piling/pile caps
- footers/grade beams

Slab inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts, and vents are installed and the electrical, plumbing, and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

- A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
- Flood Elevation: A copy of the certificate of elevation or a survey prepared and certified by a registered architect, engineer or surveyor that establishes the lowest floor shall be available for review at the job site before approval of the framing inspection for all new construction built in an "A" or "V" flood zone.

Framing inspections: To be made after the roof, all framing, fire blocking, and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- window/door framing installation
- vertical cells/columns
- lintel/tie beams
- framing/trusses/bracing/connectors
- draft stopping/fire-blocking
- curtain wall framing

Section 2

- energy insulation
- accessibility

Tie Beam inspection: To be made after the masonry walls are complete and the reinforcement is in place.

Sheathing inspection: To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- roof sheathing
- wall sheathing
- sheathing fasteners
- roof/wall/dry-in

Roofing inspection: Shall at a minimum include the following building components:

- dry-in
- insulation
- roof coverings
- flashing

Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

Final Inspection: To be made after the building is completed and ready for occupancy.

Swimming pool inspections:

- First inspection to be made after excavation and installation or reinforcing steel, bonding and main drain and prior to placing of concrete.
- Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to the pool safety features as described in Section 424.2.17, Florida Building Code.

Demolition inspections:

- First inspection to be made after all utility connections have been disconnected and secured in such a manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
- Final inspection to be made after all demolition work is completed

Section 3

Electrical

- Underground inspection:** To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place
- Rough-in inspection:** To be made after the roof, framing, fire-blocking and bracing is in place prior to the installation of wall or ceiling membranes.
- Final inspection:** To be made after the building is complete, all required electrical fixtures are in place and properly, connected or protected, and the structure is ready for occupancy.

Section 4

Plumbing

- Underground inspections:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place
- Rough-in inspection:** To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
- Final inspection:** To be made after the building is complete, all required plumbing fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

<p>Section 5</p>	<p><u>Mechanical</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Underground inspections: To be after trenches or ditches are excavated, underground duct and fuel piping, and before any backfill is put in place. <input type="checkbox"/> Rough-in inspection: To be made after the roof, framing, fire-blocking and bracing is in place and ducting and other concealed components, and prior to the installation of wall or ceiling membranes. <input type="checkbox"/> Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
<p>Section 6</p>	<p><u>Gas</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected <input type="checkbox"/> Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test. <input type="checkbox"/> Final inspections: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.
<p>Section 7</p>	<p><u>Inspection Reports</u></p> <p>I hereby certify that to the best of my knowledge and belief that all of the required reports are attached to this request, and that all of the inspections listed above were completed by the private provider; and that all of the inspections, and construction work are in compliance with the approved plans and with the Florida Building Code and all local amendments to the Florida Building Code by the following affiant, who is duly authorized to perform inspections pursuant to Section 553.791, Florida Statue and holds the appropriate license or certificate:</p> <p>Name: _____</p> <p>License/ Certificate No. _____</p> <p>Signature of Private Provider: _____</p> <p><u>Notary Public</u> Personally Known _____, or produced identification _____</p> <p>Type of identification produced: _____</p> <p>Notary Signature: _____</p> <p>Print Name: _____</p> <p>Notary Stamp Below: My commission expires: _____</p> <p>Who executed the forgoing instrument, and acknowledged before me that same was executed for the purposes therein expressed</p>



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Private Provider Inspector Qualification Statement

Date: _____

Project: _____

Private Provider Name: _____

Address:

Phone: _____ Fax: _____

Email: _____

Names, License/Certificate Numbers, and License description of provider and duly authorized agents who will be providing services for projects:

Name	License #	License Type

As a private inspection service provider for this project, I have read and agree to be bound to the provisions of State Statute 553.791. I further agree and understand that only the above listed personnel may perform inspections on this project and that if for any reason the inspection personnel should change, or if any person listed above should discontinue to qualify as a duly authorized agent, I will notify the Municipality having jurisdiction in writing immediately.

Signature of Private Provider: _____