

Why Florida Statute 553.791

In the early 2000's, the construction industry was experienced unprecedented growth. So much so that many governmental building departments could not accommodate all the inspection requests in a timely and industry-acceptable manner. This caused building projects (both large and small) to be stalled and behind schedule.

The Florida Legislature passed Statute 553.791 to provide additional licensed personnel to supplement the inspection process. Owners and contractors could choose to use either the jurisdictional inspectors or the private provider inspectors.

All inspectors, whether jurisdictional or private are governed by the Florida Building Code Administrators and Inspectors Board, as part of the Florida Department of Business and Professional Regulations. They must prove their experience and expertise level to the State of Florida. All inspectors, both jurisdictional and private, must pass the same Certification of Competency requirements for the State of Florida and must maintain their bi-annual continuing education requirement. Because of this, licensing for all inspectors is controlled by the State of Florida. This provides assurance to homeowners that inspectors have met the requirements and are considered competent to perform building inspections. This same Florida Statute 553.791 gave building owners the right to choose between inspections performed by jurisdictional inspection departments, or inspections performed by private providers.

This is very similar to the Florida School System where parents have a choice between public and charter schools. Classes can be taken in a local school or online at the Florida Virtual School. The requirements to competently teach students are the same. Licensure, continuing education, and curriculum requirements are controlled by the State of Florida to provide assurance to parents that their children will be properly educated.

Statute 553.791 contains a provision that the owner of the structure must acknowledge that a private provider inspector is doing the inspection. This in turn allows the contractor to use the private inspector. Using a private Inspector does not lessen the competency of the inspection as all inspectors are licensed by the State of Florida. Also, the Statute requires the contractor to notify the jurisdiction that a private provider inspector will be used. Finally, the Statute requires the private provider inspector to carry professional liability insurance. This insurance is for the benefit of the contractor and the homeowner.

Overall, the statute has enhanced the inspection process. The contractor has the choice of using a Private Provider Inspector that can accommodate their business schedule. Most importantly, the homeowner can have confidence that an inspector licensed by the State of Florida has confirmed that the work meets the Florida Building Code and Standards for Structural, Electrical, Mechanical, and Plumbing installations.