



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

Standard Operating Private Provider Permit and Audit Procedures Building and Permitting Services Department City of Winter Park

Effective 1/1/2025 (House Bill 267 – 2024)

1. Introduction

- 1.1 Purpose: To provide a structured and standardized approach for private providers to ensure compliance with the requirements of Sec. 553.791, F.S.
- 1.2 Scope: These procedures apply to all permit applications and permit issuance where plans reviews and/or inspections are performed by private providers and audits are conducted by the building official in accordance with Section 553.791, F.S for the successful completions of all permitted construction projects within the city.

2 Definitions

- 2.1 All terms are as defined in Section 553.791(1), F.S.

3 Owner Options for Building Code Inspection Services

- 3.1 The fee owner or the fee owner's contractor may choose to use a private provider to provide building code inspection services with regard to such proposed building or structure and may make payment directly to the private provider for the provision of such services.
- 3.2 If the fee owner or the fee owner's contractor uses a private provider to provide plans review, the building official may require the fee owner or the fee owner's contractor to use a private provider to also provide the required building inspections.
- 3.3 A fee owner or the fee owner's contractor, using a private provider to provide inspection services only shall provide notice to the building official at the time of permit application or before the construction work within the scope of the permit has commenced on a form adopted by the Florida Building Commission.
- 3.4 If construction work has commenced and building official is unable to provide the 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 building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the first scheduled inspection that a private provider has been contracted to perform the required inspections using the notice form adopted by the Florida Building Commission.
 - 3.4.1 Building official who is unable to provide the inspection service(s) within 5 business days after the notice is received will be considered as "building official is unable to provide the inspection

services in a timely manner”.

- 3.5 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 or within 2 business days before the next scheduled inspection, update the notice to reflect such changes.

4 Permit Applicant Responsibilities

- 4.1 All permit applications shall be applied and submitted through the City’s Customer Self Service (CSS) portal.
- 4.2 It is the responsibility of the permit applicant to provide the following private provider documentations and other required documents at permit application submittal:
- 4.2.1 Certified plans reviewed by the private provider when plan review services were performed.
- 4.2.2 Affidavit from the private provider as required in Section 553.791(6), F.S. and item 5.1.
- 4.2.3 List of duly authorized representatives of the provide provider with supporting license information.
- 4.2.4 A copy of the private provider’s liability insurance showing the minimum policy limits as specified in Section 553.791(18), F.S.
- 4.2.5 The required private provider documents may be provided prior to the commencement of work when only inspections will be performed by the private provider.
- 4.2.6 All other required documents to complete the submittal in CSS based on permit type applied for shall be uploaded.
- 4.3 It is the responsibility of the permit applicant to secure all other government review approvals required by state law and city ordinances (i.e. Zoning, Fire, Engineering, Water and Waste Water, Urban Forestry, Dept of Health, etc.). Permit application may not be accepted without these approvals.
- 4.4 It is the responsibility of the permit applicant to secure all other applicable government inspection approvals required by state law and city ordinances (i.e. Zoning, Fire, Engineering, Water and Waste Water, Urban Forestry, Dept of Health, etc.). Building final inspection notice to the building official, inspection result and/or certificate of compliance from the private provider as required in items 8 and 10 will not be accepted without these approvals and will delay the completion of the permit.

5 Private Provider Responsibilities at Permit Application

- 5.1 Private provider performing plans review shall verify compliance with the applicable codes and place an electronic stamp on each file indicating the plans and all supporting documents were “Reviewed for Code Compliance”.
- 5.2 Private provider upon determining that the plans reviewed comply with the applicable codes, state law and city ordinances, shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider’s knowledge and belief with these following statements:

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.

The plans comply with the applicable codes.

- 5.3 Private provider shall verify the certification of the architect/engineer-in-charge in accordance with the digital/electronic seal requirements of Chapter 471 and Chapter 481, F.S.
- 5.4 Documents for deferred submittal items shall be reviewed and approved by the registered design professional in charge then be reviewed and approved by the private provider as required in item 4.2 prior to installations. These will then be required to be uploaded to the CSS as part of the approved files under the permit.
- 5.5 All documents reviewed and approved by the private provider shall be printed and be kept on site.
- 5.6 Work shall be installed in accordance with the approved construction documents. Any changes made during construction shall be revised by the design professional in charge then reviewed by the private provider. Permit holder shall then submit/upload to the CSS.

6 Permit Fees:

- 6.1 Fees for permitting shall be reflected in the annual adopted fee schedule of the City of Winter Park. In accordance with Section 553.791(2)(b), F.S., plan review and permit fees for private provider services will be reduced. The reduced fees for building and Permitting Services department will cover the costs for permit application processing, permit issuance, scheduling and logging of inspection notices and results, issuance of certificate of occupancy or certificate of completion, processing and archiving of plans, permit history research, public record maintenance and all other administrative costs.
- 6.2 Additional fees may be applicable when the procedural requirements of Section 553.791, F.S. are not adhered to.
- 6.3 All invoiced fees shall be paid prior to permit issuance.

7 Permit Application and Permit Issuance

- 7.1 In accordance with Section 553.791(1)(l), F.S., permit application means a properly completed and submitted application for the required building or construction permit, including any documents required by the local building official to determine that the fee owner or fee owner's contractor has secured all other government approvals required by state law and city ordinances. Building official may not accept the permit application nor process the issuance of the permit when any of the other required government approvals are not secured.
- 7.2 No more than 20 business days after receipt of the complete permit application, affidavit from the private provider and all other required documents and government approvals; the building official will access/invoice all applicable fees and process the issuance of the requested permit. It is the responsibility of the permit applicant to monitor the status of the permit. Failure to pay the invoice(s) within 180 days from the date of filing will be considered an abandonment of the permit and the status of the permit application will switch to "Expired". The building official may authorize to grant an extension of the permit application when requested in writing and justifiable cause is demonstrated.
- 7.3 When permit application submittal is deficient, the building official will provide a written notice through CSS of application deficiencies to the permit applicant within the prescribed 20-business day period. The 20-day period will be tolled pending resolution of the matter. To resolve the any deficiency, the permit applicant may elect to dispute the deficiency pursuant to Section 553.791(15), F.S. or to submit revisions of correct the deficiencies.

- 7.4 Any subsequent review by the building official is limited to the deficiencies cited in the written notice.
- 7.5 If the 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 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.
- 7.6 No work shall commence until the status of the permit is "Issued".

8 Inspection Requirements for Private Providers

- 8.1 A private provider performing required inspections shall inspect each phase of construction as required by applicable codes after the notice of commencement has been recorded. A notice of commencement as required in Section 713.135, F.S. shall be recorded, posted on the site and submitted to the building official for filing before the first inspection.
- 8.2 Such inspection may be performed in person or virtually.
- 8.3 The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative shall be an employee of the private provider entitled to receive reemployment assistance benefits under Chapter 433, F.S. The contractor's contractual or legal obligations are not relieved by any action of the private provider.
- 8.4 A private provider performing required inspections shall provide notice to the building official of the approximate date and time of any such inspection as required in Section 553.791(9), F.S.
- 8.5 The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours and weekends. However, contractor and private provider shall adhere to the City of Winter Park's noise and disturbance control local ordinance Section 62-97(9) specifically for construction activities.
- 8.6 The local building official may visit the construction site as often as necessary to verify that the private provider is performing all required inspections. In addition, any complaint received or reported to the building official will be attended to accordingly. These actions, as permitted in Section 553.791(9), F.S. do not constitute an "Audit" and shall not be limited.
- 8.7 A deficiency notice shall be posted by the private provider, the duly authorized representative of the private provider, or the building official whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item shall be reinspected by the private provider or representative before being concealed.
- 8.8 Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction'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.
- 8.9 It is the private provider's responsibility to report immediately to the building official any condition that poses an immediate threat to public safety and welfare.

8.10 The provide provider, upon completion of each required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the building official within 2 business days as required in Section 553.791(12), F.S. Notices to the building official and inspection results in addition to the job site postings shall be transmitted to the building official via email – permits@cityofwinterpark.org.

8.11 Upon completion of all required inspections, including other departmental inspections as indicated in the CSS permit workflow, the private provider shall prepare a certificate of compliance, on a form acceptable to the 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 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 approved plans and the applicable codes.

8.12 It is the responsibility of the permit applicant to provide all other government supporting documentations to verify compliance with state law and city ordinances (i.e. formboard survey, elevation certificate, height certificate, etc.). Failure to provide the supporting documents during the course of construction will delay the completion of the permit.

9 Audits

9.1 “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 submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by Section 553.791, F.S.

9.2 The private provider or private provider firm may not be audited more than 4 times in a year unless the local building official determines a condition of the building or structure under construction constitutes an immediate threat to public safety and welfare, which shall be communicated in writing to the private provider or private provider firm. Work on the building or structure may proceed after inspection and approval by the private provider.

9.2.1 Actions taken by the building official as indicated in item 8.6 do not constitute an “Audit” and shall not be limited.

9.3 The work on the building or structure may not be delayed for completion of an inspection audit by the local building code enforcement agency.

9.4 The audit procedure may be reviewed and/or amended on a quarterly basis.

10 Issuance of the Certificate of Occupancy or Certification of Completion

10.1 Certificate of occupancy or certificate of completion shall be requested in writing via email – permits@cityofwinterpark.org.

10.2 The request for certificate of occupancy or certificate of completion shall include the certificate of compliance from the private provider as required in Section 553.791(13), F.S. and all other documents required by the building official to determine that the fee owner has secured all other government approvals required by state law and city ordinances.

- 10.3 All outstanding permit fees shall be fully paid.
- 10.4 If any deficiency is found and the building official does not provide written notice within the applicable time period then the certificate of occupancy or certificate of completion will automatically be granted and deemed issued as of the next business day. The electronic file of the certificate will be on a pdf format that may be downloaded from the CSS.
- 10.4.1 To resolve any identified deficiency, the permit holder may elect to dispute the deficiency pursuant to Section 553.791(15), F.S. or to submit a corrected request for a certificate of occupancy or certificate of completion.
- 10.4.2 If private provider elects to dispute the deficiency then the building official will be available to meet with the private provider within 2 business days to resolve any dispute.
- 10.4.3 If the building official and private provider are unable to resolve the dispute, the matter will be referred to the Construction Board of Adjustments and Appeals in accordance with Section 113, Florida Building Code with Local Amendments.
- 10.5 When the building official determines that the request for certificate of occupancy or certificate of completion is satisfactory, the certificate will be released within 10 business days after receipt of the request. If the permit is related to a single-family or two-family dwelling the certificate will be released no more than 2 business days, after receipt of the request.

Approved By:

Gary L. Hiatt
Director/Building Official
Building and Permitting Services Department
City of Winter Park, Flo