

Department of Business and Professional Regulation
 Building Code Administrators and Inspectors Board
 Declaratory Statements

last updated July 23, 2021

Subject	Issue presented	Conclusion	Number	Petitioner	File Date
Exemption contained in Section 468.602, F.S.	Petitioner is involved in the evaluation of inspections but has questions and doubts concerning the applicability of the Statute to the evaluation process.	Pursuant to Section 468.602(2), F.S., an architect or engineer may not delegate an inspection to a representative that is not licensed as an architect, engineer, or building inspector.	2007-009	William Dumbaugh	9/10/2007
Exemption contained in Section 468 Part XII, F.S. and Section 553.791(1)(i), F.S.	Pursuant to Section 468 Part XII, F.S. Petitioner is seeking clarification related to performing inspections utilizing a smartphone application, web based, video guided biometrically protected program.	Based upon the facts presented the Board must answer the question identified in the negative. It is the opinion of the Board that a licensed building inspector operating as a private provider under the provisions of s.553.791(1)(i), F.S. who conducts a virtual inspection of the type specifically identified above utilizing the smartphone application, web based, video guided, biometrically protected program as specifically described in the Petition and by sworn testimony of the Petitioner is not, ipso facto failing to lawfully execute the duties and responsibilities of their license nor are they failing to ensure compliance with applicable building codes or requirements. None of this is to imply that the utilization of the aforementioned technique will shield the licensed building inspector from discipline for failing to perform a competent inspection or for violating any provision of Chapter 468, Part XII, F.S.	2017-038	Rune Lero	7/28/2017
Exemption contained in Section 468 Part XII, F.S. and Section 553.791(1)(i) F.S.	Pursuant to Section 468 Part XII, F.S. Petitioner is seeking clarification on whether or not virtual inspections being performed by Petitioner will be subject to disciplinary action.	a licensed building inspector operating as a private provider under the provisions of s.553.791(1)(i), F.S. who conducts a virtual inspection of the type specifically identified above utilizing the smartphone application, web based, video guided, biometrically protected program as specifically described in the Petition and by sworn testimony of the Petitioner is not, ipso facto failing to lawfully execute the duties and responsibilities of their license nor are they failing to ensure compliance with applicable building codes or requirements. None of this is to imply that the utilization of the aforementioned technique will shield the licensed building inspector from discipline for failing to perform a competent inspection or for violating any provision of Chapter 468, Part XII, F.S.	2018-078	Rune Lero	2/27/2019

<p>Exemption contained in Section 468 Part XII, F.S. and Section 553.73, F.S.</p>	<p>Pursuant to Section 468 Part XII, F.S. Petitioner is seeking clarification on whether or not using recorded video inspections being performed by Petitioner will be subject to disciplinary action.</p>	<p>Based upon the facts presented to the Board must answer the questions identified in the negative. It is the opinion of the Board that a mechanical inspection done by a person properly licensed in the mechanical field under 468, XII employed by Manatee County which serves as the issuing authority, who conducts a virtual inspection of the type specifically identified using recorded video by an unlicensed person utilizing the smartphone application, as specifically described in the Petition and by sworn testimony of the Petitioner does not, ipso facto, subject the inspector's license to disciplinary action for; 1. Violating ss. 468.604(2) Fla. Stat., by failing to "ensure compliance with the Florida Building Code" or technical amendments thereto, if the inspections are performed under the direction of the building code administrator or building official. 2. Violating ss. 468.621 (2), Fla. Stat., by "failing to properly enforce applicable building codes or permit requirements within this state which the certificate holder knows are applicable". 3. Violating ss.468.621(1) (i), Fla. Stat. by "failing to lawfully execute the duties and responsibilities specified in [Chapter 468, XII] and [s.533.73]". 4. None of this is to imply that the utilization of the aforementioned technique will shield the licensed building inspector from discipline for failing to perform a competent inspection or for violating any provision of Chapter 468 Part XII, F.S.</p>	<p>2019-031</p>	<p>Manatee County</p>	<p>8/1/2019</p>
<p>Exemption contained in Section 468.604 (2), F.S. Section 468.621 (1)(g), F.S. Section 468.621 (1)(i), F.S. – referencing Section 553.79 & 553.791, F.S.</p>	<p>Pursuant to Section 468 Part XII, F.S. Petitioner is seeking clarification of Section 468.604(2), 468.621(1)(g), & 468.621(1)(i), F.S. without any limiting conditions or restrictions as set forth in Section 553.791(1)(O), F.S., will the completely paperless virtual inspection of any and all required inspections under the Florida Building Code for both residential and commercial construction, including but not limited to new construction, renovations, alterations, and additions, conducted via Petitioner's use of electronic application conducted via Petitioner's use of electronic application, in and of itself subject Petitioner or properly-licensed employees of Skyetec Engineering Services, LLC, to disciplinary action under Chapter 468, Part XII, F.S. as specifically described in the Petition and by sworn testimony of the Petitioner and the question posed cannot be answered within the parameters of a declaratory statement.</p>	<p>Based upon the facts presented the Board must answer the question identified in the negative. It is the opinion of the Board that the question posed cannot be answered within the parameters of a declaratory statement.</p>	<p>2020-052</p>	<p>Skyetec Engineering Services, LLC</p>	<p>12/16/2020</p>