




MIAMI-DADE COUNTY, FLORIDA
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MEMO

TO: All Building Officials in Miami-Dade County

From: Secretary of the Board 
Board of Rules and Appeals (BORA)

Date: April 26, 2022

**Subject: BORA Guidance on FBC 7th Edition (2020), Section 105.1, and
FS 553.79 & 553.791 Permits Required & Use of Private Providers**

At their meeting of April 21st, 2022, the Miami-Dade County Board of Rules and Appeals (BORA) discussed and provided guidance on a request by a Building Official on the Florida Building Code Section 105.1, the Miami Dade County Code Section 8-12(c), and how this applies to owners and contractors electing to use the services of Private Providers for alternative plan review and inspection allowed under Florida Statutes 553.79 and 553.791. A series of questions were presented on the use of Private Provider option when work was performed without permits, reporting inspections of concealed work, and applicable “double fees” for permits.

The following code sections are provided for reference:

FBC 105.1.

Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

FBC 109.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

Miami Dade County Code Section 8-12 (c)

When work for which a permit is required is started prior to the obtaining of said permit, the applicant for a permit shall be required to pay double the fee as specified herein as the cost of the permit. The payment of a permit fee shall not relieve any person, firm or corporation from fully complying with the requirements of this Code, nor from any other penalties prescribed therein.

Florida Statute 553.79 *Permits; applications; issuance; inspections. -(1)(a) After the effective date of Florida Building Code adopted as herein provided it shall be unlawful for any person, firm corporation, or governmental entity to construct, erect alter modify, repair or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency.*

Florida Statute 553.791 (2)(b) *If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee.*

Guidance was provided to the questions as follows:

Question 1. Is an owner, owner’s agent or contractor using the services of a private provider under F.S. 553.791 exempt from the requirements of section 105.1 of the 2020 Florida Building Code?

Answer: No. A permit must be obtained before work is commenced.

Question 2. Is an owner, owner’s agent, or contractor who violated the requirements of section 105.1 of the 2020 Florida Building Code by failing to obtain a permit or authorization from the Building Official having jurisdiction prior to the start of construction exempt from having to pay double fees and penalties as established in section 8-12 (c) of MDCC and/or fee scheduled established by the AHJ?

Answer: No. The double fees are to be charged when violating FBC105.1 and must be based on the fee schedule established by the authority having jurisdiction.

Question 3. Can a building official negate a property owner, owner’s agent or contractor the option to use the services of a private provider as allowed under Florida Statute 553.791 after being cited with a violation under section 105.1 of the 2020 Florida

Building Code for failure to obtain permit and or authorization prior to commencing work?

Answer: No. The Building Official cannot DENY any owner, owner's agent or contractor the option to use the services of Private Provider.

Question 4: Can a Building Official allow a property owner, owner agent or contractor the option to use the services of a private provider as allowed under Florida Statute 553.791 after being cited with a violation under section 105.1 of the 2020 Florida Building Code for failure to obtain permit and or authorization prior to commencing work? Including certifying concealed work without inspection. Keep in mind that under 553.791 a Florida licensed Building Code Administrator (B.O.) is allowed to be a Private Provider without the need to be an R.A. or P.E. as required under BORA interpretation "missed inspection" dated June 22, 2021, for providing an "As-built certificate" aka "certification for concealed work".

Answer: Yes. The Building Official can allow a property owner, owner's agent or contractor the option to use the services of a Private Provider when a citation is issued for violation of the FBC 105.1 and said work is concealed. The Building Official MAY accept an as-built certificate for compliance pursuant to the BORA interpretation of June 22nd, 2021.

Question 5: If work commenced without a permit is still subject to "double fees" as in section 8-12 (c) of MDCC and fee scheduled establish by the AHJ, what should the double fees be charged on?

(a)The entire permit fee as establish by the AHJ?

(b)The reduced fee in accordance with FS 553.791(2)(b)?

Answer: The fees charged shall be in accordance with fee schedule of the AHJ.

Should you have any questions please contact Dexter Bleasdel, Senior Code Officer, (Building) 786-315-2556 or Dexter@miamidade.gov.