

The Collier County Building Department is often requested to accept affidavits, pictures, or verbal guarantees, in lieu of a licensed inspector performing an inspection for compliance of the construction or installation as required by FS 468.604. The Florida Statutes provide for a specific way in which the local building official is to enforce the Florida Building Code. It is the opinion of the Building Department that a licensed building inspector must witness the minimum building code required inspections. The following are sections of the Florida Statutes and the Florida Building Code:

***FS 468.604 Responsibilities of building code administrators, plans examiners, and inspectors.—***

*(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include:*

*(a) The review of construction plans to ensure compliance with all applicable sections of the code. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or building official or by a person having the appropriate plans examiner license issued under this chapter.*

*(b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable sections of the code.*

***FBC 110.1 General*** - Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

***FBC 110.3 Required inspections*** - The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Prior approval and acceptance by the Collier County Building Official or his/her designee is required for consideration of an affidavit in lieu of a licensed inspector performing the installation.

Disciplinary procedures:

Certified or registered contractors failing to resolve/ obtain the minimum required inspections could be subject to disciplinary action by the Building Department.

**FS 489.129 Disciplinary proceedings.—**

*(1) The board may take any of the following actions against any certificate holder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:*

*(o) Proceeding on any job without obtaining applicable local building department permits and inspections.*

If the building official or inspector approves a required inspection without witnessing the construction or installation, he or she could be subject to the following disciplinary action by DBPR through the Building Code Administrators and Inspectors Board (BCAIB).

**FS 468.621 Disciplinary proceedings.—**

*(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:*

*(c) Knowingly assisting any person practicing contrary to the provisions of:*

- 1. This part; or*
- 2. The building code adopted by the enforcement authority of that person.*

**FAC 61G19-5.002 Disciplinary Guidelines - (FS 468.621(1)(c) F.S.)**

*(c) Knowingly assisting any person to unlawfully practice building code administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person.*

**FS 455.227 Grounds for discipline; penalties; enforcement.—**

*(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:*

*(k) Failing to perform any statutory or legal obligation placed upon a licensee.*

**FAC 61G19-5.002 Disciplinary Guidelines. (FS 455.227(1)(k), F.S.)**

*(q) Failing to perform any statutory or legal obligations.*