Standard Operating Procedure (SOP) for Auditing Private Providers

Purpose:

This SOP outlines the procedures for auditing Private Providers conducting plan reviews and inspections under Florida Statute 553.791. The purpose of these audits is to ensure compliance with the Florida Building Code, protect public safety, and evaluate the performance and processes of Private Providers without unduly hindering construction progress.

Scope:

This SOP applies to all audits conducted by local building enforcement agencies regarding services performed by Private Providers, including but not limited to plan reviews, inspections, and affidavits. Audits assess both the inspection process and progress of the job to ensure compliance with approved documents, permits, and applicable building codes.

1. Definitions:

- Audit: As per Florida Statute 553.791, “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.”

- Private Provider: “Private provider” means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468. “

2. Audit Frequency:

- General Audits: Each Private Provider or firm can be audited up to four times per calendar year. These audits are routine evaluations to ensure compliance and verify that processes are followed correctly.

- General Audit Criteria:

    - Determine that the Designated Authorized Representatives (DARs) are registered and vetted with the municipality and ensure they have the proper credentials for the scope of work they are performing on the job.
    - Determine that the Private Provider Firm has provided adequate insurance, and their inspections are documented properly in logbooks, and the reports are reflective of the construction's progression.
    - Ensure the Private Provider audits special inspector's work and threshold logs.
    - Ensure that the Private Provider enforces compliance with code requirements, and construction documents.

- Audits Initiated by Complaints: Complaints regarding a Private Provider's performance can also trigger audits, which may focus on specific issues raised by the complainant.

3. Pre-Audit Preparation:

- Audit Notification: Written notification (via phone, email, or letter) should be provided to the Private Provider before conducting an audit unless immediate safety concerns are present.

- Audit Checklist:
    - Verifying that the affidavit for plan reviews was properly completed and submitted (all points were met).
    - Reviewing inspection logs and reports to ensure that all required inspections were conducted in the proper construction sequence.
    - Checking that reports generated by the Private Provider provide sufficient detail to address the work inspected.
    - Ensuring that necessary safeguards (such as netting or walkways) were in place during construction to protect public safety and adjacent properties.

4. Audit Procedure:

- Inspection Review: Confirm that all mandatory inspections required by the Florida Building Code were conducted by the Private Provider. Cross-check inspection reports with actual site progress to assess accuracy.

5. Audit Results and Reporting:

- Audit Report: Within 10 business days of completing the audit, an audit report summarizing scope, findings of noncompliance, corrective action areas, and process improvement recommendations should be prepared.

- **Communication of Results**: Share the audit report with the Private Provider, allowing them 10 business days to respond to findings. If deficiencies are found, the Private Provider must submit a corrective action plan detailing resolution.
- **Corrective Actions**: Upon receipt of a corrective action plan, a follow-up audit or site visit may be scheduled to ensure compliance.

6. Documentation and Record-Keeping:

- **Audit Log**: Maintain a comprehensive log of all audits, including results and corrective actions taken by Private Providers.
- **Public Access**: Summaries of audit results from the previous two quarters should be available on the local building authority's website for transparency (compliance with FOIA/Public Records Requests).
- **Retention**: Audit records must be kept for a minimum of seven years, per Florida record retention laws.

7. Dispute Resolution:

If a Private Provider disputes the findings of an audit, they may request a review by the local designated building official. The designated building official must respond within 15 business days. Further disputes can be escalated to administrative or legal channels (e.g., DBPR, FBPE).

8. Compliance with Florida Statute:

All audits must adhere to the requirements of Florida Statute 553.791.

9. Review and Updates:

This SOP should be reviewed annually and updated to remain consistent with any changes in Florida regulations or local policies regarding Private Provider audits.

Audit Summary:

An **Audit**, as it relates to Private Providers under Florida Statute 553.791, is a formal review process conducted by a local building enforcement agency. The audit focuses on evaluating the quality and accuracy of the services provided by a Private Provider, including:

- Reviewing the Private Provider's completed plan reviews and inspections.
- Ensuring that the required affidavits and documentation have been submitted properly.
- Verifying compliance with the Florida Building Code through a review of records and documentation.
- Observe the actual conditions of the construction work.
- Verify that construction activities align with approved plans, permits, and building codes.
- Identify any immediate safety issues or potential code violations in real-time.