JAMES UTHMEIER
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Opinions Division

PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300
Fax (850) 487-2564
https://www.myfloridalegal.com

November 9, 2026

The Honorable Mike Giallombardo
Florida House of Representatives
District 79
214 House Office Building
402 South Monroe Street
Tallahassee, Florida 32399

Dear Representative Giallombardo:

This office received your letter requesting a legal opinion on questions of Florida law.[1] Specifically, you ask seven questions related to the requirements for use of private providers of building code inspection services contained in section 553.791, Florida Statutes.

ANALYSIS

I.

You first ask whether a local enforcement agency, local building official, or local government may, under section 553.791(5), deny the submission of the building commission's Notice to Building Official ("NTBO") on the basis that it does not provide "explicit" written authorization to use a private provider for building code inspection services. Similarly, you also ask whether section 553.791(2), (5) requires a separate explicit fee owner authorization if the fee owner signs the commission's NTBO Form, or whether it requires a city-specific form to be signed.[2]

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[1] *See* Letter from Mike Giallombardo, Fla. House of Representatives, to James Uthmeier, Att'y Gen. of Fla. (Sept. 14, 2026) (on file with the Office of the Florida Attorney General).

[2] No case law exists on the statute or the questions at issue.

Section 553.791(5) provides the standards of notice by a fee owner or contractor when he elects to use a private provider. Section 553.791(5) requires a fee owner or contractor using a private provider to notify the local building official in writing at the time of permit application. Notice must include the services to be performed, the name and credentials of each private provider, and an acknowledgment from the fee owner or contractor that includes an indemnification provision.[3]

The NTBO Form is used to provide notice to the building official that a private provider of building code inspection services or plans review is being utilized.[4] The recent addition of the word "explicit" in section 553.791(2)(a) does not affect whether the NTBO Form may still be used. The NTBO Form satisfies the statutory requirement because it may be signed by either the fee owner or the fee owner's contractor and serves as express acknowledgment that the fee owner has elected to use a private provider. No additional fee owner authorization is required if the fee owner signs the NTBO Form. If the NTBO Form is signed by the fee owner's contractor, a separate letter from the fee owner authorizing the contractor to sign the NTBO Form on the fee owner's behalf suffices for "explicit" written authorization in satisfaction of section 553.791(2)(a). The addition of the explicit authorization requirement does not introduce a new notice requirement regarding a fee owner's election to use a private provider. The explicit authorization requirement refers to a fee owner's written authorization of a contractor to elect to use a private provider on the fee owner's behalf. Further, the statute does not require that a city-specific form be signed as explicit authorization.

II.

Your third question asks whether a local government may, under section 553.791(5), deny the Commission's NTBO Form if the private provider lists all of its qualifiers on the form. NTBOs may include one, several, or all qualifiers on the form under section 553.791(5). The statute does not preclude any of these options but instead requires only the notice to provide the services to be performed; the name, contact information, and credentials of each private provider; and, if required by the building official, a certificate of insurance.[5] The statute contains no prohibition on listing all qualifiers. A local enforcement agency cannot, therefore, deny the notice because all qualifiers are listed.

III.

Next, you ask whether the fee owner authorization is required to include the scope of the contractor's work in order to be "explicit" under 553.791(2)(a). Section 553.791(2)(a) does not require the fee owner authorization to include the scope of the contractor's work to be performed. The authorization serves

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[3] § 553.791(5)(a)-(c), Fla. Stat.

[4] *See* Form G120-2.005-2002-01.

[5] § 553.791(5)(a)-(c), Fla. Stat.

merely as an acknowledgment that the service of a private provider is being enlisted for building code inspection services or plans review, not as a restatement of the contract between the fee owner and the contractor.

Section 553.791(5)(a) requires the notice of using a private provider to list the "services to be performed by the private provider." Further, section 553.791(5)(c) provides a template for providing notice and acknowledgment of use of a private provider. There is no requirement in the statute that the full scope of work must be provided in the notice. The requirement to describe the "services to be performed" by the private provider cannot be read to include the entire scope of work.[6] Rather, a common sense reading of the statute requires only that the private contractor describe whether he is conducting a building code inspection service or plans review as identified in section 553.791(2)(a). Any additional requirement imposed beyond what is expressly stated in section 553.791(2)(a) is prohibited because it would constitute a more stringent requirement.[7]

IV.

Your fifth question asks whether there are any restrictions related to the method of execution for the explicit fee owner authorization, such as original wet-ink signatures or a notarization requirement. The Legislature has not adopted any specific requirements relating to the method of execution of the explicit fee owner authorization. Therefore, there is no requirement that the NTBO contain original wet-ink signatures, be signed under oath, or be notarized. Further, the NTBO may be submitted electronically.[8] Section 553.791(19)(a) precludes adoption or enforcement of more stringent rules, ordinances, policies, or procedures than those established by the statute. A local government that requires notarization or wet-ink signatures is adopting more stringent requirements than the statute, which is prohibited by section 553.791(19)(a).

V.

Your next question is whether, when registering under section 553.791(4), a Duly Authorized Representative ("DAR") for a private provider firm is required to submit photo ID, residential address, date of birth, or payroll details to demonstrate employment status. Under section 553.791(4)(a), only a private provider or private provider firm is required to submit contact information and proof of compliance with licensure and insurance requirements. The statute places no such requirement on a DAR. Therefore, a DAR is not required to submit personal identification information, such as photo identification, residential address, or date of birth.

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[6] *See* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 174 (2012) ("Surplusage Canon").

[7] § 553.791(19)(a), Fla. Stat.

[8] § 553.791(1)(h) and (4), Fla. Stat.

VI.

The seventh and final question asks whether a private provider is required to resubmit copies of the DAR information and the certificate of insurance with each NTBO if the private provider is already registered with the building department. When a private provider registers with the building department, section 553.791(4) requires the private provider to provide a certificate of insurance and verification of licensure. This information must be maintained in a private provider registry by the local enforcement agency, and registration and updates must be available electronically.[9] There is no requirement in the statute that this information be reproduced with every NTBO or permit application. Further, section 553.791(11) provides that "[a] local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration." Therefore, a private provider is not required to resubmit copies of the DAR information and the certificate of insurance with each NTBO if the private provider is already registered with the building department.

CONCLUSION

Under section 553.791, a local enforcement agency, local building official, or local government may not deny the submission of a NTBO on the basis that it does not provide "explicit" written authorization; may not require a separate explicit fee owner authorization if the fee owner signs the NTBO; may not require a city-specific form instead of the NTBO; and may not deny the NTBO if the private provider lists all qualifiers on the form.

Further, a fee owner authorization to use a private provider is not required to include the scope of the contractor's work. No requirements exist in the statute for wet-ink signatures or notarization. When registering, a DAR is not required to submit photo identification, residential address, date of birth, or payroll details to demonstrate employment status. Finally, a private provider is not required to resubmit copies of DAR information and a certificate of insurance with each NTBO if the private provider is already registered with a building department.

Sincerely,

Greg Slemp
Deputy Attorney General
Legal Counsel

[9] § 553.791(4) and (1)(e)-(i), Fla. Stat.