

## CAPABILITIES

Construction & Design

# VIRTUAL BUILDING CODE INSPECTIONS NOW BEING IMPLEMENTED IN FLORIDA - WHAT DOES THIS MEAN FOR YOU?

Advisory

11.22.21

Earlier this year, amendments to sections 553.79 and 553.791, Florida Statutes, went into effect to permit local building departments and private providers of building code inspections to perform virtual building code inspections in lieu of traditional, on-site inspections. The newly added language is found in sections 553.79(6) and 553.791(8), Florida Statutes, and the amendments broadly define "virtual inspection" as "a form of visual inspection which uses visual or electronic aids to allow a building code administrator or an inspector, or team of inspectors, to perform an inspection without having to be physically present at the job site during the inspection." This presumably authorizes inspectors to perform building code inspections based on pictures or videos provided by contractors, or by conducting live video conferences with contractors. While the authorization to perform virtual inspections appears to be quite broad in scope, it does not apply to structural inspections on threshold buildings.

Many local jurisdictions in Florida have already begun implementing virtual building code inspections, though the scope of virtual inspections offered varies by jurisdiction. As with most changes in the law, it is important for owners, contractors, and inspectors to proceed with caution and deliberation as the body of law surrounding virtual inspections develops. Issues regarding liability and standards of care typically arise when allegations of defective construction are made, and it is important to consider how statutorily-authorized virtual building code inspections reconcile with the current body of law regarding standards of care and liability, whether the decision to utilize virtual inspections may increase or decrease a particular party's

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potential exposure to liability, and how any potential exposure to liability can be mitigated.

Our attorneys will continue to monitor developments in this area of the law. Please contact any member of our team if you have any questions about how the implementation of virtual building code inspections may affect you or your future plans.