

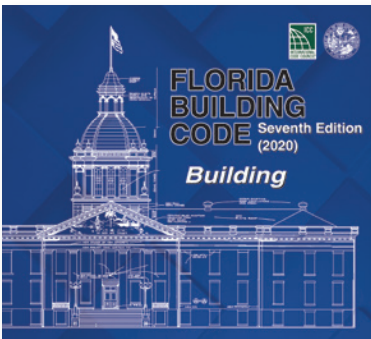


INTERNATIONAL  
CODE  
COUNCIL®

# Florida Condominium and Cooperative Buildings Milestone Inspection Guide

Based on FL SB 4-D

*Draft #1*



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## BACKGROUND

The International Code Council's (Code Council) existing building safety inspection protocol, *Florida Condominium and Cooperative Buildings Milestone Inspection Guide Based on FL SB 4-D*, is dedicated to the memory of the people who perished in the collapse of the Champlain Tower South, to the survivors, and their families.

This inspection protocol has been updated from previous versions to include the key aspects of Florida Senate Bill 4-D (FL SB 4-D) including milestone inspections of condominiums three stories in height and within three miles of the coast when buildings reach 25 years of age and of buildings more than three miles inland when they reach 30 years of age. The condominium will then be required to have an inspection every 10 years thereafter with inspection records made available to buyers, renters and unit owners.

## INSPECTION PROTOCOL DRAFT HISTORY

Existing building inspection protocols were initially developed for the Hurricane Research Advisory Committee (HRAC) of the Florida Building Commission (FBC) to address all aspects of maintenance and inspections for all types of existing buildings, including what was referred to as "Milestone Special Inspections". The drafting process included multiple iterative drafts during the period of September – December 2021 based on Florida's specific risks with input from architects, engineers, code enforcement professionals, lawyers, and building maintenance experts. Key criteria of the protocol addressed site specific inspection requirements based on the location of the building including:

- The Use Classification of buildings and the required inspections based on the risk categories in the Florida Building Code.
- Three phases of periodic inspections with specified frequency over the service life of the building performed by the following:
  - » Maintenance inspection performed by the owner or owner's authorized representative
  - » Periodic inspection performed by a Registered Design Professional
  - » Milestone special inspection performed by a Registered Design Professional who is qualified and a registered engineer in the system discipline being inspected in accordance with the professional registration laws in the state of Florida.

This Draft 1 of the *Florida Condominium and Cooperative Buildings Milestone Inspection Guide Based on FL SB 4-D* is limited in scope to milestone inspections of existing condominiums and cooperative buildings in accordance with FL SB 4-D.

# FLORIDA CONDOMINIUM AND COOPERATIVE BUILDINGS MILESTONE INSPECTION GUIDE

## 1. INTRODUCTION AND PURPOSE

### Introduction

Maintaining the structural integrity of condominiums and cooperative buildings throughout their service life is of paramount importance in order to ensure the buildings are structurally sound so as to not pose a threat to the public health, safety or welfare. The *International Property Maintenance Code* (IPMC) requires both the interior and exterior of all buildings to be maintained in good repair and structurally sound. Where the nominal strength of a structural member is exceeded by nominal loads, the load effects or the required strength, the building may be determined to be unsafe which requires repair in order to maintain the safety of the occupants.

In order to assess whether an unsafe condition exists for a condominium or cooperative building, this Guide provides the framework and evaluation criteria for “milestone inspections” in accordance with Florida Statute s 553.899 entitled “Mandatory structural inspections for condominium and cooperative buildings”. An important criterion for the establishment of milestone inspections is the location and size where the building is sited. Florida Statute s 553.899 recognized the need to differentiate condominiums and cooperative buildings based on the following criteria:

- Building height in stories
- Age of the building
- Proximity to the coastline

### Purpose

The fundamental purpose of an existing building inspection program is to confirm that the existing building is safe for continued use under the present occupancy. This is intended to be a Guide and under no circumstances are these minimum recommendations intended to supplant proper professional judgment.

## 2. SCOPE/RESPONSIBILITIES

The condominium association or cooperative association bears the responsibility for maintaining the safety of their buildings. This includes the maintenance of the building, inspections and retention and filing of all maintenance and inspection records.

The condominium association or cooperative association is responsible for milestone inspections required by this Guide, including:

- The planning and scheduling of the milestone inspection.
- All costs associated with the milestone inspection.
- Ensuring compliance with the requirements of this Guide related to milestone inspections.

### 3. TERMS

**COASTLINE.** The line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention of Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt 2) 1606. (Florida Statute s 376.031)

**CODE (BUILDING) OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative.

**CONDOMINIUM ASSOCIATION.** See Florida Statutes Chapter 718.

**COOPERATIVE ASSOCIATION.** See Florida Statutes Chapter 719.

**DURABILITY.** The condition of building elements or individual construction components that ensure the load-bearing capacity and the usability during the service life when subjected to reasonable maintenance.

**LIFETIME.** The actual time during which a building or bearing element is structurally safe.

**MILESTONE INSPECTION.** A structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems (both defined in this Guide), by a licensed architect or engineer authorized to practice in Florida for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the *Florida Building Code* or the fire safety code.

**PRIMARY STRUCTURAL MEMBER.** A structural element designed to provide support and stability for the vertical or lateral loads of the overall structure. (Florida Statute s. 627.706)

**PRIMARY STRUCTURAL SYSTEM.** An assemblage of primary structural members. (Florida Statute s. 627.706)

**REGISTERED DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is located. This includes any registered design professional so long as they are practicing within the scope of their license, which includes those licensed under Florida Statutes Chapters 471 and 481. For purposes of this Guide, this includes both Licensed Professional Engineers and Licensed Architects.

**SERVICEABILITY.** The property of a building or individual construction elements of being usable as planned and according to the specified conditions.

**SERVICE LIFE.** The planned period for which a building or individual construction elements can be used with regular maintenance, but without any significant restoration.

**SUBSTANTIAL STRUCTURAL DETERIORATION.** Substantial structural distress that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, staffing, deflections, misalignments, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

For other terms not defined in this Guide, refer to the definitions in the *Florida Building Code*.

#### 4. MILESTONE INSPECTION FREQUENCY

Condominium and cooperative buildings shall be assigned a minimum frequency of required inspections based on their exposure to environmental factors (proximity to coastline) in accordance with Table 4.1. The frequency intervals for such building inspections shall be maintained for the service life of the building.

**Table 4.1 Milestone Inspection Frequency Intervals**

Building Type	Building Height	Milestone Inspection (in years)	Follow-Up Milestone Inspection (in years)
Condominiums and cooperative buildings located within 3 miles of a coastline	3 stories or more	25	10
Condominiums and cooperative buildings located more than 3 miles of a coastline	3 stories or more	30	10

Table footnotes:

- For “Coastline” and “Milestone inspection”, see definitions in Section 3
- The number of years stipulated in Table 4.1 is based on the age of the building as of December 31st for the year in question based on the date the certificate of occupancy for the building was issued. See Section 5 for buildings with a Certificate of Occupancy on or before July 1, 1992 or where the certificate is not available.
- The inspections required by Table 4.1 are in addition to those required by the applicable laws, ordinances, and statutes of the jurisdiction.

#### 5. BUILDINGS WITH A CERTIFICATE OF OCCUPANCY PRIOR TO JULY 1, 1992

Where a milestone inspection is required by this Guide and the building’s Certificate of Occupancy was issued on or before July 1, 1992, the building’s initial milestone inspection must be performed before December 31, 2024. Where the date of issuance of the Certificate of Occupancy is not available, the date of issuance of the certificate shall be the date of occupancy evidenced in any record of the code official.

#### 6. MILESTONE INSPECTION RESPONSIBILITY

When it has been determined that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association by certified mail, return receipt requested.

Within 180 days after receiving the written notice, the condominium association or cooperative association must complete phase one of the milestone inspection. For purposes of this section, completion of phase one of the milestone inspection means the Registered Design Professional who performed the phase one inspection submitted the inspection report in accordance with Section 8 by e-mail, United States Postal Service, or commercial delivery service to the local enforcing agency.

The condominium association or cooperative association shall employ one or more Registered Design Professionals to perform the inspections. The Registered Design Professional shall be qualified and registered in the discipline for the system being evaluated in accordance with the professional registration laws under Florida Statutes.

## 7. MILESTONE INSPECTION PHASES

Milestone inspections consist of two phases:

### Phase One

Phase one of the milestone inspection requires that a Registered Design Professional authorized to practice in the State of Florida shall perform a visual examination of habitable and non-habitable areas of the building, including the major structural components of the building, and provide a qualitative assessment of the structural conditions of the building. If the Registered Design Professional finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection is not required. A Registered Design Professional who completes a phase one milestone inspection shall prepare and submit an inspection report in accordance with Section 8.

### Phase Two

Phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report in accordance with Section 8.

## 8. MILESTONE INSPECTION REPORTING

The Registered Design Professional shall notify the condominium association or cooperative association and the Code (Building) Official immediately of any imminent life- safety hazard which requires temporary shoring or immediate occupant evacuation.

Upon completion of a phase one or phase two milestone inspection, the Registered Design Professional who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the Registered Design Professional who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the *Florida Building Code*, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

The association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector prepared summary on the association's website, if the association is required to have a website.

A copy of the inspection reports required by this Guide and any other inspection report relating to a structural or life safety inspection of a condominium or cooperative property shall be maintained by the association for 15 years after receipt of the report.

## **9. LOCAL AGENCY ACTION ON MILESTONE INSPECTION RESULTS**

A local enforcement agency may prescribe timelines and penalties with respect to compliance with this Guide.

A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified time frame after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required time frame, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

## **10. INSPECTION CHECKLISTS**

Under development by ICC and ASCE/SEI.