

FLORIDA BUILDING COMMISSION
EXISTING BUILDING INSPECTION WORKGROUP
DRAFT TEXT AND AMENDMENTS ACCEPTABILITY RANKING WORKSHEET
MEETING #14 (#4 FOR ASSIGNMENT #3) – FEBRUARY 15, 2024

WORKSHEET REVIEW INSTRUCTIONS:

Workgroup members should review the Worksheet and draft any proposed amendments in the corresponding sections as organized in the Worksheet (see *Attachment 1* for legal guidance).

Amendments should be submitted to Jeff Blair, Mo Madani, and Justin Vogel by 5:00 p.m. Friday, January 26, 2024. The Worksheet incorporating submitted amendments will be posted to the BCIS by Jan. 31, 2024.

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Justin Vogel: William.vogel@myfloridalicense.com

ACCEPTABILITY RANKING EXERCISE OVERVIEW AND RANKING SCALE

Workgroup members will be asked to evaluate four draft documents for the establishment a Building Safety Program for Implementation of Section 553.899, F.S., Mandatory Structural Inspections for Condominium and Cooperative Buildings, within the 2023 Florida Building Code, Existing Building. The draft documents are as follows:

1. **2024 Draft Supplement to the 8th. Edition (2023), Florida Building Code.** This document includes deleting Section 110.9 from the 8th. Edition (2023), Florida Building Code, Building volume and relocating it as amended to the 8th. Edition (2023), Florida Building Code, Existing Building volume. The 8th. Edition (2023), Florida Building Code, Existing Building volume includes proposed amendments to Chapter 1, Scope and Administration; Section 113, Violations; Section 115, Unsafe Buildings and Equipment; Chapter 2, Definitions; and Chapter 18, Minimum Requirements for the Mandatory Milestone Inspections.
2. **Milestone Inspection Report Form** – Fillable PDF Reporting Form.
3. **Milestone Inspection Report Form** – Electronic Reporting Form.
4. **General Conditions and Guidelines** – Scope of Structural Conditions.

During the meetings, Workgroup members will be asked to evaluate and rank key sections of the draft documents, or if appropriate an entire document, and to rank any proposed amendments developed for consideration. Once ranked for acceptability, all language/text (as drafted or as amended) with a ≥ 3.0 average ranking (75%) will be considered preliminary consensus recommendations for inclusion in the final package of recommendations to the Commission.

This is an iterative process, and at any point during the process any draft text may be reevaluated and re-ranked at the request of any Workgroup member or DBPR staff. The status of ranked text will not be final until the final Workgroup meeting for the assignment (approximately March of 2024), when a vote will be taken on the entire package of consensus ranked recommendations to the Commission.

Workgroup members should be prepared to state their minor and major reservations when asked, and to offer proposed amendments to the text to address their concerns. If a Workgroup member is not able to offer amendments to make the text acceptable (4) or acceptable with minor reservations (3) they should rate the item with a 1 (not acceptable).

ASSIGNMENT 3 SUMMARY (SB 154)

By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, **include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.**

Staff will assist the Workgroup to ensure that each of the required elements are included in the documents. **Required Elements: I.** Inspection Criteria, **II.** Testing Protocols, **III.** Standardized Inspection and Reporting Forms, **IV.** Electronic Standardized Inspection and Reporting Forms, and **V.** Record Maintenance Requirements for the Local AHJ.

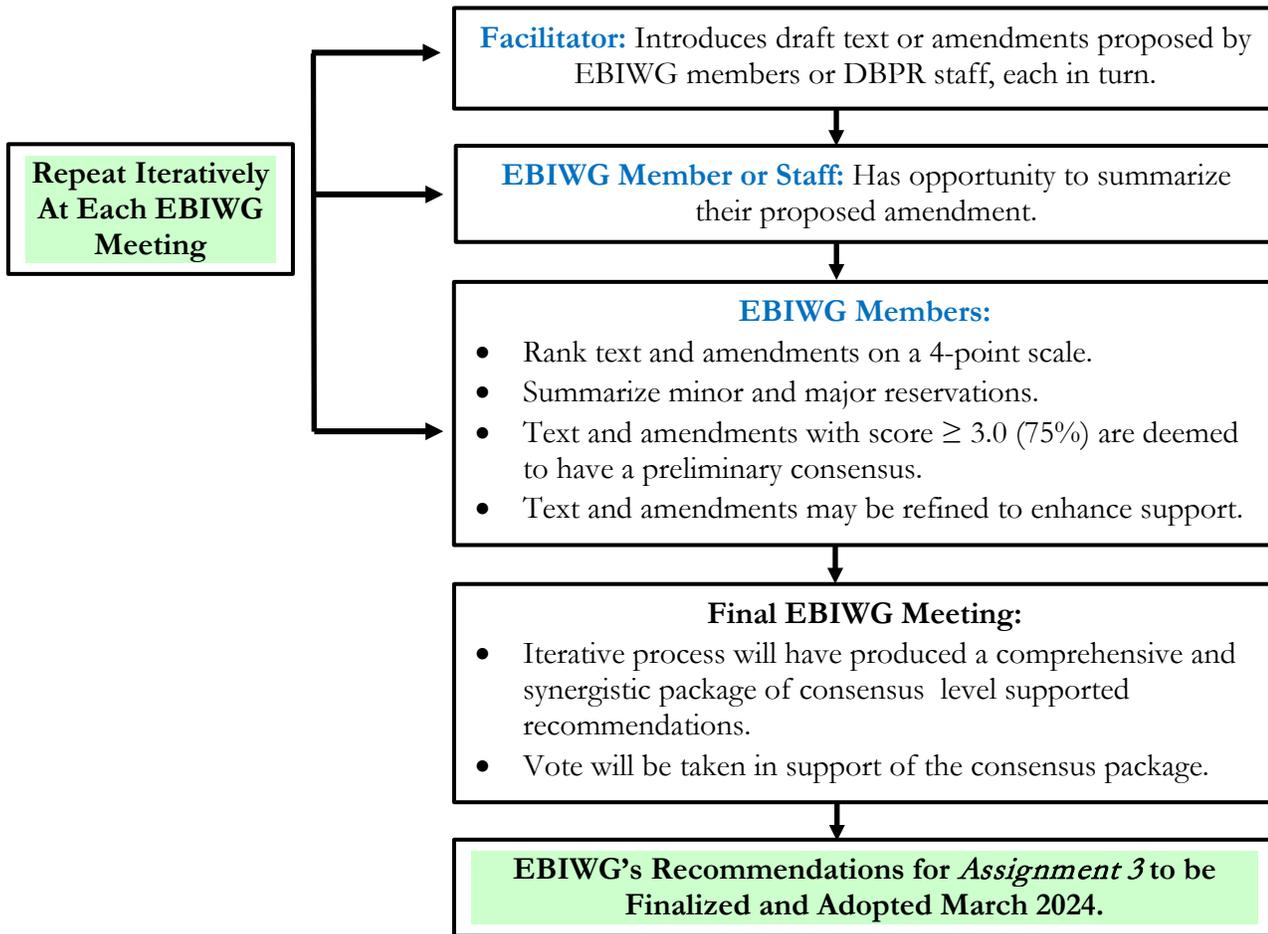
CONSENSUS SOLUTIONS DRAFT TEXT AND AMENDMENTS EVALUATION PROCESS

- For each document, the Facilitator will introduce key sections in turn, or if appropriate the entire document.
- If amendments are offered, the Facilitator will introduce each amendment in turn by document.
- The public may comment on the text and/or amendments by sections as introduced by the Facilitator (not individually) and will be limited to 3 minutes per person.
- Proponent will have an opportunity to provide a brief summary of their amendment.
- Workgroup members may ask clarifying questions only (no discussion).
- The key sections of each document and any proposed amendments will be ranked, each in turn using the following scale:

| | | | | |
|------------------------------------|---|--|--|---------------------------|
| ACCEPTABILITY RANKING SCALE | 4 = Acceptable <i>I agree</i> | 3 = Acceptable, I agree with minor reservations | 2 = Not Acceptable, I don't agree unless major reservations addressed | 1 = Not Acceptable |
|------------------------------------|---|--|--|---------------------------|

- Workgroup members may briefly summarize their minor and major reservations.
- Text and proposed amendments that achieve a ranking score of ≥ 3.0 (75%) will be deemed to have a preliminary consensus level of support and will be further evaluated as appropriate per the Assignment.
- All ranking results are preliminary until the vote is taken during the last meeting.
- Text and proposed amendments may be refined to enhance support across stakeholder interests.
- This process will be repeated iteratively during each Workgroup meeting until a comprehensive and synergistic package of recommendations has achieved a consensus level of support.
- The only formal vote on the recommendations will be taken during the last meeting (approximately March 2024) in support of the consensus package of recommendations. The consensus package of recommendations is comprised of all items (text and amendments) achieving a 75% or greater level of support. In addition, the vote on the consensus package of recommendations will require a 75% or greater level of support for approval.

CONSENSUS SOLUTIONS OPTIONS EVALUATION PROCESS



| CRITERIA TO CONSIDER FOR EVALUATING DRAFT TEXT & PROPOSED AMENDMENTS | |
|--|---|
| CRITERIA | EXPLANATION |
| IMPORTANCE | Is this proposed text critically important to achieving the goals of the assignment? |
| TIMELY | Will things get worse if the proposed text is not implemented? |
| FEASIBLE/ PRACTICAL | Is it likely that the proposed text will be successful in achieving the relevant goals of the assignment? |
| RESOURCES | Are there resources available, or likely to become available for implementing the proposed text? Is implementation of the proposed text cost effective? |
| COMMITMENT | Is there commitment from the stakeholders, regulators, and legislators regarding implementation of the proposed text? |

MEETING FACILITATION

Meetings are facilitated, and options ranking worksheets designed and prepared by Jeff Blair from Facilitated Solutions, LLC. Information at: <http://facilitatedsolutions.org>.



ASSIGNMENT 3 (PHASE 3 OF PROJECT)
SECTION 553.899, F.S. – ESTABLISHMENT OF A BUILDING SAFETY PROGRAM FOR IMPLEMENTATION OF SECTION 553.899, F.S., MANDATORY STRUCTURAL INSPECTIONS FOR CONDOMINIUM AND COOPERATIVE BUILDINGS, FLORIDA STATUTES WITHIN THE 2023 FLORIDA BUILDING CODE, EXISTING BUILDING

ASSIGNMENT 3 SUMMARY (SB 154)

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WORKSHEET ORGANIZATION

| WORKSHEET ORGANIZATION | |
|-------------------------------|--|
| SECTION 1 | 2024 Draft Supplement to the 8 th Edition (2023), Florida Building Code and Proposed Amendments |
| SECTION 2 | Milestone Inspection Report Forms (Structural BSIP Inspection Form) and Proposed Amendments |
| SECTION 3 | General Conditions and Guidelines – Scope of Structural Conditions and any Proposed Amendments |
| ATTACHMENT 1 | Issues/Items Deferred to Assignment 3 |
| ATTACHMENT 2 | Legal Guidance Regarding Assignment 3 |

**SECTION 1 – 2024 DRAFT SUPPLEMENT TO THE 8TH EDITION (2023)
PROPOSED AMENDMENTS RECEIVED BY NOVEMBER 20, 2023**

2024 Draft Supplement to the 8th Edition (2023), Florida Building Code. This document includes deleting Section 110.9 from the 8th Edition (2023), Florida Building Code, Building volume and relocating it as amended to the 8th Edition (2023), Florida Building Code, Existing Building volume. The 8th Edition (2023), Florida Building Code, Existing Building volume includes proposed amendments to Chapter 1, Scope and Administration; Section 113, Violations; Section 115, Unsafe Buildings and Equipment; Chapter 2, Definitions; and Chapter 18, Minimum Requirements for the Mandatory Milestone Inspections.

[TBD Total Amendments to Rank]

8TH EDITION (2023), FLORIDA BUILDING CODE, EXISTING BUILDING

[No Amendments to Rank]

1) Deleting Section 110.9 from the 8th Edition (2023), Florida Building Code, Building volume and relocating it as amended to the 8th Edition (2023), Florida Building Code, Existing Building volume.

[Staff] **[Ranked 4.00]**

2) Amendments to Chapter 1, Scope and Administration – FBC, EB Volume. [Staff] **[Ranked 4.00]**

Delete Section 101.9 without substitution.

3) Insert Section 101. Insert the following sections as amended into Section 101, Existing Building Code.

[Tony Apfelbeck] **[Ranked 4.00]**

101.2 Scope. The provisions of the *Florida Building Code, Existing Building* shall apply to the *repair, alteration, change of occupancy, addition* to and the relocation of *existing buildings*. The provisions of the *Florida Building Code, Existing Building* shall also apply to existing buildings that are subject to *Milestone Inspections*, as defined in Chapter 2 and as required in Chapter 18.

Exception: For the purpose of public educational facilities and state licensed facilities, see Chapter 4, Special Occupancy, of the *Florida Building Code, Building*.

101.4 Applicability.

This code shall apply to the *repair, alteration, change of occupancy, addition* and relocation of *existing buildings*, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2. This code shall also apply to existing buildings that are subject to *Milestone Inspections*, as defined in Chapter 2 and as required in Chapter 18.

101.4.1 Buildings not previously occupied.

A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the Florida Building Code, Building or Florida Building Code, Residential, as applicable, for new construction.

101.4.2 Buildings previously occupied.

The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Florida Fire Prevention Code, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

4) Section 113, Violations; Section. [Tony Apfelbeck, Dan Lavrich, and DBPR Staff] [Ranked 4.00]

113.1 Application. The application of this section is limited in scope to buildings that are required to comply with the requirements of Chapter 18.

113.2 Unlawful acts. [Tony Apfelbeck]. It shall be unlawful for any person, firm or corporation to *repair*, alter, extend, add, move, remove, demolish or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

113.3 Notice of violation. [Tony Apfelbeck]. The *code official* is authorized to serve a notice of violation or order on the person responsible for the *repair, alteration, extension, addition, moving, removal, demolition* or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.4 Prosecution of violation. [Tony Apfelbeck]. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.5 Violation penalties. [Tony Apfelbeck]. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs* or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the *code official* or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law.

113.6 Failure to Timely Submit the Milestone Inspection Report. [Dan Lavrich]. If an owner or association of a building or structure fails to timely submit the building milestone inspection report to the Building Official or seek an extension request, the Building Official shall elect the choice of either a Special Magistrate or Code Enforcement Board as set forth under Florida Statutes, Section 162, et al., to conduct a hearing to address such failure. In the event an owner fails to comply with the repair and/or modification requirements as determined from the milestone inspection report as set forth herein, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the building official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate.

113.7 Revocation. [Dan Lavrich and William Bracken]. The building official may revoke, at any time, or refuse to accept a building milestone inspection report if the building official determines that the written inspection report contains any misrepresentation of the actual conditions of the building or structure.

5) Section 115, Unsafe Buildings. [Tony Apfelbeck and DBPR Staff] [Ranked 4.00]

115.1 Application. The application of this section is limited in scope to buildings that are required to comply with the requirements of Chapter 18.

115.2 Unsafe conditions [s.553.899(11), FS]. Buildings that are or hereafter become *unsafe*, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an *unsafe* condition. *Unsafe* buildings shall be taken down and removed or made safe as the *code official* deems necessary and as provided for in this code. A vacant building that is not secured against unauthorized entry shall be deemed *unsafe*.—If an owner of the building 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 timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

115.3 Record. The *code official* shall cause a report to be filed on an *unsafe* condition. The report shall state the occupancy of the structure and the nature of the *unsafe* condition.

115.4 Notice. If an *unsafe* condition is found, the *code official* shall serve on the owner of the building or the owner's authorized agent a written notice that describes the condition deemed *unsafe* and specifies the required *repairs* or improvements to be made to abate the *unsafe* condition, or that requires the *unsafe* building to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *code official* acceptance or rejection of the terms of the order.

115.5 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner or the owner's authorized agent personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

115.6 Restoration or abatement. The building determined to be *unsafe* by the *code official* is permitted to be restored to a safe condition. The owner, the owner's authorized agent, of a building deemed *unsafe* by the *code official* shall abate or cause to be abated or corrected such *unsafe* conditions either by *repair*, rehabilitation, demolition or other *approved* corrective action. To the extent that *repairs*, *alterations* or *additions* are made, or a *change of occupancy* occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* or *change of occupancy* shall comply with the requirements of this code.

6) Chapter 2, Definitions – FBC, EB Volume. [s.553.899, FS/s.627.706, FS]

Revise Section 202 to add the following definitions:

Major Structural Component. Means a building's load-bearing elements, primary structural members, and primary structural systems. [Heather Anesta] **[Ranked 3.12]**

Milestone Inspection [s.553.899(2)(a), FS]. Means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, *Florida Statutes*, by an architect licensed under *chapter 481, Florida Statutes* or engineer licensed under *chapter 471, Florida statutes*, authorized to practice in this state 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 firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member. **[Ranked 3.93]**

Primary Structural Member [s.627.706(2)(d), F.S.]. Means a structural element designed to provide support and stability for the vertical or lateral loads of the overall structure. **[Ranked 3.93]**

Primary Structural System [s.627.706(2)(e), F.S.]. Means an assemblage of primary structural members. **[Ranked 3.93]**

Substantial Structural Deterioration [s.553.899(2)(b), F.S.]. [Heather Anesta] Means a condition that negatively affects a building's structural condition and integrity that negatively affects a building's general structural condition and integrity, or a major structural component whose condition meets the definition of Dangerous. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration. **[Ranked 3.93] [Amended Ranked 3.12]**

CHAPTER 18, MINIMUM REQUIREMENTS FOR THE MANDATORY MILESTONE INSPECTIONS - 8TH. EDITION (2023), FLORIDA BUILDING CODE, EXISTING BUILDING [TBD Amendments to Rank]

1) Section 1801. Mandatory structural inspections for condominium and cooperative buildings. [s.553.899(1), FS], [s.553.899(3)(a), FS], [s.553.899(4), FS] **[Ranked 4.00]**

1801.1 [s.553.899(1), FS] **General.** Maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

1801.2 [s.553.899(3)(a), FS] **Scope.** An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed.

Exception:

[s.553.899(4), FS] This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

2) Section 1802. Milestone inspection timeframe and frequency. **[Ranked 3.86]**

[s.553.899(3)(a), FS], [s.553.899(3)(b), FS], [s.553.8993(c), FS], [s.553.8993(d), FS]

Applicable buildings shall have a milestone inspection as follows:

- A. By December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024.
- B. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025.
- C. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

1. Exceptions:

[s.553.899(3)(b), F.S.]. [Tony Apfelbeck]

The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, Florida Statutes, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If needed, the local enforcement agency must adopt such local circumstances by ordinance. **[Ranked 3.71]**

2. [s.553.8993(c), F.S.]. [Tony Apfelbeck] The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners

have entered into a contract with an architect or engineer to perform the milestone inspection, the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension, and there is no evidence that the building is unsafe, substantial structural deterioration exists, or potentially dangerous conditions exist as certified by the inspector. **[Ranked 4.00]**

3. *[s.553.8993(d), F.S.]* The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 1806.2. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in *Chapters 718 and 719, Florida Statutes*. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection. **[Ranked 3.86]**

Section 1802.1 *[Tony Apfelbeck]*

1802.1 If an owner or owners of a building that is subject to a milestone inspection, fails to ensure a Phase 1 or Phase 2 milestone inspection is completed in accordance with Chapter 18, the Building Official shall file a complaint with the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes documenting such failure. **[Ranked 3.00]**

3) Section 1803. Notice for Compliance. *[s.553.899(5), FS]* **[Ranked 4.00]**

1803.1 *[s.553.899(5), FS]*. Upon determining 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 and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested.

4) Section 1804. Milestone Inspection Phases and Completion Date. *[s.553.899(7)(a), FS], [s.553.899(6), FS], [s.553.899(7)(b), FS], [s.553.899(7)(b), FS], [Dan Lavrich – 1804.2]* **[Ranked 3.00]**

1804.1 A milestone inspection consists of two phases:

1804.1.1 *[s.553.899(7)(a), FS]* **Phase one.** For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 1804.1.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 1806.1. If the architect or engineer finds that unpermitted work was performed to the structural components of the building they shall notify the building official of such work. *[Heather Anesta]*
[Ranked 3.35]

1804.1.1.1 *[s.553.899(6), F.S. and William Bracken]* **Completion timeline for phase one.** Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 1803 For purposes of this section, completion of phase one of the milestone inspection means the licensed architect or engineer responsible for the phase one

inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency. **[Ranked 3.92]**

1804.1.2 *[s.553.899(7)(b), F.S. and William Bracken and Tony Apfelbeck]* **Phase Two.** **[Ranked 3.36]** A phase two 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. However, such preference shall not supersede the inspector's professional judgement as to determining locations for destructive and nondestructive testing that are necessary, in the sole opinion of the inspector, to assess if the building is structurally sound and safe.

1804.1.2.1 *[s.553.899(7)(b), FS and William Bracken]* **Completion timeline for phase two.** If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer responsible for the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. The architect or engineer responsible for a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection 1806.1. **[Ranked 4.00]**

1804.2 Duty to Report. *[Dan Lavrich, Tony Apfelbeck, and Heather Anesta]* Any registered design professional who performs an inspection of an existing building or structure has a duty to report to the owner, association, the local fire chief, and the building official any findings that, if left unaddressed, would endanger life or property, no later than ten (10) days after informing the appropriate parties of such findings. However, if such professional finds that there are conditions in the building or structure meeting the definition of *Dangerous*, such professional shall report such conditions immediately to the building owner or association, the local fire chief, and to the building official within twenty-four (24) hours of the time of discovery. The registered design professional shall also render an opinion if the building or portions of the building need to be vacated and the timeframe for such vacation to occur. In addition to assessing any fines or penalties provided by the jurisdiction, the Building Official shall report any violations of this provision to the appropriate licensing agency, regulatory board, and professional organization of such engineer or architect. **[Ranked 3.69]**

5) Section 1805. Milestone Inspection Responsibility. *[s.553.899(4), F.S.]* **[Ranked 4.00]**

1805.1 *[s.553.899(4), FS and William Bracken].* The milestone inspection report must be obtained by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association.

6) Section 1806. Milestone Inspection Reporting. *[s.553.899(8), FS], [s.553.899(9), FS]* *[SB 154/Assignment #3/Inspection Criteria/Reporting]* **[Ranked 3.85]**

1806.1 Minimum Criteria. *[s.553.899(8), FS]* Upon completion of a phase one or phase two milestone inspection, the architect or engineer responsible for 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, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, 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 licensed engineer or architect responsible for 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.

7) Section 1807. Milestone Inspection Report Form. *[Staff]* **[Ranked 3.00]**

1807.1 *(Staff)* The Milestone Inspection Report Form (Appendix XX) shall serve as minimum inspection compliance for Phase One and Phase Two milestone inspection requirements.

8) Section 1808. Local Enforcement Agency Action on Milestone Inspection Results.

[s.553.899(10), FS], [s.553.899(11), FS], [Dan Lavrich – 1808.3]

1808.1*[s.553.899(10), FS]* **Enforcement.** A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section. **[Ranked 4.00]**

1808.2 *[s.553.899(11), FS]* **Repair.** A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe 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 owner of the building 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 timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy. **[Ranked 4.00]**

1808.3 Required Repairs or Modifications. *[Dan Lavrich, Tony Apfelbeck, Jim Schock]:* **[Ranked 3.23]**

1. In the event that repairs or modifications are found to be necessary as a result of the milestone inspection, the building owner shall have a total of 180 days from the date of the building milestone inspection report, unless otherwise permitted by the Building Official, in which to complete required repairs and correct the structural deficiencies. All applicable requirements of this code shall be followed with all applicable permits obtained. If an owner or association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in the inspection report within the required timeframe, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate. Such finding shall also be reported as a complaint to the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes.

2. Once a permit is obtained for all necessary repairs or modifications from the local building department, which has jurisdiction, the *Florida Building Code* shall govern time restraints for such permits, or in accordance with a more restrictive timeframe as directed by the design professional.
3. For corrective action of deficiencies that cannot be commenced within 180 days, the time frame may be extended an additional 185 days not to exceed 365 days when a time frame is specified by the responsible registered design professional and approved by the Building Official. Such extensions shall be contingent on maintaining an active building permit as specified in Section 105.3.2 of the *Florida Building Code, Building*.
4. The building official may issue an extension of not more than 60 days to submit a building milestone inspection report or to obtain any necessary permits upon a written extension request from a registered design professional qualified for the type of building or structure in question. Such request shall contain a signed and sealed statement from the registered design professional that the building may continue to be occupied while undergoing the building milestone inspection.
5. Once all required repairs have been completed, the responsible registered design professional who has performed the milestone inspection and issued the report shall re-inspect the areas noted on the original report and shall provide the building owner, association, and building official an amended report with a signed and sealed letter stating that all of the required repairs and corrections have been completed and that the building or structure is acceptable for continued use under the present occupancy. The building owner or responsible registered design professional shall submit that letter to the building official.

SECTION 2 – MILESTONE INSPECTION REPORT FORMS

MILESTONE INSPECTION REPORT FORMS - STRUCTURAL BSIP INSPECTION FORM

[SB 154 – Assignment #3/Inspection Criteria/Standardized Inspection and Reporting Forms]

[TBD Amendments to Rank: TBD Amendments to the Phase 1 Form and TBD Amendment to the Phase 2 Form]

Form EB18 – 2024 (Draft)

MILESTONE INSPECTION REPORT FORM

PHASE 1 Milestone Inspection

Licensed Engineer(s) or Architect(s) Responsible for The Milestone Inspection [Ranked 3.07]

Inspection Firm Name (if applicable): _____

Inspection Engineer/Architect Name and License Number: _____

Address: _____

Telephone Number: _____

Assuming Responsibility for: " All, " Portion, If Portion please list: _____

Inspection Commenced Date: _____ Inspection Completed Date: _____

 Additional Inspection Firm Name (if applicable): _____

Additional Inspection Engineer/Architect Name: _____

Address: _____

Telephone Number: _____

Assuming responsibility for: Portion (please list): _____

Inspection Commenced Date: _____ Inspection Completed Date: _____

NOTE: Add pages as required to list all additional design professionals assuming responsibility for the Milestone Inspection or portions thereof.

TP Phase 1-A) Proposed Amendment – Phase 1 Milestone Inspection Report Form [William Bracken]:

Bill Bracken to provide instructions for completing the Form.

| AVERAGE | 4= Acceptable | 3= Minor Reservations | 2= Major Reservations | 1= Not Acceptable |
|---|---------------|-----------------------|-----------------------|-------------------|
| <i>Feb. 15, 2024 Ranking of Bracken's Proposed Amendment to Phase 1 Report Forms for Fillable PDF and Electronic Versions</i> | | | | |
| | | | | |
| Comments: | | | | |
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[Ranked 3.07]

- Substantial Structural Deterioration Observed; Phase 2 inspection is required
- Inaccessible Condition of Major Structural Component; Phase 2 inspection is required to complete Milestone Inspection of Inaccessible Conditions
- Potentially Dangerous Condition Observed; Structural Evaluation is required
- Dangerous Condition Observed; Notify Building Official; Structural Evaluation is required

See Section **TBD** for Summary of Assessment and Section **TBD** for Summary of Findings

TP Phase 1-B) Proposed Amendment – Phase 1 Milestone Inspection Report Form [Heather Anesta]:
Heather Anesta to provide definition of “Potentially Dangerous Condition.”

| AVERAGE | 4= Acceptable | 3= Minor Reservations | 2= Major Reservations | 1= Not Acceptable |
|--|---------------|-----------------------|-----------------------|-------------------|
| <i>Feb. 15, 2024 Ranking of Heather Anesta's Proposed Amendment to Phase 1 Report Forms for Fillable PDF & Electronic Versions</i> | | | | |
| | | | | |
| Notes: | | | | |
| Comments: | | | | |
| • | | | | |

Licensed Design Professional:

Engineer

Architect

Seal

Name: _____

License Number: _____

I am qualified to practice in the discipline in which I am hereby signing,

Signature: _____ Date _____

This report has been based upon the minimum milestone inspection requirements as listed in *Chapter 18 of the Florida Building Code, Existing Building*. To the best of my knowledge and ability, this report represents an accurate appraisal of the present condition of the structure, based upon careful evaluation of observed conditions, to the extent reasonably possible.

| 1. DESCRIPTION OF STRUCTURE [Ranked 4.00 as Amended] | |
|---|-----------------------|
| a. Name on Title: | |
| b. Street Address: | |
| c. Legal Description: | |
| d. Owner's Name: | |
| e. Owner's Mailing Address: | |
| f. Email Address: | Contact Number: |
| g. Folio Number of Property on which building is located: | |
| h. Building Code Occupancy Classification: | |
| i. Present Use: | |
| j. General Description: | Type of Construction: |
| k. Square Footage: | Number of Stories: |
| 1. Total building area: | |
| 2. Building footprint area: | |
| l. Name of the Condo or Coop entity: | |
| m. Special Features: | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |
| n. Describe any additions to original structure: | |
| _____ | |
| _____ | |
| _____ | |
| o. Approximate distance to the coast: | |
| _____ | |
| _____ | |
| _____ | |

Combining Sections 2. – 14. of Phase 1 Milestone Inspection Form template into a Table (Table 1807.1). [Heather Anesta] [Ranked 3.14]

Table 1807.1: Observed Item Condition(s) during Phase 1

Attach this table to the Phase 1 Form Report, Complete Sections A through C for each item featuring "deterioration" or "distress" observed during Phase 1 Inspection

Phase 1 Table Identification Number: _____ *ex: Table 1807.1.1 = First Table within Phase 1 Form Report*
 Item Observed Name/Type: _____ *ex: Beam, Column, Wall, Brace, Deck, Diaphragm, Column, Balcony, etc.*
 Item Observed Label: _____ *ex: Beam 1, Column A, Wall 8, etc.*
 Date Inspected: _____
 Inspector Name: _____
 Type of Structural Component: _____ *Circle One: Load-bearing element, Primary structural member, Primary structural system, Other*
 Material(s) of Structural Component: _____
 Type of Structural Component: _____ *Circle One: Lateral System, Gravity System, Cladding, Building Envelope (non-structural cladding)*
 Plan View Location of Item Observed Elevation: _____
 View Location of Item Observed Further: _____
 Identifying Location: _____

| | | | | |
|--|-----|-----|----------------|-------------------------|
| A: Verification of Structural Item | | | | |
| <i>Circle the observed condition. A condition of "Yes", "Not Accessible", or "Need More Investigation" requires Box B as shown herein.</i> | | | | |
| Does the item support gravity or lateral load during permanent, routine, frequent, or environmental loads? | No* | Yes | Not Accessible | Need More Investigation |

| | | | | |
|--|----|--|----------------|-------------------------|
| B: Minimum Checks for Indications of or Actual Substantial Structural Deterioration | | | | |
| <i>Circle the observed condition. A condition of "Yes", "Not Accessible", or "Need More Investigation" requires a Phase 2 Milestone Inspection to verify if Substantial Structural Deterioration is present.</i> | | | | |
| Does the observed condition meet the definition of Dangerous? | No | Yes, End Phase 1 & Report Condition to Building Official | | |
| Does the observed condition appear to interrupt or disconnect the load path to, from, or within the load-bearing element, lateral system, or vertical system? | No | Yes | Not Accessible | Need More Investigation |
| Does the observed condition interrupt the load path of the cladding system to the structural load-bearing elements, primary structural system, or primary structural members? | No | Yes | Not Accessible | Need More Investigation |
| Does the observed condition indicate a reduction of the strength or elongation of unbraced length of the affected structural component(s)? | No | Yes | Not Accessible | Need More Investigation |
| Was there an apparent change or increase of load above the observed condition? | No | Yes | Not Accessible | Need More Investigation |
| Was there an apparent change or loss of the support system and foundation below the observed condition? | No | Yes | Not Accessible | Need More Investigation |
| Does the "deterioration" or "distress" continue through multiple structural members or materials? | No | Yes | Not Accessible | Need More Investigation |
| If the item with the observed condition "fails" prior to the installation of shoring, would the resulting condition meet the definition of Dangerous? (Potential Dangerous Condition) | No | Yes | Not Accessible | Need More Investigation |

Table 1807.1: Observed Item Condition(s) during Phase 1 (Continued)

| C: Qualification of Observed Condition(s) | | | | | |
|--|--------------------------------------|-----------------|----------------|---------------------------------|-------------------------------|
| For each condition observed, provide a check mark if the result of the Assessment indicated Substantial Structural Deterioration and/or Dangerous Condition. | | | | | |
| Condition Observed | Substantial Structural Deterioration | | | Dangerous | |
| | Not SSDet* | Sign of SSDet** | Actual SSDet** | Potential Dangerous Condition** | Actual Dangerous Condition*** |
| Bulging | | | | | |
| Settlement | | | | | |
| Deflection | | | | | |
| Expansion | | | | | |
| Contraction | | | | | |
| Cracking | | | | | |
| Spalling | | | | | |
| Peeling | | | | | |
| Moisture Exposure/Water Intrusion | | | | | |
| Stains | | | | | |
| Corrosion | | | | | |
| Rust | | | | | |
| Rot | | | | | |
| Insect-Damage | | | | | |
| Prior Repairs**** | | | | | |
| Patching**** | | | | | |
| Sign Of Material Deterioration | | | | | |
| Apparent Overloading | | | | | |
| Overstress | | | | | |
| Deterioration | | | | | |
| Apparent Deflection | | | | | |

*Provide Assessment Verification in Section WW, Attach Photograph of Condition Observed

**Requires a Phase 2 Inspection, Attach Photograph of Condition Observed

***Requires Notification to Building Owner and Building Official, Attach Photograph of Condition Observed

****Provide date the item/area was patched, repaired, etc. Confirm patch/repair was performed with permit when applicable.

Summary of Findings (Check all that apply)

- .. Potentially Dangerous Condition Observed; Structural Evaluation is required.
- .. Actual Dangerous Condition Observed; Notify Building Official; Structural Evaluation is required.
- .. Indication of Substantial Structural Deterioration Observed; Phase 2 Inspection is required.
- .. Actual Substantial Structural Deterioration Observed; Phase 2 Inspection is required.
- .. Indication of need for maintenance
- .. Indication of need for repair
- .. Indication of need for replacement
- .. Inaccessible Condition of Structural Component; Phase 2 inspection is required for this item in order to complete Milestone Inspection of Inaccessible Conditions

Revisions Needed to Table 1807.1 [Heather Anesta]

Heather Anesta to review new Table 1807.1 to ensure that all elements of the previous Sections 2. – 14. are included in the Table. In addition, all approved amendments should be included in Table 1807.1, and all proposed amendments, not ranked, should be included for evaluation. Any changes to the content of previous Sections 2. – 14. should be noted in strike/underline format for the Workgroup's evaluation.

- **Add new subsection h. to previous Section 2. of Phase 1 Milestone Inspection Form to Table 1807.1.** [Jim Schock]
[Ranked 4.00]
h. Are there any other significant observations Yes No
Describe:
- **Review Proposed Amendment to previous Section 5. d. of Phase 1 Milestone Inspection Form to ensure this is captured in Table 1807.1.** [Jim Schock]
d. Describe any cracks, ~~or~~ separation, or other signs in the walls, column or beams that signal differential settlement: Change to signs of deterioration in Form.
- **Review Proposed Amendment to previous Section 5. f. of Phase 1 Milestone Inspection Form to ensure this is considered for evaluation in Table 1807.1.** [Jim Schock]
f. Is ~~water drained~~ there evidence water is not draining away from foundation? (Yes/No):
- **Review Proposed Amendment to previous Section 7. 6) of Phase 1 Milestone Inspection Form to ensure this is considered for evaluation in Table 1807.1.** [Jim Schock]
6) Roof covering condition and flashing.
- **Review Proposed Amendment to previous Section 8. b. of Phase 1 Milestone Inspection Form to ensure this is considered for evaluation in Table 1807.1.** [Jim Schock]
b. Exposed Steel – Describe condition of paint and degree of corrosion noted as well as the location

SECTION # TBD. UNSAFE CONDITIONS [DBPR Staff] [Ranked 4.0]

- a. State whether unsafe or dangerous conditions exist, as these terms are defined in the Florida Building Code, where observed. "Yes" "No"

"By checking this box, the undersigned states that the inspections detailed in this report were performed with the primary objective of identifying potential structural issues. Other conditions may render a building unsafe, including, but not limited to, the existence of unsanitary conditions, inadequate maintenance, illegal occupancy, inadequate means of egress, or inadequate lighting and ventilation. If potentially unsafe conditions were observed, they will be noted, but the inspections were not intended to be a comprehensive assessment of whether any such conditions exist in the subject building.

SECTION # TBD. SAFE OCCUPANCY DETERMINATION [Tony Apfelbeck] [Ranked 4.0]

- a. Based on the results of the inspection, does the building or any portion of the building need to be vacated, secured, or access limited? If so, what portions of the building need to be vacated and how quickly do those portions need to be vacated, secured, or access limited?

SECTION # TBD. SUMMARY OF FINDINGS [Heather Anesta] [Ranked 3.46]

The below Condition(s) were noted within this Phase 1 Inspection. See Table 1807.1-Table Identification Numbers *and/or Section WW of Form* for Location(s) of items Checked as Observed within this Section.

- Indication of Dangerous Condition Observed
- Actual Dangerous Condition Observed
- Indication of Substantial Structural Deterioration Observed
- Actual Substantial Structural Deterioration Observed
- Indication of Need for Maintenance
- Indication of Need for Repair
- Indication of Need for Replacement
- Inaccessible Condition of Structural Component

SECTION # TBD. DEFINITIONS OF TERMS *[Heather Anesta]* **[Ranked 3.00]**

Good: No Substantial Structural Deterioration and No Dangerous Condition Observed.

Fair: Indication of Substantial Structural Deterioration Observed and No Dangerous Condition Observed.

Poor: Actual Substantial Structural Deterioration Observed and No Dangerous Condition Observed.

Significant: Any Observation which is an Indication of Dangerous Condition or Actual Dangerous Condition.

Phase 1 Report Form) Section 1807. Phase 1 Milestone Inspection Report Form – Fillable PDF and Electronic Reporting Forms. *[Source – Miami-Dade and Broward Counties Building Safety Inspection Program with staff comments]*

Phase 1 Milestone Inspection Report Form as Amended

| AVERAGE | 4= Acceptable | 3= Minor Reservations | 2= Major Reservations | 1= Not Acceptable |
|---|---------------|-----------------------|-----------------------|-------------------|
| <i>Feb. 15, 2024 Ranking of Phase 1 Milestone Inspection Report Forms for Fillable PDF and Electronic Versions as Amended</i> | | | | |
| | | | | |
| Comments: | | | | |
| <ul style="list-style-type: none"> | | | | |

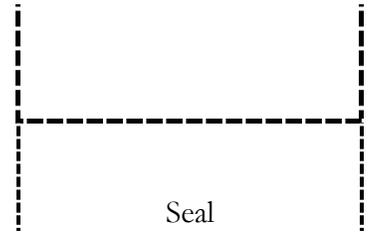
| PHASE 2 MILESTONE INSPECTION | |
|--|----------------------------|
| 1. Description of Structure | |
| Name on Title: | |
| Street Address: | |
| Legal Description: | |
| Owner's Name: | |
| 2. Name of the Condo or Coop Entity and Contact Information | |
| Name: | |
| Address: | |
| Telephone Number: | |
| 3. Name and Contact Information of the Licensed Individual(s) Conducting the Inspection | |
| Inspection Firm or Individual Name: | |
| Address: | |
| Telephone Number: | |
| Inspection Commenced Date: | Inspection Completed Date: |

Revised Section of Title Page [*Heather Anesta*] **[Ranked 3.07]**

- Substantial Structural Deterioration Observed; Structural Evaluation is required.
- Inaccessible Condition of Major Structural Component; The Milestone Inspection was not able to conclude the Structural Condition of inaccessible areas.
- Potentially Dangerous Condition Observed; Structural Evaluation is required.
- Dangerous Condition Observed; Notify Building Official; Structural Evaluation is required.

See Section **TBD** for Summary of Assessment and Section **TBD** for Summary of Findings.

| Provision for Signature and Seal of the Licensed Individual Conducting the Inspection | |
|---|--|
| Licensed Design Professional: | <input type="checkbox"/> Engineer <input type="checkbox"/> Architect |
| Name: | _____ |
| License Number: | _____ |



I am qualified to practice in the discipline in which I am hereby signing,

Signature: _____ Date: _____

1. Describe References Cited Under Phase 1 Report for Follow-up:

| |
|---|
| <hr/> |
|---|

Combining Sections 2. – 7. of Phase 2 Milestone Inspection Form template into a Table (Table 1807.2). [Heather Anesta] [Ranked 3.14]

Table 1807.2: Observed Item Condition(s) during Phase 2

Attach this table to the Phase 2 Form Report, Complete Sections A through C for each item featuring "deterioration" or "distress" observed during Phase 2 Inspection

Related Phase 1 1807.1 Table Number: _____ *ex: Table 1807.1.1 = Related Phase 1 Table*
 Phase 2 Table Identification Number: _____ *ex: Table 1807.2.1 = First Table within Phase 2 Form Report*
 Item Observed Name/Type: _____ *ex: Beam, Column, Wall, Brace, Deck, Diaphragm, Balcony, Railing, Cladding, etc.*
 Item Observed Label: _____ *ex: Beam 1, Column A, Wall 8, etc.*
 Date Inspected Inspector Name: _____
 Type of Structural Component: _____ *Circle One: Load-bearing element, Primary structural member, Primary structural system, Other*
 Material(s) of Structural Component: _____
 Type of Structural Component: _____ *Circle One: Lateral System, Gravity System, Cladding, Building Envelope (non-structural cladding)*
 Plan View Location of Item Observed: _____
 Elevation View Location of Item Observed: _____
 Further Identifying Location: _____
 Type of Non-Destructive Testing (NDT) Performed: Type of _____
 Destructive Testing (DT) Performed: _____
 Type of Load Testing (LT) Performed: _____
 Type of Computational Analysis Performed: _____

| | | | | |
|--|-----|-----|----------------|-------------------------|
| A: Verification of Structural Item | | | | |
| <i>Circle the observed condition. A condition of "Yes", "Not Accessible", or "Need More Investigation" requires Box B as shown herein.</i> | | | | |
| Does the item support gravity or lateral load during permanent, routine, frequent, or environmental loads? | No* | Yes | Not Accessible | Need More Investigation |

| | | | | |
|--|----|--|----------------|-------------------------|
| B: Minimum Checks for Indications of or Actual Substantial Structural Deterioration | | | | |
| <i>Circle the observed condition. A condition of "Yes", "Not Accessible", or "Need More Investigation" requires a Structural Evaluation to determine the type and extent of Repairs necessary.</i> | | | | |
| Does the observed condition meet the definition of Dangerous? | No | Yes, End Phase 2 & Report Condition to Building Official | | |
| Does the observed condition appear to interrupt or disconnect the load path to, from, or within the load-bearing element, lateral system, or vertical system? | No | Yes | Not Accessible | Need More Investigation |
| Does the observed condition interrupt the load path of the cladding system to the structural load-bearing elements, primary structural system, or primary structural members? | No | Yes | Not Accessible | Need More Investigation |
| Does the observed condition indicate a reduction of the strength or elongation of unbraced length of the affected structural component(s)? | No | Yes | Not Accessible | Need More Investigation |
| Was there an apparent change or increase of load above the observed condition? | No | Yes | Not Accessible | Need More Investigation |
| Was there an apparent change or loss of the support system and foundation below the observed condition? | No | Yes | Not Accessible | Need More Investigation |
| Does the "deterioration" or "distress" continue through multiple structural members or materials? | No | Yes | Not Accessible | Need More Investigation |
| If the item with the observed condition "fails" prior to the installation of shoring, would the resulting condition meet the definition of Dangerous? (Potential Dangerous Condition) | No | Yes | Not Accessible | Need More Investigation |

Table 1807.2: Observed Item Condition(s) during Phase 2 (Continued)

| C: Qualification of Observed Condition(s) | | | | | |
|---|--------------------------------------|-----------------|----------------|---------------------------------|-------------------------------|
| <i>For each condition observed, provide a check mark if the result of the Assessment indicated Substantial Structural Deterioration and/or Dangerous Condition.</i> | | | | | |
| Condition Observed | Substantial Structural Deterioration | | | Dangerous | |
| | Not SSDet* | Sign of SSDet** | Actual SSDet** | Potential Dangerous Condition** | Actual Dangerous Condition*** |
| Bulging | | | | | |
| Settlement | | | | | |
| Deflection | | | | | |
| Expansion | | | | | |
| Contraction | | | | | |
| Cracking | | | | | |
| Spalling | | | | | |
| Peeling | | | | | |
| Moisture Exposure/Water Intrusion | | | | | |
| Stains | | | | | |
| Corrosion | | | | | |
| Rust | | | | | |
| Rot | | | | | |
| Insect-Damage | | | | | |
| Prior Repairs**** | | | | | |
| Patching***** | | | | | |
| Sign Of Material Deterioration | | | | | |
| Apparent Overloading | | | | | |
| Overstress | | | | | |
| Deterioration | | | | | |
| Apparent Deflection | | | | | |

*Provide Assessment Verification in Section WW, Attach Photograph(s). Attach Testing Report(s) or Computation(s) of Condition(s) Observed as applicable.

**Requires a Structural Evaluation, Attach Photograph(s). Attach Testing Report(s) or Computation(s) of Condition(s) Observed as applicable.

***Requires Notification to Building Owner and Building Official, Attach Photograph(s). Attach Testing Report(s) or Computation(s) of Condition(s) Observed as applicable.

****Provide date the item/area was patched, repaired, etc. Confirm patch/repair was performed with permit when applicable.

Summary of Findings (Check all that apply)

- Potentially Dangerous Condition Observed; Structural Evaluation is required.
- Actual Dangerous Condition Observed; Notify Building Official; Structural Evaluation is required.
- Indication of Substantial Structural Deterioration Observed; Phase 2 Inspection is required.
- Actual Substantial Structural Deterioration Observed; Phase 2 Inspection is required.
- Indication of need for maintenance
- Indication of need for repair
- Indication of need for replacement
- Inaccessible Condition of Structural Component; Phase 2 inspection is required for this item in order to complete Milestone Inspection of Inaccessible Conditions

Revisions Needed to Table 1807.2 [Heather Anesta]

Heather Anesta to review new Table 1807.2 to ensure that all elements of the previous Sections 2. – 7. are included in the Table. In addition, all approved amendments should be included in Table 1807.2, and all proposed amendments, not ranked, should be included for evaluation. Any changes to the content of previous Sections 2. – 7. should be noted in strike/underline format for the Workgroup’s evaluation.

- **Amend Previous Section 2. Title of the Phase 2 Milestone Inspection Form in Table 1807.2.** [Heather Anesta] [Ranked 3.50]

Identify the Damage and Describe the Extent of the **Repairs SSD Needed** Along With **Need for Maintenance, Repair, and/or Replacement** Recommendations:

- **Amend Previous Section 6. To Add Optional Checkbox.** [DBPR Staff] [Ranked 4.00]

By checking this box, the undersigned states that the inspections detailed in this report were performed with the primary objective of identifying potential structural issues. Other conditions may render a building unsafe, including, but not limited to, the existence of unsanitary conditions, inadequate maintenance, illegal occupancy, inadequate means of egress, or inadequate lighting and ventilation. If potentially unsafe conditions were observed, they will be noted, but the inspections were not intended to be a comprehensive assessment of whether any such conditions exist in the subject building.

SECTION #TBD. SAFE OCCUPANCY DETERMINATION [Tony Apfelbeck]
[Ranked 4.0]

a. Based on the results of the inspection, does the building or any portion of the building need to be vacated, secured, or access limited? If so, what portions of the building need to be vacated and how quickly do those portions need to be vacated, secured, or access limited?

SECTION # TBD. SUMMARY OF FINDINGS [Heather Anesta] [Ranked 3.46]

The below Condition(s) were noted within this Phase 1 Inspection. See Table 1807.1-Table Identification Numbers *and/or Section WW of Form* for Location(s) of items Checked as Observed within this Section.

- Indication of Dangerous Condition Observed
- Actual Dangerous Condition Observed
- Indication of Substantial Structural Deterioration Observed
- Actual Substantial Structural Deterioration Observed
- Indication of Need for Maintenance
- Indication of Need for Repair
- Indication of Need for Replacement
- Inaccessible Condition of Structural Component

SECTION # TBD. DEFINITIONS OF TERMS [Heather Anesta] [Ranked 3.00]

- Good:** No Substantial Structural Deterioration and No Dangerous Condition Observed.
- Fair:** Indication of Substantial Structural Deterioration Observed and No Dangerous Condition Observed.
- Poor:** Actual Substantial Structural Deterioration Observed and No Dangerous Condition Observed.
- Significant:** Any Observation which is an Indication of Dangerous Condition or Actual Dangerous Condition.

Phase 2 Report Form) Section 1807. Phase 2 Milestone Inspection Report Form - Fillable PDF and Electronic Reporting Forms. [Source – Miami-Dade and Broward Counties Building Safety Inspection Program with staff comments] [SB 154/Assignment #3/reporting forms in electrical format]

Phase 2 Milestone Inspection Report Form as Amended

| AVERAGE | 4= Acceptable | 3= Minor Reservations | 2= Major Reservations | 1= Not Acceptable |
|--|---------------|-----------------------|-----------------------|-------------------|
| Feb. 15, 2024 Ranking of Phase 2 Milestone Inspection Report Forms for Fillable PDF and Electronic Versions as Amended | | | | |
| | | | | |
| Comments: | | | | |
| • | | | | |

SECTION 3 – GENERAL CONDITIONS AND GUIDELINES

GENERAL CONDITIONS AND GUIDELINES – SCOPE OF STRUCTURAL CONDITIONS TO BE INCLUDED AS AN APPENDIX

[RANKED 3.17]

1) General Conditions and Guidelines – Scope of Structural Conditions.

[Source – Broward County Building Safety Inspection Program] (Testing protocols)

SCOPE OF STRUCTURAL INSPECTION

The fundamental purpose of the required milestone inspection and report is to confirm in reasonable fashion that the building or structure under consideration is safe for continued use under present occupancy. **As implied by the title of this document, this is a recommended procedure, and under no circumstances are these minimum recommendations intended to supplant proper professional judgment.**

Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or live load, or wind load.

In general, unless there is obvious overloading, or significant deterioration of important structural elements, there is little need to verify the original design. It is obvious that this has been time tested if still offering satisfactory performance. Rather, it is of importance that the effects of time with respect to degradation of the original construction materials be evaluated. It will rarely be possible to visually examine all concealed construction, nor should such be generally necessary. However, a sufficient number of typical structural members should be examined to permit reasonable conclusions to be drawn.

Visual Examination will, in most cases, be considered adequate when executed systematically. The visual examination must be conducted throughout all habitable and non-habitable areas of the building, as deemed necessary, by the inspecting professional to establish compliance. Surface imperfections such as cracks, distortion, sagging, excessive deflections, significant misalignment, signs of leakage, and peeling of finishes should be viewed critically as indications of possible difficulty.

Testing Procedures and quantitative analysis will not generally be required for structural members or systems except for such cases where visual examination has revealed such need, or where apparent loading conditions may be critical.

Manual Procedures such as chipping small areas of concrete and surface finishes for closer examinations are encouraged in preference to sampling and/or testing where visual examination alone is deemed insufficient. Generally, unfinished areas of buildings such as utility spaces, maintenance areas, stairwells and elevator shafts should be utilized for such purposes. In some cases, to be held to a minimum, ceilings or other construction finishes may have to be opened for selective examination of critical structural elements. In that event, such locations should be carefully located to be least disruptive, most easily repaired and held to a minimum. In any event, a sufficient number of structural members must be examined to afford reasonable assurances that such are representative of the total structure.

Evaluating an existing structure for the effects of time, must take into account two basic considerations; movement of structural components with respect to each other, and deterioration of materials.

With respect to the former, volume change considerations, principally from ambient temperature changes, and possibly long-time deflections, are likely to be most significant. Foundation movements will frequently be of importance, usually settlement, although upward movement due to expansive soils may occur, although infrequently in this area. Older buildings on spread footings may exhibit continual, even recent settlements if founded on deep unconsolidated fine grained or cohesive soils, or from subterranean losses or movements from several possible causes.

With very little qualifications, such as rather rare chemically reactive conditions deterioration of building materials can only occur in the presence of moisture, largely related to metals and their natural tendency to return to the oxide state in the corrosive process.

In this marine climate, highly aggressive conditions exist year-round. For most of the year, outside relative humidity may frequently be about 90 or 95%, while within air-conditioned building, relative humidity will normally be about 55 to 60%. Under these conditions moisture vapor pressures ranging from about 1/3 to 1/2 pounds per square inch will exist much of the time. Moisture vapor will migrate to lower pressure areas. Common building materials such as stucco, masonry and even concrete, are permeable even to these slight pressures. Since most of construction does not use vapor barriers, condensation will take place within the enclosed walls of the building. As a result, deterioration is most likely adjacent to exterior walls, or wherever else moisture or direct leakage has been permitted to penetrate the building shell.

Structural deterioration will always require repair. The type of repair, however, will depend upon the importance of the member in the structural system, and degree of deterioration. Cosmetic type repairs may suffice in certain non-sensitive members such as tie beams and columns, provided that the remaining sound material is sufficient for the required function. For members carrying assigned gravity or other loads, cosmetic type repairs will only be permitted if it can be demonstrated by rational analysis that the remaining material, if protected from further deterioration can still perform its assigned function at acceptable stress levels. Failing that, adequate repairs or reinforcement will be considered mandatory.

Written reports shall be required attesting to each required inspection. Each such report shall note the location of the structure, description of the type of construction, and general magnitude of the structure, the existence of drawings and location thereof, history of the structure to the extent reasonably known, and a description of the type and manner of the inspection, noting problem areas and recommended repairs, if required to maintain structural integrity.

Evaluation: Each report shall include a statement to the effect that the building or structure is structurally safe, unsafe, safe with qualifications, or has been made safe. It is suggested that each report also include the following information indicating the actual scope of the report and limits of liability. This paragraph may be used:

"As a routine matter, in order to avoid possible misunderstanding, nothing in this report should guarantee for any portion of the structure. To the best of my knowledge and ability, this report represents an accurate appraisal of the present condition of the building based upon careful evaluation of observed conditions, to the extent reasonably possible.

Foundations:

If all of the supporting subterranean materials were completely uniform beneath a structure, with no significant variations in grain size, density, moisture content or other mechanical properties; and if dead load pressures were completely uniform, settlements would probably be uniform and of little practical consequence. In the real world, however, neither is likely. Significant deviations from either of these two idealisms are likely to result in unequal vertical movements.

Monolithic masonry structures are generally incapable of accepting such movements, and large openings. Since, in most cases, differential shears are involved, cracks will typically be diagonal.

Small movements, in themselves, are most likely to be structurally important only if long term leakage through fine cracks may have resulted in deterioration. In the event of large movements, contiguous structural elements such as floor and roof systems must be evaluated for possible fracture or loss of bearing.

Pile foundations are, in general, less likely to exhibit such difficulties. Where such does occur, special investigation will be required.

Roofs

Sloping roofs, usually having clay or cement tiles, are of concern in the event that the covered membrane may have deflections, if merely resulting from deteriorated rafters or joists will be of greater import. Valley flashing and base flashing at roof penetration will also be matters of concern.

Flat roofs with built up membrane roofs will be similarly critical with respect to deflection considerations. Additionally, since they will generally be approaching expected life limits at the age when building recertification is required careful examination is important. Blisters, wrinkling, alligatoring, and loss of gravel are usual signs of difficulty. Punctures or loss of adhesion of base flashings, coupled with loose counter-flashing will also signify possibility of other debris, may result in ponding, which if permitted, may become critical.

Masonry Bearing Walls

Random cracking, or if discernible, definitive patterns of cracking, will of course, be of interest. Bulging, sagging, or other signs of misalignment may also indicate related problems in other structural elements. Masonry walls where commonly constructed of either concrete masonry units, or scored clay tile, may have been constructed with either reinforced concrete columns and tie beams, or lintels.

Of most probable importance will be the vertical and horizontal cracks where masonry units abut tie columns, or other frame elements such as floor slabs. Of interest here is the observation that although the raw materials of which these masonry materials are made may have much the same mechanical properties as the reinforced concrete framing, their actual behavior in the structure, however, is likely to differ with respect to volume change resulting from moisture content, and variations in ambient thermal conditions.

Moisture vapor penetration, sometimes abetted by salt laden aggregate and corroding rebars, will usually be the most common cause of deterioration. Tie columns are rarely structurally sensitive, and a fair amount of deterioration may be tolerated before structural impairment becomes important. Cosmetic type repair involving cleaning, and parching to effectively seal the member, may often suffice. A similar

approach may not be unreasonable for tie beams, provided they are not also serving as lintels. In that event, a rudimentary analysis of load capability using the remaining actual rebar area, may be required.

Floor and Roof Systems

Cast in place reinforced concrete slabs and/or beams and joists may often show problems due to corroding rebars resulting from cracks or merely inadequate protecting cover of concrete. Patching procedures will usually suffice where such damage has not been extensive. Where corrosion and spalling has been extensive in structurally critical areas, competent analysis with respect to remaining structural capacity, relative to actual supported loads, will be necessary. Type and extent of repair will be dependent upon the results of such investigation.

Pre-cast members may present similar deterioration conditions. End support conditions may also be important. Adequacy of bearing, indications of end shear problems, and restraint conditions are important, and should be evaluated in at least a few typical locations.

Steel bar joists are, of course, sensitive to corrosion. Most critical locations will be web member welds, especially near supports, where shear stresses are high and possible failure may be sudden, and without warning.

Cold formed steel joists, usually of relatively light gage steel, are likely to be critically sensitive to corrosion, and are highly dependent upon at least nominal lateral support to carry designed loads. Bridging and the floor or roof system itself, if in good condition, will serve the purpose.

Wood joists and rafters are most often in difficulty from "dry rot", or the presence of termites. The former (a misnomer) is most often prevalent in the presence of sustained moisture or lack of adequate ventilation. A member may usually be deemed in acceptable condition if a sharp pointed tool will penetrate no more than about one eighth of an inch under moderate hand pressure. Sagging floors will most often indicate problem areas.

Gypsum roof decks will usually perform satisfactorily except in the presence of moisture. Disintegration of the material and the form-board may result from sustained leakage. Anchorage of the supporting bulb tees against uplift may also be of importance.

Floor and roof systems of cast in place concrete with self-centering reinforcing, such as paper backed mesh and rib-lath, may be critical with respect to corrosion of the unprotected reinforcing. Loss of uplift anchorage on roof decks will also be important if significant deterioration has taken place, in the event that dead loads are otherwise inadequate for that purpose. Expansion joints exposed to the weather must also be checked.

Steel Framing System

Corrosion, obviously enough, will be the determining factor in the deterioration of structural steel. Most likely suspect areas will be fasteners, welds, and the interface area where bearings are embedded in masonry. Column bases may often be suspect in areas where flooding has been experienced, especially if salt water has been involved. Concrete fireproofing will, if it exists, be the best clue indicating the condition of the steel.

Concrete Framing Systems

Concrete deterioration will, in most cases, similarly be related to rebar corrosion possibly abetted by the presence of salt water aggregate or excessively permeable concrete. In this respect, honeycomb areas may contribute adversely to the rate of deterioration. Columns are frequently most suspect. Extensive honeycomb is most prevalent at the base of columns, where fresh concrete was permitted to segregate, dropping into form boxes. This type of problem has been known to be compounded in areas where flooding has occurred, especially involving salt water.

Thin cracks usually indicate only minor corrosion, requiring minor patching only. Extensive spalling may indicate a much more serious condition requiring further investigation.

In spall areas, chipping away a few small loose samples of concrete may be very revealing. Especially, since loose material will have to be removed even for cosmetic type repairs, anyway. Fairly reliable quantitative conclusions may be drawn with respect to the quality of the concrete. Even though our cement and local aggregate are essentially derived from the same sources, cement will have a characteristically dark grayish brown color in contrast to the almost white aggregate. A typically white, almost alabaster like coloration will usually indicate reasonably good overall strength.

Based on preliminary findings from the National Institute of Standards and Technology on the collapse of Champlain Towers South in Surfside, Florida in April of 2022, special attention should be paid to deck slabs and plaza decks. Often, additional load has been added to these structures, so it is incumbent upon the inspecting design professional to look closely at slabs, columns and other transfer members for evidence of distress. This evidence may manifest as efflorescence from water passing through the concrete structures as a white or light-colored powdery substance on the underside of slabs and at the base of columns.

Windows and Doors

Window and door condition is of considerable importance with respect to two considerations. Continued leakage may have resulted in other adjacent damage and deteriorating anchorage may result in loss of the entire unit in the event of severe windstorms even short of hurricane velocity. Perimeter sealants, glazing, seals, and latches should be examined with a view toward deterioration of materials and anchorage of units for inward as well as outward (suction) pressure, most importantly in high buildings.

Wood Framing

Older wood framed structures, especially of the industrial type, are of concern in that long term deflections may have opened important joints, even in the absence of deterioration. Corrosion of ferrous fasteners will in most cases be obvious enough. Dry rot must be considered suspect in all sealed areas where ventilation has been inhibited, and at bearings and at fasteners. Here too, penetration with a pointed tool greater than about one eighth inch with moderate hand pressure will indicate the possibility of further difficulty.

Building Facade

Appurtenances on an exterior wall of a building are elements including, but not limited to, any cladding material, precast appliques, exterior fixtures, ladders to rooftops, flagpoles, signs, railings, copings, guardrails, curtain walls, balcony and terrace enclosures, including greenhouses or solariums, window

guards, window air conditioners, flower boxes, satellite dishes, antennae, cell phone towers, and any equipment attached to or protruding from the façade that is mechanically and/or adhesive attached.

Loading

It is of importance to note that even in the absence of any observable deterioration, loading conditions must be viewed with caution. Recognizing that there will generally be no need to verify the original design, since it will have already been "time tested", this premise has validity only if loading patterns and conditions remain **unchanged**. Any material change in type and/or magnitude or loading in older buildings should be viewed as sufficient justification to examine load carrying capability of the effected structural system.

Historical Documents and Permitting

An attempt should be made to investigate the existence of documents with the local jurisdiction to assist with the overall inspection of the building.

Understanding the structural system, building components, and intended design may guide the design professional to investigate certain critical areas of the structure.

Violations through the local jurisdiction's code compliance division should be investigated. Cases on file may lead to issues pre-existing with the building, especially any unsafe structure determinations. Depending on the nature of the violation, recertification inspections may be affected.

Unpermitted activities may also affect the outcome of a milestone inspection, especially with unpermitted additions to the building. Unpermitted additions found during the milestone inspection process present an unsafe situation and must be identified in the report, even if found to be properly built. Like a repair process identified by the report, legalizing an unpermitted addition would be a prerequisite to the completion of a successful milestone inspection report. Examples of unpermitted work include but are not limited to additions, alterations, balcony enclosures, etc.

Repairs identified in the milestone inspection report will most likely require permits. Once the initial report is completed it should be immediately submitted to the local jurisdiction for processing, do not proceed to conduct repairs without permits. Some repairs, like changing a bulb in an exit sign, may not require a permit but most other work will require permits. Proceeding without obtaining repair permits may lead to a violation of the code.

Completing the reports concisely is vital to the overall understanding of the conditions of the building and successful completion of the milestone inspection process. The approved report forms provided must be used, proprietary forms will not be accepted. Where required, photos must be in color and with sufficient resolution to detail the conditions being shown. Milestone inspection reports may be audited, and the subject building may be inspected at the discretion of the Building Official. The Building Official reserves the right to rescind or revoke an approved milestone inspection report.

The **Code in Effect** at the time of the original construction is the baseline for the milestone inspections. Subsequent improvements to the original building should be inspected based on the code at the time of permitting. It is not the intent of the milestone inspection that buildings must be brought in compliance with current codes.

Destructive and nondestructive structural assessment technologies and techniques that can, or have the potential to, aid in the structural assessment of buildings based on current development, applications, and industry guidance:

- (1) 1. ASTM F1869 – Chloride test for concrete
- (2) 2. ASTM C876 (half-cell) – Scan of concrete at a depth of 6” to measure rebar deterioration
- (3) 3. ASTM C1153- Thermography
- (4) 4. ASTM D8231 modified – Electronic Leak Detection of membrane roofing
- (5) 5. AAMA 511 – Pressure Testing of Fenestrations
- (6) 6. ASTM D4580 – Delam roller for Stucco and Concrete
- (7) ASCE 11-99
- (8) Acoustic Emission (*)
- (9) Sounding Techniques (*)
- (10) Stress Wave Methods – Ultrasonics (*)
- (11) Grund Penetrating Radar (GPR) (*)
- (12) Thermography (*)
- (13) Fiber Optic Sensors (*)
- (14) Imagery (*)
- (15) AR/VR Guided Inspection (*)
- (16) Vibration Sensors and Dynamic Analysis (*)
- (17) Integrated Sensors (*)
- (18) X-ray (*)
- (19) Core Sampling of Concrete (*)
- (20) In-situ Strength Testing Methods (*)
- (21) Corrosion Detection and Monitoring Techniques (*)
- (22) Analysis of Ingress and Transport Properties (*)

(*) For background information regarding building inspection technology see research project “Assessment of Inspection Reporting and Building Conditions in South Florida: (Miami-Dade and Broward Counties) – Phase II” as available from the following link:

https://www.floridabuilding.org/fbc/publications/Technical_Research_FY2022-2023.html

ATTACHMENT 1 – ISSUES/ITEMS DEFERRED TO ASSIGNMENT 3

The Workgroup Voted Unanimously to Defer the Following Issues/Items to Assignment 3:

STANDARD FORMAT AND TRACKING OPTIONS (5 Options)

- **Electronic Inspection Form Option)** Create electronic inspection form and submission system. *(Ranked 3.75 on 08/09/22)* [Anne Cope, Jim Schock]
- **Standardize Inspection Form Option)** Standardize Inspection Form. [Jim Schock]
- **Response Option)** Standardize response options. [Anne Cope]
- **Condition Assessment Option)** Standardize condition assessment categories. [Anne Cope]
- **Integrate Database Option)** Integrate with database for tracking and reporting. [Anne Cope]

MAINTENANCE OPTIONS (2 Options)

- **Maintenance Program Requirement Option. (Ranked 2.0 June 6, 2023).** [Jim Schock]
Require a Maintenance program be submitted as part of a final inspection or at first Inspection along with formatting of a Maintenance log book:
 - Verify Upkeep of the Maintenance Log.
 - Verify and operate Plumbing Systems.
 - Verify and operate Mechanical Systems.
 - Inspect for the presence of mold.
- **Exterior Maintenance when not Included with Milestone Inspection Option. (Ranked 2.0 June 6, 2023).** [Jim Schock]
 - Inspect Roofing System
 - Inspect Penetration Sealants
 - Inspect Exterior Painting and Finishes
 - Drainage systems
 - Paving and Parking Areas
 - Seawalls and Flood prevention Measures
 - Waterproofing
 - Check Operation of Swimming Pool and Spa Equipment

ATTACHMENT 2 – LEGAL GUIDANCE REGARDING ASSIGNMENT 3

LEGAL GUIDANCE REGARDING ASSIGNMENT #3

Justin Vogel, Commission Legal Counsel, has provided legal analysis and guidance regarding Assignment #3 (SB 154) generally, and for questions asked by Workgroup members specifically. Workgroup members should draft their proposed amendments using the guidance below, with the understanding that legal review will be ongoing and additional guidance provided as needed.

General Scope of the Assignment:

The Commission’s assignment is spelled out by s. 553.899(12), F.S., which states:

By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.

The rulemaking is thus limited to implementing the provisions of s. 553.899, F.S., and as this section currently only applies to condominium and cooperative buildings, my opinion is that the code provisions should be limited in scope to these specific building types, and not be generally applicable.

There are four topics that the program *must* address, and these are:

- i) Inspection criteria
- ii) Testing protocols
- iii) Standardized inspection and reporting forms that are adaptable to an electronic format, and
- iv) Record maintenance requirements for the local authority.

I.3/I.5 Schock/Apfelbeck: Why did the Joint Administrative Procedures Committee (“JAPC”) remove provisions from Chapter 1? What issues were raised by the Committee?

I reviewed the available documentation and spoke with a number of people who were involved in the rulemaking process at the time, but have not found any evidence that JAPC ever actually raised any objections to the contents of the administrative provisions of the Florida Building Code. Accordingly, the analysis of any proposed changes to the administrative provisions will be based on general principles of administrative law and any applicable Commission- or Florida Building Code-specific statutory provisions.

Section 553.73(4)(a), F.S., appears to establish the *minimum* requirements for what administrative provisions must be established within the code, insofar as it provides that “[a]ll entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule.”

I.6 Gascon: What liberty do we have to modify the statutory language when including it in the Code?

Generally speaking, rules do not have to perfectly track some corresponding statutory language. In fact, sections 120.545(1)(c) and (2), F.S., provide that JAPC may object to a rule if it merely reiterates or paraphrases statutory material.

The Florida Building Code, however, is treated somewhat differently. Section 553.73(1)(a), F.S., specifically directs the Florida Building Commission to either directly include, or incorporate by reference, relevant laws into the Code:

The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

This specific direction to the Commission to include relevant laws in the Code is in line with the legislative intent expressed in s. 553.72(1), F.S., which aims to create a “single, unified state building code... which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings...” The Legislature apparently saw some practical value in including all of the relevant provisions in one place, even if some of them may be self-executing statutory requirements.

As a result, there are many statutory provisions which are incorporated – verbatim – into the Code. There is not a strict requirement that they be included in this manner, but any changes to statutory language would have to be consistent with the requirements of the statute. A rule may not be contrary to or enlarge a statutory provision, even if there are potential benefits to the public welfare by doing so.¹ The Commission will have a freer hand when the Legislature tasks it with developing provisions itself through the rulemaking process, compared to instances where the Legislature has already provided the requirements in statute and is merely directing the Commission to include them in the Code.

II.3 Gascon: Should these directions with respect to condo notices be in the Code?

“The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association’s website.”

No, these provisions address the responsibilities of condominium and cooperative associations and should be removed.

II.4-B: Gascon/Schock: can we strike the last sentence of this provision? Stafford: will the statute still apply?

The statutory provision will apply even if it is not included in the Code; omitting it would not negate its application, and would force inspectors to be aware of the fact that it exists elsewhere. Since this paragraph contains other relevant provisions pertaining to phase two inspections, I think it makes the most sense to retain the language here.

II.6: Apfelbeck: Whether we can remove the term “unsafe.” Also: i) Anesta: general question re: whether we can remove “unsafe” throughout, and ii) should this be in the Code at all, since it deal with condos.

Subsection 553.899(8), F.S., provides that “[t]he inspection report must, at a minimum, meet all of the following criteria: ... (e) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.”

¹ See *Capeletti Bros., Inc. v. Department of Transp.*, 499 So.2d 855, 857 (Fla. 1st DCA 1986).

This language clearly evinces the fact that the Legislature is aware that there are two separate terms, with different definitions. Subsections (8) and (11) are the only places in section 553.899, F.S., that use the term “unsafe.” I do not believe that the Commission will be able to remove it from the inspection report, as it is explicitly required to be addressed by the statute. How (or whether) the term is incorporated into other parts of the rule will have to be evaluated on a case-by-case basis.

I do not think that there is an issue with including the provision requiring the milestone inspector to provide the report to the condominium or cooperative association.

II.7: Schock: Whether we can require the adoption of a form that is “substantially similar” to one found in an appendix.

The Commission is charged with adopting standardized inspection and reporting forms, so I think it would be advisable to have a model one in the body of the Code, rather than as an optional appendix that would require every jurisdiction in the state to go through the local amendment process to adopt. The local jurisdictions could amend the forms for local use.

III.8-A: i. Apfelbeck/Stafford: Does this conflict with 1808.2 and the days allowed for compliance. ii) Lavrich: Can we make the requirements stricter than the statute?

I do not believe that we have the authority to shorten the timeframe in the statute; the Legislature’s direction on the matter seems very clear.

Local authorities have the ability to adopt local amendments that are more stringent than the corresponding Florida Building Code provisions, but I do not believe that either the Commission or local authorities have the ability to override clear statutory provisions in the absence of some specific authority to do so.

Guidance Documents: Apfelbeck: how should these be provided? Should they be within the Code?

If these are purely meant to be informational and helpful, but not mandatory, then I think that they should not be included as an appendix, but instead made available on the BCIS. They are highly tailored to the geographical area they were developed for, and do not fit the usual mold of an appendix being something that a local authority can adopt, since they nonbinding in nature and mostly provide tips and suggestions.