

FLORIDA BUILDING COMMISSION

RECOMMENDATIONS ON STRUCTURAL AND LIFE SAFETY MAINTENANCE AND INSPECTION STANDARDS

Ron DeSantis, Governor
Melanie Griffin, DBPR Secretary
James R. Schock, P.E., C.B.O., Chairman

December XX, 2023

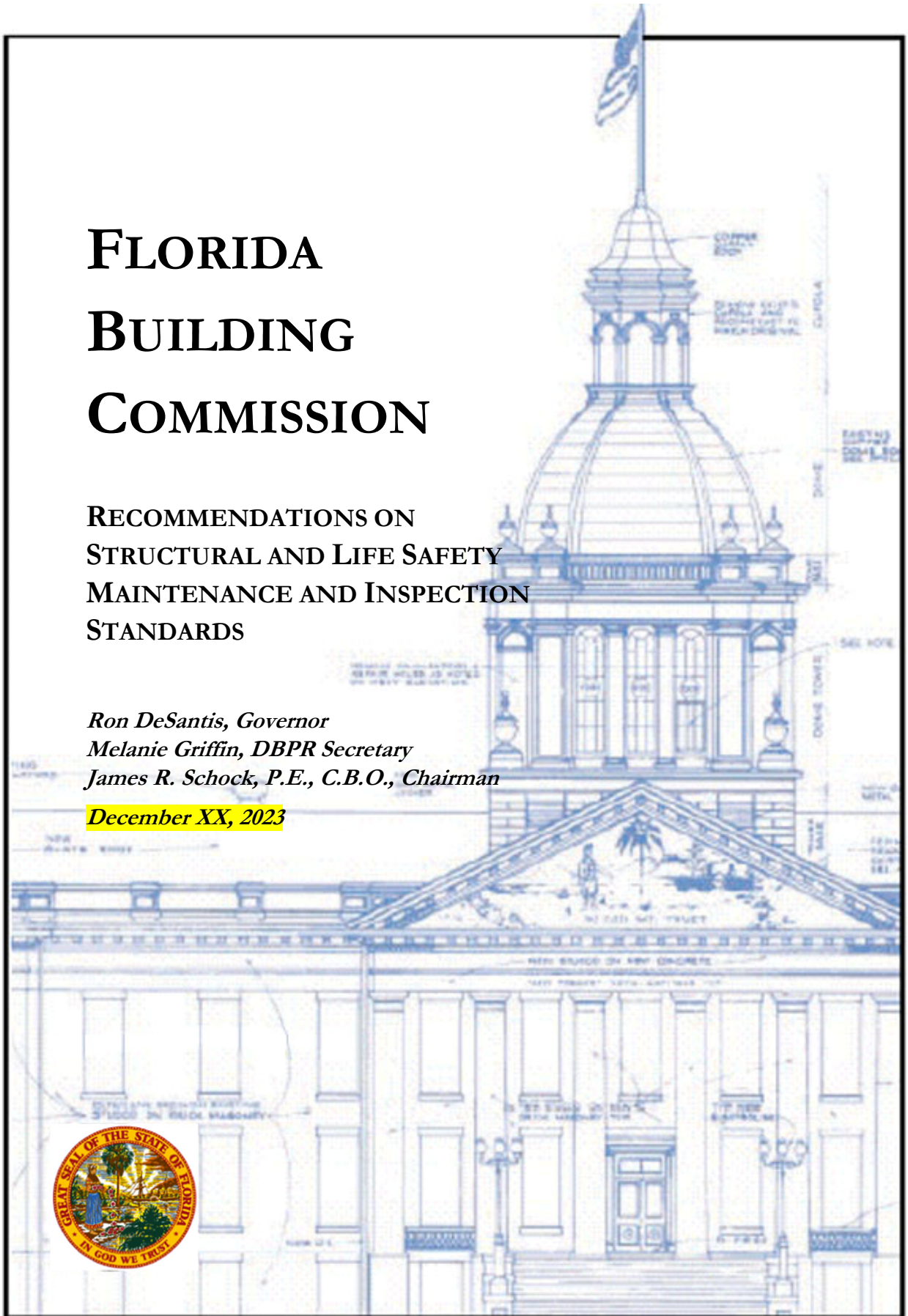


Table of Contents

I. Introduction 3

II. Recommendations 4

 A. Structural..... 4

 B. Life Safety..... 4

 C. Other Issues..... 5

 1. Milestone Inspection Enforcement in Condominiums and Cooperative Associations 5

 2. Record Retention 6

III. Conclusion..... 6

IV. Appendix 7

I. Introduction

On June 24, 2021, the Champlain Towers South condominium building in Surfside, Florida, partially collapsed, resulting in the deaths of 98 people. There is an ongoing investigation into the causes of the collapse, which is being conducted by a team from the National Institute of Standards and Technology.

In response to the tragedy, the Florida Legislature unanimously passed Senate Bill 4-D (2022) in a special session in May 2022. The bill created section 553.899, Florida Statutes, which required mandatory structural inspections for condominium and cooperative buildings. It also directed the Florida Building Commission to complete two assignments.

The first assignment required the Commission to “review the milestone inspection requirements under this section and make recommendations, if any, to the Legislature to ensure inspections are sufficient to determine the structural integrity of a building.” The Commission completed this assignment and delivered its report to the Legislature in December 2022.

The second assignment requires the Commission, in consultation with the State Fire Marshal, to “provide recommendations to the Legislature for the adoption of comprehensive structural and lifesafety standards for maintaining and inspecting all types of buildings in this state that are three stories or more in height.” These recommendations for the second assignment are due by December 31, 2023.

During its 2023 session the Legislature passed SB-154 (2023), which gave the Commission a third assignment, to adopt rules to establish a building safety program for the implementation of section 553.899, Florida Statutes, within the Existing Building volume of the Florida Building Code. Currently, section 553.899, Florida Statutes, only addresses condominium and cooperative buildings that are three or more stories in height. The Commission must establish the building safety inspection program and have the associated rules adopted by December 31, 2024.

To complete these assignments, the Chairman of the Florida Building Commission created the Existing Building Inspection Workgroup (EBIWG). The EBIWG is comprised of 19 members who have experience in structural engineering, fire protection, architecture, building inspection and plan review, building materials, building management, and other related fields. One of the members is a representative of the State Fire Marshal, and five of the members are currently-serving members of the Florida Building Commission.

The EBIWG met multiple times to discuss the second legislative assignment and received a presentation from the office of the State Fire Marshal detailing the current fire and life safety inspection requirements for existing buildings. The workgroup solicited public opinion and provided opportunity for public testimony at its meetings, and engaged in a consensus-building process to identify potential recommendations that had a broad base of support. These consensus recommendations were then provided to the Florida Building Commission for its consideration, and the Commission subsequently voted to approve the recommendations contained within this report.

II. Recommendations

A. Structural

If the Legislature wishes to expand the type of buildings which would be required to undergo milestone structural inspections, as is currently required of condominium and cooperative buildings that are three stories or more in height, then the Commission recommends that all threshold buildings, as defined by section 553.71(12), Florida Statutes, be included (*II.2*). The definition of threshold building does not perfectly align with “all buildings and structures in this state that are three stories or more in height,” which the Legislature directed the Commission to address in its assignment. Section 553.71(12), Florida Statutes, defines threshold building as:

any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

The Commission believes that this change would be beneficial because the division between threshold and non-threshold buildings is already well-understood by local jurisdictions, and because threshold buildings have already long been identified by the Legislature as requiring special structural attention and care during construction.

If the Legislature chooses to expand the scope of which buildings will be subject to a mandatory milestone structural inspection, then the Commission suggests that the recommendations made in its prior report, *Recommendations on Milestone Structural Inspection Requirements* (December 16, 2022), be applied to whatever new classes of buildings are included (*I.2*). Additionally, the timeframe for completing the inspections can remain as currently prescribed in section 553.899, Florida Statutes (*IV.1*).

B. Life Safety

“Life safety” is a broad term that typically encompasses provisions related to the design, operation, and maintenance of buildings and structures that provide safety to life from fire and similar emergencies. Examples of such provisions include fire sprinklers, passive fire protection systems, emergency lighting, and building design elements that facilitate safe and fast egress from the structure during an emergency. The Florida Fire Prevention Code, as administered by the State Fire Marshal, currently provides for comprehensive mandatory life safety standards for maintaining and inspecting all types of buildings and structures in the state, including those which are three stories or more in height (*I.1, I.3*).

The Commission recommends that the Legislature require all buildings that are required to undergo a structural milestone inspection also be required to undergo a life safety verification inspection at the same time, to confirm that all life safety inspections required by the Florida Fire Prevention Code are being properly completed (*I.5, IV.1*). This may help to identify and redress life safety inspection deficiencies, should they exist for a structure.

If the Legislature wishes to adopt comprehensive structural and life safety standards for maintaining and inspecting certain buildings in the state, then the Commission recommends that

the Legislature grant the Commission rulemaking authority to develop a Structural and Life Safety Maintenance Program for Existing Buildings which would provide the framework and the minimum requirements for these assessments in the Florida Building Code (*I.4*). The Commission has prepared a draft life safety verification inspection checklist, included in the appendix to this report, which would form the basis of a comprehensive assessment of a structure's life safety related features to ensure that they are in proper order (*III.1*). Some form of this could be adopted by the Commission in the future as part of its consensus-based rulemaking process, during the development of the life safety portion of the program.

The Commission further recommends that the Legislature grant local jurisdictions the authority to adopt provisions which exceed the minimum requirements of any potential Structural and Life Safety Maintenance Program (*II.1*). This would help accommodate existing inspection programs, as well as provide for flexibility to address local needs and conditions.

Finally, the Commission recommends that the Legislature allow milestone structural and life safety verification inspection services to be provided by architects licensed under chapter 481, Florida Statutes, or engineers licensed under chapter 471, Florida Statutes, and their authorized representatives (*VI.1*).

C. Other Issues

1. Milestone Inspection Enforcement in Condominiums and Cooperative Associations

Due to the special ownership and governance issues that are associated with condominium and cooperative associations, the Commission believes that the Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes ("the Division"), should have a clear role in enforcing the mandatory milestone structural inspections and any associated life safety verifications for these buildings, alongside the authority granted to local jurisdictions in section 553.899(10), Florida Statutes (*I.6*).

Section 718.501(1), Florida Statutes, may contain internally conflicting language, insofar as it states that the Division may "enforce and ensure compliance with this chapter and rules relating to... complaints related to the procedural competition of milestone inspections under s. 553.899," but goes on to limit the Division's jurisdiction after turnover has occurred, stating that

after turnover has occurred, the division has jurisdiction to investigate complaints only related to financial issues, elections, and the maintenance of and unit owner access to association records under s. 718.111(12), and the procedural completion of structural integrity reserve studies under s. 718.112(2)(g). (emphasis provided)

Since most milestone inspections will occur long after turnover, the Commission recommends clarifying that the Division's post-turnover enforcement authority extends to completion of any required milestone structural inspections, in addition to structural integrity reserve studies.

2. Record Retention

The Commission recommends that the Legislature require milestone inspection records to be retained by the authority having jurisdiction for the life of the structure (*V.I.*).

III. Conclusion

In summary, the Commission recommends that the Legislature expand the structural milestone inspection program to include all threshold buildings, and to include as part of this assessment a verification that required life safety inspections are occurring. The Commission believes that the best way to accomplish this would be for the Commission to be granted rulemaking authority to adopt a Structural and Life Safety Maintenance Program for Existing Buildings, within the Existing Building volume of the Florida Building Code.

The inspection of existing buildings for the purpose of ensuring their structural integrity and life safety is a complex topic that involves many different professional disciplines, and the intersection of different levels of state and local government.

The Commission, by design, is comprised of members representing many of these interrelated fields and disciplines, and the recommendations provided in this report reflect the consideration of many of the practical implications of carrying out all facets of such an inspection regimen.

The Commission hopes that the foregoing report is of use to the Legislature if it decides to expand the scope of the milestone inspection program to include life safety inspections and additional types of buildings.

James R. Schock
Chairman, Florida Building Commission

IV. Appendix

- Final EBIWG Ranking Sheet
- Relevant Provisions from Chapter 10, NFPA 1

APPENDIX

EXITING BUILDING INSPECTION WORKGROUP'S OPTIONS ACCEPTABILITY RANKING RESULTS — FOR INCLUSION AS THE WORKGROUP'S RECOMMENDATIONS TO THE FLORIDA BUILDING COMMISSION FOR THE FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS ON COMPREHENSIVE STRUCTURAL AND LIFE SAFETY STANDARDS FOR MAINTAINING AND INSPECTING ALL TYPES OF BUILDINGS AND STRUCTURES THREE STORIES OR HIGHER (UNANIMOUSLY ADOPTED AUGUST 16, 2023)

ASSIGNMENT 1 (PHASE 1 OF PROJECT) SECTION 553.899, F.S. - MANDATORY STRUCTURAL INSPECTIONS FOR CONDOMINIUM AND COOPERATIVE BUILDINGS

ASSIGNMENT 2 SUMMARY

The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

WORKGROUP PROCESS

During the meetings, Workgroup members were asked to develop and rank options using a 4-Point acceptability ranking scale. Once ranked for acceptability, options with a ≥ 3.0 average ranking (75%) were considered consensus recommendations for inclusion in the Workgroup's final package of recommendations to the Commission. In addition, the Workgroup voted unanimously in support of the package of consensus recommendations at their August 16, 2023 meeting. During the September 15, 2023 meeting the Workgroup will finalize their recommended consensus recommendations, and recommend the Commission approve the draft *Florida Building Commission's Recommendations on Milestone Structural Inspection Requirements* report, incorporating the Existing Building Inspection Workgroup's Recommendations.

The proposed options were 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
-----------------------------	---	--	--	---------------------------

MEETING FACILITATION

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



WORKGROUP'S CONSENSUS ACTION AND COMMENTS FOR REPORT

WORKGROUP'S CONSENSUS ACTION:

ACTION TAKEN AUGUST 16, 2023: The Existing Building Inspection Workgroup voted unanimously, 14 – 0 in favor, to adopt the Workgroup's final package of consensus ranked options* on Comprehensive Structural and Life Safety Standards for Maintaining and Inspecting All Types of Buildings and Structures Three Stories or Higher, and to incorporate the Workgroup's Recommendations into the Draft Report and Recommendations to the Commission, and to authorize DBPR staff to draft the Report providing contextual narration, formatting, editing, correlation, sequencing, and revisions and additions as deemed appropriate, consistent with the Workgroup's adopted consensus recommendations.

* *All options that received an average ranking of ≥ 3.0 (75%).*

WORKGROUP'S COMMENTS FOR THE REPORT:

- Identify whether the individual recommendations require a statutory change, or are authorized under the Commission's existing rulemaking authority.
- Review recommendations and ensure there is the consistent use of the term "life safety verification inspections" in the relevant Section titles and for relevant options in the report.
- Review Topical Category IV. Option 1 and determine whether it should be a stand-alone option or incorporated into an existing Option in another Topical Category. The goal is to ensure it is clear in the recommendations that the timeframes for conducting life safety verification inspections is the same as for structural milestone inspections.

OPTIONS RANKING RESULTS ORGANIZATION

SECTION 1	<p>Consensus level ranked options (recommendations are organized into (6) six Topical Categories.</p> <ul style="list-style-type: none"> • Topical Categories: I. Overarching and Procedural Threshold Recommendations (6 Recommendations), II. Buildings and Structures Covered (2 Recommendations), III. Life Safety Verification Inspections (1 Recommendation), IV. Life Safety Verification Inspection Time Frames (1 Recommendation), V. Life Safety Verification Inspection Checklist (1 Recommendation), and VI. Qualifications for Inspectors (1 Recommendation). • For each Topical Category, ranked options achieving an average of ≥ 3.0 (75%) are numbered from highest to lowest ranking starting with "1."
SECTION 2	Options deferred to Assignment 3 for evaluation.
SECTION 3	Ranked options not achieving a consensus level of support (< 75 Support), options achieving a consensus level of support ($\geq 75\%$ Support) replaced or covered by other options, and options outside scope of project.

SECTION 1 – CONSENSUS LEVEL RANKED OPTIONS

I. OVERARCHING AND PROCEDURAL THRESHOLD RECOMMENDATIONS OPTIONS (6 CONSENSUS RANKED OPTIONS/RECOMMENDATIONS)

OPTIONS ACHIEVING A CONSENSUS LEVEL OF SUPPORT: ≥75% SUPPORT

Option 1) Scope of Recommendations. It is the consensus of the EBIWG that the general purpose of the life safety aspects of Assignment #2 is to identify coordination issues necessary to ensure that a milestone inspector has a checklist for verification that life safety inspections as required by the Florida Fire Prevention Code are being completed. *[DBPR Staff]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
4.00	14	0	0	0

Option 2) Structural Requirements. For the structural components of Assignment 2 reference the recommendations contained in the Commission’s *Recommendations on Milestone Structural Inspection Requirements* report submitted to Governor and Legislature pursuant to Assignment 1. *[Jim Schock]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
3.88	14	2	0	0

Option 3) FFPC Provides for Life Safety Standards. It is the consensus of the EBIWG that the Florida Fire Prevention Code (FFPC) as administered by the State Fire Marshal provides for comprehensive mandatory life safety standards for maintaining and inspecting all types of buildings and structures in this state including those three stories or more in height. *[DBPR Staff]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
3.79	11	3	0	0

Option 4) Legislative Authority. Request rule-making authority to have the Commission develop a Structural and Fire Maintenance Program for Existing Buildings three stories or more within the state of Florida. *[Jim Schock]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
3.75	12	4	0	0

Option 5) Milestone Inspections Applicable to Buildings and Structures Covered By Recommendations. Require Life Safety Verification Inspections and Structural Milestone Inspections for the buildings and structures covered by the comprehensive structural standards for maintaining and inspecting buildings and structures recommendations. *[Anne Cope]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				

3.50	7	7	0	0
<i>August 16, 2023 Ranking Result</i>				
4.0	15	0	0	0

Option 6) Enforcement of Milestone Inspections. The Workgroup recommends that Chapter 718, F.S. (Condominiums) should be reviewed and revised as appropriate to ensure the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes has sufficient authority to enforce the statutory provisions and rules for enforcement of milestone inspections on Condominiums. *[Appfelbeck]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>July 12, 2023 Ranking Result</i>				
3.5	7	7	0	0

II. BUILDINGS AND STRUCTURES COVERED BY THE COMPREHENSIVE STRUCTURAL STANDARDS FOR MAINTAINING AND INSPECTING BUILDINGS AND STRUCTURES OPTIONS (2 CONSENSUS RANKED OPTIONS/RECOMMENDATIONS)

OPTIONS ACHIEVING A CONSENSUS LEVEL OF SUPPORT: ≥75% SUPPORT

Option 1) Local jurisdictions should retain authority to increase the requirements for their jurisdictions.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
3.92	12	1	0	0

Option 2) Buildings and Structures the Recommendations Apply To. *[Jim Schock]*. Pending the results of further research regarding whether certain type of buildings and structures should be included as part of the existing “Mandatory Structural Inspection Program”, it is the consensus of the EBIWG that all Threshold Buildings as defined by the Florida Building Code and Residential Condominium and Cooperative buildings (pursuant to F.S. 553.899) should be subjected to both the existing “Mandatory Structural Inspection Program” and the proposed life-safety verification/inspection program:

Notes:

Threshold Building. In accordance with *Florida Statute*, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an assembly occupancy classification that exceeds 5,000 square feet (464.52 m2) in area and an occupant content of greater than 500 persons.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>August 16, 2023 Ranking Result</i>				
3.93	13	1	0	0

III. LIFE SAFETY VERIFICATION INSPECTION OPTIONS (1 CONSENSUS RANKED OPTION/RECOMMENDATION)

Option 1) Life Safety Verification Inspection Checklist Option. *[Tony Apfelbeck]*

Electrical System

- Electrical System Hazards
 1. Note any observed hazards with the electrical system.
- Emergency Generator and Transfer Switch
 1. If the building is provided with an emergency generator, request a copy of the test report of the emergency generator (maintenance records, load test results).

Means of Egress

- Impediments to Egress
 1. Verify that all exit corridors and exit stair enclosures are clear, unobstructed and door hardware operates as designed.
 2. Verify that stair tread/risers are in a condition that does not create a tripping hazard.
- Handrails and Guardrails
 1. Verify that handrails and guardrails are in place, secure and function as intended.
- Emergency Lighting
 1. If the building is provided with emergency lighting, verify that the emergency lighting is maintained in working order.
- Exit Signs
 1. Verify exit signs are in place and tested if provide with emergency power.

Elevator

- Elevator Certification
 1. If the building is provided with an elevator, verify elevator certificate is up to date.

Passive Fire Protection Systems

- Rated Doors
 1. Verify rated door are in place within rated assemblies and operational as intended.
- Fire Walls, Fire Partitions, Fire and Smoke Barriers, and Floor/Ceiling Assemblies
 1. Observe readily accessible rated walls, floor/ceiling assemblies and draftstopping for compromised systems that require repair. This observation should include stairwell enclosures, rated corridors, vertical shafts, and exposed floor ceiling assemblies in mechanical and electrical rooms at a minimum.
- Fire Rated Penetrations
 1. Observe readily accessible firestopping at joints and penetrations in rated walls for compromised systems that require repair. This observation should include stairwell enclosures, rated corridors, vertical shafts, and exposed floor ceiling assemblies in mechanical and electrical rooms at a minimum.

Active Fire Protection Systems

- Fire Sprinkler System
 1. Confirm if a fire sprinkler system is installed in the building, if a fire sprinkler system is required by the Florida Fire Prevention Code.

2. If the building is provided with a fire sprinkler system, request a copy of the annual and five-year fire sprinkler test report. Verify that the fire sprinkler system is inspected annually by a licensed fire sprinkler contractor and has a current inspection tag signed and dated. Also verify current annual inspection tags on the fire sprinkler system backflow preventer.
- Fire Pump
 1. If the building is equipped with a fire pump, request a copy of the annual test report.
 - Fire Standpipe System
 1. If the building is provided with a standpipe system installed, request a copy of the annual and five-year standpipe system test report.
 - Fire Alarm System
 1. Confirm if a fire alarm system is installed in the building, if a fire alarm system is required by Florida Fire Prevention Code.
 2. If the building is provided with a fire alarm system, request a copy of the annual fire alarm test report. Verify that the fire alarm system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
 - Smoke Alarms
 1. Confirm if Florida Fire Prevention Code required smoke alarms are installed in residential units and request a copy of the annual inspection and test.
 - Smoke Control System
 1. If the building is provided with a smoke control system request a copy of the annual inspection and testing report.
 - Hoods and Suppression Systems
 1. If kitchen hood fire suppression system installed is installed in the building, verify that the hood fire suppression system is tagged and inspected by a state licensed fire suppression company within the last year.

Site Conditions

- Fire Department Connections
 1. If fire department connections are provided for standpipes or fire sprinkler systems, check to see that there is no visible damage to the fire department connections and they are accessible to the fire department.
- Fire Department Access
 1. Note any impediments to fire department access to the building.
- Fire Hydrants
 1. If private fire hydrants are on site, check to see that there is no visible damage to hydrants, they are visible/accessible to the fire department and they have current inspection tags.

Occupancy/Contents

- Change of Use/Occupancy
 1. Note any unpermitted changes of use, retrofits, or expansions of the building that may be observed or use.
- Hazardous Storage
 1. Note the presence of any hazardous material storage or use.
- Fire Extinguishers
 1. Verify that all fire extinguishers are inspected annually by a licensed fire extinguisher company and have a current inspection tag signed and dated.

Firefighter Safety/Inspections

- In-Building Radio Enhancement System
 1. If the building is provided with an in-building radio enhancement communication system verify that the system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
- Firefighter Building Marking System
 1. Confirm if the building is properly marked in accordance with the Florida Firefighter Safety Building Marking System.
- Inspections
 1. Request a copy of the most recent fire inspection report from the local jurisdiction’s fire official. Identify if there are deficiencies that were noted by the fire official in the report that have not been corrected.
 2. Confirm that the local fire code enforcement authority is conducting an annual, biennial or triennial inspection of the building.

Milestone Life Safety Verification Checklist Notes:

1. If further clarification is required for the above checklist items, the design profession should consult and defer to the provisions of the Florida Fire Prevention Code.
2. The Milestone Life Safety Inspection is not intended to be comprehensive inspection of every code provision of the Florida Fire Prevention Code or of every component of every element listed in the checklist above.
3. A copy of the results of the Milestone Life Safety Verification Checklist results shall be provided to the local fire code Authority Having Jurisdiction within 60 calendar days of the completion of the inspection.
4. If imminent life safety hazards are observed during the course of the Milestone Life Safety Inspection, the imminent life safety hazards shall be immediately reported to the local fire code Authority Having Jurisdiction.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>July 12, 2023 Ranking Result</i>				
3.43	6	8	0	0
<i>August 16, 2023 Ranking Result</i>				
4.0	15	0	0	0

IV. LIFE SAFETY VERIFICATION INSPECTION TIME FRAMES OPTIONS (1 CONSENSUS RANKED OPTION/RECOMMENDATION)

Option 1) Inspection Time Frame. *[Jim Schock]* Life Safety Verification Inspections timeframes should be the same as for Structural Milestone Inspections.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
3.58	7	5	0	0

**V. LIFE SAFETY VERIFICATION INSPECTION CHECKLIST OPTIONS
(1 CONSENSUS RANKED OPTION/RECOMMENDATION)**

Option 1) Records of Inspections. Require milestone inspection records to be retained by the AHJ for the life of the structure.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking</i>				
3.64	7	4	0	0

**VI. QUALIFICATIONS FOR INSPECTORS OPTIONS
(1 CONSENSUS RANKED OPTION/RECOMMENDATION)**

Option 1) Qualifications of Inspectors.

Engineers, Architects and their authorized representatives (For Structural Milestone Inspections and Life Safety Verification Inspections). *[Jim Schock]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking</i>				
3.45	7	2	2	0

SECTION 2 – OPTIONS DEFERRED TO ASSIGNMENT 3

ASSIGNMENT 3 SUMMARY

Assignment 3 (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.

OPTIONS DEFERRED TO ASSIGNMENT 3

The Workgroup voted unanimously to defer the following options to Assignment 3 for evaluation:

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
- **Enforcement of Milestone Inspections.** *[Heather Anesto].*

Update Section 110.9.10 of FBC 2023 Draft to read as follows (underline is proposed):
“**Section 110.9.10** When a building is in violation of the timeframes provided in Sections 110.9.6 and/or 110.9.11, the building shall be deemed Unsafe due to “inadequate maintenance”, per the definition in the Florida Building Code, Existing Building, until such time that the building complies with such Sections. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.”

- **Violations.** [Tony Apfelbeck].

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure 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.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure 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.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building 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.

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

- **Unsafe Structures and Equipment.** [Tony Apfelbeck].

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which 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 structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.2 Record. The *building 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.

116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, 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 structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) 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 upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.5 Restoration. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, 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* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

SECTION 3 – RANKED OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT (< 75 SUPPORT), OPTIONS ACHIEVING A CONSENSUS LEVEL OF SUPPORT (≥75% SUPPORT) REPLACED OR COVERED BY OTHER OPTIONS, AND OPTIONS OUTSIDE SCOPE OF PROJECT

I. OVERARCHING AND PROCEDURAL THRESHOLD RECOMMENDATIONS OPTIONS

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Enforcement of Milestone Inspections. For Milestone Inspections past due by 5 years the structure shall be deemed unsafe, pursuant to the definition in the Florida Building Code, Existing Building, and subject to enforcement action. *[Schock]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>July 12, 2023 Ranking Result</i>				
2.57	0	8	6	0

II. BUILDINGS AND STRUCTURES COVERED BY THE COMPREHENSIVE STRUCTURAL STANDARDS FOR MAINTAINING AND INSPECTING BUILDINGS AND STRUCTURES OPTIONS

OPTIONS INITIALLY ACHIEVING A CONSENSUS LEVEL OF SUPPORT (≥75% SUPPORT) AND SUBSEQUENTLY REPLACED OR COVERED BY ANOTHER OPTION

Buildings and Structures Recommendations Applicable To Option. In addition to the buildings covered by the Milestone Inspections Program include apartments, parking garages, stadiums, coliseums, and arenas that are 3 stories or more in height to the scope of buildings and structures the Commission’s recommendations for life-safety standards apply to, pending the results of further research regarding other buildings and structures to include. *[Jim Schock]* (Ranked 3.27 June 6, 2023)

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
3.27	4	11	0	0

Apply Recommendations to High-Risk Occupancy Option. Type of building to be covered – three stories and more in height: For consistency with the FFPC (life-safety), limit coverage to those occupancies that are defined as “High-Risk Occupancy.” These are the buildings that verification of the life-safety requirements would apply to and trigger the second checklist for inspection and verification. *(Ranked 3.20 April 27, 2023)*

High-Risk Occupancy

An occupancy that has a history of high frequency of fires, high potential for loss of life or economic loss, or that has a low or moderate history of fires or loss of life but the occupants have a high dependency on the built-in fire protection features or staff to assist in evacuation during a fire or other emergency.

Examples of high-risk occupancies could include multiple-family dwellings, high-rise buildings, hotels, dormitories, lodging and rooming, assembly, child care, detention, educational, health care, and industrial.

Buildings and Structures Recommendations Applicable To Option. In addition to the buildings covered by the Milestone Inspections Program include apartments, parking garages, and residential and assembly occupancies that are 3 stories or more in height, excluding 1 and 2 family dwellings, to the scope of buildings and structures the Commission's recommendations for life-safety standards apply to, pending the results of further research regarding other buildings and structures to include. *[Jim Schock] (Ranked 3.12 April 27, 2023)*

Components to Verify Option. Components of the building life safety systems that should be verified during the milestone inspection: *[DBPR Staff with amendments proposed by Steve Kowkabany] (Ranked 3.50 June 6, 2023)*

- Sprinkler systems
- Fire pump
- Fire alarm systems
- Fire department access
- Fire department equipment (Hydrants, FDCs, Standpipes)
- In-building radio enhancement communication systems
- Stairwells clear and well maintained
- Means of egress
- Elevator(s)
- Smoke control systems
- Fire stopping
- Emergency power/generator
- Emergency lighting and exit signage
- Change of use or hazardous storage
- Fire walls, fire partitions, and smoke barriers

Option 2) Organization of Checklist Items by Category.

Electrical Service Inspection. *[Jim Schock] (Ranked 3.23 June 6, 2023)*

- Electrical service inspection up to and including the main service disconnect.
- Inspect Exit Lighting.
- Inspect Emergency Lighting.
- Emergency Generator and transfer switch operation.

Inspection of the Means of Egress.

- Inspection of the Means of Egress path of travel.
- Inspect Handrails and Guard Rails.
- Verify Elevator Certification is up to date.

Inspection of the Means of Egress.

- Inspection of the Means of Egress path of travel.
- Inspect Handrails and Guard Rails.
- Verify Elevator Certification is up to date.

Inspect Passive Fire Protection Systems.

- Inspect Fire Rating on Doors.

- Inspect Fire and Smoke Walls.
- Inspect Fire Rated Penetrations.

Inspect Active Fire Protection Systems.

- Verify approved testing within the past 5 years If no testing is recorded require testing and inspection of the following systems where applicable:
- Stair and shaft pressurization.
- Smoke evacuation systems.
- Fire Alarm testing.
- Sprinkler System and Standpipes testing.
- Hoods and Suppression Systems.

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Buildings and Structures the Recommendations Apply To. Pending the results of further research regarding whether certain type of buildings and structures should be included as part of the existing “Mandatory Structural Inspection Program”, it is the consensus of the EBIWG that the following three stories and more in height buildings should be subjected to both the existing “Mandatory Structural Inspection Program” and the proposed life-safety verification/inspection program:

Apartments/residential (excluding 1 and 2 family dwellings), parking garages or parking garage portion of buildings, and stadiums, coliseums, arenas, assembly occupancies, ~~high-rise buildings~~, hotels, dormitories, child care, detention, educational, ~~and health care, and industrial.~~ [Schock]

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result of Original Option</i>				
3.50	7	7	0	0
Average	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>July 12, 2023 Ranking Result for Revised Option</i>				
2.64	1	7	6	0

Option B) The Florida Legislature should charge the Florida Building Commission with developing and maintaining the standards for all existing building inspections, in addition to Condominiums and Cooperative buildings, and that these standards be adopted into the Florida Building Code. [Allen Douglas] [Dan Lavrich]

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
1.60	0	1	7	7

Option C) Apply the Milestone Inspection requirements to all buildings in Florida which exceed 10 occupants and are greater than 2,000 square feet (at the very minimum all threshold buildings should be included). Detached one- and two-family dwellings and townhouses not more than three stories above grade should be exempt. [Tom Grogan]

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>April 27, 2023 Ranking Result</i>				
1.50	0	1	5	8

III. LIFE SAFETY MILESTONE INSPECTION OPTIONS

OPTIONS INITIALLY ACHIEVING A CONSENSUS LEVEL OF SUPPORT ($\geq 75\%$ SUPPORT) AND SUBSEQUENTLY REPLACED OR COVERED BY ANOTHER OPTION

Organization of Checklist Items by Category Option. *[Tony Apfelbeck]*

Electrical System

- Electrical System Hazards
- Emergency Generator and Transfer Switch

Means of Egress

- Impediments to Egress
- Handrails and Guardrails
- Emergency Lighting
- Exit Signs

Elevator

- Elevator Certification

Passive Fire Protection Systems Inspect Passive Fire Protection Systems

- Rated Doors
- Fire and Smoke Walls and Floor/Ceiling Assemblies
- Fire Rated Penetrations

Active Fire Protection Systems ~~Inspect Active Fire Protection Systems~~

- Fire Sprinkler System
- Fire Pump
- Fire Standpipe System
- Fire Alarm System
- Smoke Alarms
- Smoke Control System
- Hoods and Suppression Systems

Site Conditions

- Fire Department Connections
- Fire Department Access
- Fire Hydrants

Occupancy/Contents

- Change of Use/Occupancy
- Hazardous Storage
- Fire Extinguishers

Firefighter Safety/Inspections

- In-Building Radio Enhancement System
- Firefighter Building Marking System

Inspections

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

None.

IV. MILESTONE INSPECTION TIME FRAMES OPTIONS

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Fire Escape Stairways and Balconies Inspection Time Frame. Fire escape stairways and balconies shall be examined for structural adequacy by a registered design professional every 5 years. An inspection report shall be submitted to the AHJ after such examination. *[Brad Schiffer]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
2.15	0	2	11	0

V. MILESTONE LIFE SAFETY VERIFICATION CHECKLIST OPTIONS

OPTIONS INITIALLY ACHIEVING A CONSENSUS LEVEL OF SUPPORT (≥75% SUPPORT) AND SUBSEQUENTLY REPLACED OR COVERED BY ANOTHER OPTION

Milestone Life Safety Verification Checklist Criteria. *[DBPR Staff with amendments by Steve Kowkabany]*
(Ranked 3.54 June 6, 2023)

Milestone life safety verification checklist criteria for use during the milestone inspection(s):

- If the building has a fire sprinkler system, request a copy of the annual fire sprinkler test report. Verify that the fire sprinkler system is inspected annually by a licensed fire sprinkler contractor and has a current inspection tag signed and dated. Also verify current annual inspection tags on the fire sprinkler system backflow preventer and fire pump if the fire sprinkler system is equipped with those features.
- If the building has a fire alarm system, request a copy of the annual fire alarm test report. Verify that the fire alarm system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
- Check for the presence, if required, of an in-building radio enhancement communication systems, and verify that the system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
- Check the building for the presence of standpipes in the stairwells, unobstructed access to fire department connections (FDC's) for both the sprinkler system and the standpipes, and verify that there are unobstructed fire hydrants in proximity to the FDC connections and within 500 feet of all sides of the building.
- If applicable, verify that the hood fire suppression system is tagged and inspected by a state licensed fire suppression company.
- Verify that all exit corridors and exit stair enclosures are clear and unobstructed.

- Verify that smoke control systems are present, operable, and tested on an annual basis in high-rise building stairwells and building atriums at a minimum. Note the type of any smoke control systems that are present and obtain copies of most recent inspection records.
- Observe firestopping at joints and penetrations in rated walls and floors that are readily accessible including stairwell enclosures, penetrations of vertical shafts, and exposed floor ceiling assemblies in mechanical and electrical rooms at a minimum.
- Verify that all fire extinguishers are inspected annually by a licensed fire extinguisher company and have a current inspection tag signed and dated.
- If the building has an emergency generator, request a copy of the test report of the emergency generator (maintenance records, load test results)
- If the tenant space contains emergency lighting, verify that they have been maintained in working order. The lights shall operate on normal electrical power and on secondary backup power.
- Identify if there were deficiencies that were flagged by the fire official that the building is still required to comply with.
- Confirm that the annual inspection is being performed.
- Verification via a public record request from the jurisdiction to verify that all life safety violation(s) have been corrected.
- Verify elevator certificate is up to date.
- Note any unpermitted changes of use, retrofits, or expansions of the building that may be observed and note the presence of any hazardous material storage or use.
- Confirm if Code required smoke alarms are installed and tested.
- Confirm if fire sprinkler system installed if required by Code.
- Confirm if fire alarm system installed if required by Code.

Milestone Life Safety Verification Checklist Criteria Option. Milestone life safety verification checklist criteria for use during the milestone inspection(s): *[Tony Apfelbeck]*

- If the building is provided with a fire sprinkler system, request a copy of the annual and five-year fire sprinkler test report. Verify that the fire sprinkler system is inspected annually by a licensed fire sprinkler contractor and has a current inspection tag signed and dated. Also verify current annual inspection tag on the fire sprinkler system backflow preventer.
- If the building is equipped with a fire pump, request a copy of the annual test report. Also, verify current annual inspection tag on the fire pump.
- If the building is provided with a fire alarm system, request a copy of the annual fire alarm test report. Verify that the fire alarm system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
- If the building is provided with an in-building radio enhancement communication system verify that the system is inspected annually by a licensed fire alarm contractor and has a current inspection tag signed and dated.
- If the building is provided with a standpipe system installed, request a copy of the annual and five-year standpipe system test report.
- If fire department connections are provided for standpipes or fire sprinkler systems, check to see that there is no visible damage to the fire department connections and they are accessible to the fire department.
- If private fire hydrants are on site, check to see that there is no visible damage to hydrants, they are accessible/visible to the fire department and they have current inspection tags.

- If kitchen hood fire suppression system installed is installed in the building, verify that the hood fire suppression system is tagged and inspected by a state licensed fire suppression company within the last year.
- Verify that all exit corridors and exit stair enclosures are clear, unobstructed and all door hardware operates as designed.
- Verify that stair tread/risers are in a condition that does not create a tripping hazard.
- Verify that handrails and guardrails are in place, secure and function as intended.
- Verify exit signs are in place and tested if provide with emergency power.
- Verify rated door are in place within rated assemblies and operational as intended.
- If the building is provided with a smoke control system request a copy of the annual inspection and testing report.
- Observe readily accessible rated walls, floor/ceiling assemblies and draftstopping for compromised systems that require repair. This observation should include stairwell enclosures, rated corridors, vertical shafts, and exposed floor ceiling assemblies in mechanical and electrical rooms at a minimum.
- Observe readily accessible fire walls, fire partitions, fire and smoke barriers, floor/ceiling assemblies, and firestopping at joints and penetrations in rated walls for compromised systems that require repair. This observation should include stairwell enclosures, rated corridors, vertical shafts, and exposed floor ceiling assemblies in mechanical and electrical rooms at a minimum.
- Verify that all fire extinguishers are inspected annually by a licensed fire extinguisher company and have a current inspection tag signed and dated.
- If the building is provided with an emergency generator, request a copy of the test report of the emergency generator (maintenance records, load test results).
- If the building is provided with emergency lighting, verify that the emergency lighting is maintained in working order.
- Request a copy of the most recent fire inspection report from the local jurisdiction's fire official. Identify if there are deficiencies that were noted by the fire official in the report that have not been corrected.
- Confirm that the local fire code enforcement authority is conducting an annual, biennial or triennial inspection of the building.
- If the building is provided with an elevator, verify elevator certificate is up to date.
- Note any observed hazards with the electrical system.
- Note any unpermitted changes of use, retrofits, or expansions of the building that may be observed.
- Note the presence of any hazardous material storage or use.
- Note any impediments to fire department access to the building.
- Confirm if the building is properly marked in accordance with the Florida Firefighter Safety Building Marking System.
- Confirm if Florida Fire Prevention Code required smoke alarms are installed in residential units and request a copy of the annual inspection and test.
- Confirm if a fire sprinkler system is installed in the building, if a fire sprinkler system is required by the Florida Fire Prevention Code.
- Confirm if a fire alarm system is installed in the building, if a fire alarm system is required by Florida Fire Prevention Code.

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Records of Inspections. Require a 10-year retention requirement for records of milestone inspection. *[Rebecca Quinn]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
1.90	0	0	10	1

VI. MAINTENANCE OUTSIDE MILESTONE INSPECTIONS OPTIONS

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Maintenance. *[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.

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
2.0	0	3	5	3

Option B) Exterior Maintenance when not Included with Milestone Inspections. *[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

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
2.0	0	3	5	3

VII. QUALIFICATIONS FOR INSPECTORS OPTIONS

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Qualifications to perform inspections. Phase One: a licensed architect or professional engineer, who has experience designing the structural components of buildings and inspecting structural components of existing buildings. *[Tom Grogan]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
2.36	0	4	7	0

Option B) Qualifications to Perform Inspections. Phase Two: a licensed architect or professional engineer, who has a minimum of: (a) ten years of experience designing the primary structural components of buildings, and (b) a minimum of five years inspecting structural components of existing buildings of a similar size, scope, and type of construction. *[Tom Grogan]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result</i>				
2.36	0	4	7	0

VIII. RESEARCH PROJECT RECOMMENDATIONS OPTIONS

OPTIONS NOT ACHIEVING A CONSENSUS LEVEL OF SUPPORT: < 75% SUPPORT

Option A) Research on Occupancy Classifications. *[Jim Schock]*. Propose a research project based on findings in Miami Dade and Broward Counties and determine based on Occupancy Classification if there are any particular Occupancies that appear to be more vulnerable possibly due to the type of ownership or any other factors. This could be used as a starting point to avoid unnecessary cost or to possibly allow for a slower implementation for additional structures which may be better for this large of a project.

The Workgroup voted unanimously that this Option is covered by Topical Category II. Option 2.

OPTIONS OUTSIDE SCOPE OF PROJECT

The Workgroup voted unanimously that the following options are outside the scope of the project:

- **Section 553.899, F.S. Mandatory Structural Inspections for Condominium and Cooperative Buildings Comments:** *[Tom Grogan]*
- Line 195: revise “condominium and cooperative buildings” to “all buildings”
- Lines 223 and 224: revise “a condominium association under chapter 718 and a cooperative association under chapter 719” to “all buildings”
- Lines 230 and 231: revise “condominium association or cooperative association” to “building owner”
- Lines 235 and 236: revise “condominium association or cooperative association” to “building owner”
- Lines 238 and 239: revise “condominium association or cooperative association” to “building owner”
- Lines 253 and 254: revise “condominium association or cooperative association” to “building owner”
- Lines 257 and 258: revise “condominium association or cooperative association” to “building owner”
- Line 266: Between “in this state” and “shall perform” insert the following “: who has experience designing the structural components of buildings and inspecting structural components of existing buildings.”

- Line 289: insert before “An inspector” the following “A phase two inspector shall be a Licensed Architect or Professional Engineer (PE) who has a minimum of: (a) ten years of experience designing the primary structural components of buildings, and (b) a minimum of five years inspecting structural components of existing buildings of a similar size, scope, and type of construction.
- Line 317: revise “The association” to “The building owner”
- Line 318-319: after “each” insert “tenant, ownership team,”
- Line 331: after “that” insert “an owner,”
- Insurance Availability and Cost. *[Brad Schiffer]*
- **Section 718.111 F.S. Comments:** Line 447: revise “15 years” to “50 years” (*need to keep reserve study for some time past the first 30-year inspection*). *[Tom Grogan]*
- **Section 719.104, F.S. Comments:** Lines 1797 and 1815: revise “15 years” to “50 years.” *[Tom Grogan]*

AVERAGE	4= Acceptable	3= Minor Reservations	2= Major Reservations	1= Not Acceptable
<i>June 6, 2023 Ranking Result that the Options are Outside the Scope of the Project</i>				
3.30	3	7	0	0

The Workgroup voted unanimously that the following option is outside the scope of the project:

- Require that the structural integrity reserve studies be kept for a minimum of 50 years. *[Tom Grogan]*

- F
L
- (2) Doors in the smoke partitions required by 6.1.14.4.67(1) are equipped with positive latching hardware.
- (3) The atrium meets the provisions of 8.6.7 of NFPA 101 that are applicable to new atriums.

[101:6.1.14.4.6]

Chapter 7 Reserved

Chapter 8 Reserved

Chapter 9 Reserved

Chapter 10 General Safety Requirements

10.1 Fundamental Requirements.

10.1.1 Every new and existing building or structure shall be constructed, arranged, equipped, maintained, and operated in accordance with this *Code* so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.

10.1.2* *Life Safety Code.* Every new and existing building shall comply with this *Code* and NFPA 101.

10.1.3 Building Code. Where a building code has been adopted, all new construction shall comply with this *Code* and the building code.

10.1.4 Structural Hazards.

10.1.4.1 Where structural elements have visible damage, the AHJ shall be permitted to require a technical analysis prepared in accordance with Section 1.15 to determine if repairs are necessary to restore structural integrity.

10.1.4.2 Where the technical analysis recommends repairs to the structure, such repairs shall be made.

10.1.5 Any person who deliberately, or through negligence, sets fire to or causes the burning of any combustible material in such a manner as to endanger the safety of any person or property shall be deemed to be in violation of this *Code*.

10.1.6 The AHJ shall have the authority to prohibit any or all open flames or other sources of ignition where circumstances make such conditions hazardous.

10.1.7 Listed and Labeled. Listed and labeled equipment, devices, and materials shall be installed and used in accordance with the listing limitations and the manufacturers' instructions.

10.2 Owner/Occupant Responsibilities.

10.2.1 The owner, operator, or occupant shall be responsible for compliance with this *Code*.

10.2.2 The owner, operator, or occupant of a building shall notify the AHJ prior to a change of occupancy as specified in 4.5.7 and 10.3.4.

10.2.3 The AHJ shall be permitted to require the owner, operator, or occupant to provide tests or test reports, without expense to the AHJ, as proof of compliance with the intent of this *Code*.

10.2.4 The owner, operator, or occupant of a building that is deemed unsafe by the AHJ shall abate, through corrective action approved by the AHJ, the condition causing the building to be unsafe either by repair, rehabilitation, demolition, or other corrective action approved by the AHJ.

10.2.5 The owner, operator, or occupant, or any person in control of a building or premises shall keep records of all maintenance, inspections, and testing of fire protection systems, fire alarm systems, smoke control systems, emergency evacuation and relocation drills, emergency action plans, emergency power, elevators, and other equipment as required by the AHJ.

10.2.6 All records required to be kept shall be maintained until their useful life has been served, as required by law, or as required by the AHJ.

10.2.7 Minimum Fire Prevention Inspection Frequencies for Existing Occupancies.

10.2.7.1 Fire prevention inspections shall occur on existing premises in compliance with the minimum inspection frequency schedule specified in Table 10.2.7.1.

Table 10.2.7.1 Minimum Inspection Frequency

Occupancy Risk Classification	Frequency
High	Annually
Moderate	Biennially
Low	Triennially
Critical infrastructure	Per AHJ

[1730:Table 6.7]

10.2.7.2 Where required or permitted by the AHJ, the required fire prevention inspection shall be conducted by an approved party that is qualified in accordance with NFPA 1031.

10.2.7.3 The AHJ shall be permitted to approve alternative qualifications for the approved party specified in 10.2.7.2.

10.2.7.4 The provisions of 10.2.7 shall not apply to detached one- and two-family dwellings or townhomes.

10.3 Occupancy.

10.3.1 No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this *Code*.

10.3.2 Existing buildings that are occupied at the time of adoption of this *Code* shall remain in use provided that the following conditions are met:

- (1) The occupancy classification remains the same.
- (2) No condition deemed hazardous to life or property exists that would constitute an imminent danger.

10.3.3* Buildings or portions of buildings, except for routine maintenance or repair, shall not be occupied during construction, repair, or alteration without the approval of the AHJ if required means of egress are impaired or required fire protection systems are out of service.



10.3.4 Change of Use or Occupancy Classification.

10.3.4.1 In any building or structure, whether or not a physical alteration is needed, a change from one use or occupancy classification to another shall comply with 4.6.7 of NFPA 101. [101:4.6.11]

10.3.4.2 Occupancy classifications and subclassifications, as defined, shall be in accordance with Chapter 6.

10.4 Building Evacuation.

10.4.1 Persons shall not fail to leave a building when notified to do so or when directed by the AHJ as a result of a known or perceived emergency.

10.4.2* Persons shall not fail to leave any overcrowded premises when ordered to do so by the AHJ.

10.4.3* Persons shall not fail to leave a building when a fire alarm system is activated, unless otherwise provided for in an approved building fire evacuation plan or during routine testing or maintenance.

10.5* Fire Drills.

10.5.1 Where Required. Emergency egress and relocation drills conforming to the provisions of this Code shall be conducted as specified by the provisions of Chapter 20 of this Code or Chapters 11 through 42 of NFPA 101, or by appropriate action of the AHJ. Drills shall be designed in cooperation with the local authorities. [101:4.7.1]

10.5.2* Drill Frequency. Emergency egress and relocation drills, where required by Chapter 20 of this Code or Chapters 11 through 42 of NFPA 101, or the AHJ, shall be held with sufficient frequency to familiarize occupants with the drill procedure and to establish conduct of the drill as a matter of routine. Drills shall include suitable procedures to ensure that all persons subject to the drill participate. [101:4.7.2]

10.5.3 Orderly Evacuation. When conducting drills, emphasis shall be placed on orderly evacuation rather than on speed. [101:4.7.3]

10.5.4* Simulated Conditions. Drills shall be held at expected and unexpected times and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. [101:4.7.4]

10.5.5 Relocation Area. Drill participants shall relocate to a predetermined location and remain at such location until a recall or dismissal signal is given. [101:4.7.5]

10.5.6* A written record of each drill shall be completed by the person responsible for conducting the drill and maintained in an approved manner. [101:4.7.6]

10.6 Reporting of Fires and Other Emergencies.

10.6.1 Fire Reporting.

10.6.1.1 The person discovering any unwanted fire, regardless of magnitude, shall immediately notify the fire department.

10.6.1.2 Facilities that have established on-premises fire-fighting organizations and have coordinated and arranged procedures approved by the AHJ shall not need to notify the fire department.

10.6.1.3* The owner, manager, occupant, or any person in control of such building or premises, upon discovery of an unwanted fire or evidence of a previous unwanted fire that had apparently been extinguished, shall immediately notify the fire department.

10.6.1.4 Persons shall not make, issue, post, or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the fire department.

10.6.2 Persons shall not deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists.

10.6.3 Notification of unauthorized discharge of hazardous materials shall be in accordance with Chapter 60.

10.6.4 Any person who willfully makes any false, fraudulent, misleading, or unfounded report or statement or willfully misrepresents any fact with the intention of misleading any fire department personnel or who interferes with the operation of the fire department shall be in violation of this Code.

10.7 Tampering with Fire Safety Equipment.

10.7.1 Persons shall not render any portable or fixed fire-extinguishing system or device or any fire-warning system or device inoperative or inaccessible.

10.7.1.1 As necessary during emergencies, maintenance, drills, prescribed testing, alterations, or renovations, portable or fixed fire-extinguishing systems or devices or any fire-warning system or device shall be permitted to be made inoperative or inaccessible.

10.7.2 Persons shall not render a fire protection system or device inoperative during an emergency unless by direction of the incident commander.

10.7.3 Persons, except a person authorized by the AHJ, shall not remove, unlock, destroy, or tamper with in any manner any locked gate, door, or barricade; chain; enclosure; sign; tag; or seal that has been required by the AHJ pursuant to this Code.

10.8 Emergency Action Plans.

10.8.1 Where Required. Emergency action plans shall be provided for high-rise, health care, ambulatory health care, residential board and care, assembly, day-care centers, special amusement buildings, hotels and dormitories, detention and correctional occupancies, educational, underground and windowless structures, facilities storing or handling materials covered by Chapter 60, or where required by the AHJ.

10.8.2 Plan Requirements.

10.8.2.1* Emergency action plans shall include the following:

- (1) Procedures for reporting of emergencies
- (2) Occupant and staff response to emergencies
- (3)* Evacuation, relocation and shelter-in-place procedures appropriate to the building, its occupancy, emergencies, and hazards
- (4) Appropriateness of the use of elevators
- (5) Design and conduct of fire drills
- (6) Type and coverage of building fire protection systems
- (7) Other items required by the AHJ

[101:4.8.2.1]



10.8.2.2 Emergency action plans shall be submitted to the AHJ for review when required by the AHJ.

10.8.2.3 Emergency action plans shall be reviewed and updated as required by the AHJ. [10L-4.8.2.3]

10.9 Smoking.

10.9.1 Where smoking is considered a fire hazard, the AHJ shall be authorized to order the owner in writing to post "No Smoking" signs in conspicuous, designated locations where smoking is prohibited.

10.9.2 In areas where smoking is permitted, noncombustible ashtrays shall be provided.

10.9.3 Removal or destruction of any required "No Smoking" sign shall be prohibited.

10.9.4 Smoking or depositing any lighted or smoldering substance in a place where required "No Smoking" signs are posted shall be prohibited.

10.10 Open Flames, Candles, Open Fires, and Incinerators.

10.10.1 Permits. Permits, where required, shall comply with Section 1.12.

10.10.1.1 Permits shall not be required for cooking and recreational fires.

10.10.1.2 Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent.

10.10.1.3 When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions.

10.10.1.4 Instructions or stipulations of permit shall be followed.

10.10.2 The AHJ shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous.

10.10.3 Outdoor Fires.

10.10.3.1* Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the AHJ.

10.10.3.2 Permanent barbecues, portable barbecues, outdoor fireplaces, or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

10.10.4 Open Fires.

10.10.4.1 Permitted open fires shall be located not less than 50 ft (15 m) from any structure.

10.10.4.2 Burning hours shall be prescribed by the AHJ.

10.10.4.3 Recreational fires shall not be located within 25 ft (7.6 m) of a structure or combustible material unless contained in an approved manner.

10.10.4.4 Conditions that could cause a fire to spread to within 25 ft (7.6 m) of a structure shall be eliminated prior to ignition.

10.10.5 Fire Attendant.

10.10.5.1 Open, recreational, and cooking fires shall be constantly attended by a competent person until such fire is extinguished.

10.10.5.2 This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

10.10.6 Cooking Equipment.

10.10.6.1 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft (3 m) of any structure.

F L F L **10.10.6.1.1** Listed electric portable, tabletop grills, not to exceed 200 square inches of cooking surface, or other similar apparatus shall be permitted.

10.10.6.2 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.

10.10.6.3* Listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted.

10.10.7 Installation of Patio Heaters. The installation of patio heaters shall comply with 69.3.13.

10.10.8 Incinerators and Fireplaces.

10.10.8.1 Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the AHJ.

10.10.8.2 Incinerators, outdoor fireplaces, permanent barbecues, and grills shall be maintained in good repair and in a safe condition at all times.

10.10.8.3 Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

10.10.9 Open-Flame Devices.

10.10.9.1* Welding torches, arc pots, decorative torches, and other devices, machines, or processes liable to start or cause fire shall not be operated or used in or upon any areas, except by permit from the AHJ.

10.10.9.2 Flame-employing devices, such as lanterns or kerosene road flares, and fuses shall not be operated or used as a signal or marker in or upon any areas unless at the scene of emergencies or railroad operations. (See Chapter 16 and Chapter 63 for additional guidance.)

10.10.9.3 The use of unmanned, free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited.

10.10.10* Discontinuance. The AHJ shall be authorized to require any fire or smoke to be immediately discontinued if the fire is determined to constitute a hazardous condition.

