

FLORIDA BUILDING COMMISSION

RECOMMENDATIONS ON MILESTONE STRUCTURAL INSPECTION REQUIREMENTS

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I. Introduction

On June 24, 2021, the Champlain Towers South condominium building in Surfside, Florida, partially collapsed, resulting in the deaths of 98 people. The causes of the collapse are currently being investigated by a team from the National Institute of Standards and Technology.

In response to this 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. These “milestone inspections” are required when buildings reach a certain age, depending on their distance from the coastline. Buildings are first subjected to a visual, qualitative assessment of their structural condition; if signs of substantial structural deterioration are found, then a second phase of inspection to fully assess the structural soundness of the building and confirm its safety is required.

Section 553.899, Florida Statutes, directs the Florida Building Commission to complete two assignments. The first assignment requires 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 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.”

To complete the two assignments, the Chairman of the Florida Building Commission created the Existing Building Inspection Workgroup (EBIWG). The EBIWG is comprised of 16 members who have experience in structural engineering, architecture, building inspection and plan review, building materials, building management, and other related fields; five of the members are also currently-serving members of the Florida Building Commission. For the first assignment, the Chairman of the Florida Building Commission tasked the EBIWG with evaluating the milestone inspection requirements put into place by section 553.899, Florida Statutes, and to make recommendations to the Commission to ensure that the milestone inspection requirements actually achieve the Legislature’s goal of maintaining the safety and structural integrity of condominium and cooperative buildings in the State of Florida. The EBIWG met multiple times to discuss the milestone inspection requirements and the issues surrounding implementation of the program. 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. Each of the workgroup’s consensus recommendation has been annotated throughout this report for ease of access.

II. Recommendations

A. Implementation

[I.1, V.2, V.6]

As an overarching principle, the Commission believes that it would be more efficient and practical to develop the milestone inspection program via the rulemaking process, which would make it easier to modify in response to new research, data, developments, and stakeholder input. The Commission recommends that the Legislature grant the Commission rulemaking authority and charge it to establish a minimum Building Inspection Safety Program/Milestone Inspection Program within the Florida Building Code, Existing Building volume. The minimum Building Inspection Safety Program/Milestone Inspection Program would contain milestone inspection requirements, standardized inspection forms, checklists, and provide other baseline guidance and minimum requirements, which could be further strengthened at the local level by jurisdictions which choose to do so.

This approach would have the benefit of using the Commission's existing consensus-building process to develop an inspection scheme with input from impacted stakeholders, including building owners and local building departments, and house the requirements in the Florida Building Code, which should increase the ease of use for local jurisdictions.

B. Changes to Statutory Language and Other General Issues

1. Coastal and Inland Structures

[III.3]

The Commission recommends removing the distinction between coastal and inland structures at the present time, until there is evidence to support their being treated differently. Preliminary data from a Commission-funded research project by the University of Florida (UF) assessing the 40 year building recertification programs in Miami-Dade and Broward counties suggests that there may not be an appreciable difference in the levels of degradation observed between coastal and inland structures, and that it may not warrant the additional administrative and economic burdens of treating them differently.

[I.2, V.5]

If the Legislature wishes to maintain the coastal/inland dichotomy, then the Commission recommends that the method for determining the structure's distance to the coast be simplified, in order to assist local jurisdictions in determining which classification applies to each building. The Commission recommends that this be done by either:

- Tasking the Commission with developing, or facilitating the development of an official coastal map or other means of determining a structure's distance from the coast, or
- Using the Coastal Construction Control Line as the measuring point to determine the structure's distance from the coast.

2. Inspection Due Dates

[III.1]

There appear to be ambiguities or potential omissions pertaining to when the initial milestone inspections are due for certain buildings. The provisions of the law essentially provide:

- If a condominium or cooperative building is three stories or more in height, it must have a milestone inspection performed by December 31 of the year in which it reaches 30 years of age, and every ten years thereafter.
- If the building is located within three miles of a coastline, it must have a milestone inspection performed by December 31 of the year in which it reaches 25 years of age, and every ten years thereafter.
- If a milestone inspection is required and the building's certificate of occupancy was issued on or before July 1, 1992, then the building's initial milestone inspection must be performed before December 31, 2024.

The current language of the law essentially provides a grace period for performing the required inspections for buildings which were issued a certificate of occupancy on or before July 1, 1992; such structures must have their inspections performed by December 31, 2024. However, it appears that a structure with a certificate of occupancy issued on July 2, 1992, would have to have its milestone inspection performed by December 31, 2022, as it would not be covered by the grace period. It is unclear whether this was the intent of the Legislature.

Additionally, the grace period appears to contemplate addressing noncoastal structures. For coastal structures with certificates of occupancy issued after July 1, 1992, whose initial 25 year milestone inspections would have been due as early as 2017, it is unclear when their initial inspections are required. The Commission recommends that the Legislature clarify these requirements.

3. Other Issues

The Commission recommends making the following additional changes:

- [II.3] Removing the term “service life” from the statute and instead using “life of the building.”
- [II.1] Changing “load-bearing walls” to “load-bearing elements,” and refer to the definitions found in Chapter 2 of the Florida Building Code, Existing Building, rather than section 627.706, Florida Statutes. The definitions for these terms in the Florida Building Code would be updated to match those found in section 627.706, Florida Statutes.
- [II.4] Alternatively, changing “load-bearing walls” to “load-bearing elements,” but maintain the reference to section 627.706, Florida Statutes.
- [III.2] Requiring that a Phase 2 progress report with an estimated timeline for completion be submitted within 180 days after submitting a Phase 1 report, when a Phase 2 report is required.

C. Inspections

Subsection 553.899(8), Florida Statutes, specifies what Phase 1 and Phase 2 inspection reports must contain, at a minimum. The Commission recommends that a standardized form be utilized, and that the following additional items be included:

| [VI.1] Phase 1 Reports | [VI.2] Phase 2 Reports |
|---|---|
| <ul style="list-style-type: none">• Name of the Condo or Coop entity, along with contact information• Name and contact information of the licensed individual(s) conducting the inspection• General condition rating and any specific detail observations, along with any recommendations for each inspection category listed in the inspection criteria• Optional area for other notes and comments• Date(s) survey was conducted• Date of report• The report must provide instruction if a Phase 2 inspection is required and if the need is of such a critical nature that it is time-sensitive.• The report must provide an overall qualitative structural assessment of the building. | <ul style="list-style-type: none">• Name of the Condo or Coop entity, along with contact information• Name and contact information of the licensed individual(s) conducting the inspection• References cited under Phase 1 report for follow up• Date of report• Identify the damage and describe the extent of the repairs needed along with repair recommendations• Area(s) requiring additional inspection, as well as results of any testing• Manner and type of inspections preformed• Optional area for other notes and comments• Graded urgency of each recommended repair• Date(s) inspection was conducted• Identify any need for additional inspections |

The Commission further recommends:

- [V.1] Adopting nationally-recognized testing protocols for Phase 2 inspections.
- [IV.1] Requiring the submission of a corrective action report to the local building official after required repairs have been made.
- [V.4] Requiring the authority having jurisdiction to store plans and related resources for buildings so that they are available when needed for milestone inspections, and to update those documents if relevant remodeling occurs.

D. Professional Qualifications

In order for the milestone inspections to achieve the Legislature's purpose, they must be performed by individuals with the appropriate training and expertise to identify potential structural safety issues. Subsection 553.899(7), Florida Statutes, currently provides that a licensed architect or engineer may perform both phases of a milestone inspection.

It would be beneficial to seek input from the licensing boards for engineers and architects to determine whether special certification or experience should be required in order to perform Phase 2 inspections, or in order to perform inspections on threshold buildings. The Florida Building Code does not impose professional qualification requirements, and the Commission believes that any such requirements pertaining to milestone inspections should originate via statute or through promulgation by rule by the respective licensing boards.

Since the qualification of the inspectors is a significant factor in the overall efficacy of the inspection regime, however, as a starting point the Commission recommends the following options for consideration:


- [IV.1] Requiring that all corrective work be inspected by a professional engineer with a special inspector certification.
- [IV.2] For non-threshold buildings, allowing Phase 1 and Phase 2 milestone inspections to be completed by a professional engineer or architect, with all corrective action reports being signed and sealed by the professional engineer or architect.
- [IV.4] Alternatively, requiring all Phase 2 inspections to be performed by a professional engineer with either a structural engineer or special inspector certification.
- [IV.7] Requiring Phase 1 inspections to be carried out by a professional engineer or architect who has experience designing the structural components of buildings and inspecting the structural components of existing buildings.
- [IV.6] For threshold buildings, a professional engineer performing inspections or preparing reports must be qualified as a special inspector.
- [IV.5] Specifying that when an architect or professional engineer is required, the services may be provided by a team of professionals with an architect or professional engineer acting as a Registered Design Professional in Responsible Charge, with all work and reports required to be signed and sealed by the appropriate, qualified team member.
- [II.2] Utilizing the ASCE 11-99 Guidelines for Structural Condition Assessment of Existing Buildings as a baseline for providing a reasonable standard of care when performing milestone inspections.
- [IV.3] Providing a definition of the term “milestone inspector” in statute, for clarity.

III. Conclusion

The inspection of existing buildings for the purpose of ensuring their structural integrity and 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.

Some of the recommendations are more important than others; most could be achieved through multiple possible means (for example, by statute, through rulemaking, or via local ordinance). The Commission hopes that the foregoing report is of use to the Legislature when deciding how to proceed with this important topic.


James R. Schock
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