

220831 EBIWG Assignment 1 Recommendations
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Relevant EBIWG Option Section: Section IV. Qualifications for Inspectors

Proposed: NEW Option, to be added to Section IV, to replace 220809 Section IV Options D, E, & F

SB-4D & FBC Relevant Sections, as currently written in Law & Code
(https://www.floridabuilding.org/fbc/links_to_code_resources.html)

SB-4D Sections 553.899: (2)(a), (2)(b), (4), (6), (7)(a), (7)(b), and (8)

FBCB 2020 Supp 2 Sections 110.9: 2(a), 2(b), 4, 6, 7.1, 7.2, and 8

Need for Recommendation: (See end of document for Relevant Background Information)

The current SB-4D and FBCB language describes the minimum qualifications to perform the milestone inspection in multiple locations throughout 553.899 and 110.9, but does not organize or define the inspector qualifications within one term. The lack of clear definition of “inspector” causes unnecessary discrepancies and confusion related to the existing language’s intentions for the inspector’s qualifications. The lack of consistent terminology for an inspector is problematic and needs to be addressed by organizing the existing law and code language.

SB-4D Section 553.899(2)(a) and FBC 2020 S2 Section 110.9.2(a) provide a detailed description of qualifications for someone who performs a milestone inspection. Sections 110.9.2(b), 110.9.4, 110.9.6, 110.9.7.1, 110.9.7.2 go on to describe such an “inspector” using only portions of the description used within 110.9.2(a). The language is shortened within each subsequent section, to the extent that Section 110.9.7.2 for Phase 2 Inspections refers only to an “inspector” for the completion of Phase 2, however “inspector” is not defined or described within that paragraph.

This recommendation utilizes the existing description of a person qualified to perform a milestone inspection from SB-4D Section 553.899(2)(a) and FBC 2020 S2 Section 110.9.2(a), and organizes it to define it as term “milestone inspector”. It then adjusts the remainder of the language to use the term “milestone inspector”. Additionally, the existing language within SB-4D Section 553.899 and FBC 2020 S2 Section 110.9 does not consistently reference the role of Substantial Structural Deterioration or the purpose of the Phase 1 and 2 inspections and how they fit within the definition of the “milestone inspection” and “milestone inspector”. The lack of clarity in this regard is problematic and needs to be addressed by clarifying the role of these items within the definition of “milestone inspector” and “milestone inspection”.

Addressing this recommendation is necessary in order to ensure that the milestone inspections are sufficient to determine the structural integrity of a building.

Recommendation: (FBCB 2020 S2 passages provided below and mirrors the updates to SB-4D)

To ensure that the milestone inspections sufficiently determine the structural integrity of a building, the current wording of SB-4D 553.899(2) and FBCB 2020 S2 Section 110.9.2 should be reorganized to provide the description of an inspector as its own term, “milestone inspector”, referencing the purpose of the “milestone inspection”, and update such references within the remainder of the text, as follows:

(a) “Milestone Inspector” means a licensed architect or engineer authorized to practice in this state and capable of performing the “milestone inspection” for the purposes of attesting to the life safety and adequacy of the structural components of the building, by determining if substantial structural deterioration is present as defined herein, 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. In accordance with Section 110.9, the Milestone Inspector must develop the Phase 1 and/or Phase 2 milestone inspection plan(s) in order to fulfill the purpose of

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the "milestone inspection", and perform the Phase 1 and/or Phase 2 on-site inspections in order to achieve the milestone inspection's purpose.

(a**b**) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems, as those terms are defined in s. 627.706, Florida Statutes, by a Milestone Inspector as defined herein. ~~licensed architect or engineer 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 to determine if there is substantial structural deterioration as defined herein, in accordance with Section 110.9.7, and is not to determine if the condition of an existing building is in compliance with the Florida Building Code Building or the firesafety code.

(b**c**) "Substantial structural deterioration" means substantial structural distress that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, 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 in accordance with Section 110.9.7.

Subsequently, the below passages can also be updated to simply say "Milestone Inspector" and reference the "milestone inspection" definition:

110.9.6. Within 180 days after receiving the written notice under Section 110.9.5, the condominium association or cooperative association must complete phase one of the milestone inspection. For purposes of this section, completion of phase one of the milestone inspection means the Milestone Inspector ~~licensed engineer or architect~~ who performed the phase one inspection submitted the inspection report by e-mail...

110.9.7. A milestone inspection consists of two phases:

110.9.7.1. For phase one of the milestone inspection, a Milestone Inspector ~~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 inspection of items described within Section 110.9.2(b) major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the Milestone Inspector ~~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 110.9.7.2, is not required. A Milestone Inspector ~~An architect or engineer~~ who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2. A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the Milestone 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 Milestone Inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. ~~An~~ Milestone Inspector who

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completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.8. Upon completion of a phase one or phase two milestone inspection, the Milestone Inspector ~~architect or engineer~~ who performed the inspection must submit a sealed copy of the inspection report with ...

Relevant Background Information:

The below information is provided for the convenience of the EBIWG Members.

The new law associated with SB-4D is already in effect and adopted into the FBCB 2020 Supplement 2. It is imperative that milestone inspectors are capable of identifying substantial structural deterioration within either Phase 1 or Phase 2 of milestone inspection. Such a task is dependent on the capability of the inspector, as well as the building's characteristics, history, available information, and accessible areas. Some inspections may be typical, while others will be unique. SB-4D and FBCB 2020 S2 as currently written address the baseline licensure and intended purpose of the milestone inspector and milestone inspection, however the language needs to be organized with common terminology in order to be consistent, clear, and effective.

Something to keep in mind...

The CURRENT law and code require that within the entire State of Florida, a condo association or cooperative association must have a milestone inspection of each building 3 stories or more in height by December 31st of the year it reaches 30 years of age (Or 25 years if within 3 miles of the Coastline), based on date of Cert of Occupancy, and every 10 years thereafter. Milestone inspections do not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

The PRIOR law used to only require buildings within Miami Dade and Broward Counties to have a milestone inspection at 40 years of age (and every 10 years thereafter) when defined as any occupancy group having an occupant load of greater than 10, having a gross area of over 2,000 square feet, except for single-family residences and duplexes. Other counties within Florida did not have such requirements.

The CURRENT law creates a massive amount of milestone inspections to occur **prior to January 1, 2025**, in approximately 2 years time (2023 and 2024). This means that all buildings which are currently between 25/30 years old and 40 years old in Miami Dade and Broward Counties, and all buildings 25/30+ years old throughout the rest of the State of Florida, must undergo milestone inspections prior to January 1, 2025. This is a collection of 10-15 years of applicable buildings in MD&Bwd, and all applicable buildings over 25/30 years old elsewhere.

Any effort to create a licensure/restriction/qualification specific to milestone inspections should begin asap, however the formal implementation of such licensure/restriction/qualification should not be implemented until January 1, 2025, at which time the "bulk" of mass inspections will have been completed, and all qualified professionals will have had time to both perform the milestone inspections and meet any requirements of any new licenses/restrictions/qualifications.

The quantity of buildings which will require a milestone inspection before January 1, 2025, will require "all hands on deck" attention from the qualified professionals currently available within the State. As such, it is imperative that while we properly qualify inspectors and plan for the future, that we do not also unnecessarily narrow or limit the available pool of qualified professionals before January 1, 2025, if at all. The milestone inspection program as written (and with the proposed clarifying recommendations) can clearly and effectively use the same self-qualification process used by Professionals for design work, relative to each Professional's ability to fulfill the current "milestone inspection" definition, purpose, and intention.