

## **553.899 Mandatory Structural Inspections for Condominium and Cooperative Buildings**

### **Who is Required to Perform the Structural Inspection?**

A condominium under chapter 718 and a cooperative association under chapter 719 must have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued and every 10 years thereafter. If the building is located within 3 miles of a coastline, the condominium association or cooperative association must have a milestone inspection performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

### **Time Frame**

Within 180 days after receiving the written notice by the local enforcement agency, the condominium must complete phase one of the milestone inspection by a licensed engineer or architect. The report must be provided to the local enforcement agency.

### **Definitions:**

- A. Coastline** means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.
- B. 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, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the inspections determines that such surface imperfections are a sign of substantial structural deterioration.
- C. Structural Distress** means physical manifestation of cracking and distortion in a concrete structure as the result of stress, chemical action, or both, in accordance with ACI.
- D. Structural Integrity Reserve Study** means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.
- E. Qualitative Assessment** Relating to, measuring, or measured by the quality of something rather than its quantity.
- F. Unsafe** means Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "Dangerous," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.



**G. Dangerous** means any building, structure, or portion thereof that meets any of the conditions described below:

- a. The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground.
- b. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.





## *Milestone Inspection Is Divided in Two Phases*

*\*Both phases must be conducted by a licensed architect or engineer*

### Phase One:

- A visual examination of habitable and nonhabitable areas of a building, including a qualitative assessment of the structural conditions of the building.
- If no signs of substantial structural deterioration to any building components under visual examination is found phase two is not required and a report shall be prepared and submitted stating such findings.
- If Substantial structural deterioration is identified during Phase One, a Phase Two milestone inspection must be performed.

### Phase Two:

- May involve destructive or nondestructive testing at the inspector's direction.
- The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress.
- The intent is to confirm that the building is structurally sound and safe for its intended use.
- Also, to recommend a program for fully assessing and repairing distressed and damaged portion of the building.

## **Milestone Report**

### **Report Requirements**

After completion of phase one or phase two milestone inspection, the architect or engineer must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings, and recommendations in the inspection report to the condominium and to the building official of the local government which has jurisdiction. The report must, at minimum, meet all of the following criteria:

- A. Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- B. Indicate the manner and type of inspection forming the basis for the inspection report.
- C. Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- D. State whether unsafe or dangerous conditions, as defined in the Florida Building Code, were observed.
- E. Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- F. Identify and describe any items requiring further inspection.

### **Things To Know**

- The report shall be maintained by the Association for at least 15 years after the study is completed.
- The Jurisdiction local Enforcement Agency may prescribe timelines and penalties with respect to compliance.
- A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report.
- Association must provide, before January 1, 2023, to the Division of Florida Condominium
  1. Number of buildings on the condominium property that are three stories or higher in height.
  2. The total number of units in all such buildings.
  3. The addresses of all such buildings.
  4. The counties in which all such buildings are located.



## **Structural Integrity Reserve Study**

A study of the reserve funds required for future major repairs and replacement of the common areas based on a **visual inspection** of the common areas. A structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area

### **Who Performs the Structural Integrity Reserve Study?**

A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481.

### **How long must the report be maintained?**

Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

### **What is the Time Frame?**

A structural reserve study must be completed every 10 years after the condominium creation for each building on the condo.

Due Date for the first study is December 31, 2024.

### **Things to Know**

- Effective December 21, 2024, the members of an association **may not** determine to provide no reserves or less reserves than required by this subsection for items listed on the structural integrity reserve study.
- Effective December 21, 2024, the members of an association **may not** vote to use reserve funds that are listed in the structural integrity reserve study for any other purpose than their intended purpose.

### **What is Included in the Reserve Study?**

1. Roof
2. Load Bearing walls or other primary structural members
3. Floor
4. Foundation
5. Fireproofing and fire protection systems
6. Plumbing
7. Electrical systems
8. Waterproofing and exterior painting
9. Windows

Any other item that has deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace such items negatively affects the items mentioned above.

