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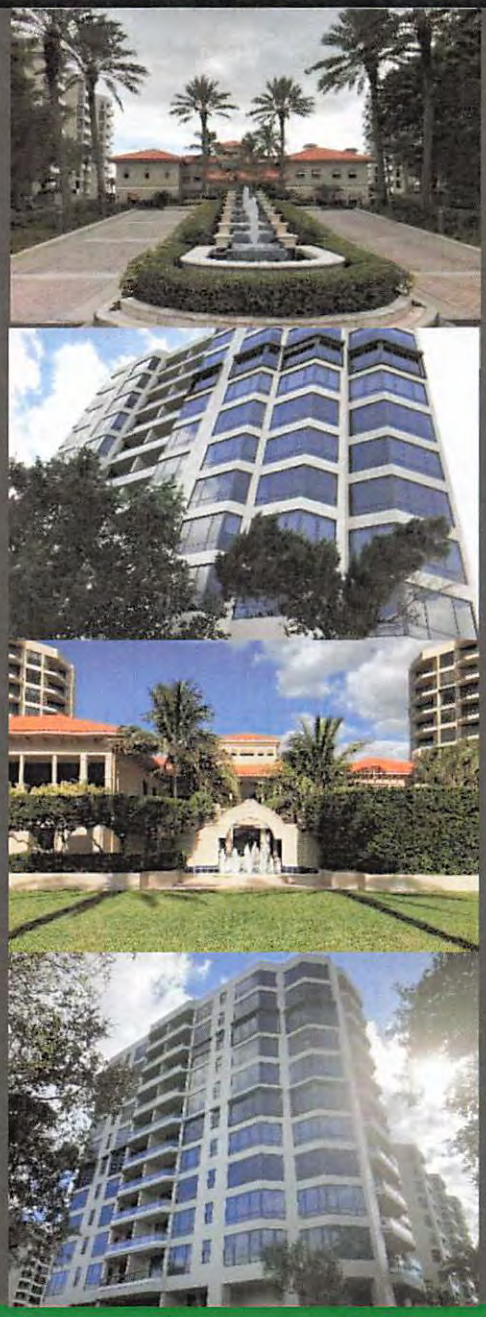
Milestone Inspection Report



Project # 22RS-0822
February 12, 2024
FINAL COPY

Client:

The Water Club Condominium Association, Inc.

Project:

The Water Club

Milestone Inspection

Address:

1261 Gulf of Mexico Drive
Longboat Key, FL 34228

David Karins
2024.02.12
14:11:13-05'00'

DAVID G. KARINS LICENSE No. 0052677 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS ITEM HAS BEEN DIGITALLY SIGNED & SEALED BY DAVID G. KARINS, PE ON THE DATE ADJACENT TO THE SEAL

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February 12, 2024

Dr. Allan Klinger, President, Board of Directors
The Water Club Condominium Association, Inc.
1261 Gulf of Mexico Drive
Longboat Key, FL 34228
Client Email: manager@waterclub-lbk.com

RE: *The Water Club Condominium Association, Inc.*
KE File # 22RS-0822
Milestone Inspection – Report

Dear Dr. Klinger and Members of the Board of Directors:

Karins Engineering (KE) has agreed to render professional engineering services in connection with a Milestone Inspection per F.S. 553.899 at **Water Club Condominium Association, Inc. (WC)** (hereinafter called the "Project" and the "Client"), located at **1261 Gulf of Mexico Drive Longboat Key, FL 34228**, on **August 1st, 2022.** Per the signed Letter of Agreement by the Client dated **January 26th, 2023**, KE completed a limited condition observation and evaluation of the current conditions and construction.

This structural inspection is for the sole purpose of identifying substantial structural deterioration of any structural elements of the building or structure that pose an immediate threat to life, safety, or where failure of a critical component is imminent. The intent of our findings is to ascertain the general condition of these components and to make recommendations for appropriate repair and protection.

This structural inspection is limited by visual observation visible at the time of our observations and shall be for the purpose of determining the structural condition of the building or structure to the extent reasonably possible of any part, material, or assembly of a building or structure which affects the safety of such building or structure and / or which supports any dead or designed lived load.

Neither our observations nor this report is intended to address hidden defects, mechanical, electrical, architectural, code compliance, or other areas of the building not specifically mentioned herein. Our investigation was not intended to be exhaustive or to detect efficiencies except as specifically mentioned herein. Due to the limited scope of this investigation, we cannot attest to the structure's compliance with applicable building codes and / or accepted construction techniques, excepted as noted herein. KE did not attempt to verify the adequacy of original design or supplant the responsibility of the Engineer of Record.

Inspector-Prepared Summary:

The purpose of this Inspector Prepared Summary is to summarize our "*material findings and recommendations*" as required per F. S. 553.899.

General:

Buildings 1 & 2 – 1261 Gulf of Mexico Drive Longboat Key, FL 34228

- Building description: It is the understanding of KEG that the building's main construction is comprised of conventionally reinforced beams and columns with post-tensioned slabs. The foundation for the building towers is comprised of reinforced concrete piles and pile caps & and in some cases grade beams. The ground floor consists of a traditional slab-on-grade. The elevated floors are comprised of post tensioned slabs supported by reinforced concrete columns and beams. Traditionally reinforced shear walls are utilized in the structure to resist in-plane lateral forces. The walls of the building are constructed using infill CMU block.
- Number of stories: 12 stories.
- Approximate age of building: 27 years.
- Approximate distance to coastline: 0 miles.

Material Findings:

- All Buildings - Phase 1; No substantial structural deterioration observed.

Recommendations:

- All Buildings – Phase 1; **PASS**

Thus, through our investigation and assessment and as this report shall conclude, the subject building does not exhibit signs of substantial structural deterioration and passes the Phase 1 inspection, which means it does not require a Phase 2 inspection.

Statute Summary:

The purpose of this section is to summarize our interpretation of F. S. 553.899[1] – *Mandatory structural inspections for condominiums and cooperative buildings*. Commonly known as, a Milestone Inspection.

This inspection is defined as, "*a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems…*"[1] Additionally, as is further defined, "*the purpose of such inspection is not to determine if the condition of an existing building is in compliance with Florida Building Code or the fire safety code.*"[1]

Furthermore, this report addresses **substantial structural deterioration**, this term is defined as, "*substantial structural distress or substantial structural weakness 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…*" [1]

The Milestone Inspection consists of two phases (if applicable), Phase 1 and Phase 2:

The **Phase 1** inspection definition is summarized as, "*perform a visual examination… including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building.*"[1] Furthermore, if no signs of substantial structural deterioration are discovered, Phase 2 is not required.

The **Phase 2** inspection definition is summarized as, "*if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing… and may be as extensive or as limited as necessary… and to recommend a program for fully assessing and repairing distressed and damaged portions of the building.*"[1]

The statute imposes statewide inspection and reporting requirement for associations whom own buildings that are three (3) stories or higher in height at thirty (30) years of initial occupancy. Furthermore, if the local enforcement agency determines environmental factors to be influential, the initial occupancy requirement can be reduced to twenty-five (25) years. An inspection every ten (10) years following this initial Milestone Inspection will be required.

The statute requires the engineer to provide a Milestone Inspection report and a separate Inspector Prepared Summary to the local building official. Furthermore, the statute requires the association to "*distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, …; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium property; and must publish the full report and inspector-prepared summary on the association's website*" [1]

[1] Appendix B

The following is for informational purposes only. KE is in no position to provide legal advice:

Consequently, in addition to F.S 553.899, the Client is to procure a Structural Integrity Reserve Study (SIRS) every ten (10) years per F. S. 718.112 (2) (g)… as related to the structural integrity and safety of the building, with reserve accounts for the following components:

- *Roof*
- *Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.*
- *Fireproofing and fire protection system*
- *Plumbing*
- *Electrical system*
- *Waterproofing and exterior painting*
- *Windows and exterior doors*
- *Any other item that has a deferred maintenance expense or replacement cost that exceeds $10,000 and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.*

Reference Documents

In preparation of this report, KE reviewed the following documentation:

- Letter of Agreement signed January 26th, 2023.
- KEG Site Imagery, taken between April 10th and June 22nd, 2023.
- Structural Drawings by Robert M. Swedroe Architects/Planners 1111 Lincoln Road, Ste. 300, Miami Beach, Florida 33139 O.E. Olsen & Associates Structural Engineers St. Petersburg, Florida. Not signed or sealed.

Unless noted otherwise, KE did not review every subsection of these documents, make attempts to acquire public records, and assess the full history of the building. Furthermore, historical or association documents may have been provided by the Client. However, KE reviewed all past internal documentation in relevance to this report and shall be noted as necessary. Updates to this edition can be made if further information is provided.

Reference Contacts

In preparation of this report, KE procured correspondence with the following parties:

- Lori Smyth, WC General Manager
- Joe Ramsey, WC Head of Maintenance

Terminology:

For the purposes of this report, the following terminology is defined as such:

- Delamination: separation from substrate; primarily in reference to architectural finishes; i.e., the stucco has delaminated from the concrete.
- Spalling: detachment and fragmentation of mass; primarily in reference to components and members; i.e., the concrete has spalled from the column.

General Information:

Based on Sarasota County Property Appraiser: the parcels are located within the municipality limits of the Town of Longboat Key, zoned as Mixed-Use Community (MUC3), with an approximate combined land area of 665,688 square feet. The parcels contain: the subject buildings, a clubhouse, two pools, three hot tubs, four tennis courts, a parking garage, a guardhouse, and various landscape elements. The parcels are bound by Gulf of Mexico Drive to the northeast, Promenade Condominiums to the southeast, the Gulf of Mexico to the southwest, and Players Club Condominiums to the northwest. The parcel is accessible via Gulf of Mexico Drive from the northeast.

KE visited the site on the following dates: June 15th & 22nd, 2023. During our visit, KE observed the condition of the building components and areas as outlined below.

KE visit was observational only. No destructive testing was undertaken during the tenure of our visit. At no time did KE move or alter any unit configuration to view components or access items whether structural or non-structural.

KE conducted *qualitative* soundings at structural members to investigate *extensive and / or systematic* delamination and spalling that may not be visually observable. Small areas were not documented, unless noted otherwise.

KE did not investigate the following components beyond obvious corrosion, deterioration, or operational issues:

- Major electrical components
- Major mechanical components
- Major plumbing components
- Doors and windows; other than condition of sealant
- Exterior finishes; beyond view from ground level and balconies
- Foundations including pile caps
- Major drainage system; beyond its influence on erosion

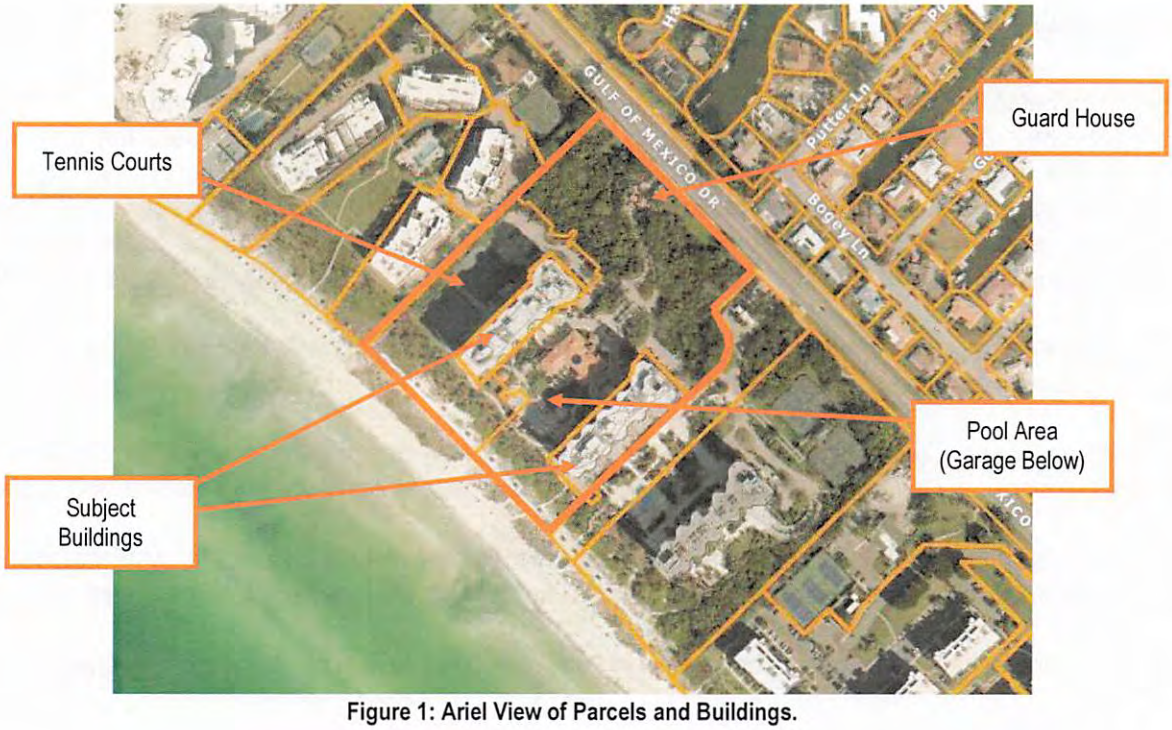

Figure 1: Ariel View of Parcels and Buildings.

Scope of Observations:

The structural elements and related components are found at different areas amongst the building. For ease of reference and understanding these items have been broken down at each level, as follows:

North and South Towers

- Main Roof: Levels 13 &14
  - Modified Bitumen Roofing System
  - Elevator Machine Room
  - AC Units
  - Lightning Protection Cable
- Typical Residential: Levels 2-12
  - Windows & doors
  - Balconies
  - Mechanical Units
- Ground: Level 1
  - FACP
  - Trash Room
  - Parking Garage

The following elements were observed at each level:

- Building
- Balconies
- Stairwells
- Operational Rooms

The following units were entered for access to balconies & terraces:

South Tower

- PH 1101
- PH 1103
- PH 1104
- 1001
- 1003
- 1004
- 904
- 801
- 803
- 804
- 702
- 604
- 603
- 602
- 502
- 503
- 401
- 402
- 403
- 302
- 202
- 204
- 1005
- 1006
- 1008
- 905
- 808
- 706
- 707

- 607
- 505
- 508
- 406
- 405
- 307
- 305
- 206
- PH1108
- 105
- 103
- 109
- 208
- 205
- PH 1107
- 1007
- PH 1105
- 807
- 806
- 805
- 708
- 606
- 608
- 506
- 507
- 407
- 408
- 308
- 107
- 102
- PH 1102
- 1002
- 903
- 902
- 901
- 203
- 802
- 701
- 704
- 601
- 504
- 404
- 703
- 304
- PH 1103
- 1003
- 1004
- 801

North Tower

- PH 1107
- PH 1106
- PH 1105
- 1008
- 1005
- 806
- 805
- 807
- 808
- 708
- 707
- 706
- 606
- 505
- 408
- 406
- 306
- 305
- 308
- 207
- 106
- 111
- 101
- 1001
- PH 1101
- PH 1102

- 1002
- 902
- 802
- 702
- 704
- 601
- 603
- 501
- 401
- 403
- 301
- 302
- 204
- 605
- 303
- 111
- PH 1104
- 701
- 703
- 604
- 502
- 504
- 503
- 404
- 304
- 201
- 203
- 104
- 908
- 608
- 405
- 206
- 108
- 307
- 402
- 205
- 906

Observations & Commentary:

The following section provides our observations as they relate to F. S. 553.899. Specifically, the **primary structural system**. Please see Appendix A for Supplementary Observations and Recommendations regarding deficiencies noted during our observations. Appendix B is for informational purposes only.

Primary Structural System: Roof

Type: The roofing system at both towers of WC appears to consist of an aluminum coated, Modified Bitumen (MB) over tapered insulation, over concrete slab deck, flat roofing system that terminates ~4" up the parapet walls.

Limitations: The condition of the roofing system, mechanical and electrical components, and related items are out of the scope of this report.

Commentary: The primary purpose of a roof is to provide protection for the structure and its occupants from the elements. The design and construction of a structure can be structurally dependent or independent of a roof. This means, a roof can function directly as part of the primary structural system or the structure below simply supports the roof. In either case, damage to any structural roof elements can alter the intended load path to the foundations and can create detrimental and dangerous conditions for the structure and occupants below.

The term "flat" roof can be deceiving, but there is a slight slope to the roof (tapered insulation help achieve this), typically 1/4" per foot (min.), to direct accumulated rain shed to the drainage system. The roof appears to be in fair condition with minor areas where evidence of ponding water observed, from evaporated water staining. WC Maintenance has relayed there has been no reports of leaks from unit owners

Observations: The roof system utilizes surface drains for means of vacating water from the main roofing system, with emergency overflow scuppers located at the parapet wall perimeter of the roofing system. The roof surface drain strainers appear to be in good condition.

Mechanical equipment & supports were observed on the roof of WC. The stands for the A/C condensers appear to be in good condition. The condensing units range from good to poor, dependent on their date of installation. Elevator equipment was observed to be in excellent condition. Some equipment located on the roof are showing signs of corrosion. The majority of deficiencies were found at the parapet walls. Things such as paint blisters, hairline cracks, and damaged overflow scuppers were noted (recommended to be addressed immediately as poses a threat to life-safety).See Figures and notes as follows:

Figure 1 – North Tower Roof Deck

Primary Structural System: Columns

Type: Conventionally reinforced concrete columns.

Limitations: Interior columns within the units covered with a finish were not visually observable.

Commentary: Fundamentally, the primary purpose of a column is to transfer loads from a beam to the foundation. However, walls and floors can transfer loads directly to the column. Generally, isolated exterior columns are easily identifiable, but this feature makes them more prone to deficiencies as they are directly exposed to the elements. Exterior and interior columns adjacent to walls are usually finished to blend-in seamlessly with the surrounding finishes and can be difficult to distinguish. Naturally, this feature is advantageous in the long-term as most columns are within the building envelope and have a greater degree of protection from the elements. Unfortunately, depending on the type of finish, it may not be possible to directly observe any sort of deterioration or deficiencies.

Observations: See Figures and notes as follows:

Figure 2: Typical Balcony

Primary Structural System: Beams

Type: Conventionally reinforced concrete beams.

Limitations: Interior beams within the units covered with a finish were not visually observable.

Commentary: Fundamentally, the primary purpose of a beam is to transfer loads from a wall or floor. Generally, exterior beams spanning between columns or that are cantilevered are easily identifiable. But, interior beams are typically covered with a finishes and can be difficult to distinguish. Additionally, dependent on the type of finish, it may not be possible to directly observe any sort of deterioration or deficiencies. Of course, this is dependent on the type of design for the structure as some structures do not utilize beams, see Floors section.

Observations: See Figures and notes as follows:

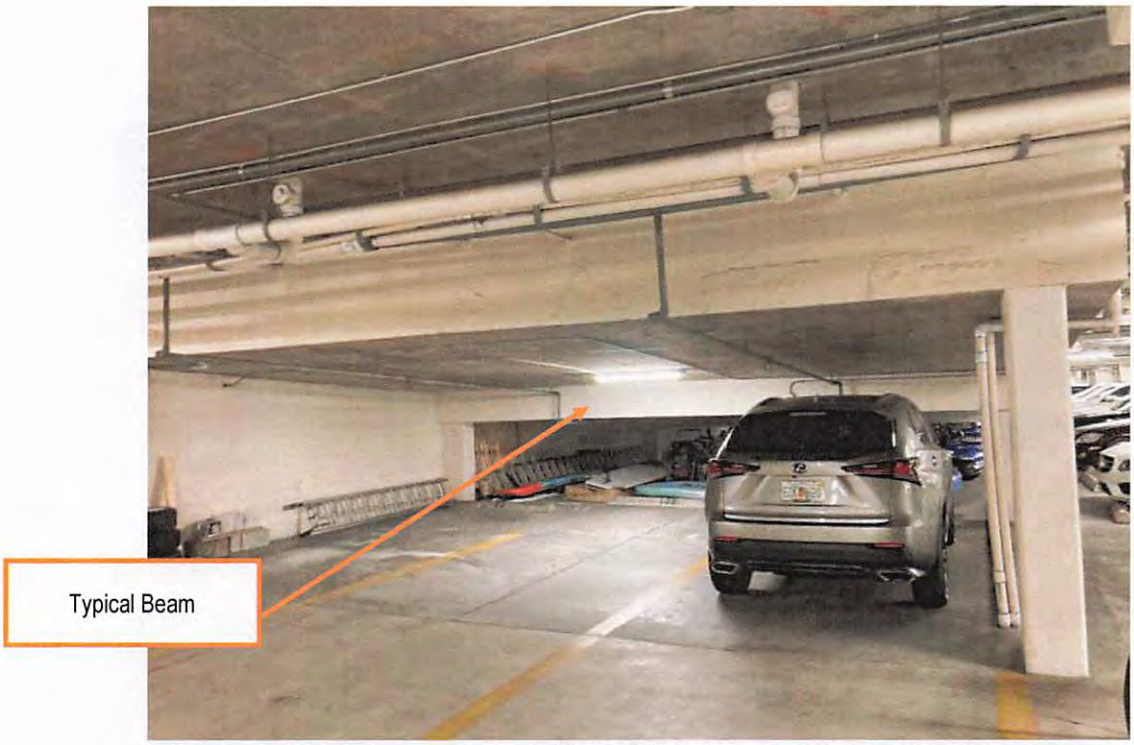

Figure 3: Garage

Primary Structural System: Walls

Type: Conventionally reinforced concrete and reinforced concrete masonry unit shearwalls and shafts, as well as non-load-bearing breakaway concrete masonry unit walls.

Limitations: Interior walls within the units covered with a finish were not visually observable. Shearwalls were not identified. Shearwalls within the units covered with a finish were not visually observable. Only exterior ends were observed.

Commentary: Fundamentally, the purpose of a wall is to provide protection for the structure and its occupants from the elements. In conventional concrete design, walls are typically not load-bearing and are filled-in with standard masonry between the column and beam construction. However, large structures with numerous stories utilize shearwalls for lateral resistance. Essentially, these act as oversized cantilevered beams protruding from the foundations. Typically, shearwalls are significantly thicker and constructed of reinforced concrete.

Observations: There was stairstep cracking observed at the CMU breakaway wall. This wall is non-structural in nature and was designed to collapse under specific lateral loading forces, such as storm surges. See Figures and notes as follows:

Figure 4: Garage

Primary Structural System: Floors

Type: Post-tension reinforced concrete (PT) slabs.

Limitations: Exterior unfinished walkways, balconies, and stairwells were observed. Interior floors and exterior walkways covered in finish were not visually observable.

Commentary: Fundamentally, the purpose of a floor is to distribute loading from occupants and material to the beams. Dependent on the type of design, the loading may be distributed to the walls and / or columns instead. Interior floors are typically covered with finishes and it may not be possible to directly observe any sort of deterioration or deficiencies.

PT cables are used in conjunction with traditional reinforcement and tensioned following curing of the poured concrete slab. PT cables are used to increase the efficiency of the concrete floors, enabling thinner sections to span longer distances. PT cables can be vulnerable to premature failure due to corrosion of anchor or wedges located at the edges of the slab. Damage of the plastic sheathing in which the cables are housed can lead the cable to be introduced to water/sea spray particles may also cause pre-mature failure of the cable resulting from corrosion.

Observations: KEG observed area of cracked slab located in the northeast section of parking garage area. It may be possible to remediate this area by pressure injecting the cracks to prevent further crack propagation. KEG observed areas in the parking garage where makeshift drain pans were installed to divert water away from parked vehicles or other undesirable areas. Water appears to be permeating into the parking garage area from differing locations above (leak may be a result of failed expansion joint).See Figures and notes as follows:

Figure 5: North Tower

Primary Structural System: Stairwells

Type: Conventionally reinforced concrete stairwells and landings.

Limitations: As noted elsewhere.

Commentary: Fundamentally, the purpose of a stairwell is to allow occupants access or egress to certain levels of the building. In high rise construction, stairwells are typically included within the greater building envelope and have a greater degree of protection from the elements. Furthermore, they are located adjacent to shearwalls. In low rise construction, stairwells are adjacent to the greater building envelope and have the potential for a greater degree of exposure to the elements. Specifically, if designed and constructed with open-air features.

Observations: See Figures and notes as follows:

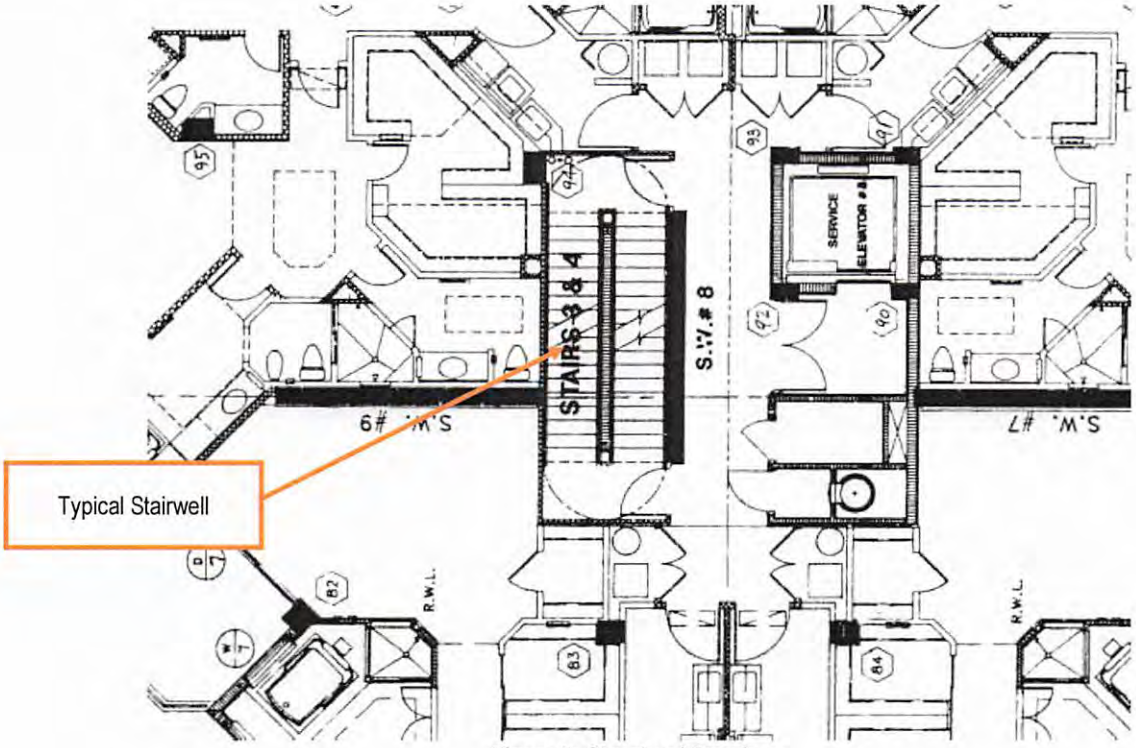

Figure 6: Structural Drawings

Primary Structural System: Foundations

Type: Conventionally reinforced stepped pile-and-cap foundations with slab-on-grade ground level floors.

Limitations: Foundations observations were not feasible at the time of this report.

Commentary: None.

Observations: The exposed 4" concrete slab w/ welded wire mesh (W.W.M.) vapor barrier and clean compacted fill was observed at the parking garage area. The slab on-grade good condition with some typical "plastic shrinkage cracks" observed around the bases of columns observed. Plastic shrinkage cracks almost always happen at reentrant corners (corners that point into the slab) or with objects in the middle of a slab (pipes, plumbing fixtures, drains, and manholes, columns). Since concrete cannot shrink around a corner, stress will cause the concrete to crack from the point of that corner. This is not an immediate structural concern. See Figures and notes as follows:

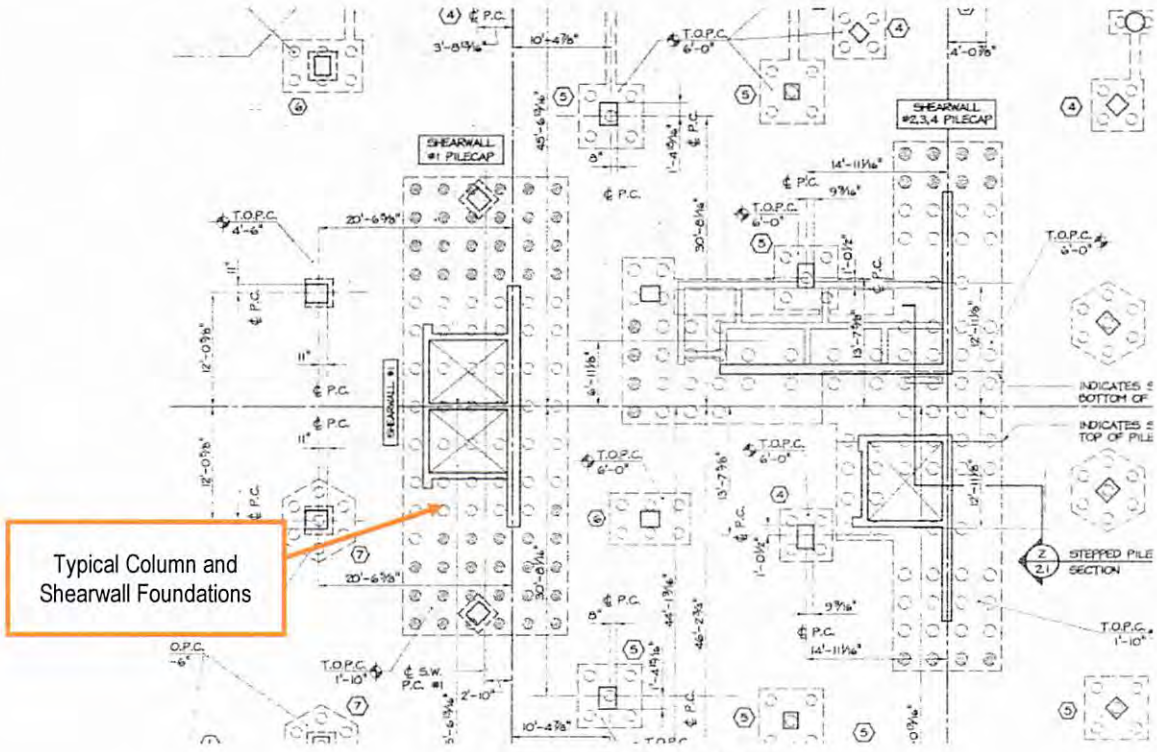

Figure 7: Structural Drawings

Recommendations:

As described above in the Statute Summary and the Florida State Statute, the purpose of the Milestone Inspection is to identify substantial structural deterioration. These are deteriorations that negatively affect a building's general structural condition and integrity. At the time of our inspection, *within a reasonable degree of engineering certainty*, no substantial structural deterioration was observed.

Therefore, no significant or substantial repairs are necessary to structural members.

This, however, does not imply that the building is in one hundred percent condition or exempt from repairs or ongoing maintenance work. The intent of the inspections is to visually identify areas of deficiency that if left unattended over time could develop into or cause substantial structural deterioration. Furthermore, the areas of deficiencies visually observed at the time of the site visit, but not limited to, are identified in Appendix A.

Conclusion:

Based on the scope of the inspection and for the areas that were able to be assessed, within a reasonable degree of engineering certainty, we have not observed any conditions that would compromise the safety of the building for its intended use and occupancy. We reserve the right to amend our opinion should new information be brought to our attention.

The building(s) pass Phase 1 of the Milestone Inspection.

The Client is required to facilitate a Milestone Inspection in 10 years.

This report is prepared for the sole benefit of the Client. Any unauthorized use without our permission shall result in no liability or legal exposure to Karins Engineering, Inc.

We trust this information is helpful. Should questions arise, please do not hesitate to contact us!

Sincerely,

Karins Engineering.

David G Karins, PE
President / CEO
FL Reg. # 52677

THIS ITEM HAS BEEN DIGITALLY SIGNED & SEALED BY DAVID G. KARINS, PE ON THE DATE ADJACENT TO THE SEAL

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Appendices:

- Appendix A: Supplementary Observations & Recommendations
- Appendix B: F.S. 553.899

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APPENDIX A

Supplementary Observations (informational):

Roof System & Rooftop Structures:

Figure 1 - South Tower Roof Deck

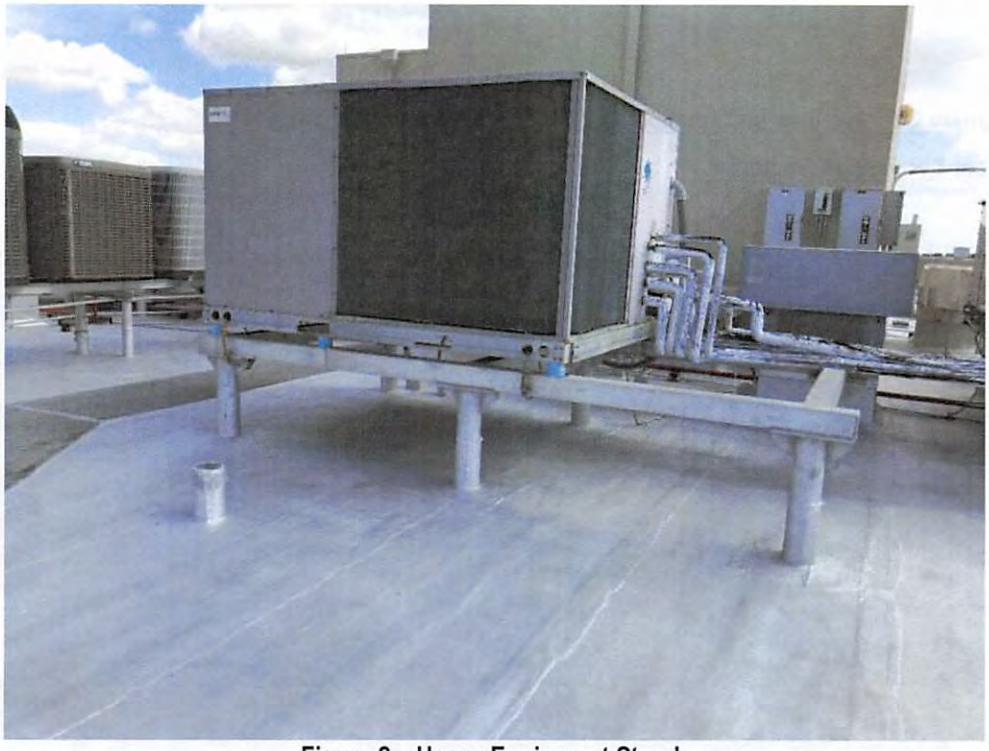

Figure 2 – Heavy Equipment Stand.

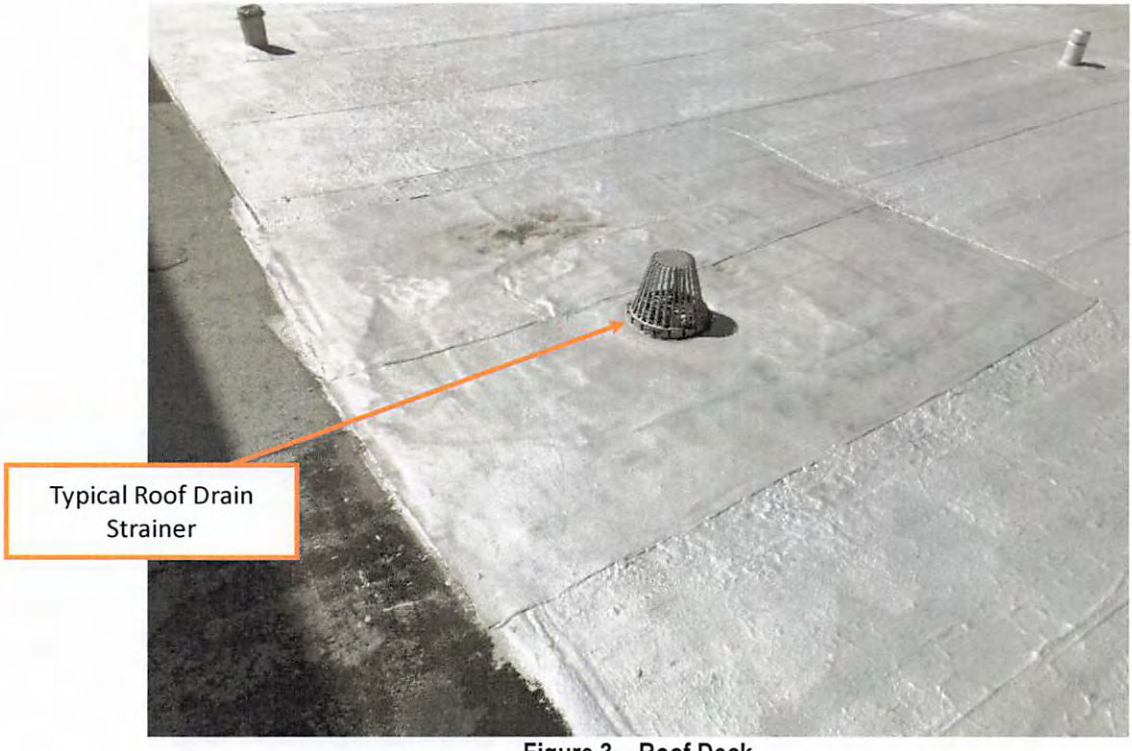

Figure 3 – Roof Deck

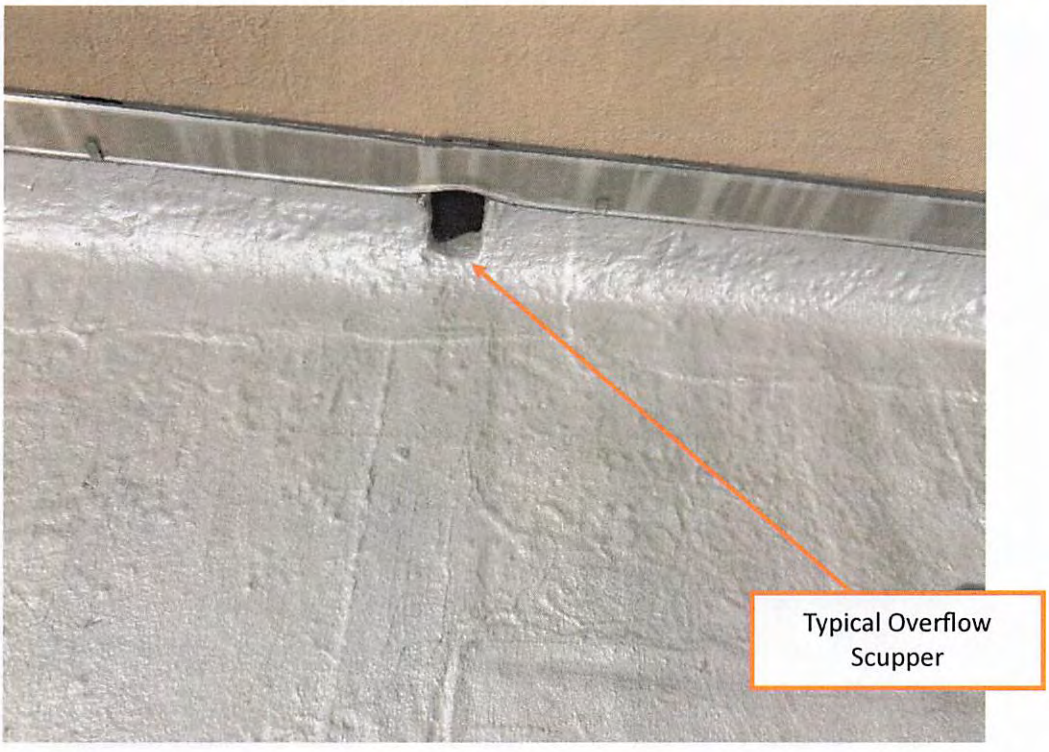

Figure 4 – Roof Deck

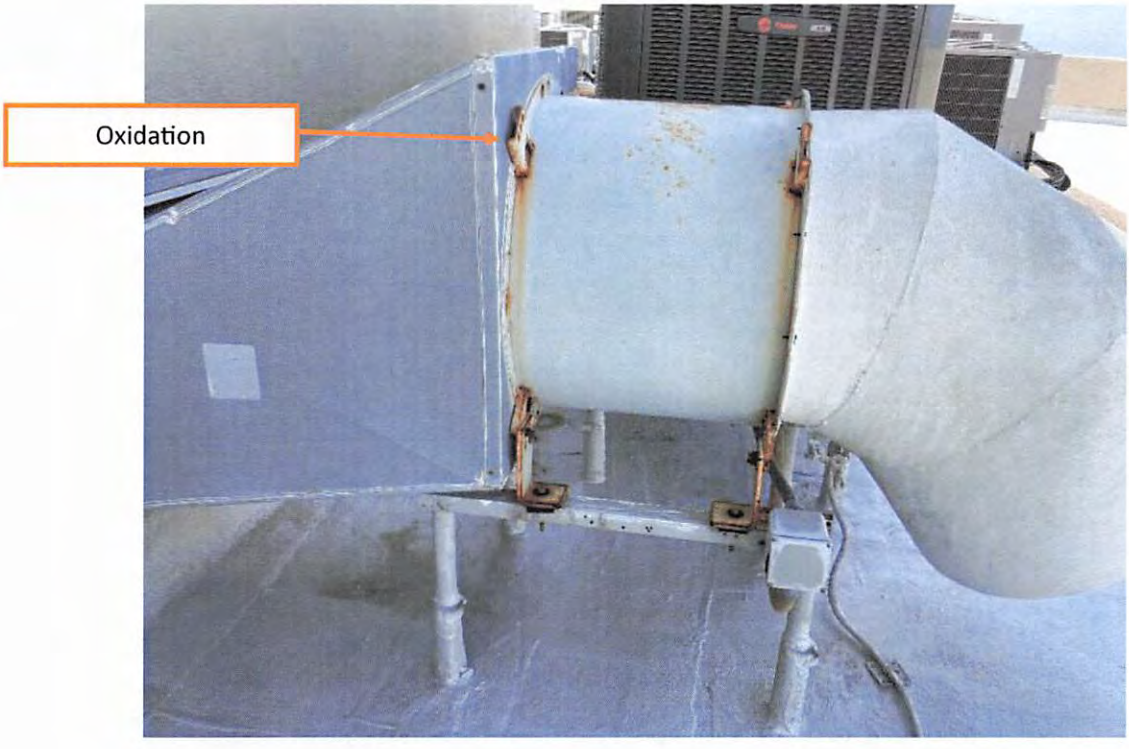

Figure 5 – Onset of Corrosion at Rooftop Equipment.

Figure 6 – A/C Condensers & Stands.

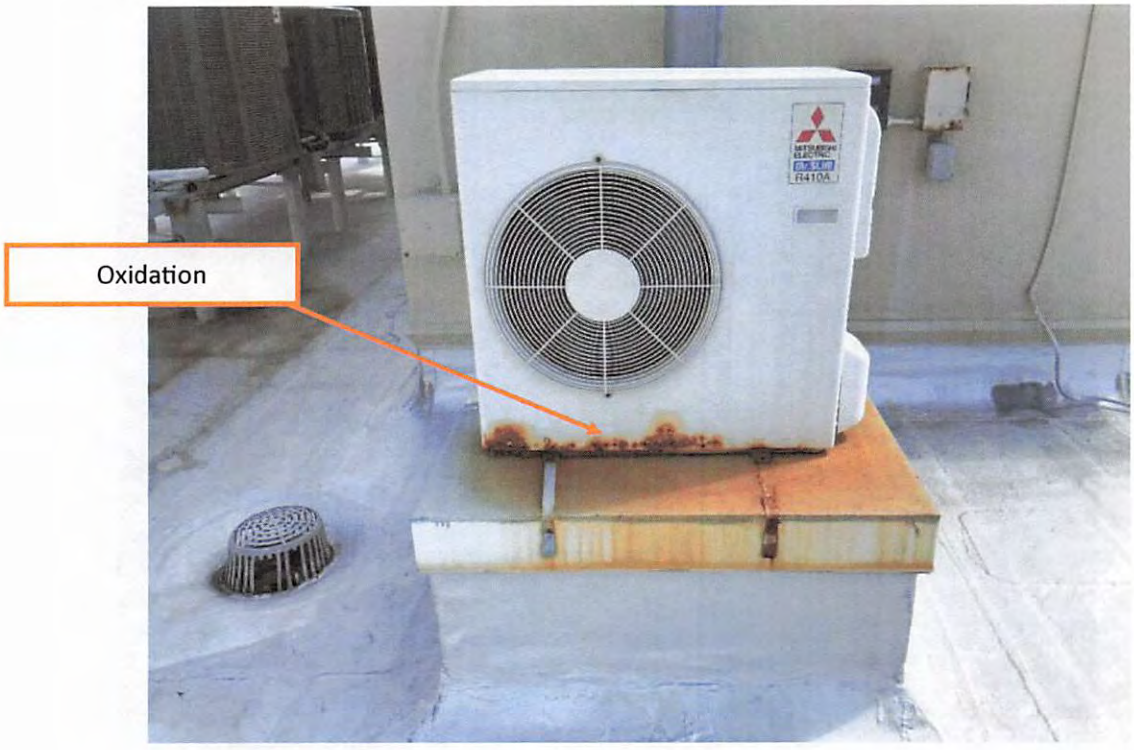

Figure 7 – Rooftop Equipment.

Figure 8 – Roof Parapet Wall.

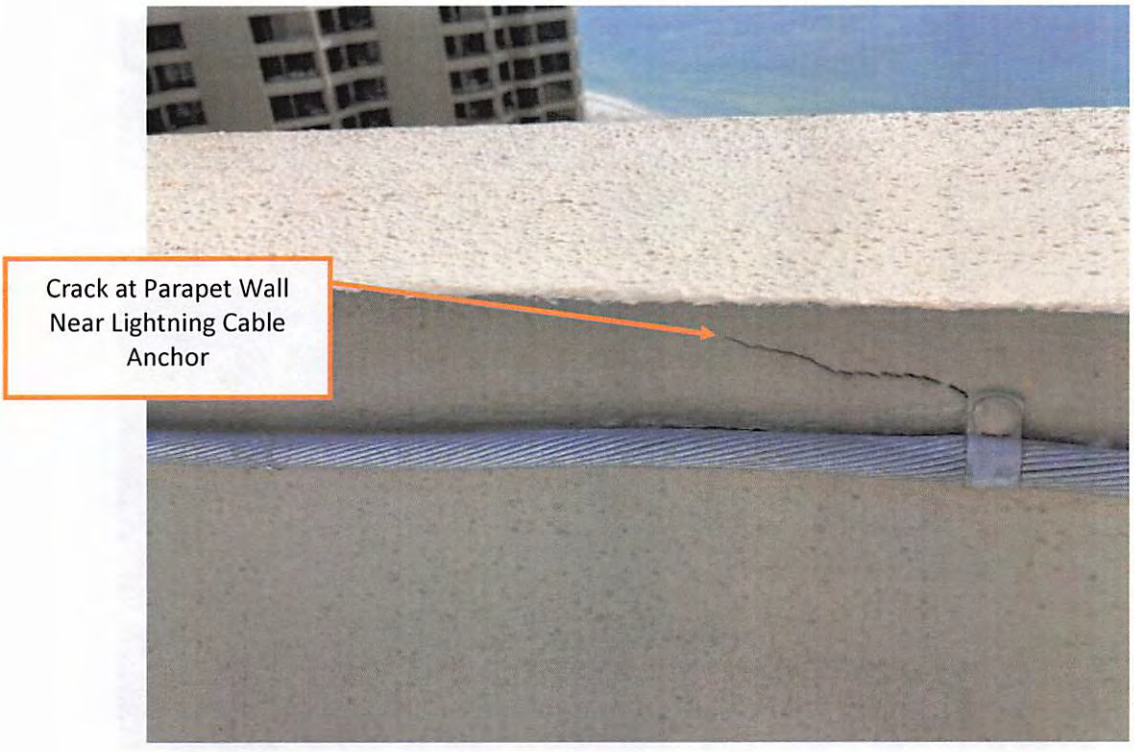

Figure 9 – North Tower Roof

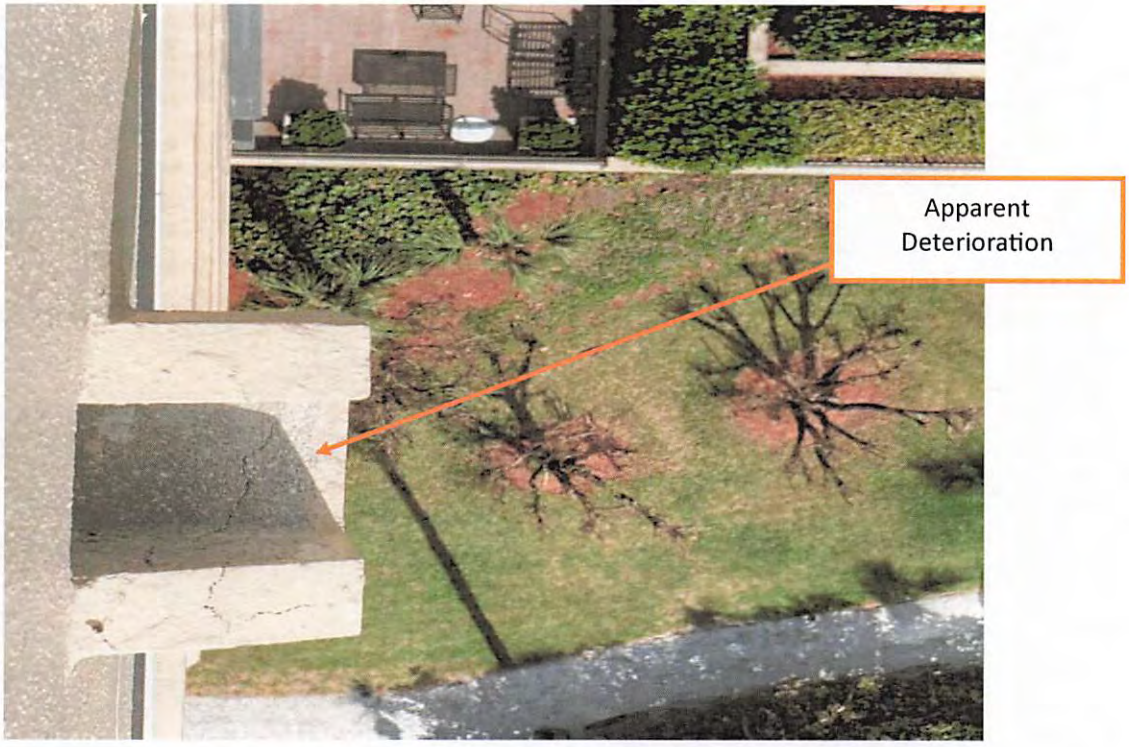

Figure 10 – North Tower Emergency Overflow Scupper

Building Exterior, Cladding, & Features:

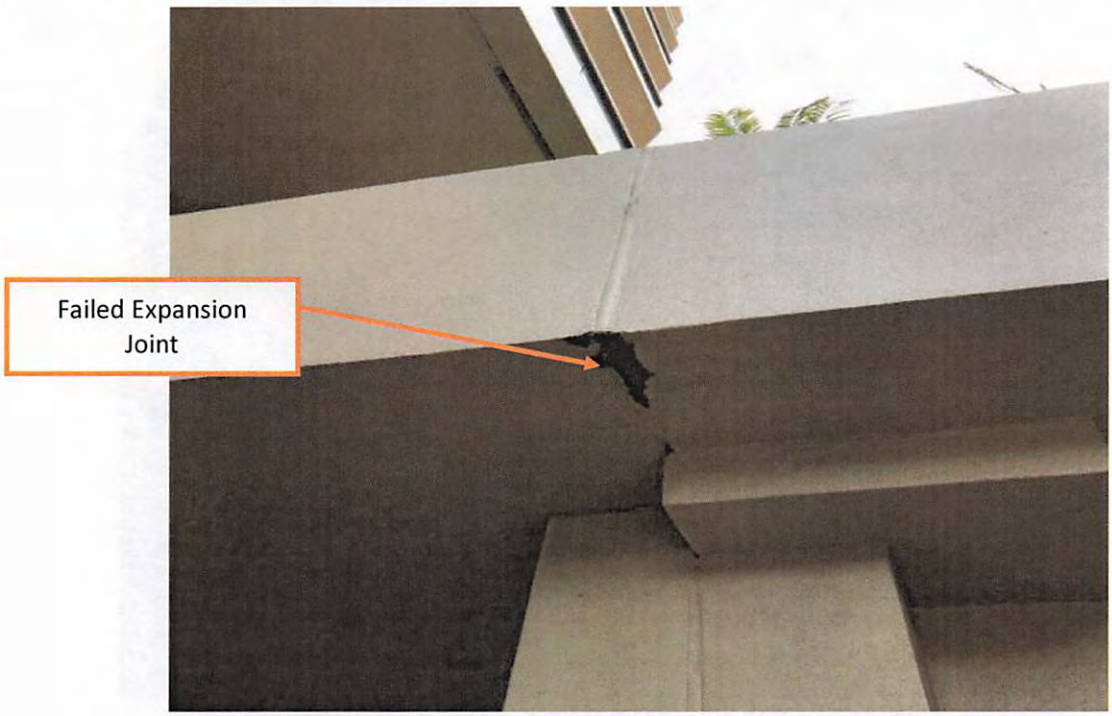

Figure 11 – Planter Expansion Joint at Parking Garage Exit.

Figure 12 - North Tower.

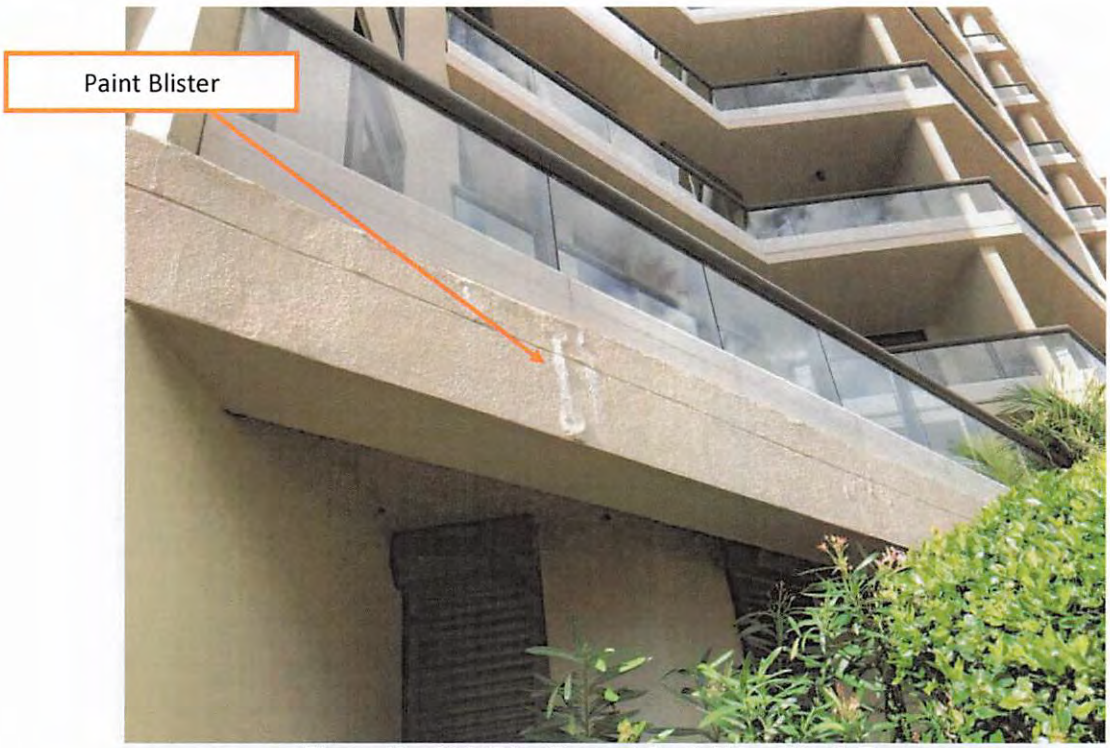

Figure 13 – Slab Edge/Beam at Back Side of North Tower.

Figure 14 –Pool Equipment at Back Side of North Tower.

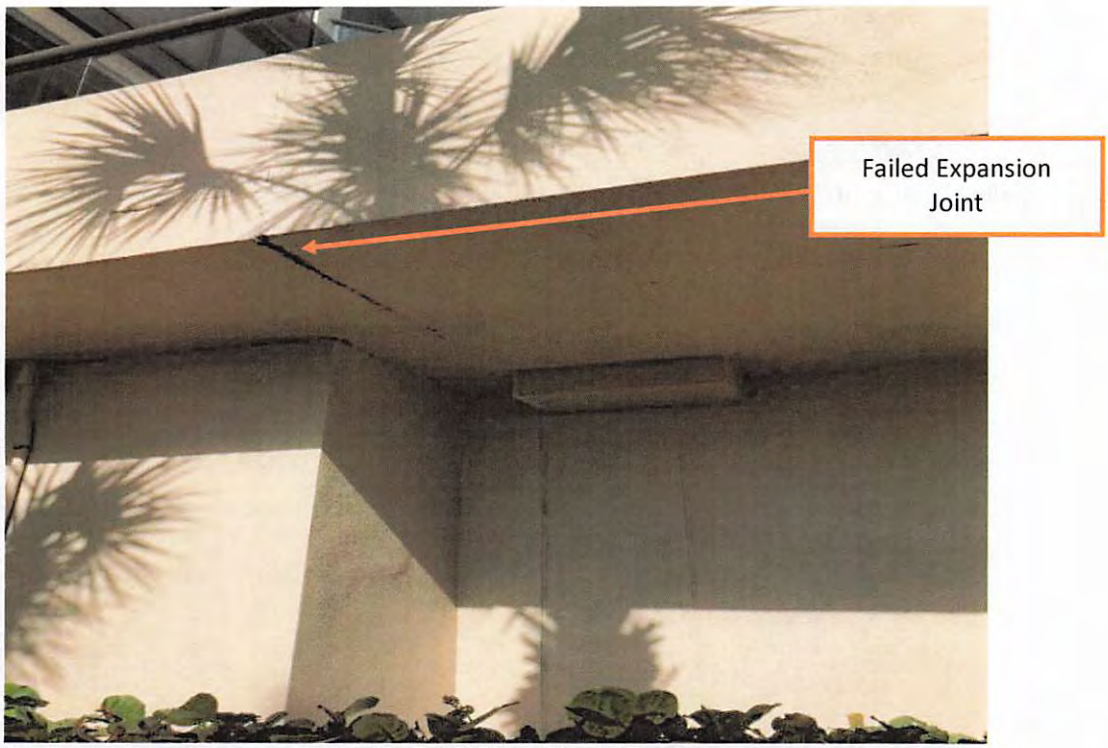

Figure 15 –Back Side of North Tower.

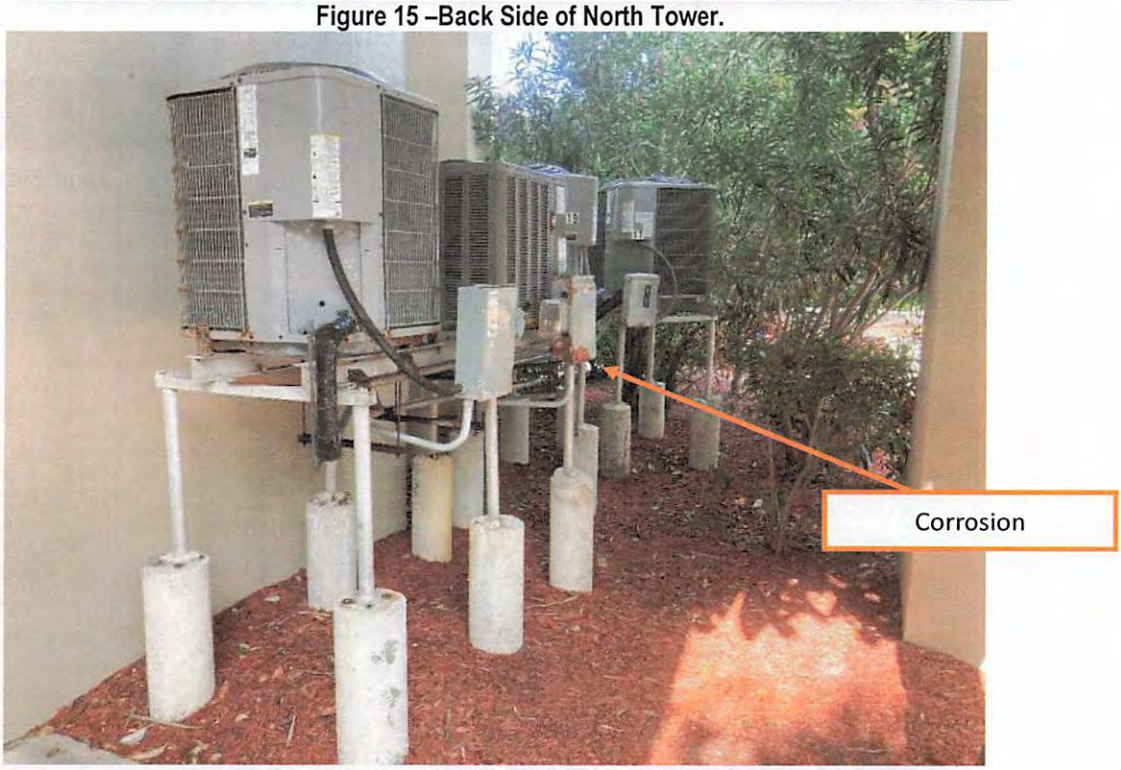

Figure 16 – South Tower A/C Equipment.

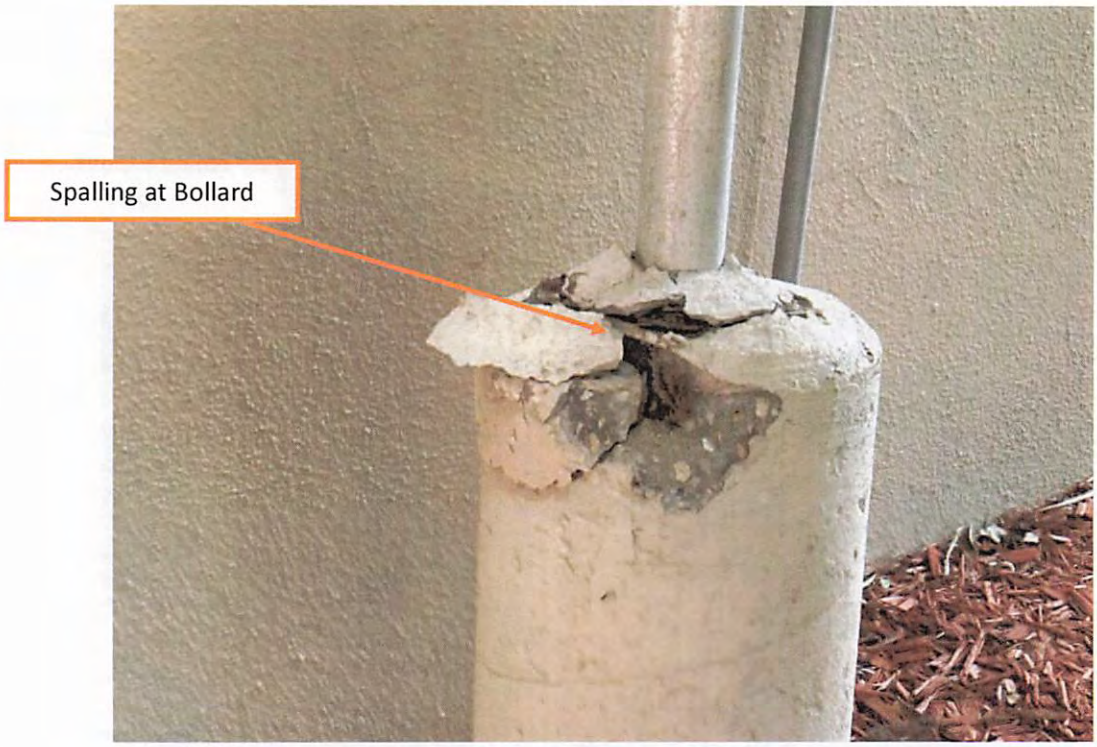

Figure 17 –South Tower A/C Equipment.

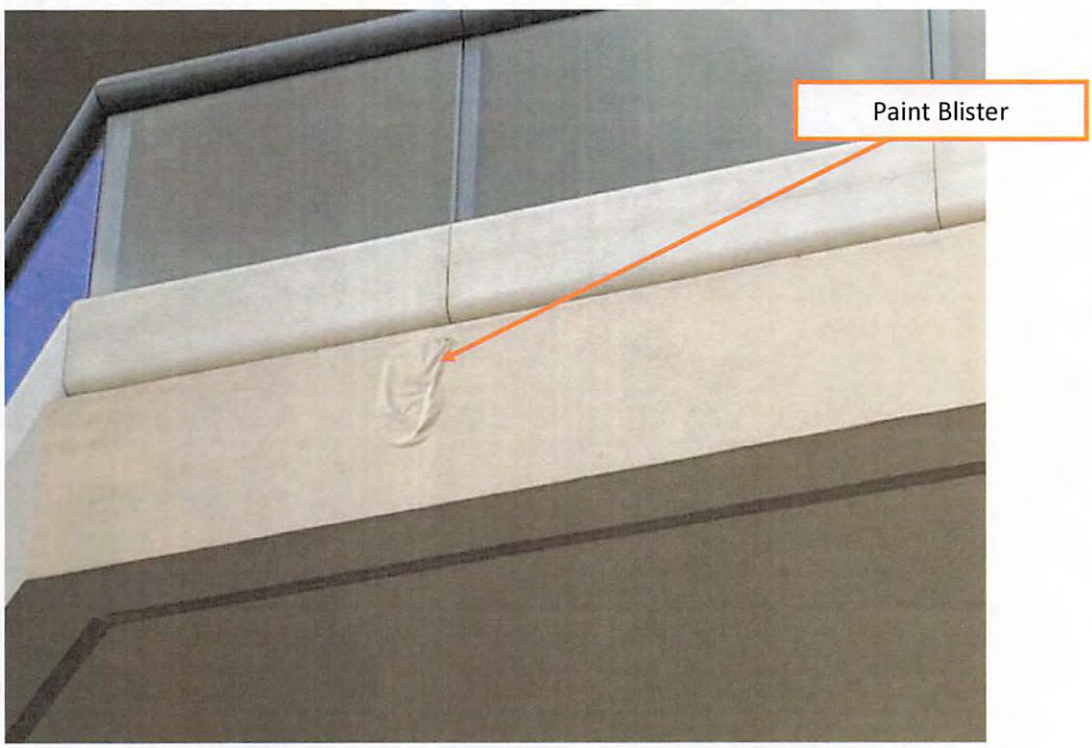

Figure 18 – South Tower.

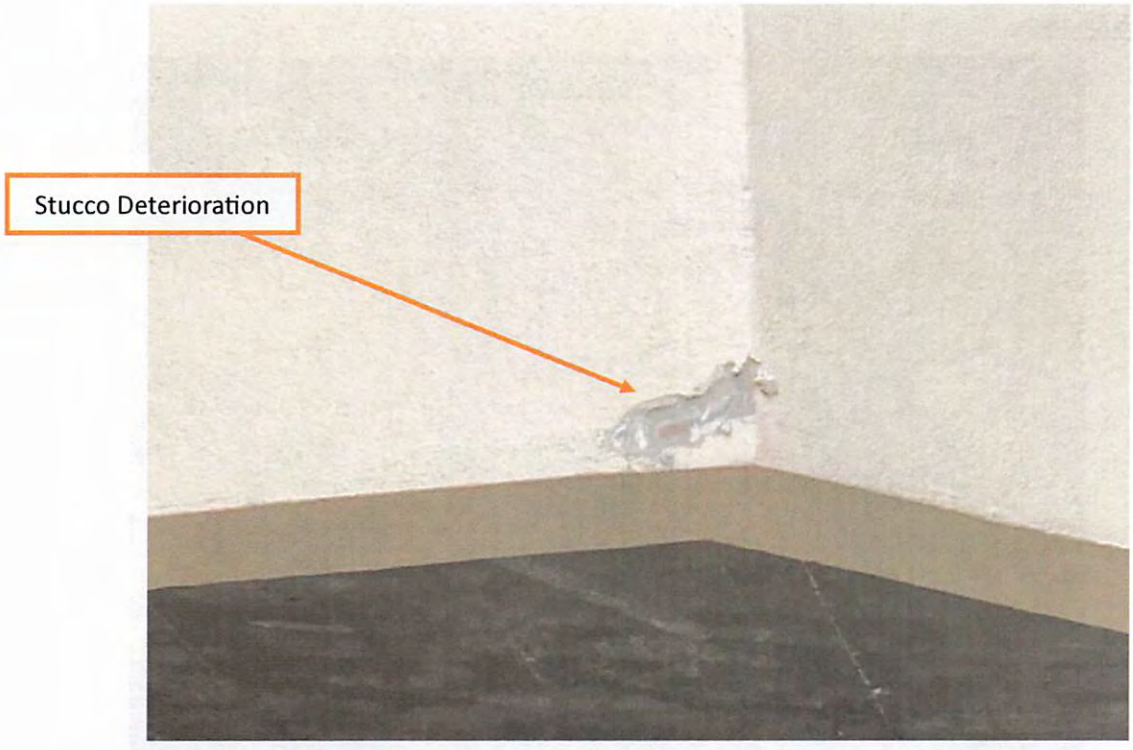

Figure 19 - South Tower.

Windows & Doors:

Figure 20 - Window Systems at WC.

Figure 21 – Window & SGD System at WC.

Balconies, Terraces, & Walkways:

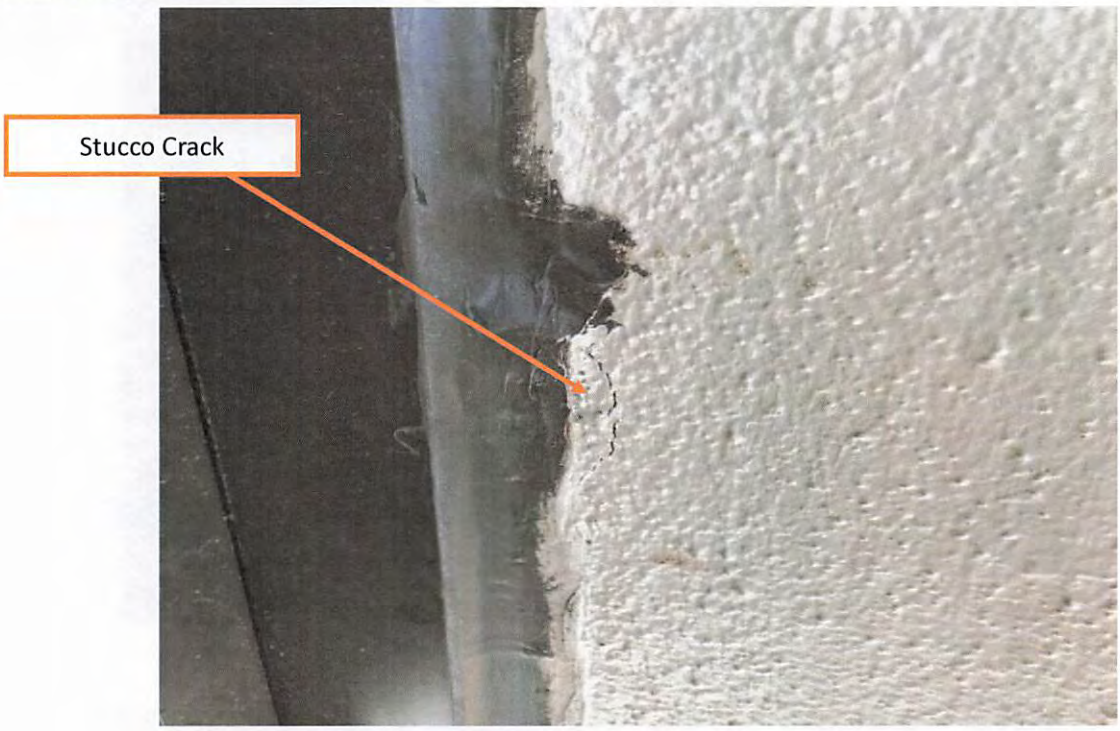

Figure 22 - Railing to Wall Attachment.

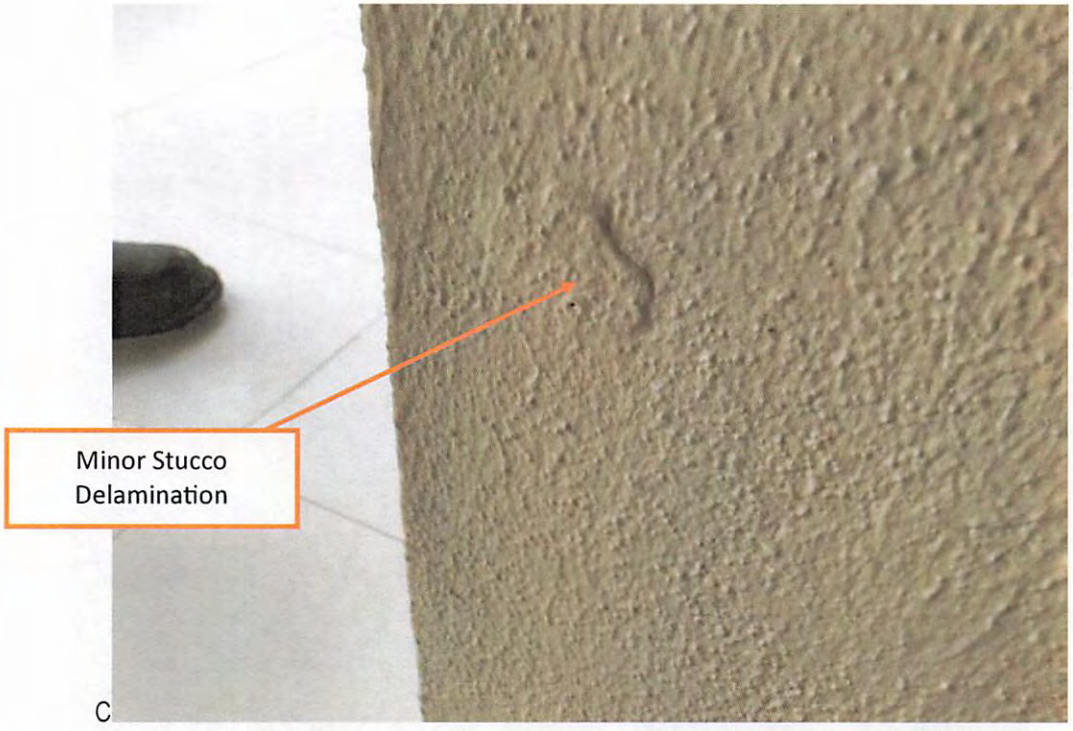

Figure 23 – Balcony

Figure 24 - Broken Tiles

Figure 25 – Sliding Glass Door Rail

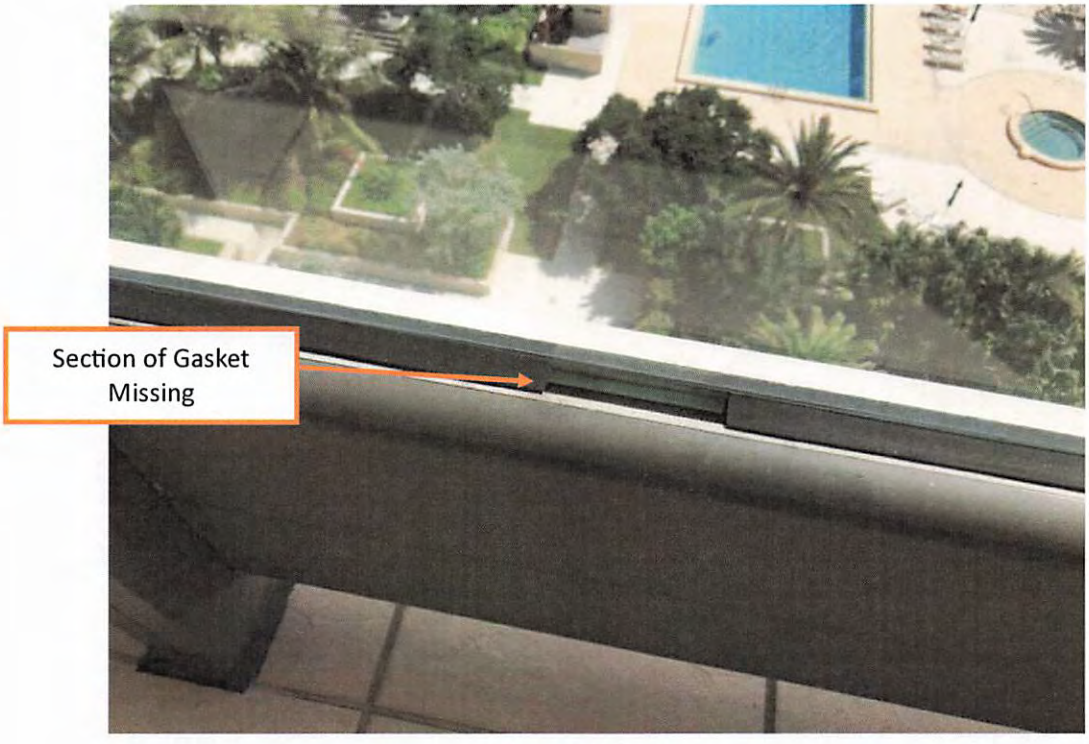

Figure 26 - Railing

Figure 27 - Railing

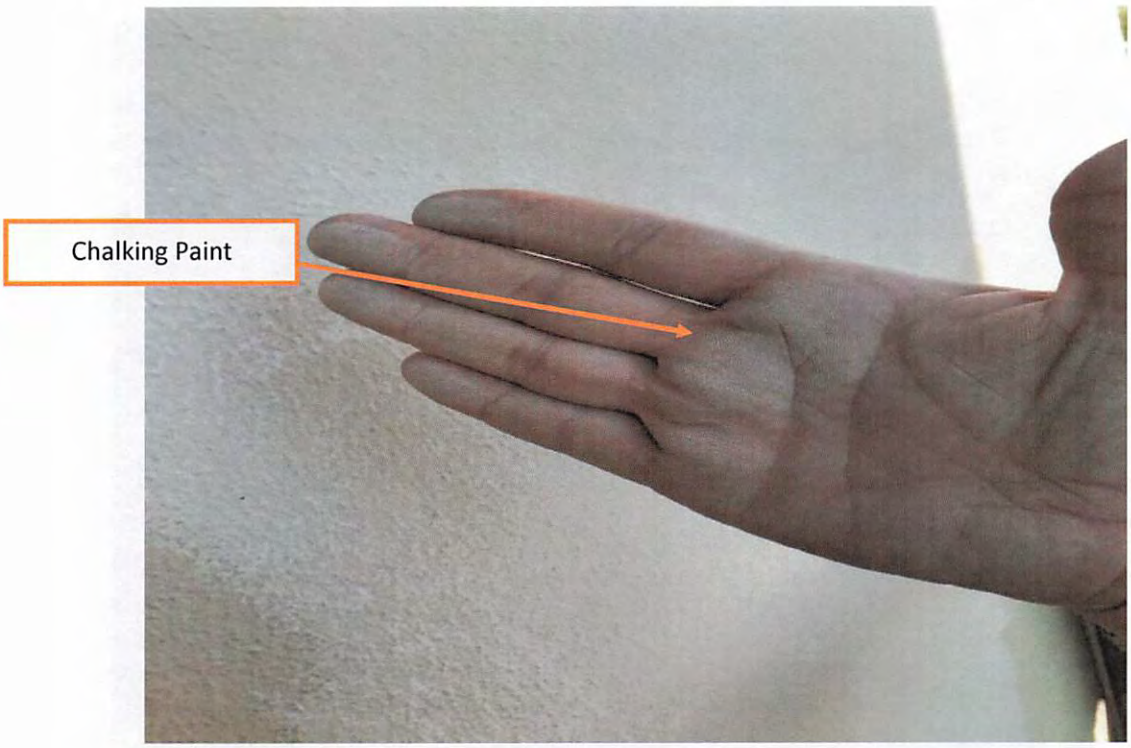

Figure 28 – Exterior Wall

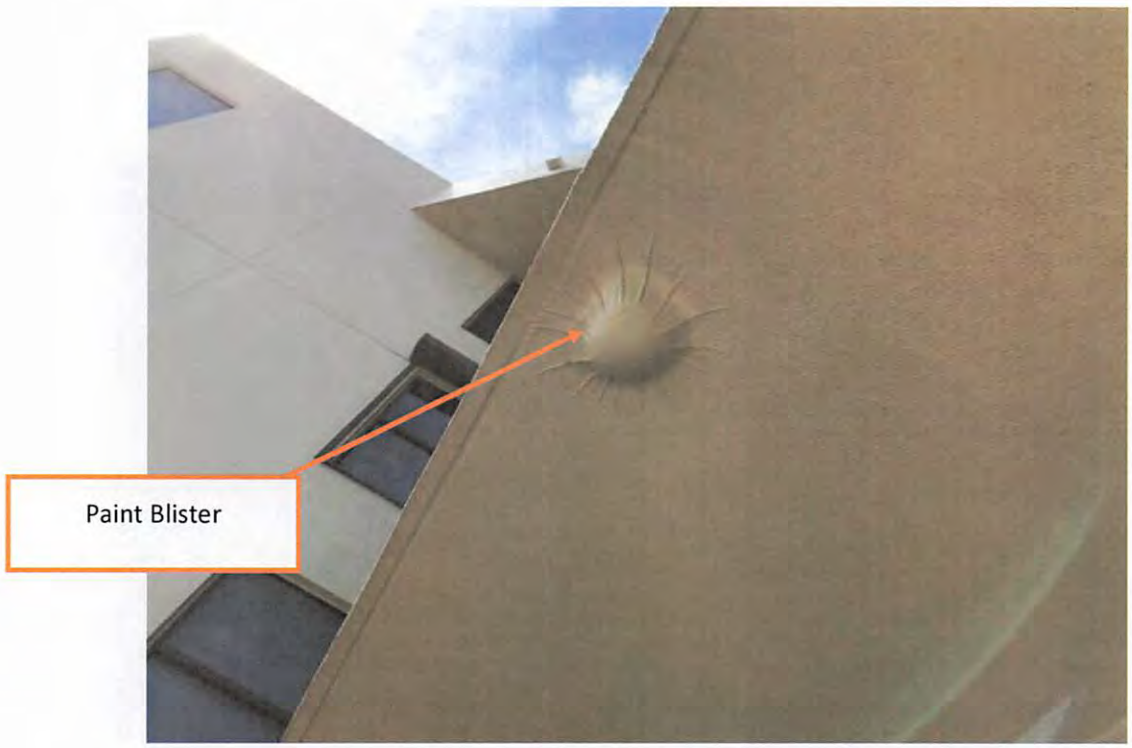

Figure 29 – Balcony Slab

Stairwells & Shafts:

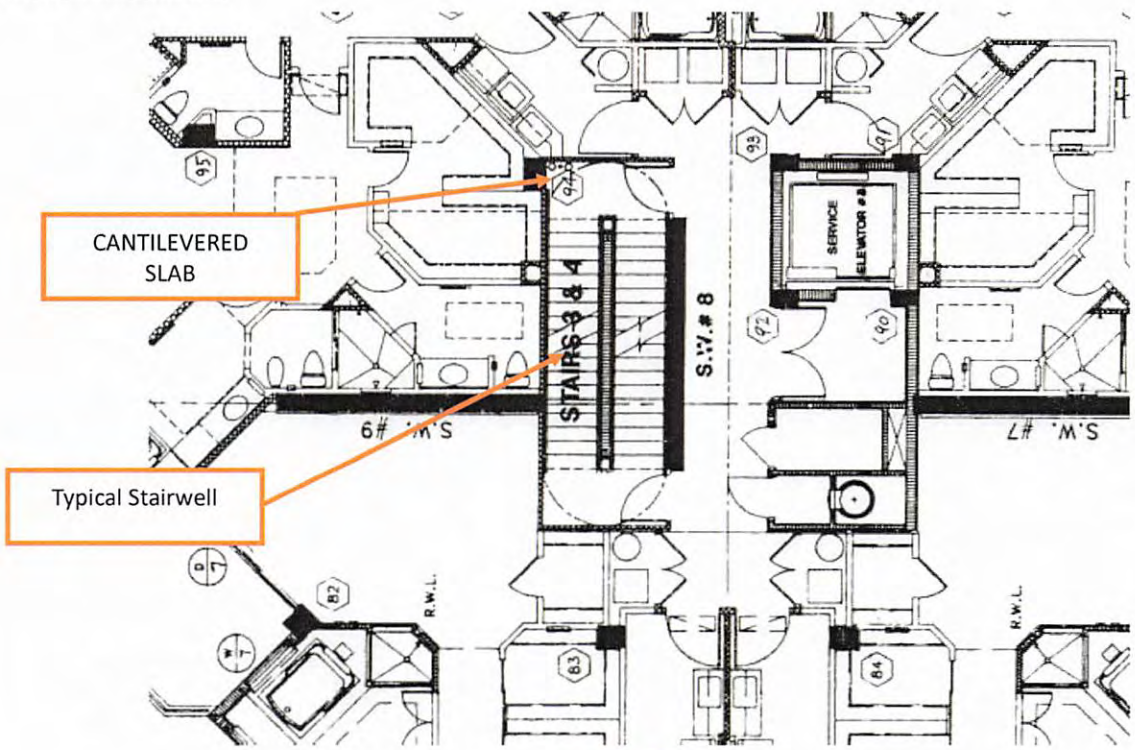

Figure 1: Structural Drawings

Operational Rooms:

Figure 30 – Elevator Machine Room

Life Safety:

Figure 31 – PH 1103

Supplemental Recommendations (informational):

The following section provides our recommendations:

- Repair failed locations of expansion joints. WC is currently under contract with KE to investigate and provide a repair procedure for the areas of failed expansion joints.
- Repair all concrete spalls, raveling, and cracks.
- Replace/repair all failed sealant joints.
- Repair broken and damaged stucco.
- Fix blistering, chalking, and deteriorated paint.
- Replace corroded Components.
- Replace broken tiles.
- Isolate and resolve leaks.
- Periodically remove organic growth.
- Periodically remove debris at SGD's weep holes.
- Periodically verify main roof drains are clear of excessive debris and drain efficiently.
- Periodically verify balcony drains clear of excessive debris and drain efficiently.

Note: The items described in Appendix A are not intended to provide or identify all deficient areas. It is, however, intended to identify deficiencies visually observed at the time of the site visit and to emphasize the importance of ongoing maintenance to help prolong the life of the structure.

APPENDIX B

Select Year: 2023 Go

The 2023 Florida Statutes

Title XXXIII	Chapter 553	View Entire Chapter
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	BUILDING CONSTRUCTION STANDARDS	

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

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

(2) As used in this section, the terms:

(a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

(b) "Substantial structural deterioration" means substantial structural distress or substantial structural weakness 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.

(3)(a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in subsection (9). The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

(4) The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

(5) Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

(6) Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under subsection (5). For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

(7) A milestone inspection consists of two phases:

(a) For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in paragraph (b), is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(b) 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 inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within

180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(8) Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

(a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect 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 those terms are defined in the Florida Building Code, were observed.

(e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.

(f) Identify and describe any items requiring further inspection.

(9) Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

(10) A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

(11) A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) 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.

(13) 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.

History.—s. 3, ch. 2022-269; s. 2, ch. 2023-203.