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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/11/2023 05:11 PM

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Senator Bradley moved the following:

**Senate Amendment**

Delete lines 162 - 285

and insert:

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



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11 performed before December 31, 2025. If the date of issuance for  
12 the certificate of occupancy is not available, the date of  
13 issuance of the building's certificate of occupancy shall be the  
14 date of occupancy evidenced in any record of the local building  
15 official.

16 (b) The local enforcement agency may determine that local  
17 circumstances, including environmental conditions such as  
18 proximity to salt water as defined in s. 379.101, require that  
19 ~~If the building is located within 3 miles of a coastline as~~  
20 ~~defined in s. 376.031, the condominium association or~~  
21 ~~cooperative association must have a milestone inspection~~ must be  
22 performed by December 31 of the year in which the building  
23 reaches 25 years of age, based on the date the certificate of  
24 occupancy for the building was issued, and every 10 years  
25 thereafter.

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

34 (d) The local enforcement agency may accept an inspection  
35 report prepared by a licensed engineer or architect for a  
36 structural integrity and condition inspection of a building  
37 performed before July 1, 2022, if the inspection and report  
38 substantially comply with the requirements of this section.  
39 Notwithstanding when such inspection was completed, the



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40 condominium or cooperative association must comply with the unit  
41 owner notice requirements in subsection (9). The inspection for  
42 which an inspection report is accepted by the local enforcement  
43 agency under this paragraph is deemed a milestone inspection for  
44 the applicable requirements in chapters 718 and 719. If a  
45 previous inspection and report is accepted by the local  
46 enforcement agency under this paragraph, the deadline for the  
47 building's subsequent 10-year milestone inspection is based on  
48 the date of the accepted previous inspection.

49 (4) The milestone inspection report must be arranged by a  
50 condominium or cooperative association and any owner of any  
51 portion of the building which is not subject to the condominium  
52 or cooperative form of ownership. The condominium association or  
53 cooperative association and any owner of any portion of the  
54 building which is not subject to the condominium or cooperative  
55 form of ownership are each ~~must arrange for the milestone~~  
56 ~~inspection to be performed and is~~ responsible for ensuring  
57 compliance with the requirements of this section. The  
58 condominium association or cooperative association is  
59 responsible for all costs associated with the milestone  
60 inspection attributable to the portions of a building which the  
61 association is responsible to maintain under the governing  
62 documents of the association. This subsection ~~subsection~~ does not  
63 apply to a single-family, two-family, or three-family dwelling  
64 with three or fewer habitable stories above ground.

65 ~~(4) If a milestone inspection is required under this~~  
66 ~~section and the building's certificate of occupancy was issued~~  
67 ~~on or before July 1, 1992, the building's initial milestone~~  
68 ~~inspection must be performed before December 31, 2024. If the~~



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69 ~~date of issuance for the certificate of occupancy is not~~  
70 ~~available, the date of issuance of the building's certificate of~~  
71 ~~occupancy shall be the date of occupancy evidenced in any record~~  
72 ~~of the local building official.~~

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

87 (6) Phase one of the milestone inspection must be completed  
88 within 180 days after the owner or owners of the building  
89 receive receiving the written notice under subsection (5), the  
90 condominium association or cooperative association must complete  
91 phase one of the milestone inspection. For purposes of this  
92 section, completion of phase one of the milestone inspection  
93 means the licensed engineer or architect who performed the phase  
94 one inspection submitted the inspection report by e-mail, United  
95 States Postal Service, or commercial delivery service to the  
96 local enforcement agency.

97 (7) A milestone inspection consists of two phases:



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98 (b) A phase two of the milestone inspection must be  
99 performed if any substantial structural deterioration is  
100 identified during phase one. A phase two inspection may involve  
101 destructive or nondestructive testing at the inspector's  
102 direction. The inspection may be as extensive or as limited as  
103 necessary to fully assess areas of structural distress in order  
104 to confirm that the building is structurally sound and safe for  
105 its intended use and to recommend a program for fully assessing  
106 and repairing distressed and damaged portions of the building.  
107 When determining testing locations, the inspector must give  
108 preference to locations that are the least disruptive and most  
109 easily repairable while still being representative of the  
110 structure. If a phase two inspection is required, within 180  
111 days after submitting a phase one inspection report the  
112 architect or engineer performing the phase two inspection must  
113 submit a phase two progress report to the local enforcement  
114 agency with a timeline for completion of the phase two  
115 inspection. An inspector who completes a phase two milestone  
116 inspection shall prepare and submit an inspection report  
117 pursuant to subsection (8).

118 (8) Upon completion of a phase one or phase two milestone  
119 inspection, the architect or engineer who performed the  
120 inspection must submit a sealed copy of the inspection report  
121 with a separate summary of, at minimum, the material findings  
122 and recommendations in the inspection report to the condominium  
123 association or cooperative association, to any other owner of  
124 any portion of the building which is not subject to the  
125 condominium or cooperative form of ownership, and to the  
126 building official of the local government which has



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127 jurisdiction. The inspection report must, at a minimum, meet all  
128 of the following criteria:

129 (a) Bear the seal and signature, or the electronic  
130 signature, of the licensed engineer or architect who performed  
131 the inspection.

132 (b) Indicate the manner and type of inspection forming the  
133 basis for the inspection report.

134 (c) Identify any substantial structural deterioration,  
135 within a reasonable professional probability based on the scope  
136 of the inspection, describe the extent of such deterioration,  
137 and identify any recommended repairs for such deterioration.

138 (d) State whether unsafe or dangerous conditions, as those  
139 terms are defined in the Florida Building Code, were observed.

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

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

145 (9) Within 45 days after receiving the applicable