



## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

| Fiscal Years           | 2022 | 2023 | 2024 | 2025 | 2026 |
|------------------------|------|------|------|------|------|
| Capital Expenditures   |      |      |      |      |      |
| Operating Costs        |      |      |      |      |      |
| External Revenues      |      |      |      |      |      |
| Program Income(County) |      |      |      |      |      |
| In-Kind Match(County)  |      |      |      |      |      |
| NET FISCAL IMPACT      | *    |      |      |      |      |
| #ADDITIONAL FTE        |      |      |      |      |      |
| POSITIONS (CUMULATIVE) |      |      |      |      |      |

Is Item Included in Current Budget? Yes\_\_ No X  
 Does this item include the use of federal funds? Yes\_\_ No\_\_

#### Budget Account No.:

Fund \_\_\_\_\_ Agency \_\_\_\_\_ Organization \_\_\_\_\_ Object \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

\* The fiscal impact is not yet known

C. Departmental Fiscal Review: Alahoney

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:




OFMB 7/28/22 MG 7/28/22
 Contract Dev. and Control

### B. Legal Sufficiency:

  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

**Background and Policy Issue: Continued from Page 1** The County has an existing unsafe building abatement program that is complaint driven through referrals from the public and other public agencies. This program has worked successfully for many years. However, in response to the Surfside tragedy and following direction from the BCC, Staff began to pursue enhancements to the existing program or an additional program as a means of ensuring certain buildings are being maintained properly to prevent or remedy any perceived unsafe conditions. Staff met with various stakeholder groups leading up to the October 19, 2021 BCC meeting, and presented the League of Cities Model Program along with other options and sought direction. At that time, the media and other indicators seemed to suggest that the State would likely move forward with statewide legislation during its 2022 legislative session to implement a building safety or recertification program. Bills were proposed but nothing was adopted during the regular session. Thereafter, Governor Desantis recalled members for a Special Session to consider this issue. In between the regular session and special session, Staff reconvened with the League of Cities to revisit the Model Program and review its earlier recommendations in light of insight learned from the regular session proposed bills. During its Special Session the legislature passed SB 4D. Staff, along with the League of Cities subcommittee, reviewed the bill when they met on July 18, 2022 in relation to the League of Cities Model Program and has found it to be substantially similar and has recommended it be the framework for adoption for local governments in Palm Beach County. Therefore, the Department is recommending moving forward with adopting a local Ordinance for unincorporated Palm Beach County to implement the local government responsibilities defined under SB 4D. In addition, to implementing the requirements of SB 4D the Department, through the Building Division, will continue the program already in place for anything reported as potentially unsafe that is outside of the context of SB 4D.

**Summary of Collaboration Events with Various Groups & Stakeholders**

Staff facilitated or participated in the following industry stakeholder groups and meetings on this subject:

1. The League of Cities Building Officials Committee met on July 1<sup>st</sup>, July 9<sup>th</sup>, July 16<sup>th</sup>, July 23<sup>rd</sup>, and August 5<sup>th</sup>.
  - a. The League of Cities Building Officials Drafting Sub-Committee met on July 12, July 19<sup>th</sup>, and August 2<sup>nd</sup>.
2. The Building Officials Association of Florida (BOAF) Legislative Committee met on July 6<sup>th</sup>, and July 27<sup>th</sup>.
3. The Beach Condo Association met on August 12<sup>th</sup> to discuss high rise certification.
4. The International Code Council hosted an "Expert Panel Discussion" on August 17<sup>th</sup> (concurrent with the BCC Meeting) at the West Palm Beach Hilton to develop a draft model.
5. The Community Officers Association of Singer Island held a webinar on August 18<sup>th</sup> to discuss high rise structure recertification.
6. The League of Cities Drafting Sub-Committee met on September 9<sup>th</sup> to finalize the League Draft Model.
7. The Florida Building Commission Hurricane Research Advisory Committee (HRAC) met on August 27<sup>th</sup> and September 13<sup>th</sup> to review the ICC Draft Model.
8. Palm Beach North Chamber of Commerce Governmental Affairs Committee met on September 10<sup>th</sup> to discuss hi-rise safety and re-certification programs.
9. The Building Code Advisory Board of Palm Beach County met on September 15<sup>th</sup> and voted unanimously to approve the League of Cities Draft Model and release it to being local adoptions.
10. County Staff hosted an industry stakeholder meeting at the Vista Center on October 8<sup>th</sup> to solicit input for County adoption.
11. Update to the Board of County Commissioners on October 19, 2021 seeking direction. BCC directed Staff to continue current method of enforcement for complaints of unsafe structures and await legislative action.
12. Post Legislative Session with the League of Cities Drafting Sub-Committee on April 18, 2022, met to discuss items proposed in various legislative bills and revisit Model program.
13. Senate Bill 4D is signed by the Governor – May 26, 2022
14. FBC Existing Building Inspection Workgroup First Meeting – July 14, 2022
15. League of Cities subcommittee meeting on July 18, 2022.

Senate Bill 4-D Analysis

By: Doug Wise, Palm Beach County Building Official

1. Creates new section of Florida Statutes in 553.899, Building Construction Standards
2. Defines and requires “milestone inspections” after 30 years except for structures within 3 miles of a coastline (defined in 376.031) at 25 years and every 10 years thereafter, for condominium buildings three stories or more.
3. Milestone inspections consist of two phases, phase one is a cursory visual examination by an Architect or Engineer, phase two is more extensive and may include destructive investigation. If a phase one inspection finds no evidence of “Substantial Structural Deterioration” a phase two inspection is not required.
  - A. Substantial structural deteriorations is “substantial structural distress that negatively affects a building’s general structural condition and integrity”. The term does not include “surface imperfections, cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the the engineer or architect determines such surface imperfections are signs of substantial structural deterioration.
4. Requires local enforcement agency (County) to provide written notice of such required inspection(s) to the association or cooperative association, based upon a listing of affected structures from DBPR. Associations must distribute inspection results to each owner.
5. Requires Associations and Cooperatives to identify all structures 3 stories and over on their property with addresses and county information in a report to the Division of Condominiums.
6. Mandates Associations and Cooperatives to complete a “structural integrity reserve study” by December 31, 2024 and prohibits associations and cooperative from providing no reserves or less than the amount listed in the study.
7. Allows local governments to prescribe timelines and penalties with respect to compliance.
8. Allows county commissions to adopt an ordinance limiting the time to schedule or commence repairs as long as the repairs are commenced within 365 days of receipt of report of substantial structural deterioration.
9. Directs the Florida Building Commission to review the milestone inspection requirements and report back to the Governor, Senate President, and Speaker of the House by December 31, 2022. Further directs the Commission work with the State Fire Marshal and report back with comprehensive structural and life safety standards for all buildings and structures in the state that are three stories or more in height by December 31, 2023

Staff Summary of Recommendations, Guidelines and SB 4-D

| Surfside Working Group<br>Florida Building<br>Professional<br>Recommendations   | Recommendations of the<br>Broward County<br>Condominium Structural<br>Issues Committee  | Florida Bar RPPL<br>Condominium Law and<br>Policy Life Safety Advisory<br>Task Force  | International Code Council –<br>Ensuring the Safety of<br>Existing Buildings in Florida  | Broward/Miami-Dade Counties<br>40-year Building Safety<br>Inspection Program   | Community Association<br>Institute (CIA)<br>Recommendations  | SB 4-D   |
|---|---|---|--|--|--|--|
| <p>Scope - Statewide mandatory "minimum structural inspection"</p> <p>To determine whether the building is "safe for continued occupancy"</p> | <p>Scope - Statewide Building Safety Inspection Program</p> <p>To confirm a building is safe for continued use under the present occupancy.</p> | <p>Scope - Require timely maintenance, repair of structural and life safety systems in vertical construction including waterproofing.</p> | <p>Scope – For local adoption - Based on Florida specific risks. The geographic location of the building, regional climate, risk of flooding, areas of very high wind, poor soil conditions, the presence of salt air</p> <p>Purpose – to confirm that the building or structure under consideration is safe for continued use</p> | <p>Scope - Countywide program.</p> <p>To confirm a building is safe for continued use under the present occupancy.</p> | <p>Scope – Mandatory building inspections of the major structural elements owned or maintained by the community association for all multi-family buildings</p> | <p>Scope – Statewide mandatory structural inspection program for condominium and cooperative buildings in the state.</p> |
|   |   |   |  |  |  |  |

**Staff Summary of Recommendations, Guidelines and SB 4-D**

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|---|--|--|--|--|--|--|
| <p>Frequency of Inspection –</p> <p>30 years after first occupancy, with re-inspections required every 10 years after</p> <p><b>For buildings closer to corrosive saltwater environments</b> within a minimum of 3 miles of saltwater – 20 years after first occupancy, with re-inspections required every 7 years after.</p> <p>Phase 1 visual inspection<br/>Phase 2 Inspections – if Phase 1 inspection finds signs of structural damage, a more rigorous Phase 2 inspection and repair program would be triggered</p> | <p>Frequency of Inspection –</p> <p>30 years after occupancy, with re-inspections required every 10 years after the initial inspection</p> | <p>Frequency of Inspection –</p> <p><u>Require periodic structural and life safety inspections of all condominiums and cooperatives with vertical construction 3 stories or greater.</u></p> <p><u>By December 31, 2024 – require any residential condominium building 3 stories or greater in height be inspected by an engineer, attesting current and deferred maintenance standards, useful life, and replacement costs of the common elements and condominium property that is the maintenance responsibility of the association.</u></p> <p>An updated report shall also be required every five years thereafter.</p> <p>Inspection reports performed by local government should be provided to the association including recommendations for necessary repairs to the building structure.</p> | <p>Frequency of Inspection –</p> <p>Based on Use, Occupancy and Special Building Environmental Factors (SBEF)</p> <p>Maintenance inspection</p> <ul style="list-style-type: none"> <li>- Visual -performed by owner or owner's authorized representative</li> </ul> <p>Annually for Risk Cat. 2, 3 and 4)</p> <p>Periodic inspection (PN)</p> <ul style="list-style-type: none"> <li>- Visual - performed by a Registered Design Professional</li> </ul> <p>Risk Cat. 2 (no SBEF/PN 15 yr., with SBEF/PN 10 yr.)<br/>Risk Cat. 3 (no SBEF/PN 15 yr., with SBEF/PN 10 yr.)<br/>Risk Cat. 4 (no SBEF/PN 5 yr., with SBEF/PN 5 10 yr.)</p> <p>Milestone special inspection (MSI)</p> <ul style="list-style-type: none"> <li>- Performed by a Registered Design Professional who is qualified and a registered engineer in the system discipline being inspected</li> </ul> <p>Risk Cat. 2 (no SBEF/MSI 30 yr., with SBEF/MSI 20 yr.)<br/>Risk Cat. 3 (no SBEF/MSI</p> | <p>Frequency of Inspection –</p> <p>Calls for structural and electrical safety inspections for buildings 40 years old or older and every ten years thereafter.</p> | <p>Frequency of Inspection –</p> <p><b>New Construction</b> – First inspection conducted no later than 5 years after occupancy of building.</p> <p><b>Existing buildings</b> – For existing buildings over 10 years old, first inspection within 2 years of passage of new statutory requirements.</p> <p>Periodic inspections every 10 years for first 20 years, and every year thereafter unless recommended sooner.</p> <p>Inspection to be done immediately anytime there is a concern about the safety/stability of building structure.</p> | <p>Frequency of Inspection –</p> <p>Milestone inspection –</p> <p>Condominiums and cooperative buildings located more than 3 miles of a <u>coastline</u> (3 stories or more):</p> <ul style="list-style-type: none"> <li>- When the building reaches 30 years of age and every 10 years thereafter.</li> </ul> <p>Condominiums and cooperative buildings located within 3 miles of a coastline (3 stories or more):</p> <ul style="list-style-type: none"> <li>- When the building reaches 25 years of age and every 10 years thereafter.</li> </ul> <p><b>Milestone inspection – two phases:</b></p> <p><b>Phase 1</b> – Visual examination by a licensed architect or engineer of habitable and uninhabitable areas of a building.</p> <p><b>Phase 2</b> – Must be performed if <u>any substantial structural deterioration</u> is identified during phase 1. This phase may</p> |

Staff Summary of Recommendations, Guidelines and SB 4-D

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|---|--|--|---|--|---|------------------------------------|
| Type of inspections:<br>Structural  | Type of inspections:<br>Structural and electrical                                      | Type of inspections:<br><u>Structural and life safety<br/>inspection</u>             | Type of inspections:<br>Structural and electrical                                       | Type of inspections:<br>Structural and electrical                            | Type of inspections:<br>Structural                          | Type of inspections:<br>Structural |
|   |  |  |   |  |   |                                    |



Staff Summary of Recommendations, Guidelines and SB 4-D

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|---|--|--|---|--|--|---|
| <p>Standards:<br/>Miami-Dade Re-<br/>certification program</p> <p>ICC "Ensuring the Safety<br/>of Existing Buildings"</p> | <p>Standards:<br/>BORA's Building Safety<br/>Inspection Program</p> <p>Additional:</p> <ul style="list-style-type: none"> <li>- Waterfront<br/>condominium –<br/>assessment of<br/>seawall(s)</li> <li>- Material testing of<br/>concrete</li> <li>- Geotechnical analysis<br/>to assess potential for<br/>structural or<br/>foundation issues.</li> </ul> | <p>Standards:<br/><u>Engineering evaluation</u></p>                                  | <p>Standards:<br/>Miami-Dade's Building Safety<br/>Inspection Program with<br/>improvement.</p> | <p>Standards:<br/>Broward's/Miami-Dade's Building<br/>Safety Inspection Program.</p> | <p>Standards:<br/>ASCE Standards SEI/ASCE<br/>11-99 Guideline for Structural<br/>Condition Assessment of<br/>Existing Buildings or other<br/>industry standards.</p> | <p>Standards:<br/>Evaluation by an engineer or<br/>architect.</p> |
|   |  |  |   |  |  |   |

**Notes:**

**COASTLINE.** 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 of Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt 2) 1606. (Florida Statute s 376.031) CODE.

**CONDOMINIUM ASSOCIATION.** See Florida Statutes Chapter 718.

**COOPERATIVE ASSOCIATION.** See Florida Statutes Chapter 719.

**MILESTONE INSPECTION.** A structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems by a licensed architect or engineer authorized to practice in Florida 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 fire safety code.

**PRIMARY STRUCTURAL MEMBER.** A structural element designed to provide support and stability for the vertical or lateral loads of the overall structure. (Florida Statute s. 627.706)

**PRIMARY STRUCTURAL SYSTEM.** An assemblage of primary structural members. (Florida Statute s. 627.706)

**SUBSTANTIAL STRUCTURAL DETERIORATION.** 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, staining, deflections, misalignments, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

**Surfside Working Group Florida Building Professionals Recommendations** – Structural engineers from ACEC –FL and FES assembled a coalition of engineers and building professionals from various backgrounds, understanding that changes are needed to Florida's Building Code and inspection laws to assure the safety of all other existing structures in Florida. This coalition includes engineers from American Council of Engineering Companies of Florida, the Florida Engineering Society, the Florida Structural Engineers Association, the Florida Section of the American Society of Civil Engineers, and other building professionals from the International Concrete Repair Institute, the Building Official Association of Florida and the Florida Association of the American Institute of Architects.

**Summary Report and Recommendations of the Broward County Condominium Structural Issues Committee** – The Committee consisted of state senators, state representatives, mayors, city commissioners, representatives of condominium owners' groups. Condominium layers. Land use experts, representatives of Condominium Management Associations, a structural engineer , etc.

**Report of the Florida Bar RPPTL Condominium Law and Policy Life Safety Advisory Task Force** – The Task Force consisted of a diverse group of condominium attorneys, with experience in the formation, development, governance and operational issues of residential condominium associations, board of directors, unit owners, developers, and others involved in the development, governance and operation of condominium projects.

**FLORIDA BUILDING COMMISSION  
EXISTING BUILDING INSPECTION WORKGROUP**

**JULY 14, 2022-2:00PM**

**THIS MEETING WILL BE HELD VIA TELECONFERENCE/WEBINAR**

**JOIN THE MEETING VIRTUALLY AT: <https://global.gotomeeting.com/join/533378925>**

**JOIN THE MEETING BY CONFERENCE CALL: UNITED STATES (TOLL FREE) **1 877 309 2073****

**ACCESS CODE/MEETING ID 533-378-925**

**WORKGROUP MEMBERS**

Jim Shock-Chairman, Heather Anesia, William Bracken, Joseph Belcher, David Compton, Dr. Anne Cope, Jamie Gascon, John Gatlin, Jeffrey Gross, Daniel Lavrich, Mark Mikkelson, Craig Parrino, Michael Savage, Dr. Angela Schedel, Brad Schiffer, and Brian Swope.

**MEETING OBJECTIVES**

- ✓ To Approve Regular Procedural Topics (Agenda).
- ✓ To Review the Existing Building Inspection Workgroup's Workplan.
- ✓ To Review Background Information.
- ✓ To Hear Presentations.
- ✓ To Discuss and Identify the Workgroup's Next Steps.
- ✓ To Hear Public, Workgroup Member, and Staff Comments.

**MEETING AGENDA**

*All Agenda Times—including Public Comment and Adjournment—Are Approximate and Subject to Change*

|     |  |
|-----|--|
| 1.) | <b>WELCOME AND OPENING ROLL CALL</b><br>A. Statement of Teleconference Participation Process<br>B. Roll Call of Workgroup Members<br>C. Identification of Staff Attendees<br>D. <u>Review of Commission's Workgroup Meeting Guidelines, Consensus Building and Decision Making Process</u><br>E. Sunshine Law Requirements |
| 2.) | <b>REVIEW AND APPROVAL OF MEETING AGENDA</b>   |
| 3.) | <b><u>REVIEW THE EXISTING BUILDING INSPECTION WORKGROUP'S WORKPLAN</u></b>   |

|                  |  |
|------------------|--|
| 4.)              | <p><b>BACKGROUND INFORMATION</b></p> <p>A. <u>SB 4-D</u></p> <p>B. Existing Inspection Programs</p> <ol style="list-style-type: none"> <li>1. <u>Miami Dade 40 Year Recertification Program As Updated for Compliance with SB 4-D</u></li> <li>2. <u>Broward County 40 Year Building Safety Inspection Program</u></li> </ol> <p>C. Other Recommendations and Guidelines</p> <ol style="list-style-type: none"> <li>1. <u>Surfside Working Group Florida Building Professional Recommendations</u></li> <li>2. <u>Recommendations of the Broward County Condominium Structural Issues Committee</u></li> <li>3. <u>Florida Bar RPPL Condominium Law and Policy Life Safety Advisory Task Force</u></li> <li>4. <u>Community Association Institute (CAI) Recommendations</u></li> <li>5. <u>International Code Council – Ensuring the Safety of Existing Buildings in Florida</u></li> </ol> <p>D. Relevant Research Projects</p> <ol style="list-style-type: none"> <li>1. <u>Assessment of Inspection Reporting and Building Conditions in South Florida – Phase I</u></li> <li>2. <u>Assessment of Inspection Reporting and Building Conditions in South Florida – Phase II</u></li> <li>3. <u>Assessment and Retrofitting of Existing Concrete Columns</u></li> <li>4. <u>NIST Surfside Investigation</u></li> </ol> <p>E. <u>Staff Summary of Recommendations and Guidelines</u></p> |
| 5.) <sup>b</sup> | <p><b>PRESENTATIONS</b></p> <p>A. <u>Overview of Miami Dade 40 Year Recertification Program as Updated for Compliance with SB 4-D, by Jamie Gascon.</u></p> <p>B. <u>Overview of the Broward County 40 Year Building Safety Inspection Program As Updated for Compliance with SB 4-D, by Dan Lavrich.</u></p> <p>C. <u>Overview and Status of the International Code Council’s Ensuring the Safety of Existing Buildings in Florida, by Dottie Mazzarella and Mike Savage.</u></p> <p>D. <u>Overview of Phase I and Phase II of the “Assessment of Inspection Reporting and Building Conditions in South Florida – Research Project, by Jennifer Bridge.</u></p>   |
| 6.)              | <b>IDENTIFICATION AND DISCUSSION OF NEXT STEPS</b>   |
| 7.)              | <b>PUBLIC COMMENT</b>  |
| 8.)              | <b>WORKGROUP MEMBER AND STAFF COMMENT</b>  |
| 9.)              | <b>ADJOURN</b>   |

**STAFF CONTACTS:**

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**NOTE:** This document is available to any person requiring materials in alternate format upon request. Contact Office of Codes and Standards, Florida Building Commission, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399 or call (850) 487-1824