

## Milestone Inspections in Collier County

By Sam J. Saad III and Jeff Jones

The State of Florida and Collier County are now requiring mandatory structural inspections for condominium and cooperative association buildings three (3) stories or taller. These “Milestone Inspections” must be performed by a licensed architect or engineer who is authorized to practice in Florida. Applicable buildings must have a **Milestone Inspection** once the building reaches a certain age, then every 10 years thereafter.

- Within three (3) miles of the coastline: **25** years of age or older
- More than three (3) miles of the coastline: **30** years of age or older

These requirements **do not apply** to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

These Milestone Inspections are important for consumer safety and protection and could have an impact on assessments collected from unit owners in an affected building. To address this important matter, NABOR has created a Condominium and Cooperative Safety Disclosure to make potential buyers aware of these regulations before signing a sales contract.

A “Milestone Inspection” is a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems, performed by a licensed architect or engineer authorized to practice in Florida. The purpose of the inspection is to attest to the safety and adequacy of the structural components of the building and, to the extent reasonably possible, to determine 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. This Milestone Inspection does **not** determine if the building is in compliance with the Florida Building Code or any fire safety code.

The Milestone Inspection will determine any signs of “Substantial Structural Deterioration.” This means substantial structural distress that negatively affects a building’s general structural condition and integrity. It does **not** include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the engineer or architect determines that such surface imperfections are a sign of substantial structural deterioration.

Each year, new properties become subject to the Milestone Inspection process. For those buildings that require an inspection, Collier County will provide written notice of such required inspection to the condominium association or cooperative association by certified mail, return receipt requested, and letters will be posted on the Collier County website. Phase 1 reports must be received by the county by December 31<sup>st</sup> of the year that the building reaches 25 or 30 years of age. The condominium association or cooperative association must arrange for the milestone inspection to be performed and they are responsible to ensure compliance with the requirements of this new law. The condominium association or cooperative association is responsible for all costs associated with the inspection. The inspection must be performed by a licensed architect or engineer authorized to practice in Florida.

A Milestone Inspection consists of two phases. 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 non-habitable 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 is not required. **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 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.

After the completion of a 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 association or cooperative association, and to the building official of the local government which has jurisdiction.

Violation of this Milestone Inspection Ordinance could result in being found guilty of a misdemeanor and is punishable by a fine of up to \$500 or by 60 days imprisonment. Each

violation or non-compliance is considered a separate and distinct offense, and further, each **day** of continued violation or non-compliance is considered a separate offense. The Collier County Building Official is authorized to issue an extension of up to 60 days to submit the Milestone Inspection report or to obtain any necessary permits.

If the milestone inspection reports determine that a building needs repairs, a permit must be applied for within 150 days from the date of submittal of the Phase Two reports. A report must be submitted to the County before any repairs are made. The engineer or architect who performed the Milestone Inspection will provide the building official with a letter indicating if the building may continue to be safely occupied while the repairs are made. Once all applicable repairs are complete, the engineer or architect will provide an amended report indicating that the building is safe for continued use. All repairs for Substantial Structural Deterioration must commence within 365 days of the Milestone Inspection report being received by the county.

For more information, visit the Collier County website at [www.colliercountyfl.gov](http://www.colliercountyfl.gov) or email [MilestoneInspections@colliercountyfl.gov](mailto:MilestoneInspections@colliercountyfl.gov).