

LEGAL

Mandatory Milestone Inspection



**BY MARK FRIEDMAN, FLORIDA BAR CERTIFIED AS A SPECIALIST
IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW**

It was brought to my attention that there may be some misconceptions about whether the Mandatory Milestone Inspections must be performed by Century Village condominiums. If your buildings are three stories or higher you must conduct a structural integrity reserve study (SIRS), discussed in a prior article, and a Mandatory Milestone Inspection.

Mandatory Milestone Inspection

This new requirement was put in place by the Florida legislature for aging condominium buildings to ensure that such buildings are safe for continued use. The provisions of the Mandatory Milestone Inspection are found in two separate sections of the Florida Statutes.

718.112(2)(h) provides that the requirements are determined by the language of Section 553.899, Florida Statutes. In Section 553.899, the basic provisions are set forth, in relevant part, as follows:

"A condominium association under chapter 718 . . . 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. . . ."

Then for buildings older than 30 years, it pro-

vides:

"If a milestone inspection is required under this section and the building's certificate of occupancy was issued on or before July 1, 1992, the building's initial milestone inspection must be performed before December 31, 2024. 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."

Therefore, the Mandatory Milestone Inspection must be conducted by all condominium associations whose buildings are three stories or more in height.

The inspection is broken out in two phases:

Phase 1 requires a licensed architect or engineer authorized to practice in Florida to perform a visual examination of habitable and non-habitable areas of a building, including the major structural components of the buildings and provide a qualitative assessment of the structural conditions. If they find no signs of substantial structural deterioration under visual examination phase 2 is not required.

Phase 2 is required if the engineer or architect find substantial structural deterioration, then in this phase destructive and non-destructive testing will be required. Destructive testing means that they can open up small sections of walls,

ceilings, or concrete to be able to fully assess any existing issues.

A report under seal is provided to the Association and to the County with a summary of the material findings and recommendation. The Association must distribute copies to all of its members and, if it has a website, it must publish the report on its website.

What if you are only a two-story building?

The law does not apply to a one or two-story building. However, you live in buildings that are approximately 50 years old. Based on anecdotal information from internet searches, modern concrete can start to break down around 50 years. So even though not required by law, if any issues with your building become apparent from visual observation (e.g., spalling, cracking in stairs or walls or ceilings), you should have your building inspected by an engineer.

Mark D. Friedman, B.C.S. is a shareholder in the law firm of Becker and is recognized by the Florida Bar as a specialist in Condominium and Planned Development law. The foregoing article is for educational purposes only and is not meant as a substitute for consultation on these issues with your own legal counsel. Mr. Friedman may be reached at MFriedman@Beckerlawyers.com.

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