Broward County Board of Rules and Appeals Policy #05-05

Subject: Broward County Board of Rules and Appeals – Building Safety Inspection Program

I. GENERAL:

A. Section 110.15 of the Broward County Administrative Provisions of the Florida Building Code has established a **Building Safety Inspection Program**.

B. The procedures established herein are the basic guidelines for the Building Safety Inspection Program.

C. The following buildings or structures are exempt from this program:

1. US Government Buildings
2. State of Florida Buildings
3. Buildings built on sovereign tribal lands.
4. School buildings under the jurisdiction of the Broward County School Board.
5. Single-family, two-family, three-family, and four-family dwellings with three or fewer habitable stories above ground.
6. Fee simple Townhouses as defined in the Florida Building Code.
7. Minor structures, defined as buildings or structures in any occupancy group having a building area of less than three thousand five hundred (3,500) square feet.
8. Railroads and ancillary facilities associated with the railroad.

D. All buildings or structures that have performed a Building Safety Inspection under the prior program ("40 Year Building Safety Inspection Program") are deemed compliant with F.S.553.899 and the Florida Building Code, Existing Building (Chapter 18). The subsequent Building Safety Inspections are due every ten years from the year the initial Building Safety Inspection was required.

E. The Building Safety Inspection Program shall serve as compliance for both phase one and phase two milestone inspection requirements for buildings or structures as defined under Florida Statutes, Section 553.899, and the Florida Building Code, Existing Building (Chapter 18).

F. If an owner of a building fails to ensure that the Building Safety Inspection is completed, the Building Official may file a complaint with the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes documenting such failure.

G. Improvements to the original building should be inspected based on the code at the time of permitting unless specified by the National Electrical Code.

H. The purpose of the Building Safety Inspection Program is not intended to determine if the condition of an existing building is in compliance with the current edition of the Florida Building Code.

II. DEFINITIONS:

A. Threshold Building: Any building that is greater than three stories or 50 feet in height or which has an assembly occupancy classification as defined in the Florida Building Code that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons or as otherwise defined by section 553.71, Florida Statutes, which may be amended from time to time.

B. Minor Buildings or Structures: Buildings or structures in any occupancy group having a building area of less than 3,500 sq. ft.

1. Any building or structure, regardless of size, which houses, covers, stores, or maintains any support features, materials, or equipment necessary for the operation of all or part of the primary structure, or operation of any

feature located upon the real property, shall not be considered a minor building or structure and shall be subject to inspection as otherwise set forth herein.

2. Structures to be included in the Building Safety Inspection Program are elevated decks, balconies, docks, and seawalls if attached to or supporting any structure. Parking garages, guardrails, and as such, are not exempt from this program.

C. Building Safety Inspection: A structural and electrical inspection of a building or structure by a Florida licensed professional authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the building or structure. And, to the extent reasonably possible, determine the general condition of the building or structure as it affects its safety, including a determination of any necessary maintenance, repair, or replacement of any structural or electrical component.

D. 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, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the Florida licensed professional performing the Building Safety Inspection determines that such surface imperfections are a sign of substantial structural deterioration.

E. Florida Licensed Professional: An Engineer or Architect licensed under Florida Statute 471 or 481.

F. Building Area: The total square footage of a building, including exterior walls.

III. BUILDING SAFETY INSPECTION PROGRAM SCOPE:

A. <u>Inspection Procedures</u> shall conform to the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals titled "General Considerations & Guidelines for Building Safety Inspections," which are included in this policy.

1. The Building Official shall notify the owner(s), association, or their duly authorized representative(s), of all buildings and structures requiring inspection under these guidelines. And, to retain all the necessary documentation to confirm compliance as set forth herein.
2. The inspecting professional shall have a right of entry into all areas necessary to comply with this program.
3. The owner or association shall be responsible for all costs associated with the inspection and any resulting required repairs and modifications.

B. <u>Inspection Schedule:</u>

1. All buildings and structures shall be inspected in the manner described herein, where such buildings or structures reach 25 years of age or older, based on the date that the certificate of occupancy was issued and as determined by the Building Official, who shall at such time issue a **Notice of Required Inspection** to the building owner or association.
2. The subsequent Building Safety Inspections are due every ten years from the year the initial Building Safety Inspection was required, regardless of when the previous inspection report for the building or structure was finalized or filed.

C. <u>Notices of Required Inspection:</u>

1. By June of each year, BORA will provide each local jurisdiction with a list of buildings and structures due for inspection.
2. From June through August, the Building Official shall notify the building owner or association by certified mail return receipt that their properties are due for inspection.
3. Notwithstanding the foregoing, the failure by a building official to provide a **Notice of Required Inspection** shall not affect a building owner's or association's requirement to timely procure the required inspection and any necessary repairs, provide a written report and certification of a building or structure.

D. Qualifications of Inspectors:

1. If the building or structure is not a "Threshold Building" as defined by the Florida Building Code, required reports shall be prepared by a Florida licensed Professional qualified by training and experience in the specific technical field involved in the inspection and report.
2. If the building or structure is a "Threshold Building" as defined herein, then:
   a. The structural portion of such report shall be prepared by a Florida-licensed professional in the State of Florida specializing in structural engineering and licensed as a Special Inspector under F.S. 471 and 481.
3. Any person responsible for removing electrical equipment covers for the purpose of allowing inspections related to this program shall be familiar with the requirements of NFPA 70E and OSHA 1910 by verification with a certificate of completion.
4. The Electrical Safety Inspection report shall be completed by a qualified Florida-licensed professional specializing in electrical design.

E. Reporting Procedures:

1. Within 180 days of receiving the **Notice of Required Building Safety Inspection**, the owner or association must complete the Building Safety Inspection. The Florida licensed professional shall issue a written report, including the Broward County Board of Rules and Appeals Structural and Electrical Safety Inspection report forms, to the Building Official and the owner or association. The report will state that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe, for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals or will indicate the types of repairs necessary to be undertaken.
2. The Building Official may issue an extension of not more than 60 days to submit a Building Safety Inspection report.
3. The inspection report shall, at a minimum, meet all the following criteria:
   a. Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
   b. In addition to a detailed written narrative report, the completed BORA Structural and Electrical Safety Inspection report forms shall be submitted as part of the report.
   c. Color photos with sufficient resolution shall be included with the reports to adequately convey typical conditions observed, particularly where defects have been found.
   d. Indicate the manner and type of inspection forming the basis for the inspection report.
   e. Identify any substantial structural deterioration or electrical deficiencies within a reasonable professional probability based on the scope of the inspection. Describe the extent of such deterioration and deficiencies and identify any repairs for such issues.
   f. State whether any unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
   g. Recommend remedial or preventive repair for any items that are damaged but do not have substantial structural deterioration and deficiencies.
   h. Identify and describe any items requiring further inspection.
4. If the building inspected is a condominium or cooperative, the 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, delivered by United States mail, personal delivery or electronic transmission to unit owners who previously consented to receive notice by electronic transmission. Post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and publish the full report and inspector-prepared summary on the association's website if the association is required to have a website.
5. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

F. Duty to Report:

Any Florida licensed professional who performs an inspection of an existing building or structure has a duty to report to the owner, association, and the Building Official any findings that, if left unaddressed, would endanger life or property no later than ten days after informing the appropriate parties of such findings. However, if such a professional finds that there are conditions in the building or structure causing an actual or immediate danger of

the failure or collapse of the building or structure or if there is a health hazard, windstorm hazard, fire hazard, or any other life safety hazard, such professional shall report such conditions **immediately** to the building owner or association, and to the Building Official within 24 hours of the time of discovery. In addition to assessing any fines or penalties provided by Broward County or the municipality, the Building Official shall report any violations of this provision to the appropriate licensing agency, regulatory board, and professional organization of such engineer or architect.

G. Required Repairs or Modifications:

1. In the event that repairs or modifications are found to be necessary as a result of the Building Safety Inspection, the owner shall have a total of 180 days from the date of the Building Safety Inspection report unless otherwise specified by the Building Official in accordance with Florida Building Code Section 110.15 (Florida Building Code, Broward County Amendments), in which to complete required repairs and correct the structural and electrical deficiencies. All applicable Building Code requirements shall be followed with all applicable permits obtained. The Florida Existing Building Code will specify whether the repairs or modifications can be made under the code in effect when the building was originally permitted or the code currently in effect. If an owner or association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration and electrical deficiencies identified in the inspection report within the required timeframe, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate.
2. When any electrical or structural repairs or modifications are required, the responsible licensed professional who has performed the Building Safety Inspection and issued the report shall provide the building owner, association, and the Building Official with a signed and sealed letter indicating whether the building or structure may continue to be safely occupied while the building or structure is undergoing repairs. Such a letter shall be valid for no more than 180 days. A new letter shall be issued if repairs or modifications remain ongoing.
3. For deficiencies that cannot be corrected within 180 days, the time frame may be extended when a time frame is specified by the responsible licensed professional and approved by the Building Official. Such extensions shall be contingent on maintaining an active building permit as specified in the Florida Building Code, Broward County Amendments, Section 105.3.2.
4. Once a permit is obtained for all necessary repairs or modifications from the local building department, which has jurisdiction, the Florida Building Code shall govern time restraints for such permits or in accordance with a more restrictive timeframe as directed by the design professional.
5. The Building Official may issue an extension of not more than 60 days to obtain any necessary permits upon a written extension request from a licensed professional qualified as stated herein for the type of building or structure in question. Such request shall contain a signed and sealed statement from the professional that the building may continue to be occupied while undergoing the Building Safety Inspection.
6. Once all required repairs, whether structural or electrical or both, have been completed, the responsible licensed professional who has performed the safety inspection and issued the report shall re-inspect the areas noted on the original report and shall provide the building owner, association, and building official an amended report with a signed and sealed letter stating that all of the required repairs and corrections have been completed and that the building or structure is acceptable for continued use under the present occupancy. The building owner or responsible professional shall submit that letter to the Building Official.

H. Violations:

1. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
2. If an owner or association of a building or structure fails to timely submit the Building Safety Inspection report to the Building Official or seek an extension request in accordance with the above, the Building Official shall elect the choice of either a Special Magistrate or Code Enforcement Board as set forth under Florida Statutes, Section 162, et. al., to conduct a hearing to address such failure. In the event an owner fails to comply with the repair and modification requirements as determined from the Building Safety Inspection report as set forth herein, the structure may be deemed to be unsafe and unfit for occupation. Such findings

shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate.

3. The Building Official may revoke, at any time, a Building Safety Inspection report if the Building Official determines that the written inspection report contains any misrepresentation of the actual conditions of the building or structure.