

Housing, Agriculture & Tourism Subcommittee

Tuesday, February 18, 2025
3:30 PM- 5:30 PM
Morris Hall (17 HOB)

Meeting Packet

Daniel Perez
Speaker

Michelle Salzman
Chair

The Florida House of Representatives

Commerce Committee

Housing, Agriculture & Tourism Subcommittee

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Meeting Agenda

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I. Call to Order

II. Roll Call

III. Opening Remarks

IV. **Panel Discussion on Condominiums**:

- Pete M. Dunbar, Special Counsel, Jones Walker LLP
- Ron Leiseca, Chair, Legislative Committee, Building Officials Association of Florida
- Melanie Griffin, Secretary, Florida Department of Business & Professional Regulation
- Tarcisio Noguera, Civil Engineer and Senior Project Manager, Walter P. Moore Engineering
- Emilio Rodriguez, President, Florida Lemark Corporation

V. Closing Remarks

VI. Adjournment

Ron Leiseca

Condominium Inspections

Brief Overview

Florida House of Representatives – Housing, Agriculture & Tourism Subcommittee

Overview

- Phase 1 – initial safety inspections conducted by Florida Licensed Architect or Engineer who may have additional team members under their supervision
- Phase 2 – if defects or issues detected during Phase 1 process, a more in-depth inspection to identify type, scope, and determine remediation steps required
- Reports are submitted to the HOA, AHJ (Authority Having Jurisdiction – local Building Department) for record. In the case of the HOA, they are required to notify and make available to all owners
- Timing is determined by CO (Certificate of Occupancy) issue date. Initial is 30-years from date of CO (some locales have option to adopt 25-years), then every 10-years (CO date controls timing)

Phase 1 and 2 Notifications

- Database challenges for some jurisdictions
- DBPR challenges
  - Current Division of Condominiums – did not include relevant data
  - Voluntary database update requirement
- Property Assessor database not inclusive of relevant information
  - Was not set up to reflect needed information

Flexibility

- Date of CO controls initial and next inspection due date in cycle
- In some cases, due to gathering of information delay, initial due date extended
- If Condo/Coop hampered due to availability of qualified architect or engineer for Phase 1 inspections, evidence of schedule or requests for professional services allowed extension
- On Phase 2, if delays due to securing qualified contractors, AHJ would work with them for extension, within reason

Where is the Data?

- Not a stated requirement nor is there a central repository at State level
- Unfunded mandate
- Locally, no organized breakdown
  - To get the data, report by report analysis required including that for Phase 2 to categorize by repair types required
- Older programs in Miami-Dade and Broward do not segregate information, only compliance or follow-up due dates if compliance is not reported
- Remember – Only Miami-Dade and Broward had such a program in place, so the other 65 counties and over 300+ cities, towns, and villages had to gear up for this

Trend

- Established programs in Miami-Dade and Broward only mention some confusion tied to SIRS requirements
- Other areas have typical questions about who does observations, what is role of AHJ, and impact if Phase 2 is required
  - Customer Service shares information and some jurisdictions have education outreach via mailers with notices and via front desk personnel
- Depending on type of construction and age, certain types have higher Phase 2 follow up requirements
  - OSB sheathing
  - Indications of maintenance habits or lack thereof
- Repairs
  - Timing – when do we have to get them done
  - Costs
- SIRS and questions on AHJ involvement – who enforces it
- 30-year versus 25-year initial timeline option – questions on difference received from public

Other Observations

- Updating database – initially work in progress; now an issue with securing updated information due to changes in HOA contacts
- We have an unsafe structure issue
  - Reported by professional doing observation
  - Reported by tenant/owner
- Process
  - AHJ in most cases refers this to Unsafe Structures or Code Enforcement if that is the set-up by local governmental unit – AHJ does not have legal authority to proceed with investigation (local ordinances define)
  - In a minority of cases, the complaint is referred to local Administration for action
    - Building Official **MUST** refer the complaint in an expedited manner
    - How the complaint is routed initially may delay the process

Possible Improvements

- Possible added items for initial and follow-up observations (similar to Miami-Dade approach; more areas covered by process)
- Life safety protection
  - Fire Marshal wish list on fire related features being part of review scope
- Unified survey on key issues and comments
  - Record keeping of maintenance activity
  - Equipment log
  - Key contact defined

Topics not Addressed

- Central depository of reports for statistical analysis
  - Who gets to do it and foot the bill
  - What information are you trying to gather
  - Will this benefit our Code approach

Cautions

- This is still early stages, so need to be careful on abrupt changes as they cause confusion
  - Jurisdictions
  - HOAs
- Do not overload the system
  - Capacity versus demand
    - Qualified professionals
- Educate, not confuse

Thank you for your time

RJ (Ron) Leiseca, BOAF, CSI, AIA Allied
Chair – BOAF Legislative Committee

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