

ORDINANCE NO. 25-07

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA RELATING TO MANDATORY STRUCTURAL INSPECTIONS FOR CONDOMINIUM AND COOPERATIVE BUILDINGS; IMPLEMENTING SUBSECTION 553.889(11), FLORIDA STATUTES (2025); CREATING SECTION 14-5 OF THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA; REQUIRING CONDOMINIUMS, COOPERATIVE ASSOCIATIONS, AND OWNERS SUBJECT TO MANDATORY STRUCTURAL INSPECTIONS TO SCHEDULE OR COMMENCE REPAIRS FOR SUBSTANTIAL STRUCTURAL DETERIORATION WITHIN 365 DAYS AFTER THE TOWN'S RECEIPT OF A PHASE TWO INSPECTION REPORT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING FOR BUSINESS IMPACT ESTIMATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the *Municipal Home Rule Powers Act* (F.S. Chapter 166) and *Article VIII, §2 of the Florida Constitution*; and

WHEREAS, pursuant to *Section 2(b), Article VIII of the Florida Constitution* and *Chapter 166, Florida Statutes*, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, *Section 553.889(3)(a), Florida Statutes (2025)*, states, in pertinent part, as follows:

An owner or owners of a building that is three habitable stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under Chapter 718 of the Florida Statutes or a residential cooperative under Chapter 719 of the Florida Statutes "must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter; and

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WHEREAS, a milestone inspection consists of two (2) phases, including a visual examination of habitable and non-habitable areas and the major structural components of a building by a licensed architect or engineer authorized to practice in Florida and, if substantial structural deterioration is identified, destructive or nondestructive testing at the inspector's direction; and

WHEREAS, *Section 553.889(8) of the Florida Statutes (2025)* requires and states, in pertinent part, as follows:

Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection 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, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction; and

WHEREAS, *Section 4 of CS/CS/HB 913 (2025), Chapter 2025-175, Laws of Florida*, codified at *Section 553.889(11), Florida Statutes (2025)*, requires each municipal governing body in the State of Florida, including the Town Commission of the Town of Dundee, Florida (the "Town Commission"), to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to *Section 553.889, Florida Statutes*, to schedule or commence repairs for substantial structural deterioration within a specified timeframe after the Town's building official receives a phase two inspection report, provided that such repairs be commenced within 365 days after receiving such report; and

WHEREAS, Town Commission desires to implement *Section 553.889(11), Florida Statutes (2025)*, by adopting new *Chapter 14, Article I, Sec. 14-5 of the Code of Ordinances of the Town of Dundee, Florida* (the "Code"), to require a condominium or cooperative association and any other owner that is subject to *Section 553.889, Florida Statutes*, to schedule or commence repairs for substantial structural deterioration within 365 days, which is the time allowed by general law; and

WHEREAS, in the exercise of its legislative authority, the Town Commission has determined it is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Dundee, Florida, and consistent and in accordance with applicable Florida law to amend *Chapter 14, Article I, of the Code* relating to certain mandatory structural inspections and commencement of certain repairs for substantial structural deterioration; and

WHEREAS, on **December 9, 2026**, at a duly noticed public meeting, the Town Commission determined and found that the provisions of this **Ordinance No. 25-07**,

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which concerns the post-construction safety of condominium and cooperative association buildings, **does not** impose *more restrictive* and/or *more burdensome* regulation or procedures on construction, reconstruction, or redevelopment of property; and

WHEREAS, on **January 13th, 2026**, the Town Commission finds that the purpose of this **Ordinance No. 25-07** is to comply with state law and, pursuant to **Section 166.041(4)(c)1., Florida Statutes (2025)**, no business impact estimate is required to be prepared or posted prior to adoption; and

WHEREAS, on **January 13th, 2026**, at a duly noticed public hearing, the Town Commission determined that this **Ordinance No. 25-07** amending the Code promotes the public health, safety, and general welfare of the community and found that the passage and enactment of this **Ordinance No. 25-07** is consistent with the *Town of Dundee 2030 Comprehensive Plan*; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Ordinance No. 25-07** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest; and this **Ordinance No. 25-07** is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the adoption of this **Ordinance No. 25-07**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Ordinance No. 25-07**.

Section 2. Amendment.

Chapter 14, Article 1, of the Code of Ordinances of the Town of Dundee, Florida (the "Code"), is hereby amended to create **Sec. 14-5 of the Code** (provisions deleted are shown as ~~strikethrough~~ and provisions added are shown as underlined).

Section 14-5 of the Code is hereby created to read, as follows:

Sec. 14-5. Condominium and cooperative association building safety.

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A condominium or cooperative association and any other owner that is required by law to perform milestone inspections must schedule or commence repairs for substantial structural deterioration within 365 days after the building official receives a phase two inspection report.

Section 3. Conflicts.

All ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this **Ordinance No. 25-07** full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the *Town of Dundee 2030 Comprehensive Plan* and/or *Code of Ordinances of the Town of Dundee, Florida*, unless such repeal is explicitly set forth herein.

Section 4. Severability.

The provisions of this **Ordinance No. 25-07** are severable. If any section, subsection, sentence, clause, phrase of this **Ordinance No. 25-07**, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission hereby declares that it would have passed this **Ordinance No. 25-07**, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Ordinance No. 25-07** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Ordinance No. 25-07** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Ordinance No. 25-07** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Ordinance No. 25-07**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Ordinance No. 25-07**, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Ordinance No. 25-07** may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Ordinance No. 25-07** may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public

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hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Codification.

It is the intent of the Town Commission that the provisions of Section 2 to this **Ordinance No. 25-07** shall be codified as and become and be made a part of the *Code of Ordinances of the Town of Dundee, Florida*. The implementing sections of this **Ordinance No. 25-07**, Sections 1, 3, 4, 5, and 6, shall not be codified. The code codifier is granted liberal authority to codify the provisions of this **Ordinance No. 25-07**, *provided* that the Town Commission requests for the codifier to make a State Law reference to “Milestone inspections for condominiums and cooperative associations; F.S. § 553.889” as a courtesy to readers and users of the Code.

Section 7. Business Impact Estimate.

On October 1, 2023, *Senate Bill 170* (“SB 170”), *Chapter 2023-309, Laws of Florida*, was enacted amending *Section 166.041, Florida Statutes*, requiring a local government to prepare a *business impact estimate* before the enactment of an ordinance. On October 1, 2024, *Senate Bill 1628* (“SB 1628”), as codified under *Chapter 2024-145, Laws of Florida*, further amended *Section 166.041, Fla. Stat. (2024)*, by creating certain express exclusion(s).

In this instance, this **Ordinance No. 25-07** is required for compliance with general law of the State of Florida. As such, pursuant to applicable Florida law, this **Ordinance No. 25-07** is exempt and does **not** require a business impact estimate.

Section 8. Effective Date.

This **Ordinance No. 25-07** shall become effective immediately upon its passage and adoption by the Town Commission after Second and Final Reading.

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INTRODUCED AND PASSED on first reading and public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled held this **9th day of December, 2025**.

PASSED AND FINALLY ADOPTED on second reading and adoption public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled on this 13th day of January, 2026.

**TOWN OF DUNDEE
TOWN COMMISSION**

Sam Pennant, Mayor

ATTEST:

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney