

ORDINANCE NO. 2025-008

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO STRUCTURAL INSPECTIONS AND REPAIRS OF CONDOMINIUMS AND COOPERATIVE BUILDINGS; PROVIDING FINDINGS; CREATING NEW CHAPTER 65 OF THE CODE OF ORDINANCES; REQUIRING MILESTONE INSPECTIONS OF CONDOMINIUMS AND COOPERATIVE BUILDINGS; REQUIRING INSPECTION REPORTS; SPECIFYING TIMEFRAMES FOR REPAIRS TO BE SCHEDULED AND COMMENCED; REQUIRING THE BUILDING OFFICIAL TO SUBMIT REPAIR AND INSPECTION INFORMATION TO THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida (the “Town”), finds and declares the following:

- (1) The Florida Legislature amended Section 553.899, Florida Statutes, through session law Chapter 2025-175. The amendments require municipalities to enact ordinances related to repairs and milestone inspections of condominiums and cooperative buildings.
- (2) The Town Council determines that the proposed amendments to the Code of Ordinances set forth in Section 2 of this ordinance are consistent with the amendments to Section 553.899, Florida Statutes. It is in the interest of the citizens, residents, and property owners of the Town to enact the amendments to the Town’s Code of Ordinances contained in Section 2 of this ordinance.

Section 2. Amendments to the Town’s Code of Ordinances. Chapter 65 of the Code of Ordinances is created as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

CHAPTER 65. – CONDOMINIUMS & COOPERATIVE BUILDINGS

Sec. 65-1. – Definitions.

- (a) “Condominium” means a building or complex of buildings containing a number of individually owned units, the owners of which have an undivided share in the common elements (e.g., all portions of the property not within the units).
- (b) “Cooperative building” means a building owned by a cooperative association, wherein the legal title is vested in the corporation and the individual residents own shares in the building, which shares grant them a proprietary lease to occupy a specific unit. Residents

collectively manage and share the costs of maintenance, taxes, and other expenses through periodic fees, while the cooperative association oversees such management through a board of directors elected by the individual residents.

- (c) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in F.S. 627.706, by an architect licensed under chapter 481, F.S., or engineer licensed under chapter 471, F.S., authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining 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. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the fire safety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (d) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness 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 licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

Sec. 65-2. – Required inspections.

- (a) An owner or owners of a building that is three 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, F.S., or a residential cooperative under chapter 719, F.S., 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.
- (b) The Town may determine that local circumstances, such as the proximity to salt water, require milestone inspections to be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.
- (c) The Town may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of 553.899, F.S. Notwithstanding when such inspection was completed, the condominium or

cooperative association must comply with the unit owner notice requirements in section 65-3. The inspection report accepted by the Building Official under this subsection is deemed a milestone inspection for the applicable requirements in chapters 718 and 719, F.S. If a previous inspection and report is accepted by the Building Official under this subsection, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

- (d) The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association.

Sec. 65-3. – Notice.

Upon determining that a building must have a milestone inspection, the Building Official must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the Town and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

Sec. 65-4. – Milestone inspection phases.

- (a) Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under section 65-3. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the Town.

- (b) A milestone inspection consists of two phases:

1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state must perform a visual examination of habitable and nonhabitable 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, as provided in paragraph 2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to section 65-5.

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- 139 2. A phase two of the milestone inspection must be performed if any substantial
- 140 structural deterioration is identified during phase one. A phase two inspection
- 141 may involve destructive or nondestructive testing at the inspector's direction. The
- 142 inspection may be as extensive or as limited as necessary to fully assess areas of
- 143 structural distress in order to confirm that the building is structurally sound and
- 144 safe for its intended use and to recommend a program for fully assessing and
- 145 repairing distressed and damaged portions of the building. When determining
- 146 testing locations, the inspector must give preference to locations that are the least
- 147 disruptive and most easily repairable while still being representative of the
- 148 structure. If a phase two inspection is required, within 180 days after submitting a
- 149 phase one inspection report the architect or engineer performing the phase two
- 150 inspection must submit a phase two progress report to the local enforcement
- 151 agency with a timeline for completion of the phase two inspection. An inspector
- 152 who completes a phase two milestone inspection shall prepare and submit an
- 153 inspection report pursuant to section 65-5.
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155 **Sec. 65-5. – Inspector's report.**

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- 157 (a) Upon completion of a phase one or phase two milestone inspection, the architect or
- 158 engineer who performed the inspection must submit a sealed copy of the inspection
- 159 report with a separate summary of, at minimum, the material findings and
- 160 recommendations in the inspection report to the condominium association or cooperative
- 161 association, to any other owner of any portion of the building which is not subject to the
- 162 condominium or cooperative form of ownership, and to the building official of the local
- 163 government which has jurisdiction. The inspection report must, at a minimum, meet all of
- 164 the following criteria:
- 165
- 166 1. Bear the seal and signature, or the electronic signature, of the licensed engineer or
 - 167 architect who performed the inspection.
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 - 169 2. Indicate the manner and type of inspection forming the basis for the inspection
 - 170 report.
 - 171
 - 172 3. Identify any substantial structural deterioration, within a reasonable professional
 - 173 probability based on the scope of the inspection, describe the extent of such
 - 174 deterioration, and identify any recommended repairs for such deterioration.
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 - 176 4. State whether unsafe or dangerous conditions, as those terms are defined in the
 - 177 Florida Building Code, were observed.
 - 178
 - 179 5. Recommend any remedial or preventive repair for any items that are damaged but
 - 180 are not substantial structural deterioration.
 - 181
 - 182 6. Identify and describe any items requiring further inspection.
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- (b) Within 45 days after receiving the applicable inspection report, the condominium or cooperative 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, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.
- (c) Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to the Building Official, regardless of the findings or recommendations in the report, by United States mail or personal delivery.

Sec. 65-6. – Required repairs.

- (a) Any condominium or cooperative association and any other owner subject to section 553.899, F.S., must schedule repairs for substantial structural deterioration within 6 months after the Building Official receives a phase two inspection report.
- (b) Repairs for substantial structural deterioration must commence within 1 year after the Building Official receives a phase two inspection report.

Sec. 65-7. – Proof of scheduling and commencement required.

- (a) An owner of the condominium or cooperative building must submit proof satisfactory to the Building Official that repairs have been scheduled for a substantial structural deterioration identified in a phase two inspection report within 6 months of the Building Official's receipt of the report.
- (b) An owner of the condominium or cooperative building must submit proof to the Building Official that repairs have commenced for a substantial structural deterioration identified in a phase two inspection report within 1 year of the Building Official's receipt of the report.
- (c) If an owner fails to submit proof of scheduling or commencement, the Building Official must review, investigate, and determine if the building is unsafe for human occupancy.

Sec 65-8. – Milestone Inspection reporting.

Annually, on or before December 31, the Building Official must provide the Department of Business and Professional Regulation with the following information, in the department's

designated electronic format:

- (a) The number of buildings required to have a milestone inspection within the agency's jurisdiction.
- (b) The number of buildings for which a phase one milestone inspection has been completed.
- (c) The numbers of buildings granted a good cause extension pursuant to 553.899, F.S.
- (d) The number of buildings required to have a phase two milestone inspection.
- (e) The number of buildings for which a phase two milestone inspection has been completed.
- (f) The number, type, and value of permit applications received to complete repairs required by a phase two milestone inspection.
- (g) A list of buildings deemed to be unsafe or uninhabitable as determined by a milestone inspection.
- (h) The license number of the building code administrator responsible for milestone inspections for the Town.

Section 3. Codification. The amendments in Section 2 of this Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Howey-in-the-Hills.

Section 4. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

Section 5. Effective Date. This ordinance takes effect immediately upon enactment.

APPROVED AND ADOPTED by the Town Council of the Town of Howey-in-the-Hills on the ____ day of _____, 2025.

Town of Howey-in-the-Hills, Florida
By: Town Council

By: _____
Graham Wells, Mayor

Attest:

276 _____
277 John Brock
278 Town Clerk
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280 First Reading:
281 Advertised:
282 Second Reading:
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