

ORDINANCE 2025-19

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; AMENDING CODE OF ORDINANCES CHAPTER 5 – BUILDINGS, ARTICLE V. – UNSAFE OR DILAPIDATED BUILDINGS TO ADD SECTIONS 5-126 THROUGH 5-129 SO AS TO COMPLY WITH THE REQUIREMENTS OF 2025 FLORIDA LEGISLATURE HOUSE BILL (HB) 913, AS CODIFIED IN F.S. SECTION 553.899 (F.S. Sec. 553.899); PROVIDING FOR REQUIRING MILESTONE INSPECTIONS FOR SUBSTANTIAL STRUCTURAL DAMAGE TO RESIDENTIAL CONDOMINIUMS OF THREE (3) OR MORE HABITABLE STORIES AND 30 YEARS OR MORE IN AGE, WITH FOLLOW-UP INSPECTIONS EVERY 10 YEARS; PROVIDING FOR REPAIR REQUIREMENTS FOR SUCH BUILDINGS WITH SUBSTANTIAL STRUCTURAL DAMAGE; PROVIDING FOR AN ADMINISTRATIVE PROCESS FOR THE RECORDING AND REPORTING OF RESULTS OF SUCH MILESTONE INSPECTIONS AND REPAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2025 Florida Legislature House Bill 913, codified in F.S. Section 553.899 (F.S. Sec. 553.899) added requirements that residential condominium buildings of three (3) or more residential stories and over 30 years of age have milestone inspections (engineering) for substantial structural damage, with follow-up inspections every 10 years; and

WHEREAS, F.S. Sec. 553.899 has added requirements for the repair of said residential condominiums showing substantial structural damage through the milestone inspection; and

WHEREAS, F.S. Sec. 553.899 has added requirements for municipal record keeping and reporting requirements to the State for these processes; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(a), Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the City’s Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the City, at a duly advertised public meeting on November 17, 2025, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the City Commission for adoption; and

WHEREAS, the City Commission hereby amends Code of Ordinances Chapter 5 – BUILDINGS, ARTICLE V. – UNSAFE AND DILAPIDATED

BUILDINGS as depicted in Section 1 below, adding requirements for milestone inspections, repairs, and administration/documentation so as to conform with the requirements of F.S. Sec. 553.899; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA, AS FOLLOWS:

Section 1. AMENDMENT TO THE CODE OF ORDINANCES. The Commission of the City of Wauchula, Florida, amends its Code of Ordinances in the following specific manner: The Code of Ordinances is amended to address the requirements for mandatory structural inspections for condominium and cooperative buildings consistent with Florida Statutes 553.899 as included in "Exhibit "A".

Section 2. RECITALS. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

Section 3. CODIFICATION. It is the intent of the City of Wauchula to have the amendments to Code of Ordinances Chapter 5 – BUILDINGS, ARTICLE V. – UNSAFE AND DILAPIDATED BUILDINGS codified at the earliest date practicable.

Section 4. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect. The City of Wauchula, Florida, hereby declares that it would have passed this Ordinance, 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. CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance 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 City's Code of Ordinances and Unified Land Development Code (ULDC), unless such repeal is explicitly set forth herein.

Section 6. Effective Date. The Ordinance shall take effect immediately upon adoption by the City Commission of the City of Wauchula, Florida.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Wauchula, the ____ day of ____, 2025.

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this ____ day of ____, 2026.

This ordinance was moved for adoption by Commissioner _____.
The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Anne Miller _____ insert yes or no

Commissioner Russell Graylin Smith _____ insert yes or no

Commissioner Keith Nadaskay, Jr _____ insert yes or no

Commissioner Dr. Sherri Albritton _____ insert yes or no

Commissioner Gary Smith _____ insert yes or no

(SEAL)

ATTEST:

APPROVED:

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, City Attorney

**Exhibit “A”
Ordinance No. XXX
Code of Ordinances Text Amendment**

Text that is <u>underlined</u> is text to be added and text that is shown as strikeout is to be removed.

ARTICLE V. – UNSAFE OR DILAPIDATED BUILDINGS

Sec. 5-126. – Milestone inspections for condominiums/cooperative form of ownership.

All residential buildings under a condominium or cooperative form of ownership, as defined by Florida Statutes (F.S.) chapters 718 or 719, and which are three (3) or more habitable stories in height as defined by the Florida Building Code (FBC), shall be required to have a milestone inspection for substantial structural deterioration, as defined by F.S. subsections 553.899(2)(a)-(b), by December 31 of the year in which the residential condominium/cooperative building reaches 30 years of age from the issuance of its original Certificate of Occupancy (CO), and then every 10 thereafter. In the event that the date of issuance of the CO is unavailable, the date of issuance of the CO shall be the date of occupancy as determined by the City’s Building Official. Buildings which reached 30 years of age prior to July 1, 2022, shall have their initial milestone inspection performed by December 31, 2024. For buildings which reached the 30-Year mark of their CO between on or after July 1, 2022, and before December 31, 2024, the buildings initial milestone inspection shall be performed before December 31, 2025.

Said milestone inspection shall be performed by licensed and state authorized architect or engineer and consist of two phases: Phase 1 milestone inspections shall be visual examinations to assess structural condition. If substantial structural deterioration is identified, a Phase 2 inspection consisting of a more extensive evaluation shall be required to determine necessary repairs or maintenance.

Sec. 5-127. – Repair work for condominium/cooperate buildings showing signs of substantial structural deterioration.

In the event that a Phase 2 structural inspection report shows evidence of substantial structural deterioration, the condominium or cooperative association shall commence such repairs within a time frame established by the City Building Official, but in no circumstance shall such repairs commence greater than 365 days from the receipt of the report. In the event that the association fails to provide evidence of the scheduling or commencement of the repair work during the established time frame, the City shall review and determine if the structure is safe for human habitation.

Sec. 5-128. – Qualifications for persons performing milestone inspections or work required as a result.

Any architect licensed under F.S. Chapter 481 or engineer licensed under F.S. Chapter 471 who performs a milestone inspection shall meet the requirements of F.S. Section 553.889(2)(A), or any design professional, as defined under F.S. Section 558.002, or contractor as defined by F.S. Chapter 489, shall meet all inspector qualifications for such professionals under F.S. Sec. 553.899(12).

Sec. 5-129. – City reporting of information on condominium/cooperative residential building milestone inspection results and repairs to the State of Florida.

On or before December 31, 2025, and before said date each year thereafter, the City Community Development Department shall provide the Florida Department of Business and Professional Regulations the following information regarding condominium/cooperative residential buildings of three or more habitable stories and more than 30 years old, and every ten (10) years thereafter, in electronic format:

- (1) The number of buildings required to have a milestone inspection within the City.
- (2) The number of buildings for which a phase one milestone inspection has been completed.
- (3) The number of buildings granted an extension under the provision of F.S. Sec. 553.899(3)(c).
- (4) The number of buildings required to have a phase 2 milestone inspection after the finding of signs of substantial structural deterioration during the initial phase 1 inspection.
- (5) The number of buildings for which a phase 2 milestone inspection have been completed.
- (6) The number, type, and value of permit applications received to complete repairs required by the phase 2 milestone inspection.
- (7) A list of buildings deemed to be unsafe or uninhabitable as determined by a milestone inspector.
- (8) The license number of the City Building Code Administrator responsible for milestone inspections.

Additionally, the City may require condominium/cooperative associations or management to submit copies of milestone inspection reports and proof of repairs to ensure compliance with this Section.

The Florida Department of Business and Professional Regulation shall be responsible for forwarding all information received electronically under F.S. Subsection 553.899 (13)(a) to the Office of Program Policy Analysis and Government Accountability (OPPAGA). Upon receipt and review, the OPPAGA may require any other information necessary to compile information and provide a report to the President of the Senate and the Speaker of the House of Representatives.