

ORDINANCE NO. 599

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING CHAPTER 26 OF THE TOWN'S CODE OF ORDINANCES BY CREATING ARTICLE VII "CONDOMINIUM MILESTONE INSPECTIONS," ADDRESSING STATUTORY REQUIREMENTS FOR MILESTONE INSPECTIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed HB 913 (2025), amending Section 553.899 (11), Fla. Stat., regulating the timing of milestone inspections; and

WHEREAS, this amendment requires local governments to adopt an ordinance setting forth certain requirements regarding milestone inspections and repairs associated therewith; and

WHEREAS, this statutory language necessitates revisions to the Town's Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BELLEAIR, FLORIDA, AS FOLLOWS:

Section 1. That the Code of Ordinances, Town of Belleair, Florida, is hereby amended by adding an article to be titled "Article VII. – Condominium Milestone Inspections" of Chapter 26 "Environmental," which reads as follows:

ARTICLE VII. – CONDOMINIUM MILESTONE INSPECTIONS

Sec. 26-147. – Intent and Authority.

It is the intent of the Board of Commissioners of the Town of Belleair, Florida, to implement processes and regulations to comply with statutory requirements mandating inspections for the public safety and welfare for applicable properties located in the Town's jurisdictional boundaries that are subject to milestone inspections.

Sec. 26-148. – Applicability.

A condominium association, as defined by Chapter 718, Florida Statutes, and a cooperative association, as defined by Chapter 719, Florida Statutes, must have a milestone inspection performed for each building that is three habitable stories or more in height 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 ten (10) years thereafter.

Sec. 26-149. – Definitions.

As used in this Article, the following terms shall have the meaning as indicated:

Association means a condominium association as defined under F.S. Ch. 718, or a cooperative association as defined under F.S. Ch. 719, or as further defined herein.

Inspector means a Florida actively licensed architect or engineer, with experience in multi-story structural design, who is specifically insured for performing “Milestone Inspection” work at a rate of no less than \$1,000,000 per occurrence/\$2,000,000 aggregate coverage.

Milestone Inspection shall contain the same meaning as set forth in Florida Statute § 553.899, as the same may be amended from time to time.

Phase One Inspection or *Phase One Milestone Inspection* shall contain the same meaning as set forth in Florida Statute § 553.899, as the same may be amended from time to time.

Phase Two Inspection or *Phase Two Milestone Inspection* shall contain the same meaning as set forth in Florida Statute § 553.899, as the same may be amended from time to time.

Habitable Story shall contain the same meaning as set forth in the Florida Building Code, as the same may be amended from time to time.

Substantial structural deterioration shall contain the same meaning as set forth in Florida Statute § 553.899, as the same may be amended from time to time.

Sec. 26-150. - Administration.

The Building and Permitting Department shall serve as the local enforcement agency for the purposes of this Section.

Sec. 26-151. - Notice of Milestone Inspection.

- (a) Upon determining that a building must have a Milestone Inspection, the Building and Permitting Department shall provide written notice that a Milestone Inspection is required by certified mail, return receipt requested and e-mail when e-mail contact information has been provided.
- (b) The Association must notify the unit owners of the required Milestone Inspection within 14 days after receipt of the written notice from the Building and Planning Department and provide the date that the Milestone Inspection must be completed, which shall be a date within 180 days after receiving the written notice.

Sec. 26-152. - Inspections.

- (a) *Phase One Inspections.* Within 180 days after receiving the written notice, the Association must complete Phase One of the Milestone Inspection. Completion of a Phase One Milestone Inspection occurs when the Inspector who performed the Phase One Inspection submits the inspection report to the Building and Permitting Department through the Department's permitting system or other means authorized in writing by the Building Official, or his or her designee.
- (1) The Inspector must indicate whether a Phase Two Inspection, as provided in Section 26-149, or F.S. § 553.899(7)(b), whichever is more stringent, is required.

- (2) An Inspector who completes a Phase One Milestone Inspection shall prepare and submit an inspection report to the Town through the Building and Permitting Department's permitting system.
- (b) Phase Two Inspections. A Phase Two Milestone Inspection must be performed if any substantial structural deterioration is identified during the Phase One Milestone Inspection.
- (1) An Inspector who completes a Phase Two Milestone Inspection shall prepare and submit an inspection report pursuant to this Article.

Sec. 26-153. - Inspection Report.

- (a) Submission. Upon completion of a Phase One or Phase Two Milestone Inspection, the Inspector 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:
 - (1) The Association, and
 - (2) The Building Official and pay a report review fee to the Town of Belleair as set forth in the Town's administrative fee schedule.
- (b) Terminology. Any terminology providing a rating, grade, or status of a component, system, or structure shall be explained in sufficient detail to justify the rating or status.
- (c) Contents.
 - (1) The Phase One Inspection report must contain or address, at a minimum, all of the following:
 - a. Bear the seal and signature, or the electronic signature, of the Inspector who performed the inspection, a date for each inspection, if multiple days, and the date of the final report.
 - b. The complex and management information, including but not limited to the name and contact information for the Association and any management company. The report should also identify the current members of the Association's board and each member's contact information.
 - c. Indicate the manner and type of inspection forming the basis for the inspection report.
 - d. Provide a general condition rating and any specific detail observations, along with any recommendations for each inspection category listed in the inspection criteria, including but not limited to: foundations, roof/roofing systems, bearing walls, floor systems, framing systems, windows, wall openings, railings, stairs, and balconies.
 - e. Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
 - f. Include color photographs with sufficient resolution to convey the conditions at the time of the inspection and identify any recommended repairs.

- g. State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- h. Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- i. Provide an overall qualitative structural assessment of the building.
- j. Identify and describe any items requiring further inspection.
- k. Indicate if a Phase Two Inspection, or other subsequent inspections are required, necessary, or recommended.
- l. Include a copy of the Certificate of Insurance specifically providing coverage for the Inspector, and their company if applicable.
- m. Include a copy of the Inspector's Resume or Curriculum Vitae with three references from prior multi-story projects and a self-qualification letter from the Inspector stating their professional experience with the design and inspection of similar structures.

(2) A Phase Two Inspection report shall contain at a minimum the following:

- a. Bear the seal and signature, or the electronic signature, of the Inspector who performed the inspection, a date for each inspection, if multiple days, and the date of the final report.
- b. The complex and management information, including but not limited to the name and contact information for the association entity and any management company. The report should also identify the current members of the Association's board and each of their individual contact information.
- c. Provide references to the Phase One Inspection Report for each item requiring additional examination.
- d. Identify the type and manner of inspections performed.
- e. Identify any damage, including color photographs when possible, and extent of repairs needed along with any repair recommendations.
- f. Provided graded urgency for each required, necessary, or recommended repair.
- g. Identify any testing performed and the results of any testing.
- h. List any additional inspections or testing that should be performed and provide a timeline for completion.

Sec. 26-154. - Repairs; Corrective Action Report.

For Phase One of the Milestone Inspection, the Inspector shall perform a visual inspection of habitable and nonhabitable areas of the building, including the major structural components, and provide a qualitative assessment of the structural conditions of the building. If the Inspector finds no signs of substantial structural deterioration to any building components under visual examination, Phase Two of the Milestone Inspection is not required.

Phase Two of the Milestone Inspection must be performed if any substantial structural deterioration is identified during Phase One. Based on the recommendations in the Phase Two report, all required repairs must be permitted in 90 days and completed within one year. The permit application shall include a direct reference to the Phase Two Inspection Report including the page and item or paragraph number of the repair being permitted. A copy of the Inspection Report page marking the noted repair item shall be submitted with the permit application.

Following the completion of all repairs from the Phase Two Inspection Report, the Inspector and Association shall sign and submit a Certificate of Completion to the Building and Permitting Department through the Town's permitting system.

Sec. 26-155. - Enforcement.

The requirements of this Article shall be enforced as follows:

- (a) By the Special Magistrate pursuant to the authority granted by F.S. Ch. 162, Part I;
- (b) By citation for civil penalties pursuant to the authority granted by F.S. Ch. 162, Part II;
- (c) By issuance of a notice to appear in County Court pursuant to F.S. § 162.23;
- (d) By an action for injunctive relief, civil penalties, or a combination thereof, through a court of competent jurisdiction.

A violation of this Chapter shall constitute a separate offense for each day it recurs or continues.

Sec. 26-156. Fines.

Failure to meet the required timelines may result in the following fines:

- (a) Failure to register the building(s): \$50 per day.
- (b) Failure to complete the Phase One Milestone Inspection: \$100 per day.
- (c) Failure to complete the Phase Two Milestone Inspection: \$500 per day.
- (d) Failure to apply for applicable permit for recommended or required repairs within deadline: \$50 per day.
- (e) Failure to make inspection documented repairs: \$200 per day.

Sec. 26-157. - Extensions.

- (a) *Phase Two Inspections.* The Building Official may issue an extension of not more than 60 days to submit the Phase Two Milestone Inspection report upon a written extension request from the Inspector performing the inspection. Such request must contain a signed and sealed statement from the Inspector that the building may continue to be occupied while undergoing inspection and the reason the extension is needed.
- (b) *Permit Applications.* The Building Official may issue an extension of not more than 60 days to obtain any necessary permits related to repairs or work based on a Phase One Inspection or Phase Two Inspection upon a written extension request from an engineer or architect. Such request must contain a signed and sealed statement from the engineer or architect that the building may continue to be occupied while undergoing the applicable required Milestone Inspection repairs and shall provide the reason for the extension.

Sec. 26-158. Unsafe Structures; Duty to Report; Condemnation; Liens.

In the event a structure is determined to be unsafe for habitation, including but not limited to a danger of collapse, during the Phase One or Phase Two Inspection, the Inspector shall notify the Association within 12 hours of the determination. The Association shall notify owners based on the instruction of the Inspector. In no event shall the notice to owners exceed 24 hours after the Association receipt of the notice of the unsafe condition.

The Inspector must report findings that a property is unsafe for habitation including but not limited to a danger of collapse to the Town's Building Official and the County Fire Marshall within 24 hours of the determination.

Section 2. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 3. The Codifier shall codify the substantive amendments to the Belleair Town Code contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 4. Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2026, by the Board of Commissioners of the Town of Belleair, Florida.

PUBLISHED on the ____ day of _____, 2026.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2026, by the Board of Commissioners of the Town of Belleair, Florida.

Mike Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC
Town Clerk