

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS, ESTABLISHING THE "MANDATORY MILESTONE INSPECTION PROGRAM"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; ESTABLISHING APPLICABILITY AND TIMELINES FOR REQUIRED INSPECTIONS; PROVIDING FOR NOTICE, REPORTING, AND REPAIR REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR FEES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Polk County Board of County Commissioners is authorized by Chapters 125 and 162, Florida Statutes, to adopt ordinances to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Florida Legislature has determined that the structural integrity of aging condominium and cooperative buildings is a matter of statewide concern and has enacted Section 553.899, Florida Statutes, to establish a uniform program of mandatory structural inspections, known as "milestone inspections"; and

WHEREAS, Section 553.899, Florida Statutes, requires every local government to adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within 365 days of the local enforcement agency's receipt of a Phase 2 milestone inspection report; and

WHEREAS, the Board of County Commissioners finds that the adoption of this Ordinance is necessary and in the public interest to implement the state's milestone inspection program, ensure the timely repair of unsafe structures, and protect the lives and property of the residents of Polk County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1: SHORT TITLE.

This article shall be known as the "Mandatory Milestone Inspection Program".

SECTION 2: PURPOSE AND INTENT.

This article is intended to establish a program for the administration and enforcement of the mandatory milestone inspection requirements set forth in Section 553.899, Florida Statutes, within Polk County, Florida. The purpose of this program is to ensure that buildings subject to the statute are inspected for signs of substantial structural deterioration in a timely manner and that any necessary repairs are completed to protect the health, safety, and welfare of the public.

SECTION 3: DEFINITIONS.

For the purposes of this article, the terms defined in Section 553.899, Florida Statutes, as may be amended, are hereby adopted by reference. For the purposes of this Ordinance, the Local Enforcement Agency shall be the Polk County Building Department or its successor agency. The "Building Official" shall be the building official of Polk County as defined in the Florida Building Code.

SECTION 4: APPLICABILITY AND INSPECTION TIMELINES.

- 1) This article applies to any building that is three (3) or more habitable stories in height and is subject, in whole or in part, to a condominium or cooperative form of ownership, in accordance with Florida Statutes.
- 2) The owner or association of an applicable building shall have a milestone inspection performed by a licensed architect or engineer at the times prescribed by Florida Statutes:
 - a. By December 31 of the year in which the building reaches 30 years of age, and every 10 years thereafter.
 - b. The transitional deadlines for buildings that reached their respective ages prior to the effective date of this Ordinance shall be as set forth in F.S. § 553.899(3)(a).

SECTION 5: NOTICE, REPORTING, AND RECORD KEEPING.

- 1) The Building Official shall issue a written notice by certified mail to the condominium or cooperative association when a milestone inspection is required for a building within its jurisdiction.
- 2) The association is responsible for all costs associated with the inspection and for complying with all requirements of Florida Statutes, including notifying unit owners of the required inspection.
- 3) Within 180 days of receiving the notice, the association must complete a Phase 1 milestone inspection and submit a sealed copy of the inspection report to the Building Official.
- 4) If a Phase 2 inspection is required, the procedures and timelines shall be governed by F.S. § 553.899(7).
- 5) The Building Department shall comply with all annual reporting requirements to the Florida Department of Business and Professional Regulation as mandated by Florida Statutes.

SECTION 6: EXTENSIONS OF TIME.

The Building Official may grant an extension of time for the deadlines established herein upon a written request from the association, subject to the following conditions:

1. An extension for the initial milestone inspection may be granted upon a showing of good cause by the association, as defined in F.S. § 553.899(3)(c). The request must demonstrate that the association has entered into a contract with a qualified architect or engineer to perform the inspection, but the inspection cannot reasonably be completed before the deadline.
2. An extension for the 365-day deadline to commence repairs may be granted if the request is submitted in writing by the association's licensed architect or engineer of record

for the repairs. The request must include a justification for the delay and must be accompanied by a signed and sealed statement from the design professional certifying that the building poses no immediate threat to life or safety and can be safely occupied during the requested extension period. The Building Official shall have the discretion to approve or deny the request and to set a new, definitive deadline for the commencement of repairs.

SECTION 7: COMMENCEMENT OF REPAIRS.

- 1) In accordance with the mandate of Florida Statutes, if a Phase 2 milestone inspection report identifies substantial structural deterioration, the owner or association shall schedule or commence all necessary repairs or modifications within 365 days from the date the Phase 2 report is received by the Building Official.
- 2) Commencement of repairs shall be evidenced by the submission of a complete and valid building permit application to the Building Department for the work required to address the findings of the Phase 2 report.

SECTION 8: ENFORCEMENT AND PENALTIES.

- 1) Failure to perform the required milestone inspection, submit a required report, or commence repairs within the timeframes established by this article and Florida Statutes shall constitute a violation of the Polk County Codes and Ordinances.
- 2) The Building Official is authorized to enforce this article through any means available under the Florida Building Code, Chapter 162, Florida Statutes, or other applicable law.
- 3) If an owner or association fails to comply, the Building Official may refer the violation to Polk County Code Enforcement for action.
- 4) Nothing in this section shall prevent the Building Official from declaring a building unsafe and ordering it to be placarded and vacated if conditions warrant such action in the interest of public safety.

SECTION 9: FEES.

The Board of County Commissioners may, by resolution, establish a schedule of fees for the administration of this program, including fees for notices, report reviews, and compliance tracking, to be paid by the subject association.

SECTION 10. CODIFICATION, SEVERABILITY AND CONFLICTS.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Polk County Code of Ordinances. If any provision of this Ordinance or if this Ordinance as applied is determined to be invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Florida Department of State.