

ORDINANCE NO. 2025-41

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 88, BUILDING REGULATIONS, BY ADDING SECTION 7, MILESTONE INSPECTIONS, FOR CONDOMINIUMS AND COOPERATIVE BUILDINGS THREE STORIES OR MORE IN HEIGHT, TO COMPLY WITH THE REQUIREMENTS OF SECTION 553.899, FLORIDA STATUTES, AS AMENDED IN THE 2025 LEGISLATIVE SESSION BY HOUSE BILL 913; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the State of Florida has enacted House Bill 913, amending § 553.899, Fla. Stat., which requires certain high-rise condominiums and cooperatives to undergo periodic structural “milestone inspections” and mandates that local jurisdictions enact ordinances requiring commencement of repairs within 365 days of Phase Two reports, and confers reporting obligations on local enforcement agencies; and

WHEREAS, the City of Venice is committed to promoting public safety, protecting life and property, and preventing structural failures; and

WHEREAS, failure to meet the mandated repair timeframe obligates the local enforcement agency to review the building and determine whether it is unsafe for human occupancy, thereby protecting public health and safety; and

WHEREAS, City Council seeks to amend the Code of Ordinances to comply with the requirements of House Bill 913.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The Code of Ordinances, City of Venice, Florida, is hereby amended by adding Chapter 88, Building Regulations, Section 7, Milestone Inspections, which shall read as follows:

SECTION 7. - MILESTONE INSPECTIONS

7.1. – Purpose and Intent

This Section is intended to implement and enforce the requirements of F.S. § 553.899, requiring milestone structural inspections of certain buildings, ensuring timely repairs, and promoting public safety. The City seeks to enhance the health, safety, and welfare of residents by ensuring the structural integrity of applicable condominium and cooperative buildings within City limits.

7.2. - Applicability

A. This Section applies to all buildings within the City that:

- 1. Are three (3) or more habitable stories in height as defined by the Florida Building Code; and**
- 2. Are subject, in whole or in part, to condominium or cooperative ownership.**

B. This Section does not apply to single-family homes, duplexes, triplexes, or quadruplexes not governed by a condominium or cooperative association.

7.3. - Definitions

The following words, terms, and phrases, when used in this Section, shall have the following meanings:

Local Enforcement Agency: The City of Venice Building Department or its designee.

Milestone inspection: A structural inspection required under F.S. § 553.899, consisting of a Phase One Inspection and, where warranted, a Phase Two Inspection.

Phase One inspection: A visual inspection of habitable and non-habitable areas by a licensed engineer or architect to identify signs of substantial structural deterioration.

Phase Two inspection: A detailed inspection, including possible destructive testing, when substantial deterioration is identified in Phase One.

Substantial structural deterioration. Structural distress that negatively affects the building's integrity or presents a risk to life safety, as determined by a licensed engineer or architect.

7.4. - Inspection Schedule and Notification

A. Inspections

- 1. Buildings must undergo their first milestone inspection by December 31 of the year in which the building reaches 30 years of age, based on the date the Certificate of Occupancy was issued (or 25 years if located within three miles of saltwater, as determined by the City Building Official).**
- 2. Subsequent milestone inspections must occur every 10 years thereafter.**
- 3. The Local Enforcement Agency may grant extensions for completion of the first milestone inspection for good cause upon written request before the inspection deadline, if the association has contracted a licensed professional but cannot meet the timeline due to scheduling or other justified delays.**

4. All milestone inspection reports shall comply with the requirements of F.S. § 553.899.

B. City Notification; Phase One Inspection

1. The Local Enforcement Agency shall provide written notice of the need to have a milestone inspection by certified mail, return receipt requested, to the condominium association or cooperative association at the start of the applicable inspection year.
2. The association shall submit the Phase One inspection report to the Local Enforcement Agency within 180 days of receiving the notice in subsection 1.

C. Phase Two Inspections

1. A Phase Two inspection shall be required if the Phase One inspection reveals substantial structural deterioration.
2. A Phase Two inspection progress report shall be submitted to the Local Enforcement Agency within 180 days after submitting the Phase One inspection report, which contains a timeline for completion of the Phase Two inspection.
3. A Phase Two inspection report shall be prepared and submitted to the Local Enforcement Agency upon completion of the inspection.

7.5. - Repair Requirements

- A. If a Phase Two inspection identifies conditions requiring repair, the association must:
1. Commence repair work within the time specified by the Local Enforcement Agency, which cannot exceed 365 days after the City's receipt of the Phase Two inspection report; and
 2. Secure all necessary permits and inspections in accordance with the Florida Building Code.

7.6. - Conflict of Interest and Disclosure

- A. Any professional engaged to perform a milestone inspection or structural integrity reserve study must disclose in writing at the time of engagement whether they or their firm intend to solicit or perform any repair work resulting from the inspection.
- B. Failure to disclose shall render the inspection or study contract voidable and may subject the professional to administrative or licensure discipline.
- C. Design professionals must not have any direct or indirect ownership interest, or a familial relationship within the third degree, in a firm performing the repair work unless fully disclosed to the association in advance.

7.7. - Fees and Administrative Procedures

- A. A Milestone Inspection Review and Reporting Fee of \$350.00 shall be paid to the City upon submission of each Phase One or Phase Two milestone inspection report. This fee covers the City's administrative review, recordkeeping, and required state-level reporting to the Department of Business and Professional Regulation (DBPR). The City Council may amend the Review and Reporting Fee by resolution, as needed, to ensure the recovery of costs associated with the implementation and enforcement of this Section.
- B. Non-payment of the Review and Reporting Fee shall constitute a violation of this Section and may result in permit holds or other enforcement actions under Subsection 7.8.
- C. Associations shall obtain any applicable permits for structural repairs and pay associated permit and inspection fees as set forth in the City's adopted fee schedule.

7.8. – Enforcement and Penalties

- A. The City may impose any of the following enforcement actions for failure to comply:
 - 1. Code enforcement proceedings.
 - 2. Administrative fines.
 - 3. Stop work orders.
 - 4. Withholding or revocation of Certificates of Occupancy or Use.
 - 5. County or circuit court proceedings to compel compliance.
- B. Each day a violation continues may be considered a separate offense.
- C. The City is authorized to recover all costs of enforcement, including legal fees, when pursuing violations of this Section.

7.9. – State Reporting Requirements

- A. The City shall report to the DBPR, by October 1 of each year, all data required under F.S. § 553.899, including:
 - 1. Number of milestone inspections completed.
 - 2. Number of buildings deemed unsafe or uninhabitable by a milestone inspection.
 - 3. The license number of the building code administrator responsible for milestone inspections for the Local Enforcement Agency.

7.10. - Transitional Provisions

The Local Enforcement Agency 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 F.S. § 553.899. The inspection for which such inspection report is accepted by the Local Enforcement Agency is deemed a milestone inspection, and the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 18th DAY OF NOVEMBER 2025.

First Reading: October 28, 2025
Second Reading: November 18, 2025

Adoption: November 18, 2025

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 18th day of November 2025, a quorum being present.

WITNESS my hand and the official seal of said City this 18th day of November 2025.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney