

**CITY OF BRADENTON BEACH  
ORDINANCE 26-566**

**AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA,  
AMENDING CHAPTER 26 OF THE CITY’S CODE OF ORDINANCES BY  
CREATING ARTICLE V “CONDOMINIUM INSPECTIONS”,  
ADDRESSING STATUTORY REQUIREMENTS FOR MILESTONE  
INSPECTIONS; MAKING RELATED FINDINGS; PROVIDING FOR  
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has passed HB 913 (2025), which the Governor has signed into law, thus 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 new statutory language necessitates revisions to the City’s Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF BRADENTON BEACH, FLORIDA AS FOLLOWS:**

**Section 1.** Chapter 26 “Environmental” of the Code of Ordinances of the City of Bradenton Beach, Florida, is hereby amended by adding Article V. – Condominium Milestone Inspections, as follows:

**ARTICLE V. – CONDOMINIUM MILESTONE INSPECTIONS**

**Sec. 26-128. – Intent and Authority.**

It is the intent of the City Commission to implement processes and regulations to comply with statutory requirements mandating inspections for the public safety and welfare for applicable properties located in the City’s jurisdictional boundaries that are subject to milestone inspections.

**Sec. 26-129. – 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 25 years of age, based on the date the certificate of occupancy for the building was issued, and every ten (10) years thereafter.

**Sec. 26-130. – 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* means a structural inspection of a building, including an inspection of load-bearing elements, primary structural members, and primary structural systems as those terms are defined by the Florida Building Code or the Florida Statutes, whichever definition is broader, by an Inspector 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.

*Phase One Inspection* or *Phase One Milestone Inspection* means performance of (a) a visual examination of habitable and non-habitable areas of a building, including the major structural components of a building, including but not limited to roofing, balconies, post tension slabs and anchorage, caulking, curtain walls, window installation, flashing, building cladding, foundations (settlement or subsidence), garages, pool decks, roof parapets, common areas, unconditioned spaces, accessible exterior areas, and flood and storm protective measures; (b) a historical analysis of existing construction documents, permits, inspections, and maintenance records; and (c) provide a qualitative assessment of the structural conditions of the building based on the examination and analysis of the above by an Inspector. For structures with balconies or other similar features, inspections shall include, at a minimum, 33 percent of the balconies, handrails or other similar components.

*Phase Two Inspection* or *Phase Two Milestone Inspection* means an inspection necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building, said inspection may involve destructive or nondestructive testing at the Inspector's direction. The Inspector may determine the extensiveness of the inspection or the limitation of the areas of inspection based on their experience, education, and training. When determining testing locations, the Inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure.

*Story* means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

*Substantial structural deterioration* means substantial structural distress 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 Inspector performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

**Sec. 26-131. - Administration.**

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

**Sec. 26-132. Registration.**

- (a) In order to determine the inventory of structures in the enforcement area, all existing commercial and residential buildings, operating as cooperatives or condominiums, as defined herein, that are subject to the milestone inspection provisions of § 553.899, Florida Statute, as amended, shall register with the Building and Planning Department by July 1, 2026.
- (b) Registration will require each building to identify at a minimum:
- (1) *Property type.*
    - i. "Condominium" means a form of ownership of real property which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements, or as defined under F.S. § 718.103(11), which may be revised from time to time.
    - ii. "Cooperative" means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property, or as defined under F.S. § 719.103(12), which may be revised from time to time.
    - iii. "Other Ownership" means the building and unit ownership does not qualify as either a Condominium under Chapter 718, Florida Statutes, or a Cooperative under Chapter 719, Florida Statutes.
  - (2) *Number of Stories.*
    - i. Identify if the building is three habitable stories tall or higher.
    - ii. Identify if the building is less than three habitable stories tall.
  - (3) *Association Information.* Where applicable, each building shall disclose the contact information for the Association including the registered agent or party responsible for receiving legal notices.
  - (4) *Board Information.* Where applicable, each building shall disclose the contact information for the Board president.
  - (5) *Year of Construction.*
    - i. Identify the year construction was completed on the entire complex.
    - ii. Identify the year(s) construction was completed by building.
  - (6) *Type of Construction.* Identify the type of construction for the buildings.

- (7) *Date of Occupancy.*
  - i. Identify if the building received its initial Certificate of Occupancy before July 1, 1992.
  - ii. Identify what year the building received its initial Certificate of Occupancy.
- (8) *Number of residential units.*
  - i. Identify total number of units in the complex.
  - ii. Identify the number of units per building when applicable.
- (9) *Additional features of the complex.*
- (c) Any structure that is converted to a condominium or cooperative ownership, the Association is required to register within 72 hours of providing the notice of conversion to the tenants per F.S. § 718.608 or 719.608.
- (d) Any new building completed and issued a certificate of occupancy shall be required to register the building within 30 days of the receipt of certificate of occupancy.
- (e) Upon submission of the registration, the Building Inspection Division will review the submission and use the information provided in application of the law.

**Sec. 26-133. - Notice of Milestone Inspection.**

- (a) Upon determining that a building must have a Milestone Inspection, the Building and Planning 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 notice shall provide the Association with the date by which the building's Milestone Inspection must be completed.

**Sec. 26-134. - Inspections.**

- (a) *Phase One Inspections.* Within 180 days after receiving the written notice, the Association must complete Phase One of the Milestone Inspection, however, no report shall be required. 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 Planning 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 26-130, 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 City through the Building and Planning 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. 26-135. - 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 based on one and one-half percent of the total cost of the milestone inspection and report.
- (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. 26-136. - Association Distribution, Posting, and Publishing Obligations.**

The Association must comply with the distribution, posting, and publication requirements set forth in Chapter 553, Florida Statutes.

**Sec. 26-137. - Repairs; Corrective Action Report.**

Based on the recommendations in the Phase One report, any repairs determined to be required by the Inspector must be permitted within six (6) months and the repairs must be completed within 18 months. The permit application shall include a direct reference to the Phase One Inspection Report and 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.

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 any repairs from either the Phase One or Phase Two Inspection Report, the Inspector and Association shall sign a Completion of Corrective Action Report to the Building and Planning Department through the City's permitting system.

**Sec. 26-138. - 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. 26-139. 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. 26-140. - 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 that 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. 26-141. 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 City's Building Official and the County Fire Marshall within 24 hours of the determination.

**Section 2. Severability.** If any word, portion, clause, or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

**Section 3. Effective Date.** This ordinance shall be effective *upon adoption* by the City Commission in accordance with the Charter of the City of Bradenton Beach.

**PASSED AND ADOPTED, by the City Commission of the City of Bradenton Beach, Florida, in regular session assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.**

**First Reading:** \_\_\_\_\_

**Publication Date:** \_\_\_\_\_

**Second Reading and Public Hearing Date:** \_\_\_\_\_

\_\_\_\_\_  
**John Chappie, Mayor**

\_\_\_\_\_  
**Deborah Scaccianoce, Vice Mayor**

\_\_\_\_\_  
**Scott Bear, Commissioner**

\_\_\_\_\_  
**Ralph Cole, Commissioner**

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**Robert Talham, Commissioner**