



CITY OF ORMOND BEACH

Planning • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3311 • Fax (386) 676-3361

May 21, 2024

Ormond Heritage Condo Assoc.
1 John Anderson Drive, Unit 114
Ormond Beach, FL 32174

Ormond Heritage Condo Assoc.
Barbara Reid
340 North Causeway
New Smyrna Beach, FL 32169

Transmitted via U.S. Certified and Regular Mail

**Re: Ormond Heritage Condominium Association, 1 John Anderson Drive,
Milestone Inspection, Report, Repairs**

Dear Sir or Madam,

On May 26, 2022, Governor Ron DeSantis signed into law Senate Bill 4-D related to building safety within the State of Florida, specifically the requirement for condominiums and cooperatives to conduct Milestone inspections at specified times during the life of the building. Pursuant to Florida Statute 553.899, mandatory structural inspections for condominium and cooperative buildings must be completed by December 31, 2024, to ensure that such buildings are safe for continued use. These "Milestone Inspections" are required to be performed by a licensed architect or engineer authorized to practice in the state of Florida.

Per the state law, the City of Ormond Beach is responsible for notifying condominium associations or cooperatives within the city that they are required to perform Milestone inspections on condominiums and cooperatives that are three (3) stories or higher based on the structure's age and location to the coastline. The purpose of the Milestone process is to have a design professional review the structural integrity of the building, provide written reports, and require repairs to ensure the safety of residents living in older structures. A copy of Section 553.899 of the Florida Statutes has been attached to this letter for your convenience.

Based on available information, your building satisfies the criteria as contained within Florida Statutes, Section 553.899. The Ormond Beach Building Department is notifying you that a phase one (1) Milestone inspection of your building is required to be completed by an appropriate licensed design professional for your association on or before **December 31, 2024**.

The phase one (1) Milestone inspection report must be performed, signed and sealed by a licensed State of Florida design professional (engineer or architect). The inspection report is required to certify that the building is in a structurally sound condition or identify building areas that are suspected of not being structurally sound. The phase one (1) inspection report is required to follow the report requirements of Section 553.899 of the Florida Statutes and shall include a summary of findings and any recommended action, remediation, repair, and provide a conclusion if unsafe or dangerous conditions were observed in the building inspection. If structural issues are discovered, a phase two (2) Milestone inspection would be required. The repairs detailed in the phase two (2) Milestone inspection and report are required to start within 365 days of Ormond Beach

receiving the phase two (2) Milestone report. These repairs would require the issuance of building permit(s).

This letter is not intended to be a complete analysis of the statutory requirements or detail the building owner's obligation on the new law. City staff recommend that arrangements for the Milestone inspection begin as soon as possible. It is important to note if the condominium association or cooperative fails to perform the state required inspections or any needed corrective repairs identified in the Milestone reports, Ormond Beach Building Department staff is authorized under the state legislation to take enforcement action up to and including prohibiting occupancy to gain compliance with the state law.

City staff would request that the appropriate building or association contacts be provided to Noel Eaton, Senior Planner, via e-mail at Noel.Eaton@ormondbeach.org. This information will assist in the coordination of the Milestone inspection process. If you have any questions or require additional information, please contact me at (386) 676-3350 or by e-mail at Chris.Walter@ormondbeach.org.

Sincerely,

Chris Walter
Chief Building Official

Attachments:

Section 553.899 of the Florida Statutes
Information on Milestone inspections

Select Year: 2023 

The 2023 Florida Statutes (including Special Session C)

Title XXXIII	Chapter 553	View Entire Chapter
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	BUILDING CONSTRUCTION STANDARDS	

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(1) The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

(2) As used in this section, the terms:

(a) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. [627.706](#), by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state 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 firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

(b) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness 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 licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

(3)(a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed 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 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building’s certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. [379.101](#), require that a milestone inspection must be performed 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 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) 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 this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in subsection (9). The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

(4) The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

(5) Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

(6) Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under subsection (5). For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

(7) A milestone inspection consists of two phases:

(a) For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in paragraph (b), is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(b) A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as 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. 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. If a phase two inspection is required, within

180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(8) Upon completion of a phase one or phase two milestone inspection, the architect or engineer 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 the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) 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.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.

(f) Identify and describe any items requiring further inspection.

(9) Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

(10) A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

(11) A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to establish a building safety program for the implementation of this section within the Florida Building Code: Existing Building. The building inspection program must, at minimum, include inspection criteria, testing protocols, standardized inspection and reporting forms that are adaptable to an electronic format, and record maintenance requirements for the local authority.

(13) The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The

commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

History.—s. 3, ch. 2022-269; s. 2, ch. 2023-203.

Copyright © 1995-2024 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

Information on Milestone Inspections

What is a Milestone inspection?

“Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state 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. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

Who is required to complete Milestone Inspections?

Section 553.899 of Florida Statutes

An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed 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 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building’s certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

2023 Florida Building Code, Building, Eight Editions – Section 110.9.3

A condominium association under Chapter 718, Florida Statutes, and a cooperative association under Chapter 719, Florida Statutes, must have a milestone inspection performed for each building that is three 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 10 years thereafter. If the building is located within 3 miles of a coastline as defined in s. 376.031, Florida Statutes, the condominium association or cooperative association must have a milestone inspection performed 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 10 years thereafter. The condominium association or cooperative association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the inspection. This subsection does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground

What is required of the Milestone inspection?

A **milestone inspection** consists of two phases:

(a) For **phase one** of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and non-habitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in paragraph (b), is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) 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.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

(b) A **phase two** of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as 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. 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. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report.

When any structural repairs or modifications are required, the responsible engineer or architect who has performed the Milestone Inspection shall provide the Building Official with a letter indicating whether the building or structure may continue to be safely occupied while the building or structure is undergoing repairs. Such letter shall be valid for no more than 180 days, and a new letter shall be issued if repairs or modifications remain ongoing. All repairs for Substantial Structural Deterioration must be commenced within 365 days of receipt by the Building Official of the phase two Milestone Inspection report. Once all applicable repairs are completed, the engineer(s) or architect(s) providing the Milestone Inspection report must provide an amended report indicating that the building or structure is safe for continued use under the present occupancy.

Submitting Milestone inspection reports.

Milestone inspection reports and building permits would be submitted in the Ormond Beach permitting system, Tyler Enterprise, Permitting and Licensing:

<https://ormondbeachfl-energovweb.tylerhost.net/apps/selfservice#/home>

If there are submittal questions, please contact bponline@ormondbeach.org.

Fee for Milestone inspections.

There is a pending Ordinance that would establish a per report fee of \$250.

Failure to submit Milestone inspections.

Section 553.899 of the Florida Statutes requires local governments to provide notification and enforcement of the Milestone inspections, reports, and repairs. There is a pending Ordinance that would establish the following code enforcement action:

- (a) Failure of a condominium or cooperative association building owner(s) that are three (3) stories or higher to either submit a Milestone report or complete required Milestone report repairs in the timeframe as specific in Section 8-4.1(3) of this Code may result in code enforcement proceedings pursuant to section 2-262 of this Code, including the imposition of daily accruing fines. Action may also be taken in circuit court by injunction or other legal remedy to enforce this ordinance

- (b) Failure of a condominium or cooperative association building owner(s) that are three (3) stories or higher fails to submit proof to the Chief Building Official that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe (365 days of the submission of the phase 2 report) shall require the Chief Building Official to review and determine if the building is unsafe for human occupancy in accordance with Section 8-4 of this Code. The Chief Building Official may obtain the services of an independent design professional in making this determination. All costs incurred by the city to retain such design professional shall be paid the condominium or cooperative association building owner(s). The actual cost incurred by the city shall be levied and constitute a special assessment lien against the benefited property. Upon the recommendation of the building official, the city commission may approve a resolution imposing a lien against any real property that is or was the subject of a violation of this section in an amount representing all costs incurred by the city. A copy of the resolution as approved by the city commission shall be served on the building owner at the property address or address of a registered agent. The building owner shall have 15 days from receipt of the resolution within which to pay all costs described in the resolution. Service of the resolution may be affected by regular and/or certified U.S. mail delivery, personal service, or any other service that is permitted by law. If the building owner fails to pay all costs described in and imposed by the resolution within 15 calendar days after its receipt of the resolution, a certified copy of the resolution shall be recorded in the official records of the county and shall thereafter constitute a lien against the property. If the notice is not accepted or if returned, receipt shall mean ten calendar days after the resolution was sent. The city commission authorizes the finance director or assistant finance director to file in the official records of the county a release and satisfaction of lien upon the full payment of all costs imposed by the lien. Said lien shall be on parity or coequal with the lien of all state, county, and district taxes, and shall be superior in dignity to all other liens, titles, and claims.

City contacts.

Noel Eaton, Senior Planner: If an appointment is needed or if there are issues with uploading documents to the Tyler permitting system.

E-mail: Noel.Eaton@ormondbeach.org

Telephone: (386) 676-3342

Chris Walter, Chief Building Official:

E-mail: Chris.Walter@ormondbeach.org

Telephone: (386) 676-3350

Purpose of the Information Sheet.

Please note that this information sheet is not meant to provide legal advice and covers certain portions of the new law. The information sheet is an effort by Ormond Beach Building Department staff to encourage interactions between and among condominium and cooperative owners, boards, association managers, and attorneys concerning this state legislation. Please consult with your own legal counsel and design professionals to receive definitive information about this important new law.



CITY OF ORMOND BEACH

P.O. BOX 277 • ORMOND BEACH, FL 32175-0277

6702

PLACE STICKER AT TOP OF ENVELOPE IN THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7022 0410 0000 0898 8021

quadrant

FIRST-CLASS MAIL
IMI

\$008.93

05/21/2024 ZIP 32174
043M/31248590

US POSTAGE

421434000001
Ormond Heritage Condo Assoc
1 John Anderson Drive, Unit 114
Ormond Beach, FL 32174

RETURN RECEIPT
REQUESTED

32175-576739

