

**ORDINANCE NO. 2025-07**

**AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 18 – BUILDINGS – AND AMENDING ARTICLE III. – BUILDING STANDARDS, DIVISION 2. – CONSTRUCTION STANDARDS, ADDING SECTION 18-128, “MILESTONE INSPECTIONS”; CREATING A DEFINITION AND PROVIDING THE STANDARDS FOR CONDOMINIUMS AND COOPERATIVE BUILDINGS THREE STORIES OR MORE IN HEIGHT TO COMPLY WITH THE REQUIREMENTS OF SECTION 553.899, FLORIDA STATUTES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Town of Indian Shores (the “Town”) is a Florida municipal corporation and political subdivision of the State of Florida; and

**WHEREAS**, the State of Florida has enacted House Bill 913, amending § 553.899, Florida Statutes, 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 Town of Indian Shores 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**, this new statutory language necessitates revisions to the Town’s Code of Ordinances to comply with House Bill 913.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:**

**Section 1:** That all of the above recitals are true and correct, and the same are incorporated into this Ordinance as if fully set forth herein.

**Section 2:** Sections 128 of Chapter 18 of the Town of Indian Shores Code of Ordinance shall hereby be created to read as follows:

Sec. 18-128. Milestone Inspections

(a) 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 Town seeks to enhance the health, safety, and welfare of residents by ensuring the structural integrity of applicable condominium and cooperative buildings within Town limits.

(b) Applicability

(1) This Section applies to all buildings within the Town that:

(a) Are three (3) stories or more habitable stories in height as defined by the Florida Building Code; and

(b) Are subject, in whole or in part, to condominiums or cooperatives ownership.

(2) This Section does not apply to single-family homes, duplexes, triplexes, or quadruplexes with three or fewer habitable stories above ground.

(c) Definitions. The following words, terms, and phrases, when used in this Section, shall have the following meanings:

(1) Local Enforcement Agency: The Town of Indian Shores Building Department or its designee.

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

(3) 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.

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

(5) 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.

(d) Inspection Schedule and Notification

(1) Inspections

(a) 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 Town's Building Official). If date of issuance of certificate of occupancy is not available, the date of issuance of a certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) Subsequent milestone inspections must occur every 10 years thereafter following the certificate of compliance's issue date.

(c) 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.

(d) All milestone inspection reports shall comply with the requirements of § 553.899, Florida Statutes.

## (2) Town Notification; Phase One Inspection

(a) The Local Enforcement Agency will follow the Standard Operating Procedure attached as Exhibit "A" to notify condominium association or cooperative association of their required milestone inspection.

(b) 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 using the form attached as Exhibit "B".

(c) The association shall submit the Phase One inspection report to the Local Enforcement Agency within 180 days of receiving the notice in subsection (b).

## (3) Phase Two Inspections

(a) A Phase Two inspection shall be required if the Phase One inspection reveals substantial structural deterioration.

(b) 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.

(c) A Phase Two inspection report shall be prepared and submitted to the Local Enforcement Agency upon completion of the inspection.

## (e) Repair Requirements

(1) If a Phase Two inspection identifies conditions requiring repair, the condominium association or cooperative association must:

(a) Commence repair work within the time specified by the Local Enforcement Agency, which cannot exceed 365 days after the Town's receipt of the Phase Two inspection report; and

(b) Secure all necessary permits and inspections in accordance with the Florida Building Code and the Town Code.

(f) Conflict of Interest and Disclosure

(1) 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.

(2) Failure to disclose shall render the inspection or study contract voidable and may subject the professional to administrative or licensure discipline.

(3) 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.

(g) Fees and Administrative Procedures

(1) A Milestone Inspection Review and Reporting Fee shall be paid to the Town upon submission of each Phase One or Phase Two milestone inspection report. This fee covers the Town's administrative review, recordkeeping, and required state-level reporting to the Department of Business and Professional Regulation (DBPR). The Town Council will adopt the Review and Reporting Fee by resolution, and may amend, as needed, to ensure the recovery of costs associated with the implementation and enforcement of this Section.

(2) 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 (h).

(3) Condominium or cooperative associations shall obtain any applicable permits for structural repairs and pay associated permit and inspection fees as set forth in the Town's adopted Building Department fee schedule.

(h) Enforcement and Penalties

(1) The Town May impose any of the following enforcement actions for failure to comply:

(a) Code enforcement proceedings.

(b) Administrative fines.

(c) Stop work orders.

(d) Withholding or revocation of Certificate of Occupancy or Use.

(e) Declare the building an unsafe building and follow the unsafe building procedures in Sec. 18-251 to 18-255.

(f) County or circuit court proceeding to compel compliance.

(2) Each day a violation continues may be considered a separate offense.

(3) The Town is authorized to recover all costs of enforcement, including legal fees, when pursuing violations of this Section.

(i) State Reporting Requirements

(1) The Town shall report to the DBPR, by October 1 of each year, all data required under F.S. § 553.899, including:

(a) The number of buildings required to have a Milestone Inspection within the Local Enforcement Agency jurisdiction.

(b) Number of Milestones Inspections completed.

(c) The number of buildings granted an extension under Subsection (d)(1)(c).

(d) The number, type, and value of permit applications received to complete repairs required by a phase two milestone inspection.

(e) Number of buildings deemed unsafe or uninhabitable by a milestone inspection.

(f) The license number of the building code administrator responsible for milestone inspections for the Local Enforcement Agency.

(j) 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:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** That if any provision or part of this Ordinance is declared invalid or unenforceable as a matter of law, the offending portion shall be stricken and all other provision hereof shall remain valid and enforceable.

**Section 5:** The provision of this Ordinance shall be incorporated as an appendix to the Code of Ordinances of the Town of Indian Shores, Florida, as an addition or amendment thereto.

**Section 6:** This Ordinance shall become effective immediately upon adoption in the manner provided by law.

**FIRST READING** this 9<sup>th</sup> day of December, 2025.

The first reading of the above Ordinance, upon motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ as duly approved at a regular Town Council Meeting held on the 9<sup>th</sup> day of December, 2025.

Voting in favor of the First Reading:

Voting in opposition:

Absent:

Abstaining:

**SECOND READING AND FINAL PASSAGE** this 29<sup>th</sup> day of December, 2025.

The second reading of the above Ordinance, upon motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ as duly approved at a Special Town Council Meeting held on the 29<sup>th</sup> day of December, 2025.

Voting in favor of the Second Reading:

Voting in opposition:

Absent:

Abstaining:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

ATTEST:

\_\_\_\_\_  
Diantha Schear  
Mayor

\_\_\_\_\_  
Freddie Lozano, CMC  
Town Clerk

Approved as to form:

\_\_\_\_\_  
Daniel P. Lewis, Esq.  
Town Attorney

# Exhibit A

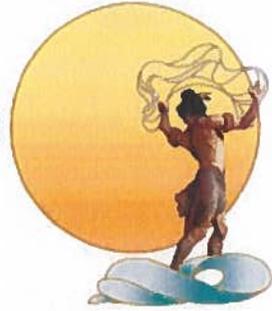
## Condo Milestone SOP

Building age is based on the date the certificate of occupancy for the building was issued. If that is not available, other official building records may be used as evidence of the age of the building.

1. Go into the OneDrive and find the folder labeled Milestones
2. There is a folder labeled “1- Letter for Milestone” this contains the letter and application that will need to be sent out to the condo
3. Send this letter and application certified mail to the condo association or cooperative association and regular mail to the condo
4. In this letter it states that there is a fee of \$300 that is due. When the condo sends in a check or calls to make payment you will need to go into Community Core and create a Milestone permit to collect and apply payment
5. Upload their application and Phase 1 and Phase 2 inspection, if applicable in the permit file and make sure to close the permit out or it will expire
6. Upload these documents into OneDrive as well

**Exhibit B**

# INDIAN SHORES



Building Department  
19305 Gulf Boulevard, 3<sup>rd</sup> Floor  
Indian Shores, FL 33785  
www.myindianshores.com  
Ph 727.595.4020 Fax 727.596.0050

[Redacted] Date

[Redacted] Registered Agent - Condo Assoc  
[Redacted] Registered Agent - Condo, Assoc. Address Registered Agent - Condo, Assoc. C/S/Z

**Certified Mail #:** [Redacted] Certified Mail #

[Redacted] Registered Agent - Mgmt. Co. (if known)  
[Redacted] Registered Agent - Mgmt. Co. Address Registered Agent - Mgmt. Co. C/S/Z

**Certified Mail #:** [Redacted] Certified Mail

[Redacted] Assoc. President  
[Redacted] Assoc. President Address Assoc. President C/S/Z

**Certified Mail #:** [Redacted] Certified Mail

**RE.: Milestone Inspection for:** [Redacted] Condominium Name  
[Redacted] Condominium Address  
**Parcel #:** [Redacted] Parcel #

Dear Sir/Madame:

Please be advised that I serve as the Building Official for the Town of Indian Shores. The above-referenced property is within the Town's jurisdiction. The property received its Certificate of Occupancy in [Redacted] CO Issue Date, making it subject to the mandatory milestone inspection ("inspection") pursuant to Fla. Stat. § 553.899. Under this state law, the inspection must be performed no later than December 31, 2024, in accordance with the applicable provisions of the Florida Building Code.

Please be advised that the Town does not conduct these inspections. A Florida-licensed architect or engineer must perform the inspections, and they are required to submit the inspection reports to the Town for review and certification of compliance. The Town does not and may not make recommendations for companies or individuals to perform this work on your behalf. Successfully conducted inspection reports that pass the Town's review will receive a certified letter of compliance from the Town, indicating the due date for the next milestone inspection under the current legislation.

An administration fee of \$300.00 associated with the milestone report is due upon receipt of the report from the engineer or architect performing the inspection. This fee covers the Town's review of the report, certified mailing notice of the certificate of compliance, and for the filing and tracking of the property for 10 years following the certificate of compliance's issue date.

Please refer any questions you may have regarding this matter to your legal counsel. Failure to comply with the inspection requirements may result in further legal action by the Town.

Kind Regards,



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Brian Rusu, CBO, FPM  
Indian Shores Building Official  
permits@myindianshores.com

**ORDINANCE NO. 2025-09**

**AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 18 – BUILDINGS, ARTICLE II. – ADMINISTRATION, DIVISION 2. – PERMITS AND CERTIFICATES OF OCCUPANCY, TO SET THE MINOR REPAIR THRESHOLD BY RESOLUTION; INCORPORATING FINDINGS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, the Town of Indian Shores (the “Town”) is a Florida municipal corporation and political subdivision of the State of Florida; and

**WHEREAS**, the Town’s Code of Ordinances provides that if certain repairs cost under \$750.00, with certain exceptions, a permit is not required; and

**WHEREAS**, the Town desires to remove this specific threshold amount from the Code of Ordinances and set it by resolution; and

**WHEREAS**, the Council finds that it is in the best interest of the Town, and the health, safety and welfare of its residents, visitors and businesses, to amend this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, AS FOLLOWS:**

**Section 1:** That all of the above recitals are true and correct, and the same are incorporated into this Ordinance as if fully set forth herein.

**Section 2:** That CHAPTER 18 – BUILDINGS; ARTICLE II. – ADMINISTRATION, DIVISION 2. – PERMITS AND CERTIFICATES OF OCCUPANCY, is hereby amended to read as follows:

Sec. 18 – 53. – Separate applications for permits required.

(c) Ordinary minor repairs to structures may be made without having first obtained a permit as long as the yearly threshold cost is not exceeded. The threshold cost amount shall be set by resolution by the Town Council. ~~when a reasonable estimated cost of all labor and materials for such work would not exceed \$750.00 in any one year period.~~ Provided such repairs shall not include the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or supporting member, the removal or change of any required means of egress, rearrangement of parts of a structure affecting the exit way requirements. Provided such alterations would not increase the habitable floor area or change the use of any portion of the structure. Ordinary repairs also shall not include addition to, alteration of, replacement or relocation of