

Introduced by Council Member Diamond and amended by the Neighborhoods,
Community Services, Public Health and Safety Committee:

ORDINANCE 2022-842-E

AN ORDINANCE CREATING A NEW SECTION 320.505
(MILESTONE INSPECTIONS), CHAPTER 320 (GENERAL
PROVISIONS), PART 5 (INSPECTIONS), *ORDINANCE
CODE*, TO REQUIRE MILESTONE INSPECTIONS OF
DESIGNATED BUILDINGS ACCORDING TO SECTION
553.899, *FLORIDA STATUTES*; CREATING A NEW
CHAPTER 328 (MILESTONE INSPECTION REGULATIONS),
TITLE VIII (CONSTRUCTION REGULATIONS AND
BUILDING CODES), *ORDINANCE CODE*, TO IMPLEMENT
THE STATUTORY REQUIREMENTS PROVIDED IN S.
553.899, *FLORIDA STATUTES*; ESTABLISHING THE
INTENT AND AUTHORITY; PROVIDING APPLICABILITY
AND AREAS OF ENFORCEMENT; PROVIDING DEFINITIONS;
DESIGNATING THE ADMINISTRATION; CREATING A
REGISTRATION PROCESS; PROVIDING A NOTICE
REQUIREMENT; IDENTIFYING THE TYPES OF
INSPECTION; DEFINING THE MINIMUM CONTENTS OF
THE REPORTS; DESIGNATING POSTING AND PUBLISHING
REQUIREMENTS FOR THE REPORT; ESTABLISHING
TIMELINES FOR REPAIRS AND CORRECTIVE REPORTS;
PROVIDING FOR ENFORCEMENT; AUTHORIZING
EXTENSIONS; DESIGNATING FINES; DESIGNATING
PROCESS FOR UNSAFE STRUCTURES, REPORTING AND
CONDEMNATION; AMENDING SECTION 609.109
(APPLICABLE CHAPTERS AND PARTS), CHAPTER 609
(CODE ENFORCEMENT CITATIONS), *ORDINANCE CODE*,

1 TO REFER TO THE NEW CHAPTER 328, *ORDINANCE CODE*;
2 ALLOWING SEVERABILITY; INCLUDING CODIFICATION
3 INSTRUCTIONS; AND PROVIDING AN EFFECTIVE DATE.
4

5 **WHEREAS**, the Florida Legislature passed Senate Bill 4-D (2022)
6 following the 2021 collapse of Champlain Towers in the Town of
7 Surfside, Florida; and

8 **WHEREAS**, while a detailed report with final findings on the
9 cause will take an extensive period of time, initial investigation
10 into the conditions of the building at the time of the collapse
11 revealed a number of factors that may have contributed to the collapse
12 many of which related to the structural integrity of the building
13 based on its age (approx. 40 years) and design; and

14 **WHEREAS**, Senate Bill 4-D (2022) imposes mandatory inspections
15 for structural integrity for structures in the State based on the
16 type of building, height of the building, location of the building,
17 and age of the building; and

18 **WHEREAS**, numerous buildings in the City of Jacksonville will be
19 required to complete these structural inspections; and

20 **WHEREAS**, the Legislature recognized the power of local
21 governments to inspect buildings for the protection of the health,
22 safety and welfare of the public; and

23 **WHEREAS**, the enactment of the Senate Bill 4-D (2022) places the
24 burden on local building officials to regulate the process for notice,
25 review, supervision, timing, and enforcement, which would be
26 appropriate governed by a City Ordinance; now therefore

27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Incorporation of Recitals.** The foregoing
29 "WHEREAS" clauses are hereby ratified and confirmed as being true and
30 correct and are hereby made a specific part of this Ordinance upon
31 adoption thereof.

1 **Section 2. Creating a new Section 320.505 (Milestone**
2 **Inspections), Chapter 320 (General Provisions); Part 5 (Inspections);**
3 **Ordinance Code.** Section 320.505 (Milestone Inspections), *Ordinance*
4 *Code*, is hereby created to read.

5 **CHAPTER 320. GENERAL PROVISIONS.**

6 * * *

7 **PART 5. INSPECTIONS.**

8 * * *

9 **Sec. 320.505. Milestone Inspections.**

10 In accordance with F.S. § 553.899, structural milestone
11 inspections, as provided under Ch. 328, *Ordinance Code*, for
12 condominium and cooperative buildings are mandatory within 25 years
13 of the issuance of the certificate of occupancy if the structure is
14 three stories or more. This requirement does not apply to buildings
15 that have three or fewer stories above ground and are single-family,
16 two-family, or three-family dwellings.

17 **Section 3. Creating a new Chapter 328 (Milestone Inspection**
18 **Regulations), Title VIII (Construction Regulations and Building**
19 **Codes), Ordinance Code.** Chapter 328 (Milestone Inspection
20 Regulations), *Ordinance Code*, is hereby created to read as follows:

21 **CHAPTER 328 - MILESTONE INSPECTION REGULATIONS.**

22 **Sec. 328.101. Intent and Authority.**

23 It is the intent of the Council, acting as the governing body
24 for the City of Jacksonville, in creating this Milestone Inspection
25 program to implement processes and regulations to comply with
26 statutory requirements mandating inspections for the public safety
27 and welfare for applicable properties located in the General Services
28 District, less Urban Services Districts 2, 3, 4, and 5.

29 **Sec. 328.102. Applicability, Area of Enforcement.**

30 A condominium association under chapter 718 and a cooperative
31 association under chapter 719, located in Duval County excluding
32

1 Urban Services Districts 2, 3, 4, and 5, must have a milestone
2 inspection performed for each building that is three stories or more
3 in height by December 31 of the year in which the building reaches
4 25 years of age, based on the date the certificate of occupancy for
5 the building was issued, and every 10 years thereafter.

6 **Sec. 328.103. Definitions.** As used in this section, the term:

7 "Association" means a condominium association as defined under
8 Ch. 718, *Florida Statutes*, or a cooperative association as defined
9 under Ch. 719, *Florida Statutes*, or as further defined herein.

10 "Inspector" means a Florida actively licensed architect or
11 engineer, with experience in multi-story structural design, who is
12 specifically insured for performing "Milestone Inspection" work at a
13 rate of no less than one million dollars (\$1,000,000) per
14 occurrence/two million dollars (\$2,000,000) aggregate coverage.

15 "Milestone Inspection" means a structural inspection of a
16 building, including an inspection of load-bearing elements, primary
17 structural members, and primary structural systems as those terms
18 are defined by the Florida Building Code or the Florida Statutes,
19 whichever definition is broader, by an Inspector for the purposes of
20 attesting to the life safety and adequacy of the structural components
21 of the building and, to the extent reasonably possible, determining
22 the general structural condition of the building as it affects the
23 safety of such building, including a determination of any necessary
24 maintenance, repair, or replacement of any structural component of
25 the building. The purpose of such inspection is not to determine if
26 the condition of an existing building is in compliance with the
27 Florida Building Code or the fire safety code.

28 "Phase One Inspection" or "Phase One Milestone Inspection" means
29 performance of (a) a visual examination of habitable and non-habitable
30 areas of a building, including the major structural components of a
31 building, including but not limited to roofing, balconies, post

1 tension slabs and anchorage, caulking, curtain walls, window
2 installation, flashing, building cladding, foundations (settlement
3 or subsidence), garages, pool decks, roof parapets, common areas,
4 unconditioned spaces, accessible exterior areas, and flood and storm
5 protective measures; (b) a historical analysis of existing
6 construction documents, permits, inspections, and maintenance
7 records; and (c) provide a qualitative assessment of the structural
8 conditions of the building based on the examination and analysis of
9 the above by an Inspector. For structures with balconies or other
10 similar features, inspections shall include, at a minimum, thirty-
11 three percent (33%) of the balconies, handrails or other similar
12 components.

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

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

1 "Substantial structural deterioration" means substantial
2 structural distress that negatively affects a building's general
3 structural condition and integrity. The term does not include surface
4 imperfections such as cracks, distortion, sagging, deflections,
5 misalignment, signs of leakage, or peeling of finishes unless the
6 Inspector performing the phase one or phase two inspection determines
7 that such surface imperfections are a sign of substantial structural
8 deterioration.

9 **Sec. 328.104. Administration.**

10 The Building Inspection Division shall serve as the local
11 enforcement agency for the purposes of this section. The Building
12 Inspection Division may work with other city and county entities for
13 the investigation, notification, and registration process.

14 **Sec. 328.105. Registration.**

15 (a) In order to determine the inventory of structures in the
16 enforcement area, all existing buildings two stories in height
17 (including parking levels as a floor) and taller that are not single-
18 family homes, shall register with the Building Inspection Division
19 by January 1, 2023.

20 (b) Registration will require each building to identify at a
21 minimum:

22 (1) Property type

23 (i) "Condominium" means a form of ownership of real
24 property which is comprised entirely of units
25 that may be owned by one or more persons, and
26 in which there is, appurtenant to each unit,
27 an undivided share in common elements, or as
28 defined under F.S. § 718.103(11), which may be
29 revised from time to time.

30 (ii) "Cooperative" means that form of ownership of
31 real property wherein legal title is vested in
32

1 a corporation or other entity and the
2 beneficial use is evidenced by an ownership
3 interest in the association and a lease or
4 other muniment of title or possession granted
5 by the association as the owner of all the
6 cooperative property, or as defined under F.S.
7 § 719.103(12), which may be revised from time
8 to time.

9 (iii) "Other Ownership" means the building and unit
10 ownership does not qualify as either a
11 Condominium under Chapter 718, *Florida*
12 *Statutes*, or a Cooperative under Chapter 719,
13 *Florida Statutes*.

14 (2) Number of Stories

15 (i) Identify if the building is 3 stories tall or
16 higher.

17 (ii) Identify if the building is less than 3 stories
18 tall.

19 (3) Association Information.

20 (i) Where applicable, each building shall disclose
21 the contact information for the Association
22 including the registered agent or party
23 responsible for receiving legal notices.

24 (4) Board Information.

25 (i) Where applicable, each building shall disclose
26 the contact information for the Board
27 president.

28 (5) Year of Construction

29 (i) Identify the year construction was completed
30 on the entire complex.

31 (ii) Identify the year(s) construction was

completed by building.

(6) Type of Construction

(i) 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 Sections 718.608 or 719.608, Florida Statutes.

(d) Any new building completed and issued a certificate of occupancy after December 31, 2022, 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. 328.106. Notice of Milestone Inspection Deadline.

(a) The Building Inspection Division 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.

1 (c) Buildings subject to Chapter 328, *Ordinance Code*, which
2 have a certificate of occupancy dated prior to December 31, 1999, or
3 which have a record indicating occupancy prior to December 31, 1999,
4 shall be required to complete their first Milestone Inspection no
5 later than December 31, 2024.

6 **Sec. 328.107. Inspections.**

7 (a) Phase One Inspections. Within 180 days after receiving
8 the written notice under Section 328.106, *Ordinance Code*, the
9 Association must complete Phase One of the Milestone Inspection,
10 however, no report shall be required prior to December 31, 2024. For
11 purposes of this section, completion of a Phase One Milestone
12 Inspection means the Inspector who performed the Phase One Inspection
13 submitted the inspection report to the Building Inspection Division
14 through the Division's permitting system or other means authorized
15 in writing by the Chief of the Building Inspection Division, or his
16 designee.

17 (1) The Inspector must indicate whether a Phase Two
18 Inspection, as provided in Section 328.103, *Ordinance*
19 *Code*, or Section 553.899(7)(b), Florida Statutes,
20 whichever is more stringent, is required.

21 (2) An Inspector who completes a Phase One Milestone
22 Inspection shall prepare and submit an inspection
23 report, pursuant to Section 328.107, *Ordinance Code*,
24 to the City through the Building Inspection
25 Division's permitting system.

26 (b) Phase Two Inspections. A Phase Two Milestone Inspection
27 must be performed if any substantial structural deterioration is
28 identified during the Phase One Milestone Inspection.

29 (1) An inspector who completes a Phase Two Milestone
30 Inspection shall prepare and submit an inspection
31 report pursuant to Section 328.107, *Ordinance Code*.

Sec. 328.108. 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 of the local government and pay a report review fee based on 1.5% 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:

- (i) 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.

- (ii) 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.

- (iii) Indicate the manner and type of inspection forming the basis for the inspection report.

- (iv) 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.

(v) 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.

(vi) Include color photographs with sufficient resolution to convey the conditions at the time of the inspection and identify any recommended repairs.

(vii) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.

(viii) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.

(ix) Provide an overall qualitative structural assessment of the building.

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

(xi) Indicate if a Phase Two Inspection, or other subsequent inspections are required, necessary, or recommended.

(xii) Include a copy of the Certificate of Insurance

specifically providing coverage for the Inspector, and their company if applicable.

(xiii) Include a copy of the Inspector's Resume or Curriculum Vitae with three (3) 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:

(i) 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.

(ii) 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.

(iii) Provide references to the Phase One Inspection Report for each item requiring additional examination.

(iv) Identify the type and manner of inspections performed.

(v) Identify any damage, including color photographs when possible, and extent of repairs needed along with any repair recommendations.

(vi) Provided graded urgency for each required, necessary, or recommended repair.

(vii) Identify any testing performed and the results of any testing.

(viii) List any additional inspections or testing that should be performed and provide a timeline for completion.

Sec. 328.109. 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. 328.110. 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 6 month 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 Inspection Department through the Department's permitting system.

Sec. 328.111. Enforcement.

1 The requirements of Chapter 328, *Ordinance Code*, shall be
2 enforced as follows:

3 (a) By the Special Magistrate pursuant to the authority granted
4 by F.S. Ch. 162, Part I;

5 (b) By citation for civil penalties pursuant to the authority
6 granted by F.S. Ch. 162, Part II, and Ch 609, *Ordinance Code*;

7 (c) By issuance of a notice to appear in county court pursuant
8 to Section 162.23, Florida Statutes;

9 (d) By an action for injunctive relief, civil penalties, or a
10 combination thereof, through a court of competent jurisdiction.

11 A violation of this Chapter shall constitute a separate offense
12 for each day it recurs or continues.

13 **Sec. 328.112. Extensions.**

14 (a) Phase Two Inspections. The Building Official may issue an
15 extension of not more than 60 days to submit the Phase Two Milestone
16 Inspection report upon a written extension request from the Inspector
17 performing the inspection. Such request must contain a signed and
18 sealed statement from the Inspector that the building may continue
19 to be occupied while undergoing inspection and that the reason the
20 extension is needed.

21 (b) Permit Applications. The Building Official may issue an
22 extension of not more than 60 days to obtain any necessary permits
23 related to repairs or work based on a Phase One Inspection or Phase
24 Two Inspection upon a written extension request from an engineer or
25 architect. Such request must contain a signed and sealed statement
26 from the engineer or architect that the building may continue to be
27 occupied while undergoing the applicable required Milestone
28 Inspection repairs and shall provide the reason for the extension.

29 **Sec. 328.113. Fines.**

30 Failure to meet the required timelines may result in the
31 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. 328.114. 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, the City's Fire Marshall, and the City's Chief of Municipal Code Compliance within 24 hours of the determination.

Authority for condemnation by the City shall be in accordance with Part 6 of Section 320 or Part 3 of Section 518, *Ordinance Code*.

Recovery of costs for abatement related to the unsafe structure will be recovered through the processed provided in Part 6 of Section 320, and Part 3 of Section 518, Jacksonville Ordinance Code, or as otherwise authorized by law.

Section 4. Amending Schedule "A", Section 609.109. (Applicable Chapters and Parts), Chapter 609 (Code Enforcement Citations), Ordinance Code. Schedule "A" of Section 609.109

(Applicable Chapters and Parts), Chapter 609 (Code Enforcement Citations), *Ordinance Code*, is hereby amended as follows:

SCHEDULE "A"

CODE PROVISION *	DESCRIPTION	CLASS **
Chapter 150	Adult Entertainment and Services Code	F
Chapter 155	Adult Arcade Amusement Center	E
Chapter 156	Electronic Game Promotions	E
Chapter 220	Vehicles for Hire	D
Chapter 250	Miscellaneous Business Regulations	D
Chapter 260	Disposal of Waste Tires	D
Chapter 307	Historic Preservation and Protection	D
Chapter 320	Construction Regulations and Building Code	D
Chapter 321	Adoption of Building Code	D
<u>Chapter 322</u>	<u>Mobile Homes</u>	<u>D</u>
Chapter 323	Street Encroachments	D
Chapter 324	Safeguards During Construction	D
Chapter 325	Electrical Installation	D
Chapter 326	Signs and Outdoor Displays	D
Chapter 328	Swimming Pools <u>Milestone Inspection Regulations</u>	<u>D Punishable as set forth in Section 328.113, Ordinance Code</u>
Chapter 329	Mobile Homes	D
Chapter 380	Solid Waste Management	D
Chapter 382, Part 2	Waste Collection, Standards of Service	D
Chapter 388	Boats and Waterways	F
Chapter 420	Fire Prevention Code	D
Chapter 460	Health Code	C
Chapter 518	Property Maintenance Code	D
Section 614.145	Regulation of the Operation of Motorized Watercraft at Huguenot Memorial Park	A

Chapter 656	Zoning Code	D
Chapter 690	Altered Goods and Closing-Out Sales	D
Chapter 694	Charitable Solicitations and Organizations	D
Chapter 696	Deceptive Trade Practices	D
Chapter 741	Zero Tolerance on Litter	Punishable as set forth in Section 741.107
Chapter 744	Street Construction Regulations	D
Chapter 745	Addressing and Street Naming	D
Chapter 746	Street Use Regulations	D
Chapter 752	Jacksonville Reuse of Reclaimed Water Program	D
Chapter 754	Stormwater Code	D

* All substantive code provisions subject to enforcement by this Ordinance shall continue to be enforced as they may be from time to time amended.

** Class is as listed unless otherwise indicated in the relevant Chapter or Section.

* * *

Section 5. Severability. It is the specific intent of the Council that in the event that any portion of this ordinance, is declared invalid, unenforceable, unconstitutional or void, or is permanently enjoined, or if the existence of any provision of this ordinance would result in any other portion of any chapter of the *Ordinance Code* being held to be invalid, unenforceable, unconstitutional or void, and the court does not sever such invalid portion of this section, then the invalid portion of this ordinance is repealed and invalid. It is the specific intent that the invalidity of any portion of this ordinance shall not affect any other section, subsection, paragraph, subparagraph, sentence, phrase, clause or word of the *Ordinance Code*.

1 **Section 6. Codification Instructions.** The Codifier and
2 the Office of General Counsel are authorized to make all chapter and
3 division "table of contents" consistent with the changes set forth
4 herein. Such editorial changes and any other necessary to make the
5 Ordinance Code consistent with the intent of this legislation are
6 approved and directed herein, and the changes to the Ordinance Code
7 shall be made forthwith and when inconsistencies are discovered.

8 **Section 7. Effective Date.** This Ordinance shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

11
12 Form Approved

13
14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation prepared by: Trisha Bowles

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