



AGENDA MEMORANDUM

Building Department

City Council Special Meeting Date: March 17, 2026

To: City Council
From: Craig Mole, Director of Building, Chief Building Official
Date: March 10, 2026

SUBJECT: Second Reading – Ordinance 26-002 - MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS ORDINANCE

BACKGROUND: The Legislature of the State of Florida, in response to the Surfside Condominium building collapse in June 2021, adopted Senate Bill 4-D, which requires Milestone Inspections for condominium and cooperative buildings three stories and above that are 30 years of age, or 25 years of age if located within 3 miles of the coastline. Senate Bill 4-D was signed into Law by Governor DeSantis on 5/26/2022.

Senate Bill 4-D requires condominiums and cooperatives includes the following:

1. Structures that are 25 or 30 years old depending on location must complete milestone inspections within specified timelines.
2. Providing requirements for performing the milestone inspections.
3. Requires architects and engineers performing a milestone inspection to submit a sealed copy of the inspection report and a summary that includes specified findings and recommendations to certain entities.
4. Providing requirements for the inspection reports.
5. Requiring condominium associations and cooperative associations to distribute and post a copy of each inspection report and summary in a specific manner.
6. Authorizing local enforcement agencies to prescribe penalties and timelines relating to milestone inspections.
7. Authorizing adoption of certain ordinances relating to repairs for substantial structural deterioration.
8. Requiring local enforcement agencies to review and determine if a building is unsafe for human occupancy under certain circumstances.

In the 2023 Legislative session, the Florida Legislature passed SB 154 which revised SB 4-D and was signed into Law by Governor DeSantis on June 9, 2023. SB 154 provides additional time to comply under certain circumstances, and allows a local enforcement agency to extend the date the Milestone inspection is due upon showing 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. A fee of \$75.00 will be required for submittal of the inspection report.

In the 2025 Legislative session, the Florida Legislature passed HB 913 which revised SB 154 and was signed into Law by Governor DeSantis. Now codified in Section 553.899(3)(a), Florida Statutes, HB 913 provides a change from buildings three stories in height to buildings three HABITAL stories or more in

Sanibel is and shall remain a barrier island sanctuary

height that must comply with milestone inspections. Ordinance 26-002 would revise our existing ordinance to conform to this change in statutory language.

First Reading of this ordinance occurred March 3, 2026.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Adopt Ordinance 26-002, as submitted.