

ORANGE



COUNTY
F L O R I D A

Updates to Chapter 9 Building & Construction

April 21, 2026

Board of County Commissioners

PRESENTATION OUTLINE

- Background & Overview
- Proposed Amendments
- Approval Process
- Summary
- Requested Action

BACKGROUND

Pursuant to Section 553.899, Florida Statutes, condominium and cooperative buildings that are three habitable stories or more in height and 30 years of age or older, based on the date of issuance of the Certificate of Occupancy, are required to undergo a Milestone Structural Inspection. This program is the result of the Surfside Condo collapse in 2021.

During the 2025 Legislative Session, the Florida Legislature enacted House Bill 913, which requires local governments to establish a timeframe for commencing repairs following a Phase Two Milestone Inspection. To comply with this mandate, Orange County must amend Chapter 9 of the Orange County Code (OCC). Because this statutory change required reopening Chapter 9, staff expanded the scope of review to address other inconsistencies.

OVERVIEW

- Phase Two Milestone Inspection Repair Timeline
- Building Code Board of Adjustments and Appeals (BCBAA) membership requirement
- Permit Timeline Clarifications
- Florida Building Code Edition Reference

PROPOSED AMMENDMENTS

- Adding a section to Section 9-39 Building Construction Code to meet a Statutory requirement.
- Modifying the membership requirement for the Building Code Board of Adjustment and Appeals (BCBAA) to allow for a larger pool of professional technical representatives.
- Modifying a section of the BCBAA membership requirements to reflect the change in the number of BCC members.
- Standardizing the timeline for permit and application expiration, extensions and clarifying when a permit or application can be reinstated.
- Adding a reference to utilize the current Florida Building Code as mandated by the State of Florida instead of having to change the ordinance every 3 years just to change editions.

PROPOSED AMENDMENTS

Milestone Inspection Program Timeline:

F.S.553.899 requires all condominiums & consortiums that are 3 habitable stories or more and 30 years of age or more are required to undergo a Milestone Inspection.

The structures are inspected by a design professional, and the reports are sent to the County. This program is a result of the Surfside Condo Collapse in 2021

During the 2025 Legislative Session, House Bill 913 requires local governments to specify a timeline for commencing repairs following a Phase Two Inspection.

PROPOSED AMENDMENTS

Sec. 9-39. - Florida Building Code, Building, Existing Building adopted.

C. Mandatory structural inspections for condominium and cooperative buildings.

Add Section 113.8 to Chapter One of the adopted Florida Building Code, Existing Building Volume.

113.8 Substantial Structural Repairs Required per Phase Two Report.

A condominium or cooperative association and any other owner that is subject to Milestone Inspection, schedule or commence repairs for substantial structural deterioration within a specified timeframe after the Division of Building Safety receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report.

This is the Statutory requirement from HB 913 2025 legislative session.

BCBAA MEMBERSHIP COMPOSITION

Building Code Board of Adjustments and Appeals Composition:

11 total members

8 professional members from
various trades & design fields

3 consumer representatives

Members are appointed by BCC
and nominated by MMRB

PROPOSED AMENDMENTS

Building Code Board of Adjustments and Appeals Composition:

Given the challenges identified by the board in recruiting qualified members and considering that this board is responsible for hearing complaints against contractors and determining potential disciplinary actions, it would not be prudent to eliminate any trade-specific member position(s).

Because the BCBA and the Fire Code Board of Adjustments and Appeals already rely on the qualification and eligibility criteria outlined in Section 2-206, the residency requirement in 9-4(f) appears redundant and may be deleted:

9-4 (f) All members shall be residents of the county.

BCBAA ELIGIBILITY REQUIREMENTS

Building Code Board of Adjustments and Appeals Eligibility:

- Sec 9-4(c) *Eligibility requirements*. All members of the board appointed here under shall comply with the qualification and eligibility requirements set forth in section 2-206, chapter 2, article VI of this Code. Pursuant to section 2-204(a)(1) of the advisory boards ordinance, all members shall be nominated by the membership and mission review board. The board of county commissioners shall review the nominations and appoint the members.

BCBAA ELIGIBILITY REQUIREMENTS

Building Code Board of Adjustments and Appeals Qualifications:

- **From Sec. 2-206. - Qualifications, requirements for membership on advisory boards.**
(1) The person must reside in the county (*unless, with respect to a particular appointee, this requirement is waived by a vote of five (5) members of the board*);
- **From Sec. 2-203 Definitions.**
(b) *Board* means the Orange County Board of County Commissioners.

PROPOSED AMENDMENTS

During the Senior Staff briefing it was suggested to add this language due to the change in number of seats for the Board of County Commissioners

Sec. 9-4. Building codes board of adjustments and appeals ("BCBAA"); creation; membership; meetings; quorum; powers and duties.

(j) All members of the board serve at the pleasure of the BCC and may be removed without cause and without entitlement to a hearing upon a supermajority vote ~~vote of five (5) members~~ of the board of county commissioners.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**

105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 ~~90~~ days each. The extension shall be requested in writing and justifiable cause demonstrated. Permit applications that have been expired 180 days or less can be reinstated. Permit applications expired over 180 days are considered abandoned, void, and a new permit application must be filed.

Modify application extension period to match permit extensions, and to clarify when permits can be extended, reinstated, or are void, requiring a new permit application.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

Section 105.4.1 is deleted and is rewritten as follows

105.4.1. Permit intent. A permit issued shall be construed to be a license to proceed with the identified work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, or construction, or of violations of this Code.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

105.4.1.1. If permitted work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit covering the proposed construction must be obtained before proceeding with the work. Unless and until a new permit is issued, or a permit is reinstated, and the attendant work is properly completed, no final inspection may be conducted and no certificate of occupancy may be issued. Additionally, at the discretion of the building official, no new permits may be issued to the permit holder and/or the property owner for such work and/or for work elsewhere in the county until the revoked or void permit is brought into compliance, unless such lack of compliance is due to circumstances outside the reasonable control of the permit holder and/or the property owner, as applicable.

This will allow permits that are expired 180 days or less to be reinstated.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

105.4.1.2. If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced, up to and including completion, be removed from the building site. Alternatively, a new permit may be issued, or reinstated upon application, provided that both the work already in place and the newly permitted work are in full compliance with all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and date of issuance of the new permit. Notwithstanding the foregoing, for any work previously in place that was inspected and approved by the county, the building official may allow compliance with the applicable regulations in effect at the time the initial permit expired, to the extent that allowing such compliance will not cause any health or safety concern.

This will allow permits that are expired 180 days or less to be reinstated.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

Section 105.4.1.3 of the County Ordinance is deleted as it is covered by the current *Florida Building Code*

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

Section 105.4.1.5 was supposed to be deleted in the 2024 update; It was replaced by the current section 105.4.1.5

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

105.4.1.6 Reinstatement. A permit may be reinstated if the permit has been in expired status 180 days or less.

Proposal to add this new section to address reinstated permits.

PROPOSED AMENDMENTS

- **Sec. 9-33. - Florida Building Code, Building, adopted.**
- Suggested change

(a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, current edition as mandated by the State of Florida Building, Eighth Edition (2023), as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County").

Staff proposes this change, to avoid updates every 3 years and possibility of perceived conflict with the State code adoption date.

PROPOSED AMENDMENTS

Questions?

APPROVAL PROCESS

- Building Codes Board of Adjustments and Appeals
 - Presented initial draft on December 10, 2025
 - BCBA hearing held on January 26, 2026, recommend approval by BCC
- Local Planning Agency
 - Verifying Compliance with Orange County Comprehensive Plan
 - Hearing held on February 19, 2026, recommend approval by BCC
- Presented to Building Industry on March 8, 2026

SUMMARY

- Proposed amendments to Chapter 9 to address:
 - Phase Two Milestone Inspection Repair Timeline
 - Building Code Board of Adjustments and Appeals (BCBAA) membership requirements
 - Permit Timeline Clarifications
 - Florida Building Code Edition Reference

REQUESTED ACTION

- Staff requests the Board approve and adopt the ordinance amending Chapter 9 of the Orange County Code, and to allow staff to correct any Scrivener's errors.

ORANGE



COUNTY
FLORIDA

Milestone Inspections Program Update

April 21, 2026

Board of County Commissioners

MILESTONE INSPECTIONS PROGRAM

- In 2024, we notified 12 qualifying condo complexes, with a total of 86 buildings.
 - We received 11 Phase-One reports.
 - 4 of those 11 required Phase-Two reports.
 - Of the 4 required Phase-Two reports, we only received 2.
 - Enforcement is beginning for the complex that has not supplied a report.
 - A hearing will be scheduled with the Special Magistrate, and a complaint will be filed with DBPR.
 - The two complexes with overdue Phase-Two reports have been notified and if we do not receive a timely response, we will follow the same process.

MILESTONE INSPECTIONS PROGRAM

- In 2025, we notified 1 qualifying condo complex with 16 buildings.
 - We received their Phase-One report, and a Phase-Two report is not required
- In 2026, we notified 1 qualifying condo complex with 17 buildings.
 - Their Phase-One report is due by December 31, 2026.
 - They were notified in January and a reminder was sent in April.