

Interoffice Memorandum

DATE: April 21, 2026

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



CONTACT: Thomas Allen, CBO, MCP, Building Official, Division of Building Safety

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DIVISION: Division of Building Safety

ACTION REQUESTED: Approve and adopt the proposed Ordinance amending Chapter 9 of the Orange County Code.

PROJECT: Update to Chapter 9 Orange County Code

Purpose: Pursuant to Section 553.899, Florida Statutes, condominium and cooperative buildings that are three (3) habitable stories or more in height and thirty (30) years of age or older are required to undergo a Milestone Structural Inspection. This inspection program was created as a result of the Surfside Condo collapse in 2021. During the 2025 Legislative Session, the Florida Legislature enacted House Bill (HB) 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 requires reopening Chapter 9, staff has expanded the scope of review to address other issues, as described below.

Update Phase Two Milestone Inspection Repair Timeline.

A new section will be added to Chapter 9-39, Existing Buildings, titled Section 113.8 – Substantial Structural Repairs Required per Phase Two Report. In accordance with HB 913, repairs must be commenced within 365 days after the Division of Building Safety receives the Phase Two inspection report.

Building Code Board of Adjustments and Appeals (BCBAA) residency requirement.

Chapter 9 currently includes a residency requirement for service on the BCBAA. However, Section 2-206 of the OCC provides that residency may be waived by a vote of five (5) board members. To resolve this inconsistency and allow qualified technical

experts to serve regardless of residency, the amendment deletes the residency requirement from Chapter 9 and relies on the eligibility criteria in Section 2-206.

Permit Timeline Clarifications.

Staff identified duplicate sections and conflicting language related to permit time-frames, including expiration, extensions, reinstatement, and when a new permit is required. After careful coordination with staff and the County Attorney's Office, the proposed amendment now standardizes all permit-related timelines to 180 days. This provides clarity, resolves conflicts, and streamlines the permitting process by applying a consistent standard Florida Building Code Edition Reference. Because the State of Florida mandates the applicable edition and implementation date of the Florida Building Code, typically every three years on December 31, the amendment updates Chapter 9 to reference the current edition of the Florida Building Code as mandated by the State of Florida. This change eliminates potential conflicts between state requirements and local code references.

The proposed ordinance has been reviewed by the County Attorney's Office. On January 26, 2026, the Building Code Board of Adjustments and Appeals (BCBAA) voted to recommend adoption of the ordinance. On February 19, 2026, the ordinance was presented to the Planning and Zoning Commission, where they found it to be consistent with the County's Comprehensive Plan, and also recommended approval and adoption of the ordinance.

BUDGET: N/A