GOVERNOR SIGNS NEW CONDOMINIUM LEGISLATION REQUIRING INSPECTIONS AND RESERVES

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Senate Bill 4D, which requires regular building inspections and requires condominium associations to maintain reserves, unanimously passed both the Florida House and Florida Senate on May 24th and 25th respectively. Governor DeSantis signed the bill on May 26th.

The legislation includes the following:

- Building inspections for all condominium buildings are required when a building reaches 30 years old and every 10 years thereafter. Condominium Buildings within 3 miles of the coastline are required to be inspected when the building reaches 25 years old and every 10 years thereafter.
- Mandatory structural integrity reserve study every 10 years to determine the amount of reserves required for future repairs and replacements
- Required reserve funding for structural integrity components (building, floors, windows, plumbing, electrical, etc.) based on the reserve study.
- Removal of the right of condominium association to waive the funding of reserves for structural integrity components.
- Mandatory transparency—providing all owners and residents access to building safety information.

The inspection required by the legislation, referred to as a "milestone inspection," is a structural inspection by a licensed architect or engineer of a building, including an inspection of load-bearing walls and primary structural systems. The milestone inspection consists of two phases. The first phase includes a visual examination of habitable and non-habitable areas of the building. If no signs of substantial structural deterioration are found in the first phase, phase two of the milestone inspection is not required. If structural deterioration is detected, a phase two inspection is required to determine if the building is structurally sound and safe and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. Condominiums for which a certificate of occupancy was issued on or before July 1, 1992 must conduct a milestone inspection by December 31, 2024. Upon completion of phase one or phase two of the milestone inspection, the architect or engineer must prepare an inspection report and a summary providing an assessment of the structural conditions of the building and including the information set forth in the statute.

In addition to the milestone inspection, the legislation requires condominium associations to have a structural integrity reserve study completed every 10 years. Such study must include a study of various components of the building including the roof, load-bearing walls and other primary structural systems, floors, foundation, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing and exterior painting, and windows, and for each component include the estimated remaining useful life and estimated replacement cost or deferred maintenance expense, and provide a recommended annual reserve amount that produces the estimated replacement cost or deferred maintenance expense of each component by the end of the estimated remaining useful life of each component. Beginning December 31, 2024, all condominium unit-owner controlled associations will be prohibited from waiving the reserve requirements for items listed in the structural

integrity reserve study.

The legislation became effective upon being signed by the Governor. A full copy of SB 4D can be found here.

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