

## SUMMARY OF SB4D - NEW CONDO/COOP LAW

- Approved by the State Senate on May 24 by a vote of 38-0
- Approved by State House of Representatives on May 25 by vote of 110-0
- Signed into law by Governor DeSantis on May 26

*Disclaimer: This summary of SB4D is prepared by the Galt Mile Community Association and relates specifically to the members of the GMCA. It is not an official document and should not be used to make decisions regarding the law and your association. All such questions should be directed to your legal counsel*

The new law provides building safety inspection requirements for condominium and cooperative association buildings, increases the rights of unit owners and prospective unit owners to access information regarding the condition of such buildings, and revises the requirements for associations to fund reserves for the continued maintenance and repair of such buildings.

### Regarding building safety inspections, the law:

- Requires condominium and cooperative association buildings to have a “milestone inspection” of the buildings’ structural integrity by an architect or engineer when a building reaches:
  - **25 years of age and every 10 years thereafter if the building is located within three miles of a coastline.** *Broward County already requires a safety inspection at 40 years and every 10 years thereafter (but is in the process of changing to 30 years and 25 years to comply with the new state law). Any building between 25 and 40 years that has not been inspected will need to do so to comply with the 25-years of age provision. Those not on the coastline are required to be inspected at 30 years and every 10 thereafter. The law applies to all structures of three stories or higher.*

If a milestone inspection is required and the building’s certificate of occupancy was issued on or before July 1, 1992, the building’s initial milestone inspection is required to be performed before **December 31, 2024.**

- Requires that a phase one milestone inspection must commence within **180 days after an association receives a written notice** from the local enforcement agency. *“Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems.*
- Requires a phase two milestone inspection if there is evidence of “substantial structural deterioration” as determined by a phase one inspection. *“Substantial structural deterioration” means substantial structural distress that negatively affects a building’s general structural condition and integrity.*
- Specifies the minimum contents of a milestone inspection report.

- Requires inspection report results to be provided to local building officials and the associations, and requires an inspector-prepared summary to be provided to unit owners by mail and by email to unit owners who have consented to receive notices by email.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report. *A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.*
- Requires the Florida Building Commission to make recommendations to the Governor and Legislature regarding the inspection requirements in the bill and inspection for other types of buildings and structures that are three stories or more.
- Provides that a willful and knowing failure by an officer or director of an association to have a milestone inspection performed is a breach of the officer's and director's fiduciary relationship to the unit owners.
- Gives unit owners the right to inspect and copy, as official records, the milestone inspection report and all other inspection reports relating to structural or life safety, and gives renters the right to inspect the milestone inspection reports.
- Requires associations to report to the Florida Division of Condominiums, Timeshare, and Mobile Homes (division) the number of buildings that are three stories or higher in height and the total number of units in such buildings on or before January 1, 2023, and requires the division to publish that information on its website. *Associations must report: 1. The number of buildings on the condominium property that are three stories or higher in height. 2. The total number of units in all such buildings. 3. The addresses of all such buildings. 4. The counties in which all such buildings are located. An association must provide an update in writing to the division if there are any changes to the information in the list within 6 months after the change.*
- Requires non-developer unit owners to give prospective buyers of a unit a copy of the inspector-prepared summary of the milestone inspection report. *Associations must also include a copy of the inspector-prepared summary*

*of the milestone inspection report, the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

- Extends the jurisdiction of the division to investigate complaints to include complaints related to the procedural completion of milestone inspections.

**Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, the law:**

- Requires condominium associations and cooperative associations to complete a **structural integrity reserve study every 10 years**. *A study of the following items as related to the structural integrity and safety of the building: a. Roof. b. Load-bearing walls or other primary structural members. c. Floor. d. Foundation. e. Fireproofing and fire protection systems. f. Plumbing. g. Electrical systems. h. Waterproofing and exterior painting. i. Windows. j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in a-i above.*
- Requires associations existing on or before July 1, 2022, that are controlled by non-developer unit owners to have a **structural integrity reserve study completed by December 31, 2024**.
- Defines “structural integrity reserve study” as a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection of the common elements. *Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.*
- **Requires the study to include a visual inspection, state the estimated remaining useful life, and the estimated replacement cost of the roof, load bearing walls or other primary structural members, floor, foundation, fireproofing and fire protection systems, plumbing, and any item with a deferred maintenance or replacement cost that exceeds \$10,000. *Effective December 31, 2024, the members of a unit-owner controlled association may not determine to provide no reserves or less reserves than required by this subsection for items listed above. Effective December 31, 2024, members of a unit-owner controlled association may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed above for any other purpose other than their intended purpose.***
- Requires the visual inspection to be performed by a person licensed as an engineer or an architect. However, any qualified person or entity may perform the other components of a structural integrity reserve study.
- Provides that it is a breach of a board member or officer’s fiduciary duty if an association fails to complete a structural integrity reserve study.

## Roofing: the law requires

- The Florida Building Code to provide that when 25 percent or more of a roofing system or roof section is being repaired, replaced, or recovered, only the portion of the roofing system or roof section undergoing such work need be constructed in accordance with the current Florida Building Code in effect at the time of such work. This new provision applies only to roof systems and roof sections built, repaired, or replaced in accordance with the requirements of the **2007 Florida Building Code** or subsequent editions. The provision revises the current Florida Building Code which requires that not more than 25 percent of the total roof area or roof section, of any existing building or structure, may be repaired, replaced, or recovered in any 12-month period—unless the entire existing roofing system or roof section conforms to the current requirements of the Code.

\*\* The information for this summary is based on legislative staff analysis of the bill.