

Milestone Inspections Required by Condominium and Cooperative Associations

[Senate Bill 154](#) amends section 553.899, Florida Statutes, to require an initial milestone inspection to be completed when a building reaches 30 years old, and to perform subsequent milestone inspections every ten years thereafter. If the building reaches 30 years old before July 1, 2023, then the first milestone inspection must be completed by December 31, 2024. If the building reaches 30 years old on or after July 1, 2023, then the initial inspection must be completed by December 31, 2025. The local enforcement agency may determine that local circumstances, such as proximity to salt water, require a milestone inspection when the building reaches 25 years old, and every ten years thereafter. An extension may be granted for milestone inspections under certain circumstances. The local enforcement agency may accept an inspection report that was performed before July 1, 2022 and the subsequent 10-year milestone inspections are based on the date of the accepted previous inspection. The association must notify unit owners of the required inspection and include the date the inspection must be completed by in the notification. The Florida Building Commission will establish a building safety program which must include certain provisions.

The bill amends section 718.112, Florida Statutes, to include a reserve for certain items based on the findings of the most recent structural integrity reserve study. Reserve replacement costs are not required for items that have an unascertainable estimated useful life or a useful life that is greater than 25 years. Deferred maintenance expenses must be reserved for items when recommended by the structural integrity reserve study. The reserve assessments may be adjusted to account for inflation. An association of a multi-condominium may provide no reserves or less than required so long as an “alternative funding method” has been approved. The results of the structural integrity reserve study must recommend reserves for particular items based on their estimated useful lives. The structural integrity reserve study must be completed before December 31, 2026 and may be performed simultaneously with the milestone inspection that is required to be completed on or before December, 31, 2026. A milestone inspection completed within the past 5 years can be used in lieu of the visual inspection portion of the structural integrity reserve study.

The bill amends section 718.113, Florida Statutes, to require the association to provide maintenance, repairs, and replacements for common areas of the property. After control of the association is turned over to the unit owners from the Developer, the association must perform any required maintenance identified by the Developer until the association obtains new maintenance protocols.

The bill amends section 718.301, Florida Statutes, to require a turnover inspection report when the Developer releases their control over the association to the unit owners and describes what items to be included in this report.

The bill amends section 718.503, Florida Statutes, to require the Developer to disclose the milestone inspection, structural integrity reserve study, and turnover inspection, or disclose that those have not been completed yet. It also provides specific wording for clauses that must be included in each sale contract for units. The same applies to each unit owner, who does not qualify as a developer, selling their unit.

SB 154 was signed into law on June 9, 2023 and was effective immediately.