

By the Committee on Regulated Industries; and Senator Bradley

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1 A bill to be entitled
2 An act relating to mandatory building inspections;
3 creating s. 553.899, F.S.; providing legislative
4 findings; defining the term "milestone inspection";
5 specifying that the purpose of a milestone inspection
6 is not to determine compliance with the Florida
7 Building Code; requiring owners of certain multifamily
8 residential buildings to have milestone inspections
9 performed at specified times; requiring the boards of
10 administration for condominium and cooperative
11 associations to arrange for milestone inspections of
12 condominium buildings and cooperative buildings,
13 respectively; specifying that such associations are
14 responsible for costs relating to milestone
15 inspections; providing applicability; requiring that
16 initial milestone inspections for certain buildings be
17 performed before a specified date; specifying that
18 milestone inspections consist of two phases; providing
19 requirements for each phase of a milestone inspection;
20 requiring architects and engineers performing a
21 milestone inspection to submit a sealed copy of the
22 inspection report to certain entities; requiring
23 boards of administrations of condominium associations
24 and cooperative associations to distribute a copy of
25 each inspection report for a condominium building or
26 cooperative building to unit owners and publish the
27 report on the association's website under certain
28 circumstances; authorizing local enforcement agencies
29 to prescribe timelines and penalties relating to

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30 milestone inspections; requiring the Florida Building
31 Commission to develop certain standards by a specified
32 date and make such standards available to local
33 governments for adoption; amending s. 718.111, F.S.;
34 revising the types of records that constitute the
35 official records of a condominium association;
36 amending s. 718.503, F.S.; revising nondeveloper
37 disclosure requirements relating to resales of
38 residential condominium units; amending s. 719.104,
39 F.S.; revising the types of records that constitute
40 the official records of a cooperative association;
41 amending s. 719.503, F.S.; entitling prospective
42 purchasers of an interest in a cooperative to a copy
43 of milestone inspection reports; providing an
44 effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 553.899, Florida Statutes, is created to
49 read:

50 553.899 Mandatory structural inspections for multifamily
51 residential buildings.-

52 (1) The Legislature finds that maintaining the structural
53 integrity of a building throughout its service life is of
54 paramount importance in order to ensure that buildings are
55 structurally sound so as to not pose a threat to the public
56 health, safety, or welfare. As such, the Legislature finds that
57 the imposition of a statewide structural inspection program for
58 aging multifamily residential buildings in this state is

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59 necessary to ensure that such buildings are safe for continued
60 use.

61 (2) As used in this section, the term "milestone
62 inspection" means a structural inspection of a building by a
63 licensed architect or engineer authorized to practice in this
64 state for the purposes of attesting to the life safety and
65 adequacy of the structural components of the building and, to
66 the extent reasonably possible, determining the general
67 structural condition of the building as it affects the safety of
68 such building. The purpose of such inspection is not to
69 determine if the condition of an existing building is in
70 compliance with the Florida Building Code.

71 (3) The owner of a multifamily residential building that is
72 greater than three stories in height must have a milestone
73 inspection performed by December 31 of the year in which the
74 building reaches 30 years of age, based on the date the
75 certificate of occupancy was issued, and every 10 years
76 thereafter. The owner of a multifamily residential building that
77 is greater than three stories in height and is located within 3
78 miles of a coastline as defined in s. 376.031 must have a
79 milestone inspection performed by December 31 of the year in
80 which the building reaches 20 years of age, based on the date
81 the certificate of occupancy was issued, and every 7 years
82 thereafter. If a condominium building or cooperative building is
83 required to have a milestone inspection performed pursuant to
84 this section, the board of administration of the condominium
85 association or cooperative association must arrange for the
86 milestone inspection to be performed and is responsible for
87 ensuring compliance with the requirements of this section. The

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88 building owner or board of administration of a condominium
89 association or cooperative association responsible for the
90 milestone inspection is responsible for all costs associated
91 with the inspection. This subsection does not apply to two-
92 family dwellings or to buildings less than 3,500 square feet.

93 (4) If a milestone inspection is required under this
94 section and the building's certificate of occupancy was issued
95 on or before July 1, 1992, the building's initial milestone
96 inspection must be performed before December 31, 2024.

97 (5) A milestone inspection consists of two phases:

98 (a) For phase one of the milestone inspection, a licensed
99 architect or engineer authorized to practice in this state shall
100 perform a visual examination of all habitable and nonhabitable
101 areas of a building and provide a qualitative assessment of the
102 structural conditions of the building. Surface imperfections
103 such as cracks, distortion, sagging, excessive deflections,
104 significant misalignment, signs of leakage, or peeling of
105 finishes constitute signs of structural distress. If the
106 architect or engineer finds no signs of structural distress to
107 any building components under visual examination, phase two of
108 the inspection, as provided in paragraph (b), is not required.
109 An architect or engineer who completes the first phase of a
110 milestone inspection shall prepare and submit an inspection
111 report pursuant to subsection (6).

112 (b) Phase two of the milestone inspection must be performed
113 if any structural distress is identified during phase one. The
114 inspector in charge of a phase two inspection must be a licensed
115 engineer or licensed architect who has a minimum of 5 years of
116 experience designing the primary structural components of

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117 buildings and a minimum of 5 years of experience inspecting
118 structural components of existing buildings of a similar size,
119 scope, and type of construction. A phase two inspection may
120 involve destructive or nondestructive testing at the inspector's
121 direction. The inspection may be as extensive or as limited as
122 necessary to fully assess damaged areas of the building in order
123 to confirm that the building is safe for its intended use or to
124 recommend a program for fully assessing and repairing damaged
125 portions of the building. When determining testing locations,
126 the inspector must give preference to locations that are the
127 least disruptive and most easily repairable while still being
128 representative of the structure. An inspector who completes the
129 second phase of a milestone inspection shall prepare and submit
130 an inspection report pursuant to subsection (6).

131 (6) Upon completion of a phase one or phase two milestone
132 inspection, the architect or engineer who performed the
133 inspection must submit a sealed copy of the inspection report to
134 the building owner or, if the building is a condominium or
135 cooperative, to the board of administration of the condominium
136 or cooperative, and to the building official of the local
137 government which has jurisdiction. For a milestone inspection of
138 a condominium or cooperative, the board of administration must
139 distribute a copy of each inspection report to each condominium
140 unit owner or cooperative unit owner, regardless of whether
141 there are deficiencies reported, and, if the association is
142 required by law to have a website, must publish the report on
143 the association's website.

144 (7) A local enforcement agency may prescribe timelines and
145 penalties with respect to compliance with this section.

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146 (8) The commission shall develop comprehensive structural
147 and life safety standards for maintaining and inspecting all
148 building types and structures in this state by December 31,
149 2022. The standards are in addition to those provided in this
150 section and must be made available for local governments to
151 adopt at their discretion.

152 Section 2. Paragraph (a) of subsection (12) of section
153 718.111, Florida Statutes, is amended to read:

154 718.111 The association.—

155 (12) OFFICIAL RECORDS.—

156 (a) From the inception of the association, the association
157 shall maintain each of the following items, if applicable, which
158 constitutes the official records of the association:

159 1. A copy of the plans, permits, warranties, and other
160 items provided by the developer under s. 718.301(4).

161 2. A photocopy of the recorded declaration of condominium
162 of each condominium operated by the association and each
163 amendment to each declaration.

164 3. A photocopy of the recorded bylaws of the association
165 and each amendment to the bylaws.

166 4. A certified copy of the articles of incorporation of the
167 association, or other documents creating the association, and
168 each amendment thereto.

169 5. A copy of the current rules of the association.

170 6. A book or books that contain the minutes of all meetings
171 of the association, the board of administration, and the unit
172 owners.

173 7. A current roster of all unit owners and their mailing
174 addresses, unit identifications, voting certifications, and, if

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175 known, telephone numbers. The association shall also maintain
176 the e-mail addresses and facsimile numbers of unit owners
177 consenting to receive notice by electronic transmission. The e-
178 mail addresses and facsimile numbers are not accessible to unit
179 owners if consent to receive notice by electronic transmission
180 is not provided in accordance with sub-subparagraph (c)3.e.
181 However, the association is not liable for an inadvertent
182 disclosure of the e-mail address or facsimile number for
183 receiving electronic transmission of notices.

184 8. All current insurance policies of the association and
185 condominiums operated by the association.

186 9. A current copy of any management agreement, lease, or
187 other contract to which the association is a party or under
188 which the association or the unit owners have an obligation or
189 responsibility.

190 10. Bills of sale or transfer for all property owned by the
191 association.

192 11. Accounting records for the association and separate
193 accounting records for each condominium that the association
194 operates. Any person who knowingly or intentionally defaces or
195 destroys such records, or who knowingly or intentionally fails
196 to create or maintain such records, with the intent of causing
197 harm to the association or one or more of its members, is
198 personally subject to a civil penalty pursuant to s.

199 718.501(1)(d). The accounting records must include, but are not
200 limited to:

201 a. Accurate, itemized, and detailed records of all receipts
202 and expenditures.

203 b. A current account and a monthly, bimonthly, or quarterly

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204 statement of the account for each unit designating the name of
205 the unit owner, the due date and amount of each assessment, the
206 amount paid on the account, and the balance due.

207 c. All audits, reviews, accounting statements, and
208 financial reports of the association or condominium.

209 d. All contracts for work to be performed. Bids for work to
210 be performed are also considered official records and must be
211 maintained by the association for at least 1 year after receipt
212 of the bid.

213 12. Ballots, sign-in sheets, voting proxies, and all other
214 papers and electronic records relating to voting by unit owners,
215 which must be maintained for 1 year from the date of the
216 election, vote, or meeting to which the document relates,
217 notwithstanding paragraph (b).

218 13. All rental records if the association is acting as
219 agent for the rental of condominium units.

220 14. A copy of the current question and answer sheet as
221 described in s. 718.504.

222 15. A copy of the inspection report as described in s.
223 718.301(4)(p).

224 16. A copy of all milestone inspection reports required by
225 s. 553.899.

226 17. Bids for materials, equipment, or services.

227 18.~~17.~~ All affirmative acknowledgments made pursuant to s.
228 718.121(4)(c).

229 19.~~18.~~ All other written records of the association not
230 specifically included in the foregoing which are related to the
231 operation of the association.

232 Section 3. Paragraph (c) of subsection (2) of section

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233 718.503, Florida Statutes, is amended to read:

234 718.503 Developer disclosure prior to sale; nondeveloper
235 unit owner disclosure prior to sale; voidability.—

236 (2) NONDEVELOPER DISCLOSURE.—

237 (c) Each contract entered into after July 1, 1992, for the
238 resale of a residential unit shall contain in conspicuous type
239 either:

240 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
241 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
242 OF CONDOMINIUM; ~~THE~~ ARTICLES OF INCORPORATION OF THE
243 ASSOCIATION; ~~THE~~ BYLAWS AND RULES OF THE ASSOCIATION; ALL
244 MILESTONE INSPECTION REPORTS REQUIRED BY SECTION 553.899,
245 FLORIDA STATUTES; AND A COPY OF THE MOST RECENT YEAR-END
246 FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS
247 DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND
248 LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

249 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
250 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
251 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
252 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
253 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
254 OF CONDOMINIUM; ~~THE~~ ARTICLES OF INCORPORATION; ~~THE~~ BYLAWS AND
255 RULES OF THE ASSOCIATION; ALL MILESTONE INSPECTION REPORTS
256 REQUIRED BY SECTION 553.899, FLORIDA STATUTES; AND A COPY OF THE
257 MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED
258 QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY
259 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO
260 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF
261 NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL

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262 HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF
263 INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY
264 OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY
265 ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING.
266 BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

267

268 A contract that does not conform to the requirements of this
269 paragraph is voidable at the option of the purchaser prior to
270 closing.

271 Section 4. Paragraph (a) of subsection (2) of section
272 719.104, Florida Statutes, is amended to read:

273 719.104 Cooperatives; access to units; records; financial
274 reports; assessments; purchase of leases.—

275 (2) OFFICIAL RECORDS.—

276 (a) From the inception of the association, the association
277 shall maintain a copy of each of the following, where
278 applicable, which shall constitute the official records of the
279 association:

280 1. The plans, permits, warranties, and other items provided
281 by the developer pursuant to s. 719.301(4).

282 2. A photocopy of the cooperative documents.

283 3. A copy of the current rules of the association.

284 4. A book or books containing the minutes of all meetings
285 of the association, of the board of directors, and of the unit
286 owners.

287 5. A current roster of all unit owners and their mailing
288 addresses, unit identifications, voting certifications, and, if
289 known, telephone numbers. The association shall also maintain
290 the e-mail addresses and the numbers designated by unit owners

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291 for receiving notice sent by electronic transmission of those
292 unit owners consenting to receive notice by electronic
293 transmission. The e-mail addresses and numbers provided by unit
294 owners to receive notice by electronic transmission shall be
295 removed from association records when consent to receive notice
296 by electronic transmission is revoked. However, the association
297 is not liable for an erroneous disclosure of the e-mail address
298 or the number for receiving electronic transmission of notices.

299 6. All current insurance policies of the association.

300 7. A current copy of any management agreement, lease, or
301 other contract to which the association is a party or under
302 which the association or the unit owners have an obligation or
303 responsibility.

304 8. Bills of sale or transfer for all property owned by the
305 association.

306 9. Accounting records for the association and separate
307 accounting records for each unit it operates, according to good
308 accounting practices. The accounting records shall include, but
309 not be limited to:

310 a. Accurate, itemized, and detailed records of all receipts
311 and expenditures.

312 b. A current account and a monthly, bimonthly, or quarterly
313 statement of the account for each unit designating the name of
314 the unit owner, the due date and amount of each assessment, the
315 amount paid upon the account, and the balance due.

316 c. All audits, reviews, accounting statements, and
317 financial reports of the association.

318 d. All contracts for work to be performed. Bids for work to
319 be performed shall also be considered official records and shall

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320 be maintained for a period of 1 year.

321 10. Ballots, sign-in sheets, voting proxies, and all other
322 papers and electronic records relating to voting by unit owners,
323 which shall be maintained for a period of 1 year after the date
324 of the election, vote, or meeting to which the document relates.

325 11. All rental records where the association is acting as
326 agent for the rental of units.

327 12. A copy of the current question and answer sheet as
328 described in s. 719.504.

329 13. All affirmative acknowledgments made pursuant to s.
330 719.108(3)(b)3.

331 14. All milestone inspection reports required by s.
332 553.899.

333 15. All other written records of the association not
334 specifically included in the foregoing which are related to the
335 operation of the association.

336 Section 5. Paragraph (a) of subsection (2) of section
337 719.503, Florida Statutes, is amended to read:

338 719.503 Disclosure prior to sale.—

339 (2) NONDEVELOPER DISCLOSURE.—

340 (a) Each unit owner who is not a developer as defined by
341 this chapter must comply with the provisions of this subsection
342 prior to the sale of his or her interest in the association.
343 Each prospective purchaser who has entered into a contract for
344 the purchase of an interest in a cooperative is entitled, at the
345 seller's expense, to a current copy of the articles of
346 incorporation of the association, the bylaws, and rules of the
347 association, as well as a copy of the question and answer sheet
348 as provided in s. 719.504 and all milestone inspection reports

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349 required by s. 553.899.

350 Section 6. This act shall take effect July 1, 2022.