

By 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. Only
114 a special inspector as defined in s. 553.71 may perform a phase
115 two inspection. A phase two inspection may involve destructive
116 or nondestructive testing at the special inspector's direction.

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117 The inspection may be as extensive or as limited as necessary to
118 fully assess damaged areas of the building in order to confirm
119 that the building is safe for its intended use or to recommend a
120 program for fully assessing and repairing damaged portions of
121 the building. When determining testing locations, the special
122 inspector must give preference to locations that are the least
123 disruptive and most easily repairable while still being
124 representative of the structure. A special inspector who
125 completes the second phase of a milestone inspection shall
126 prepare and submit an inspection report pursuant to subsection
127 (6).

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

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

143 (8) The commission shall develop comprehensive structural
144 and life safety standards for maintaining and inspecting all
145 building types and structures in this state by December 31,

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146 2022. The standards are in addition to those provided in this
147 section and must be made available for local governments to
148 adopt at their discretion.

149 Section 2. Paragraph (a) of subsection (12) of section
150 718.111, Florida Statutes, is amended to read:

151 718.111 The association.—

152 (12) OFFICIAL RECORDS.—

153 (a) From the inception of the association, the association
154 shall maintain each of the following items, if applicable, which
155 constitutes the official records of the association:

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

158 2. A photocopy of the recorded declaration of condominium
159 of each condominium operated by the association and each
160 amendment to each declaration.

161 3. A photocopy of the recorded bylaws of the association
162 and each amendment to the bylaws.

163 4. A certified copy of the articles of incorporation of the
164 association, or other documents creating the association, and
165 each amendment thereto.

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

167 6. A book or books that contain the minutes of all meetings
168 of the association, the board of administration, and the unit
169 owners.

170 7. A current roster of all unit owners and their mailing
171 addresses, unit identifications, voting certifications, and, if
172 known, telephone numbers. The association shall also maintain
173 the e-mail addresses and facsimile numbers of unit owners
174 consenting to receive notice by electronic transmission. The e-

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

181 8. All current insurance policies of the association and
182 condominiums operated by the association.

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

187 10. Bills of sale or transfer for all property owned by the
188 association.

189 11. Accounting records for the association and separate
190 accounting records for each condominium that the association
191 operates. Any person who knowingly or intentionally defaces or
192 destroys such records, or who knowingly or intentionally fails
193 to create or maintain such records, with the intent of causing
194 harm to the association or one or more of its members, is
195 personally subject to a civil penalty pursuant to s.
196 718.501(1)(d). The accounting records must include, but are not
197 limited to:

198 a. Accurate, itemized, and detailed records of all receipts
199 and expenditures.

200 b. A current account and a monthly, bimonthly, or quarterly
201 statement of the account for each unit designating the name of
202 the unit owner, the due date and amount of each assessment, the
203 amount paid on the account, and the balance due.

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

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

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

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

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

219 15. A copy of the inspection report as described in s.
220 718.301(4)(p).

221 16. A copy of all milestone inspection reports required by
222 s. 553.899.

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

224 18.~~17.~~ All affirmative acknowledgments made pursuant to s.
225 718.121(4)(c).

226 19.~~18.~~ All other written records of the association not
227 specifically included in the foregoing which are related to the
228 operation of the association.

229 Section 3. Paragraph (c) of subsection (2) of section
230 718.503, Florida Statutes, is amended to read:

231 718.503 Developer disclosure prior to sale; nondeveloper
232 unit owner disclosure prior to sale; voidability.-

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233 (2) NONDEVELOPER DISCLOSURE.—

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

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

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

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262 ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING.
263 BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

264
265 A contract that does not conform to the requirements of this
266 paragraph is voidable at the option of the purchaser prior to
267 closing.

268 Section 4. Paragraph (a) of subsection (2) of section
269 719.104, Florida Statutes, is amended to read:

270 719.104 Cooperatives; access to units; records; financial
271 reports; assessments; purchase of leases.-

272 (2) OFFICIAL RECORDS.-

273 (a) From the inception of the association, the association
274 shall maintain a copy of each of the following, where
275 applicable, which shall constitute the official records of the
276 association:

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

279 2. A photocopy of the cooperative documents.

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

281 4. A book or books containing the minutes of all meetings
282 of the association, of the board of directors, and of the unit
283 owners.

284 5. A current roster of all unit owners and their mailing
285 addresses, unit identifications, voting certifications, and, if
286 known, telephone numbers. The association shall also maintain
287 the e-mail addresses and the numbers designated by unit owners
288 for receiving notice sent by electronic transmission of those
289 unit owners consenting to receive notice by electronic
290 transmission. The e-mail addresses and numbers provided by unit

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291 owners to receive notice by electronic transmission shall be
292 removed from association records when consent to receive notice
293 by electronic transmission is revoked. However, the association
294 is not liable for an erroneous disclosure of the e-mail address
295 or the number for receiving electronic transmission of notices.

296 6. All current insurance policies of the association.

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

301 8. Bills of sale or transfer for all property owned by the
302 association.

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

307 a. Accurate, itemized, and detailed records of all receipts
308 and expenditures.

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

313 c. All audits, reviews, accounting statements, and
314 financial reports of the association.

315 d. All contracts for work to be performed. Bids for work to
316 be performed shall also be considered official records and shall
317 be maintained for a period of 1 year.

318 10. Ballots, sign-in sheets, voting proxies, and all other
319 papers and electronic records relating to voting by unit owners,

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320 which shall be maintained for a period of 1 year after the date
321 of the election, vote, or meeting to which the document relates.

322 11. All rental records where the association is acting as
323 agent for the rental of units.

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

326 13. All affirmative acknowledgments made pursuant to s.
327 719.108(3)(b)3.

328 14. All milestone inspection reports required by s.
329 553.899.

330 15. All other written records of the association not
331 specifically included in the foregoing which are related to the
332 operation of the association.

333 Section 5. Paragraph (a) of subsection (2) of section
334 719.503, Florida Statutes, is amended to read:

335 719.503 Disclosure prior to sale.—

336 (2) NONDEVELOPER DISCLOSURE.—

337 (a) Each unit owner who is not a developer as defined by
338 this chapter must comply with the provisions of this subsection
339 prior to the sale of his or her interest in the association.
340 Each prospective purchaser who has entered into a contract for
341 the purchase of an interest in a cooperative is entitled, at the
342 seller's expense, to a current copy of the articles of
343 incorporation of the association, the bylaws, and rules of the
344 association, as well as a copy of the question and answer sheet
345 as provided in s. 719.504 and all milestone inspection reports
346 required by s. 553.899.

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