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Client Alert: Special Session 2022D - Condominium Safety Update

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As Florida Legislators conclude their third Special Session of the year, new laws regarding two paramount issues in the state of Florida—property insurance and condominium safety—are set to be forwarded to the governor for approval. Both outdated condominium regulations and property insurance reform failed to reach resolution by the end of the regular legislative session earlier this year, which required legislators to reconvene this week in order to tackle the issues. Outdated statutes regarding high-rise condo buildings were discussed extensively during the regular session, but necessary updates were nonetheless left on the table at its close due to unresolved negotiations between the House and Senate versions. This week, legislators were successful in passing both insurance reform bills and an 88-page bill to add new requirements for inspection and maintenance for high-rise buildings to prevent another deadly building collapse.

HB 5D by Representative Danny Perez and an amendment added to the Senate's property insurance-related building code legislation (SB 4D) essentially address outdated regulations for condominium associations, seeking to require new periodic inspections and an array of new requirements for high-rise condo buildings similar to that which collapsed last year in Surfside. The legislation is nearly identical to that proposed earlier this year, with former discrepancies having this time been settled prior to introduction.

The new laws will implement required inspections for buildings three-stories or more at 25 years of age for condominium buildings within three miles of the coast and inspections at 30 years for all others with periodic inspections every 10 years thereafter. These laws will also require condominium associations to maintain sufficient reserves to fund necessary repairs and maintenance. Reports on inspections must be made available to buyers, renters, and unit owners under the bill. The reserve provision was a downfall of the proposal earlier this year, where the Senate was adamant that associations be able to opt-out of the reserve requirement, and the House was not willing to budge on requiring them. Under this legislation, reserves may not be underfunded, unfunded, or used for any purpose other than their intended one, effective December 31, 2024. Additionally, the bill mandates Structural Integrity Studies be conducted on condominiums periodically, which will assess the state of the building's structure and other elements to ensure safety for its residents and community members.

The House bill's sponsor, Representative Danny Perez of Miami, commended his colleagues prior to the bill's unanimous passage for their role in making real change for the people of Florida, politics aside. The legislation now heads to the governor for signature and will take effect as a law immediately upon approval.

Please reach out to Alan Suskey with questions or for more information.

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