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Insights

Florida's SB 154 Attempts to Provide Additional Clarity on Condo Safety Law

Article
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06.09.2023

Earlier today (June 9, 2023), Governor DeSantis signed into law Senate Bill 154 (SB 154). Seen by many in the industry as a "glitch bill," SB 154 is a legislative measure aimed at addressing and resolving certain issues that emerged from the previous legislative session's SB 4D.

One of the more significant updates to the Florida Condominium Act, SB 4D is viewed by many experts in the field as a crucial step toward preventing another catastrophic incident similar to the Surfside tragedy. SB 154 attempts to clarify ambiguities in SB 4D.

In this article, we will delve into the key provisions and implications of SB 154, shedding light on its intended objectives and potential impact on the condominium sector in Florida.

Here's a brief summary of the key provisions of SB 154:

1. **Community Association Managers**: The law removes the term "that has a building on the association's property" from the requirement for community association managers to comply with certain provisions relating to mandatory structural inspections.
2. **Milestone Inspections**: The law revises milestone inspection requirements, focusing on residential condominium and cooperative buildings. It clarifies responsibilities, cost-sharing, and reporting requirements for associations. It also provides an option for local enforcement agencies to set a 25-year inspection requirement based on environmental conditions.
3. **Flood Insurance**: The law exempts certain units from flood insurance requirements if they are insured for personal property under a flood master policy or if they are located above specific floors based on their position within a special flood hazard area.
4. **Access to Records**: The law clarifies that both association members and their authorized representatives have the right to inspect official records of the association, and the association cannot choose who has

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this right.

5. **Reserves and Structural Integrity Reserve Study (SIRS)**: The law introduces an alternative funding method for multicondominium associations to fulfill reserve funding obligations. It revises requirements for reserve funding, SIRS recommendations, and reserve assessments. Certain buildings and portions/components may be exempt from SIRS requirements.
6. **Dispute Resolution**: Starting July 1, 2027, the law expands mediation options for condominium and cooperative unit owners, allowing them to utilize the mediation process for certain structural and life safety inspection disputes.
7. **Maintenance Obligations of the Association**: The law specifies maintenance responsibilities for condominium and cooperative associations, including the repair and replacement of applicable property. After turnover of control, the association must maintain property as specified by the developer until new maintenance protocols are obtained.
8. **Presale Disclosures**: Developers must provide prospective buyers with statements regarding milestone inspections, SIRS, and reserve studies, if applicable. The law introduces additional presale notice requirements in contracts to ensure buyer awareness.

The law is effective immediately, except for the dispute resolution provision, which takes effect on July 1, 2027.