

## **CONDOMINIUM AND COOPERATIVE MILESTONE INSPECTION, STRUCTURAL INTEGRITY RESERVES, AND MANDATORY RESERVE CHECKLIST**

NOTE: This checklist is solely intended to assist in determining whether inspection and reserve requirements enacted by SB 4D (2022) apply to a given condominium or cooperative. Even if the new requirements imposed by SB 4D (2022) are inapplicable, other provisions of Chapters 718 and 719 relating to maintenance and reserves may apply.

### **STEP 1: Submit and maintain accuracy of building inventory list with DBPR.**

- a. Has the Association, no later than January 1, 2023, filed and kept current information with the DBPR including the number of buildings on the condominium or cooperative property that are three stories or higher in height, the total number of units in all such buildings, the addresses of all such buildings, and the counties in which all such buildings are located?

NO → Prepare and file immediately. Proceed to Step 2.

YES → Confirm information current. Proceed to Step 2.

### **STEP 2: Determine whether milestone inspections, structural integrity reserve studies, and mandatory reserves are required:**

- a. Does the condominium contain any buildings three or more stories in height?

NO → NO milestone inspection, structural integrity reserve study, or mandatory reserves required. No further action is required.

YES → milestone inspection, structural integrity reserve study, and mandatory reserves may be required, continue to Step 2, section b.

- b. Do any buildings with three (3) or more stories contain more than three single family units?

NO → NO milestone inspection, structural integrity reserve study, or mandatory reserves required. No further action is required.

YES → Milestone inspections, structural integrity reserve studies, and mandatory reserves required. Proceed to Step 3.

### **STEP 3: Determine whether Developer complied with turnover milestone inspection, structural integrity reserve study, and mandatory reserve requirements:**

- a. Has turnover occurred?

NO → No turnover milestone inspection or structural integrity reserve study due until turnover (but other timelines apply). Proceed to Step 4.

YES → Turnover milestone inspection or structural integrity reserve study due. Proceed to Step 3, section b.

- b. If turnover occurred May 26, 2022 or later, did the developer provide a milestone inspection and structural integrity reserve study at turnover?

NO → Demand developer provide milestone inspection and structural integrity reserve study. Proceed to Step 4.

YES → No demand to developer needed. Proceed to Step 4.

**STEP 4: Determine milestone inspection filing deadlines (other than turnover):**

- a. Was a certificate of occupancy issued for any building prior to July 1, 1992?

NO → Proceed to Step 4, section b to determine first deadline.

YES → First milestone inspection filing due December 31, 2024 and every 10 years thereafter. See worksheet enclosed herewith. Proceed to Step 5 to determine structural integrity reserve study deadlines.

- b. For buildings with certificate of occupancy issued July 1, 1992 or after, is the building located within three miles of coastline?

NO → The initial milestone inspection for each building will be due by December 31<sup>st</sup> of the year that the building turns thirty (30) years of age based on the certificate of occupancy and every ten (10) years thereafter. See worksheet enclosed herewith. Proceed to Step 5 to determine structural integrity reserve study deadlines.

YES → The initial milestone inspection will be due by December 31<sup>st</sup> of the year the building turns twenty-five (25) years of age based on the certificate of occupancy and every ten (10) years thereafter. See worksheet enclosed herewith. Proceed to Step 5 to determine structural integrity reserve study deadlines.

**Step 5: Determine structural integrity reserve study deadlines:**

- a. Does the Association already have a structural integrity reserve study, prepared by licensed architect and engineer and meeting other statutory requirements<sup>1</sup> for the required components which is less than ten years old? (Required components include roof, load-bearing walls or other primary structural members, floor, foundation, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing and exterior painting, windows, any other item with deferred maintenance or replacement expense in excess of \$10,000 which, if not performed would negatively impact the aforementioned components)

NO → First structural integrity reserve study due by December 31, 2024.

YES → Structural integrity reserve study due 10 years from date of prior structural integrity reserve study.

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<sup>1</sup> See Sec. 718.103, Florida Statutes.

**Step 6: Ensure timely compliance!**

- a.** Retain and consult appropriate experts to comply with milestone inspection, structural integrity reserve studies, and mandatory reserve requirements.
- b.** Retain milestone inspection, structural integrity reserve studies in official records and on web site (if web site required).
- c.** See Shumaker, Loop & Kendrick, LLP Client Alert and SB 4D (2022) for further information.
- d.** Review other potentially applicable inspection and reserve requirements set forth in Chapters 718/719 or governing documents.

## CONDOMINIUM AND COOPERATIVE MILESTONE INSPECTION, STRUCTURAL INTEGRITY RESERVES, AND MANDATORY RESERVE WORKSHEET

NOTE: This worksheet is solely intended to assist in determining whether inspection and reserve requirements enacted by SB 4D (2022) apply to a condominium or cooperative. Even if the new requirements imposed by SB 4D (2022) are inapplicable, other provisions of Chapters 718 and 719 relating to maintenance and reserves may apply.

### General Condominium/Cooperative Information

Name of Condominium/Cooperative: \_\_\_\_\_

County(ies): \_\_\_\_\_

Total Number of Buildings: \_\_\_\_\_ Total Number of Buildings over 3 Stories in Height<sup>2</sup>: \_\_\_\_\_

For any buildings over 3 Stories in Height, how many contain more than 3 single family units<sup>3</sup>? \_\_\_\_\_

### Individual Building Information and Deadlines

*Instructions: Fill out the below information for each building which is over 3 stories in height AND which contains more than 3 single family units.*

Building Number/Address: \_\_\_\_\_

Date Certificate of Occupancy Issued: \_\_\_\_\_ Total Number of Units: \_\_\_\_\_

- Certificate of Occupancy (the “CO”) was issued prior to July 1, 1992. Proceed to **Chart One A** for Milestone Inspection Deadlines, then proceed to **Chart Two** for Structural Integrity Reserve Study Deadlines.
- Certificate of Occupancy (the “CO”) was issued on or after July 1, 1992. Proceed to **Chart One B** for Milestone Inspection Deadlines, then proceed to **Chart Two** for Structural Integrity Reserve Study Deadlines.

**CHART ONE.** Milestone Inspection Deadlines (due every 10 years after initial due date).

A. Certificate of Occupancy was issued prior to July 1, 1992.

First Milestone Inspection Due Date	Second Milestone Inspection Due Date	Third Milestone Inspection Due Date	Fourth Milestone Inspection Due Date
December 31, 2024	December 31, 2034	December 31, 2044	December 31, 2054

<sup>2</sup> If this number is zero, no milestone inspections, structural integrity reserve study, or mandatory reserves are required.

<sup>3</sup> If this number is zero, no milestone inspections, structural integrity reserve study, or mandatory reserves are required.

B. Certificate of Occupancy was issued after July 1, 1992.

	<b>First Milestone Inspection Due Date</b>	<b>Second Milestone Inspection Due Date</b>	<b>Third Milestone Inspection Due Date</b>	<b>Fourth Milestone Inspection Due Date</b>
<b>If Building is NOT located within 3 miles of coastline:</b>	December 31, 20____ (year CO was issued plus 30 years)	December 31, 20____ (previous due date plus 10 years)	December 31, 20____ (previous due date plus 10 years)	December 31, 20____ (previous due date plus 10 years)
<b>If Building is located within 3 miles of coastline:</b>	December 31, 20____ (add 25 years to year CO was issued)	December 31, 20____ (previous due date plus 10 years)	December 31, 20____ (previous due date plus 10 years)	December 31, 20____ (previous due date plus 10 years)

**CHART TWO.** Structural Integrity Reserve Study Deadlines (due every 10 years after initial due date).

	<b>First Structural Integrity Reserve Study Due Date</b>	<b>Second Structural Integrity Reserve Study Due Date</b>	<b>Third Structural Integrity Reserve Study Due Date</b>	<b>Fourth Structural Integrity Reserve Study Due Date</b>
<p><b>The Condominium or Cooperative has, within the last 10 years, a structural reserve study for all required components:</b></p> <p> <input type="checkbox"/> Roof  <input type="checkbox"/> Load-bearing walls or other primary structural members  <input type="checkbox"/> Floor  <input type="checkbox"/> Foundation  <input type="checkbox"/> Fireproofing and fire protection systems  <input type="checkbox"/> Plumbing  <input type="checkbox"/> Electrical systems  <input type="checkbox"/> Waterproofing and exterior painting  <input type="checkbox"/> Windows  <input type="checkbox"/> Other item with deferred maintenance or replacement expense in excess of \$10,000, which, if not performed, would negatively impact the aforementioned components         </p>	<p>_____, 20____ (add 10 years to date of last structural reserve study)</p>	<p>_____, 20____ (add 10 years to date of last structural reserve study)</p>	<p>_____, 20____ (add 10 years to date of last structural reserve study)</p>	<p>_____, 20____ (add 10 years to date of last structural reserve study)</p>
<p><b>The Condominium or Cooperative does NOT have, within the last 10 years, a structural reserve study for all required components</b></p>	December 31, 2024	December 31, 2034	December 31, 2044	December 31, 2054