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After Florida Building Collapse, Task Force to Consider Changes to Condo Laws

Florida Bar organized task force that will give recommendations to Gov. Ron DeSantis, state legislature



A new task force's goal will be to determine whether regulatory changes could minimize the possibility of another tragedy like the collapse in Surfside, Fla.

PHOTO: ALEXIA FODERE FOR THE WALL STREET JOURNAL

By [Rachael Levy](#) and [Daniela Hernandez](#)

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TEXT

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SURFSIDE, Fla.—A task force has been created to investigate Florida's laws surrounding condominiums and make recommendations for legal reforms to the governor's office and state legislature in the wake of [the building collapse in Surfside](#), according to people familiar with the plans.

The Florida Bar organized the task force, said Bill Sklar, a South Florida real estate attorney who said he is chairing the effort. The review will examine all aspects of Florida condominium board law, as well as laws regarding construction, operations and maintenance, he said.

The goal is to determine whether regulatory changes could minimize the likelihood of another tragedy after the Champlain Towers South building collapsed last month, [killing at](#)

[least 36 and leaving 109 unaccounted for.](#)

A spokeswoman for Gov. Ron DeSantis confirmed the plans for the task force, and said the governor will “consider any fact-based, evidence-driven policy recommendations.”

The task force won’t look into the causes of the collapse, but instead could recommend changes to regulations and legally mandated disclosures involving condominium buildings. The task force has yet to convene; it was formed late last week and had yet to be formally announced, Mr. Sklar said.

Mr. Sklar, an attorney at Carlton Fields and adjunct professor at University of Miami law school, served as co-chair of Gov. Jeb Bush’s Homeowners Association Task Force from 2003 to 2004, and was responsible for legislative reform of Florida’s Homeowners Association Statute, according to the University of Miami’s website.



Florida Gov. Ron DeSantis spoke on June 28 at a news conference about the Champlain Towers South collapse.

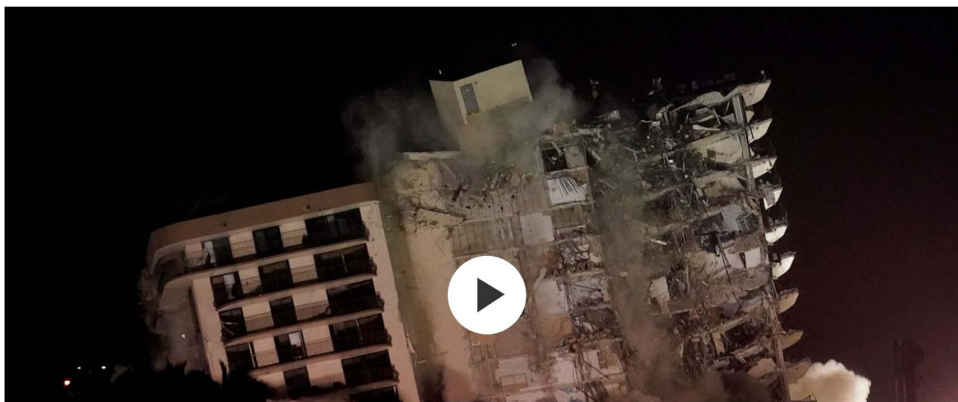
PHOTO: ALEXIA FODERE FOR THE WALL STREET JOURNAL

The task force is set to include Spencer Hennings, the state’s ombudsman for condo owners who reports to the governor’s office, Mr. Sklar said. As ombudsman, Mr. Hennings handles concerns from condo owners; he was appointed to that position in July 2020, according to a news release. Several Florida attorneys specializing in real estate law and community associations are also taking part in the task force, Mr. Sklar said.

Jennifer Davis, a spokeswoman for the Florida Bar, said the task force will serve as a resource to the governor and legislature. Mr. Hennings couldn’t immediately be reached.

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Explosives were set off Sunday night to bring down the rest of Champlain Towers South in Surfside, Fla. The controlled demolition provides more room for search-and-rescue crews to look for survivors as Tropical Storm Elsa heads toward Florida. Photo: Lynne Sladky/AP

David Haber, a lawyer specializing in real estate in Miami, said he had been contacted by legislators about changing existing laws or drafting new ones. Currently, he said, Florida law makes it too easy for owners to waive the collection of reserves, pools of money dedicated to pay for potentially lifesaving fixes. He also thinks building codes need to require that waterproofing last at least 20 years, especially for waterfront properties. Faulty waterproofing was an issue at Champlain Towers South, according to a 2018 engineering report.

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State law doesn't specify deadlines for building owners to begin and finish a 40-year recertification, a process that could take years because repairs are often extensive and expensive, Mr. Haber said.

"The law is toothless. The only teeth in the law is 'get out of the building,'" said Mr. Haber, who knew people who were in Champlain Towers South when it collapsed. "There's no other

penalties, no other sanctions."

Eric Glazer, a condo lawyer in Florida who said he is advising the task force, said that after a certificate of occupancy, buildings mostly go without inspection until a 40-year recertification is required. "The only time that someone from a county or municipality will come and inspect a building is perhaps when a unit owner calls that their building is unsafe," he said.

Forty-year recertifications are only a requirement in two Florida counties, including Miami-Dade, where Surfside is located.

Mr. Glazer described the policy as very hands-off, saying it is often not enforced. Among the goals of the new task force is to change that, he said.

Right now, "it's basically the trust system here in Florida," he said.

According to the Miami-Dade County website, the county along with municipalities periodically mail letters to owners of properties that are over 40 years old.

Champlain Towers South was finished in 1981, and according to emails released by the town, its condo board was proactively asking the town about their 40-year recertification in 2018, more than three years before the 40-year anniversary of the issuance of their building's certificate of occupancy.

—Alex Leary contributed to this article.

Champlain Towers South Collapse

Articles on the collapse, selected by WSJ editors



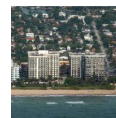
FAMILIES' VIGILS
Some Missing May Never Be Found



REPAIRS NEEDED
Condo Board Warned of Need for Repairs



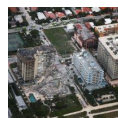
WARNING SIGNS
Years of Warnings, Mixed Signals



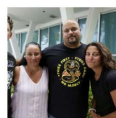
PENTHOUSE
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