

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to condominiums; amending s. 718.301,  
7 F.S.; providing for the effect of actions taken by members  
8 of the board of administration of an association;  
9 requiring examination and certification of certain defects  
10 by certain licensed professionals; providing an effective  
11 date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (6) of section 718.301, Florida  
16 Statutes, is renumbered as subsection (8), and new subsections  
17 (6) and (7) are added to said section, to read:

18 718.301 Transfer of association control; claims of defect  
19 by association.--

20 (6) Actions taken by members of the board of  
21 administration designated by the developer are considered  
22 actions taken by the developer, and the developer is responsible  
23 to the association and its members for all such actions.

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24        (7) In any claim against a developer by an association  
25 alleging a defect in design, structural elements, construction,  
26 or any mechanical, electrical, fire protection, plumbing, or  
27 other element that requires a licensed professional for design  
28 or installation under chapter 455, chapter 471, chapter 481,  
29 chapter 489, or chapter 633, such defect must be examined and  
30 certified by the same type of licensed professional.

31        (8)~~(6)~~ The division has authority to adopt rules pursuant  
32 to the Administrative Procedure Act to ensure the efficient and  
33 effective transition from developer control of a condominium to  
34 the establishment of a unit-owner controlled association.

35        Section 2. This act shall take effect July 1, 2004.