By the Committees on Regulated Industries; Comprehensive
Planning; and Senator Clary

315-2491-04

1   A bill to be entitled

2   An act relating to to condominiums; amending s.

3   718.301, F.S.; providing for the effect of

4   actions taken by members of the board of

5   administration of an association; requiring

6   examination and certification of certain

7   defects by certain licensed professionals;

8   providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12   Section 1. Subsection (6) of section 718.301, Florida

13 Statutes, is renumbered as subsection (7), and a new

14 subsection (6) is added to that section, to read:

15   718.301 Transfer of association control.--

16   (6) In any claim against a developer by an association

17 alleging a defect in design, structural elements,

18 construction, or any mechanical, electrical, fire protection,

19 plumbing, or other element that requires a licensed

20 professional for design or installation under chapter 455,

21 chapter 471, chapter 481, chapter 489, or chapter 633, the

22 defect must be examined and certified by the same type of

23 licensed professional.

24   (7)(6) The division has authority to adopt rules

25 pursuant to the Administrative Procedure Act to ensure the

26 efficient and effective transition from developer control of a

27 condominium to the establishment of a unit-owner controlled

28 association.

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

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                            COMMITTEE SUBSTITUTE FOR
2   CS for Senate Bill 298

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4   The committee substitute deletes the provision that actions
    taken by members of the board of administration designated by
5   the developer are considered actions taken by the developer.

6   It deletes the provision that a person has no cause of action
    against a developer for any oral representation or information
7   not contained in the contract, the prospectus, or the
    developer's advertising promotional materials.

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