

By Senator Clary

4-320C-05

1 A bill to be entitled
2 An act relating 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 before the
6 developer relinquishes control of the
7 association; requiring examination and
8 certification of certain defects by certain
9 licensed individuals or entities; providing an
10 effective date.

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

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

17 718.301 Transfer of association control.--

18 (6) During the period prior to the time that the
19 developer relinquishes control of the association pursuant to
20 subsection (4), 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
23 responsible to the association and its members for all such
24 actions.

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

1 licensed Florida engineer, design professional, contractor, or
2 otherwise licensed Florida individual or entity.

3 ~~(8)(6)~~ The division has authority to adopt rules
4 pursuant to the Administrative Procedure Act to ensure the
5 efficient and effective transition from developer control of a
6 condominium to the establishment of a unit-owner controlled
7 association.

8 Section 2. This act shall take effect July 1, 2005.

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11 SENATE SUMMARY

12 Provides that actions taken by a member of the board of
13 administration of a condominium association who is
14 designated by the developer are considered actions of the
15 developer. Specifies the appropriate licensed individuals
16 or entities that may examine and certify claims against a
17 developer alleging certain defects.

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