

By the Committee on Regulated Industries; and Senator Clary

580-2005-05

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A bill to be entitled
An act relating to condominiums; amending s.
718.301, F.S.; providing for the effect of
actions taken by members of the board of
administration of an association designated by
the developer; requiring examination and
certification of certain defects by certain
licensed individuals or entities; providing an
effective date.

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

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

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

(6) Prior to the developer relinquishing control of
the association pursuant to subsection (4), actions taken by
members of the board of administration designated by the
developer are considered actions taken by the developer, and
the developer is responsible to the association and its
members for all such actions.

(7) In any claim against a developer by an association
alleging a defect in design, structural elements,
construction, or any mechanical, electrical, fire protection,
plumbing, or other element that requires a licensed
professional for design or installation under chapter 455,
chapter 471, chapter 481, chapter 489, or chapter 633, such
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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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1492

13 The Committee Substitute replaces the phrase "(D)uring the
14 period prior to the time that the developer relinquishes
15 control" with "(P)rior to the developer relinquishing
16 control."
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