

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

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

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

14 718.301 Transfer of association control; claims of defect
 15 by association.--

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

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

29 professional, contractor, or otherwise licensed Florida
30 individual or entity.

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, 2005.