

ENROLLED  
 HB 291, Engrossed 1

2005 Legislature

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

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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.