

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 298
SPONSOR: Regulated Industries Committee, Comprehensive Planning Committee and Senator Clary
SUBJECT: Condominiums
DATE: April 12, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Fav/CS</u>
2.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>CM</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides that in any claim against a developer by an association alleging defects in design, structural elements, construction, or any mechanical, electrical, fire protection, plumbing or other element that requires a licensed professional for design or installation, the defect must be examined and certified by the same type of licensed professional.

This bill amends section 718.301, Florida Statutes.

II. Present Situation:

Under s. 718.301(1), F.S., unit owners, other than the developer, that own 15 percent or more of the units in a condominium that is to be operated ultimately by the association are entitled to elect not less than one-third of a board's members. Unit owners, other than the developer, are entitled to elect not less than a majority of the members of the board of administration of an association:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business; or

(e) Seven years after recordation of the declaration of condominium; or, in the case of an association which may ultimately operate more than one condominium, 7 years after recordation of the declaration for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after recordation of the declaration creating the initial phase, whichever occurs first.

Under s. 718.301(4), F.S., when the unit owners obtain a majority of the seats on a condominium association's board, the unit owners assume control of the association from the developer. Section 718.301(5), F.S., provides that until the developer relinquishes control of the association, it is liable to third parties for any violation of ch. 718, F.S., the Condominium Act, or rules implementing the act.

III. Effect of Proposed Changes:

The bill amends s. 718.301, F.S., provides that in any association's claim against a developer alleging a defect in design, structural elements, construction, mechanical, electrical, fire protection, plumbing or other element that requires a licensed professional for design or installation, the defect must be examined and certified by the same type of licensed professional.

The act takes effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
