

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Wood offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (8) of section 718.116, Florida
 7 Statutes, is amended to read:

8 718.116 Assessments; liability; lien and priority;
 9 interest; collection.—

10 (8) An association shall issue an estoppel certificate to
 11 a unit owner or the unit owner's designee or a unit mortgagee or
 12 the unit mortgagee's designee within 10 business ~~15~~ days after
 13 receiving a written or electronic request for the certificate.
 14 An association must designate a person or entity, and such
 15 designation must be available upon request, with a physical or
 16 electronic address for receipt of a request for an estoppel
 17 certificate issued pursuant to this section. The estoppel

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18 certificate must be delivered by United States mail, by hand
19 delivery, or by electronic transmission to the requester on the
20 date of issuance. For purposes of delivery by United States
21 mail, the estoppel certificate is deemed delivered on the date
22 it is deposited in the mail.

23 (a) The estoppel certificate must contain all of the
24 following information as set forth in the official records of
25 the association, in substantially the following form, and may
26 include additional information as determined by the association:

27
28 Date of issuance:....

29 Effective through: ...(insert effective period)....

30
31 Legal Name of Association:....

32 Association Address:....

33 DBPR License/Registration No. (if applicable):....

34
35 1. Name of unit owner(s):....

36 2. Unit designation:....

37 Parking/garage space number, if any:....

38 Storage locker number, if any:....

39 3. Unit address:....

40 4. Fee for preparation and delivery of the estoppel
41 certificate:....

42 5. Requested by:....

43 6. The regular periodic assessment levied against the

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- 44 unit is \$.... per ...(insert frequency of payment)....
45 7. The regular periodic assessment is paid through
46 ...(insert date paid through)....
47 8. The next installment of the regular periodic
48 assessment is due ...(insert due date)... in the
49 amount of \$.....
50 9. Provide an itemized list of all assessments,
51 special assessments, other moneys owed, capital
52 contribution/resale/transfer fees owed, and credit
53 balances to the association by the unit owner for a
54 specific unit on the date of issuance. Specify any
55 delinquent amounts.
56 10. Provide an itemized list of any additional
57 assessments, special assessments, and other moneys
58 owed that are scheduled to become due for each day
59 after the date of issuance for the effective period of
60 the estoppel certificate that are known at the date of
61 issuance. In calculating the amounts that are
62 scheduled to become due, the association may assume
63 that any delinquent amounts will remain delinquent
64 during the effective period of the estoppel
65 certificate.
66 11. Describe all documented violations, if any, of
67 the declaration, bylaws, rules, or regulations
68 applicable to the unit.
69

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70 Prepared by:...(Association or Authorized Agent of the
71 Association)...

72
73 Signed:....

74 ...(Officer or Authorized Agent of the Association)...

75 Print Name:....
76

77 (b) An estoppel certificate that is delivered on the date
78 of issuance has a 30-day effective period, except that an
79 estoppel certificate which is delivered by United States mail
80 has a 35-day effective period.

81 (c) An association waives the right to collect any moneys
82 owed in excess of the amounts specified in the estoppel
83 certificate from any person who in good faith relies upon the
84 estoppel certificate and from the person's successors and
85 assigns. therefor from a unit owner or his or her designee, or a
86 unit mortgagee or his or her designee, the association shall
87 provide a certificate signed by an officer or agent of the
88 association stating all assessments and other moneys owed to the
89 association by the unit owner with respect to the condominium
90 parcel.

91 ~~(a) Any person other than the owner who relies upon such~~
92 ~~certificate shall be protected thereby.~~

93 (d) ~~(b)~~ A summary proceeding pursuant to s. 51.011 may be
94 brought to compel compliance with this subsection, and in any
95 such action the prevailing party is entitled to recover

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96 reasonable attorney ~~attorney's~~ fees.

97 ~~(e)-(e)~~ Notwithstanding any limitation on transfer fees
98 contained in s. 718.112(2)(i), an ~~the~~ association or its
99 ~~authorized~~ agent may charge a reasonable fee for the preparation
100 of the estoppel certificate. However, the fee for the estoppel
101 certificate may not exceed \$250 if on the date the certificate
102 is issued, no delinquent amounts are owed to the association for
103 the applicable unit. If an estoppel certificate is requested on
104 an expedited basis and delivered within 3 business days after
105 the request, the association may charge an additional fee of
106 \$100. If delinquent amounts are owed to the association for the
107 applicable unit, an additional fee for the estoppel certificate
108 may not exceed \$200. The association may not charge a fee for an
109 estoppel certificate that is issued more than 10 business days
110 after it receives the request for the certificate. The maximum
111 allowable fees charged in accordance with this section shall be
112 adjusted every 3 years in an amount equal to the annual
113 increases for that 3-year period in the Consumer Price Index for
114 All Urban Consumers, U.S. City Average, All Items. The
115 Department of Business and Professional Regulation shall
116 periodically calculate the maximum allowable fees under this
117 section, rounded to the nearest dollar, and publish the amounts,
118 as adjusted, on its website. An association may not require
119 payment of any fees, other than those authorized in this
120 paragraph, as a condition for the preparation or delivery of an

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121 estoppel certificate ~~The amount of the fee must be included on~~
122 ~~the certificate.~~

123 ~~(f)(d) The authority to charge a fee for the certificate~~
124 ~~shall be established by a written resolution adopted by the~~
125 ~~board or provided by a written management, bookkeeping, or~~
126 ~~maintenance contract and is payable upon the preparation of the~~
127 ~~certificate.~~ If the certificate is requested in conjunction with
128 the sale or mortgage of a unit but the closing does not occur
129 and no later than 30 days after the closing date for which the
130 certificate was sought the preparer receives a written request,
131 accompanied by reasonable documentation, that the sale did not
132 occur from a payor that is not the unit owner, the fee shall be
133 refunded to that payor within 30 days after receipt of the
134 request. The refund is the obligation of the unit owner, and the
135 association may collect it from that owner in the same manner as
136 an assessment as provided in this section.

137 (g) The authority to charge a fee for the estoppel
138 certificate must be established by a written resolution adopted
139 by the board or provided by a written management, bookkeeping,
140 or maintenance contract and is payable upon the preparation of
141 the certificate.

142 Section 2. Subsection (6) of section 719.108, Florida
143 Statutes, is amended to read:

144 719.108 Rents and assessments; liability; lien and
145 priority; interest; collection; cooperative ownership.—

146 (6) An association shall issue an estoppel certificate to

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147 a unit owner or the unit owner's designee or a unit mortgagee or
148 the unit mortgagee's designee within 10 business ~~15~~ days after
149 receiving a written or electronic request for the certificate.
150 An association must designate a person or entity, and such
151 designation must be available upon request, with a physical or
152 electronic address for receipt of a request for an estoppel
153 certificate issued pursuant to this section. The estoppel
154 certificate must be delivered by United States mail, by hand
155 delivery, or by electronic transmission to the requester on the
156 date of issuance. For purposes of delivery by United States
157 mail, the estoppel certificate is deemed delivered on the date
158 it is deposited in the mail.

159 (a) The estoppel certificate must contain all of the
160 following information as set forth in the official records of
161 the association, in substantially the following form, and may
162 include additional information as determined by the association:

163
164 Date of issuance:.....

165 Effective through: ...(insert effective period)....

166
167 Legal Name of Association:.....

168 Association Address:.....

169 DBPR License/Registration No. (if applicable):.....

170
171 1. Name of unit owner(s):.....

172 2. Unit designation:.....

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- 173 Parking/garage space number, if any:....
- 174 Storage locker number, if any:....
- 175 3. Unit address:....
- 176 4. Fee for preparation and delivery of the estoppel
177 certificate:....
- 178 5. Requested by:....
- 179 6. The regular periodic assessment levied against the
180 unit is \$.... per ...(insert frequency of payment)....
- 181 7. The regular periodic assessment is paid through
182 ...(insert date paid through)....
- 183 8. The next installment of the regular periodic
184 assessment is due ...(insert due date)... in the
185 amount of \$.....
- 186 9. Provide an itemized list of all assessments,
187 special assessments, other moneys owed, capital
188 contribution/resale/transfer fees owed, and credit
189 balances to the association by the unit owner for a
190 specific unit on the date of issuance. Specify any
191 delinquent amounts.
- 192 10. Provide an itemized list of any additional
193 assessments, special assessments, and other moneys
194 owed that are scheduled to become due for each day
195 after the date of issuance for the effective period of
196 the estoppel certificate that are known at the date of
197 issuance. In calculating the amounts that are
198 scheduled to become due, the association may assume

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199 that any delinquent amounts will remain delinquent
200 during the effective period of the estoppel
201 certificate.

202 11. Describe all documented violations, if any, of
203 the cooperative documents, rules, or regulations
204 applicable to the unit.

205
206 Prepared by:...(Association or Authorized Agent of the
207 Association)...

208
209 Signed:....
210 ...(Officer or Authorized Agent of the Association)...

211 Print Name:....

212
213 (b) An estoppel certificate that is delivered on the date
214 of issuance has a 30-day effective period, except that an
215 estoppel certificate which is delivered by U.S. mail has a 35-
216 day effective period.

217 (c) An association waives the right to collect any moneys
218 owed in excess of the amounts specified in the estoppel
219 certificate from any person who in good faith relies upon the
220 estoppel certificate and from that person's successors and
221 assigns.

222 (d) A summary proceeding pursuant to s. 51.011 may be
223 brought to compel compliance with this subsection, and in any
224 such action the prevailing party is entitled to recover

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225 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
226 ~~association shall provide a certificate stating all assessments~~
227 ~~and other moneys owed to the association by the unit owner with~~
228 ~~respect to the cooperative parcel. Any person other than the~~
229 ~~unit owner who relies upon such certificate shall be protected~~
230 ~~thereby.~~

231 (e) Notwithstanding any limitation on transfer fees
232 contained in s. 719.106(1)(i), an the association or its
233 authorized agent may charge a reasonable fee for the preparation
234 of the estoppel certificate. However, the fee for the estoppel
235 certificate may not exceed \$250 if on the date the certificate
236 is issued, no delinquent amounts are owed to the association for
237 the applicable unit. If an estoppel certificate is requested on
238 an expedited basis and delivered within 3 business days after
239 the request, the association may charge an additional fee of
240 \$100. If delinquent amounts are owed to the association for the
241 applicable unit, an additional fee for the estoppel certificate
242 may not exceed \$200. The association may not charge a fee for an
243 estoppel certificate that is issued more than 10 business days
244 after it receives a request for the certificate. The maximum
245 allowable fees charged in accordance with this section shall be
246 adjusted every 3 years in an amount equal to the annual
247 increases for that 3-year period in the Consumer Price Index for
248 All Urban Consumers, U.S. City Average, All Items. The
249 Department of Business and Professional Regulation shall
250 periodically calculate the maximum allowable fees under this

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251 section, rounded to the nearest dollar, and publish the amounts,
252 as adjusted, on its website. An association may not require
253 payment of any fees, other than those authorized in this
254 paragraph, as a condition for the preparation or delivery of an
255 estoppel certificate.

256 (f) If the certificate is requested in conjunction with
257 the sale or mortgage of a unit but the closing does not occur
258 and no later than 30 days after the closing date for which the
259 certificate was sought the preparer receives a written request,
260 accompanied by reasonable documentation, that the sale did not
261 occur from a payor that is not the unit owner, the fee shall be
262 refunded to that payor within 30 days after receipt of the
263 request. The refund is the obligation of the unit owner, and the
264 association may collect it from that owner in the same manner as
265 an assessment as provided in this section.

266 (g) The authority to charge a fee for the estoppel
267 certificate must be established by a written resolution adopted
268 by the board or provided by a written management, bookkeeping,
269 or maintenance contract and is payable upon the preparation of
270 the certificate.

271 Section 3. Section 720.30851, Florida Statutes, is amended
272 to read:

273 720.30851 Estoppel certificates.—An association shall
274 issue an estoppel certificate to a parcel owner or the parcel
275 owner's designee or a mortgagee or the mortgagee's designee
276 within 10 business ~~15~~ days after receiving a written or

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277 electronic request for the certificate. An association must
278 designate a person or entity, and such designation must be
279 available upon request, with a physical or electronic address
280 for receipt of a request for an estoppel certificate issued
281 pursuant to this section. The estoppel certificate must be
282 delivered by United States mail, by hand delivery, or by
283 electronic transmission to the requester on the date of
284 issuance. For purposes of delivery by United States mail, the
285 estoppel certificate is deemed delivered on the date it is
286 deposited in the mail.

287 (1) The estoppel certificate must contain all of the
288 following information as set forth in the official records of
289 the association, in substantially the following form, and may
290 include additional information as determined by the association:

291
292 Date of issuance:....

293 Effective through: ...(insert effective period)....

294
295 Legal Name of Association:....

296 Association Address:....

297 DBPR License/Registration No. (if applicable):....

298
299 1. Name of parcel owner(s):....

300 2. Parcel designation:....

301 Parking/garage space number, if any:....

302 Storage locker number, if any:....

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- 303 3. Parcel address:....
- 304 4. Fee for preparation and delivery of the estoppel
305 certificate:....
- 306 5. Requested by:....
- 307 6. The regular periodic assessment levied against the
308 parcel is \$.... per ...(insert frequency of
309 payment)....
- 310 7. The regular periodic assessment is paid through
311 ...(insert date paid through)....
- 312 8. The next installment of the regular periodic
313 assessment is due ...(insert due date)... in the
314 amount of \$.....
- 315 9. Provide an itemized list of all assessments,
316 special assessments, other moneys owed, capital
317 contribution/resale/transfer fees owed, and credit
318 balances to the association by the parcel owner for a
319 specific parcel on the date of issuance. Specify any
320 delinquent amounts.
- 321 10. Provide an itemized list of any additional
322 assessments, special assessments, and other moneys
323 owed that are scheduled to become due for each day
324 after the date of issuance for the effective period of
325 the estoppel certificate that are known at the date of
326 issuance. In calculating the amounts that are
327 scheduled to become due, the association may assume
328 that any delinquent amounts will remain delinquent

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329 during the effective period of the estoppel
330 certificate.

331 11. Describe all documented violations, if any, of
332 the governing documents applicable to the parcel.

333
334 Prepared by:...(Association or Authorized Agent of the
335 Association)...

336
337 Signed:....
338 ...(Officer or Authorized Agent of the Association)...

339 Print Name:....

340
341 (2) An estoppel certificate that is delivered on the date
342 of issuance has a 30-day effective period, except that an
343 estoppel certificate which is delivered by U.S. mail has a 35-
344 day effective period.

345 (3) An association waives the right to collect any moneys
346 owed in excess of the amounts specified in the estoppel
347 certificate from any person who in good faith relies upon the
348 estoppel certificate and from that person's successors and
349 assigns. ~~the date on which a request for an estoppel certificate~~
350 ~~is received from a parcel owner or mortgagee, or his or her~~
351 ~~designee, the association shall provide a certificate signed by~~
352 ~~an officer or authorized agent of the association stating all~~
353 ~~assessments and other moneys owed to the association by the~~
354 ~~parcel owner or mortgagee with respect to the parcel. An~~

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355 ~~association may charge a fee for the preparation of such~~
356 ~~certificate, and the amount of such fee must be stated on the~~
357 ~~certificate.~~

358 ~~(1) Any person other than a parcel owner who relies upon a~~
359 ~~certificate receives the benefits and protection thereof.~~

360 ~~(4)(2)~~ A summary proceeding pursuant to s. 51.011 may be
361 brought to compel compliance with this section, and the
362 prevailing party is entitled to recover reasonable attorney
363 attorney's fees.

364 (5) An association or its agent may charge a reasonable
365 fee for the preparation of the estoppel certificate. However,
366 the fee for the estoppel certificate may not exceed \$250 if on
367 the date the certificate is issued, no delinquent amounts are
368 owed to the association for the applicable parcel. If an
369 estoppel certificate is requested on an expedited basis and
370 delivered within 3 business days after the request, the
371 association may charge an additional fee of \$100. If delinquent
372 amounts are owed to the association for the applicable parcel,
373 an additional fee for the certificate may not exceed \$200. The
374 association may not charge a fee for an estoppel certificate
375 that is issued more than 10 business days after it receives the
376 request for the certificate. The maximum allowable fees charged
377 in accordance with this section shall be adjusted every 3 years
378 in an amount equal to the annual increases for that 3-year
379 period in the Consumer Price Index for All Urban Consumers, U.S.
380 City Average, All Items. The department shall periodically

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381 calculate the maximum allowable fees under this section, rounded
382 to the nearest dollar, and publish the amounts, as adjusted, on
383 its website. An association may not require payment of any fees,
384 other than those authorized in this subsection, as a condition
385 for the preparation or delivery of an estoppel certificate.

386 ~~(6)(3) The authority to charge a fee for the certificate~~
387 ~~shall be established by a written resolution adopted by the~~
388 ~~board or provided by a written management, bookkeeping, or~~
389 ~~maintenance contract and is payable upon the preparation of the~~
390 ~~certificate. If the certificate is requested in conjunction with~~
391 ~~the sale or mortgage of a parcel but the closing does not occur~~
392 ~~and no later than 30 days after the closing date for which the~~
393 ~~certificate was sought the preparer receives a written request,~~
394 ~~accompanied by reasonable documentation, that the sale did not~~
395 ~~occur from a payor that is not the parcel owner, the fee shall~~
396 ~~be refunded to that payor within 30 days after receipt of the~~
397 ~~request. The refund is the obligation of the parcel owner, and~~
398 ~~the association may collect it from that owner in the same~~
399 ~~manner as an assessment as provided in this section.~~

400 (7) The authority to charge a fee for the estoppel
401 certificate must be established by a written resolution adopted
402 by the board or provided by a written management, bookkeeping,
403 or maintenance contract and is payable upon the preparation of
404 the certificate.

405 Section 4. This act shall take effect July 1, 2016.
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407 -----
408 **T I T L E A M E N D M E N T**
409 Remove everything before the enacting clause and insert:
410 An act relating to residential properties; amending ss. 718.116,
411 719.108, and 720.30851, F.S.; revising requirements relating to
412 the issuance of an estoppel certificate to specified persons;
413 requiring that an estoppel certificate contain certain
414 information; providing an effective period for a certificate
415 based upon the date of issuance and form of delivery; providing
416 that the association waives a specified claim against a person
417 or such person's successors or assigns who rely on the
418 certificate in good faith; authorizing a summary proceeding to
419 be brought to compel an association to prepare or deliver an
420 estoppel certificate; specifying the maximum amounts an
421 association may charge for an estoppel certificate; providing
422 that the authority to charge a fee for the estoppel certificate
423 must be established by a specified written resolution or
424 provided by a written management, bookkeeping, or maintenance
425 contract; deleting obsolete provisions; conforming provisions to
426 changes made by the act; providing an effective date.