

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|---------------|-------|
| 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| WITHDRAWN | 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 The estoppel certificate must be delivered by mail, by hand
 15 delivery, or by electronic means to the requester on the date of
 16 issuance.

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17 (a) The estoppel certificate must contain all of the
18 following:

19 1. The date of issuance.

20 2. The amount of all assessments and other moneys owed to
21 the association by the unit owner for a specific unit on the
22 date of issuance. This amount is limited to amounts authorized
23 by statute to be recorded in the official records of the
24 association under s. 718.111(12).

25 3. The amount of any additional assessments and other
26 moneys that are scheduled to become due for each day after the
27 date of issuance for the 30-day or 35-day effective period of
28 the estoppel certificate. This amount is limited to amounts
29 authorized by statute to be recorded in the official records of
30 the association under s. 718.111(12). In calculating the amounts
31 that are scheduled to become due, the association may assume
32 that any delinquent amounts will remain delinquent during the
33 effective period of the estoppel certificate.

34 4. The amount of any fee charged by the association for
35 preparing and delivering the estoppel certificate. This fee is
36 in addition to any other amounts on the estoppel certificate.

37 5. The signature of an officer or agent of the
38 association.

39 (b) An estoppel certificate that is delivered on the date
40 of issuance has a 30-day effective period. An estoppel
41 certificate that is mailed to the requester has a 35-day
42 effective period.

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43 (c) An association waives the right to collect any moneys
44 owed in excess of the amounts specified in the estoppel
45 certificate from any person who in good faith relies upon the
46 estoppel certificate and from the person's successors and
47 assigns. therefor from a unit owner or his or her designee, or a
48 unit mortgagee or his or her designee, the association shall
49 provide a certificate signed by an officer or agent of the
50 association stating all assessments and other moneys owed to the
51 association by the unit owner with respect to the condominium
52 parcel.

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

55 ~~(d)~~ ~~(b)~~ A summary proceeding pursuant to s. 51.011 may be
56 brought to compel compliance with this subsection, and in any
57 such action the prevailing party is entitled to recover
58 reasonable attorney ~~attorney's~~ fees.

59 (e)1. ~~(e)~~ Notwithstanding any limitation on transfer fees
60 contained in s. 718.112(2)(i), an ~~the~~ association or its
61 ~~authorized~~ agent may charge a reasonable fee, which may not
62 exceed its reasonable costs to prepare and deliver for the
63 preparation of the estoppel certificate. However, the fee for
64 the estoppel certificate may not exceed \$250 if on the date the
65 certificate is issued, no delinquent amounts are owed to the
66 association for the applicable unit. If an estoppel certificate
67 is requested on an expedited basis and delivered within 3
68 business days after the request, the association may charge an

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69 additional fee of \$100. If delinquent amounts are owed to the
70 association for the applicable unit, an additional fee for the
71 estoppel certificate may not exceed \$100. The association may
72 not charge a fee for an estoppel certificate that is issued more
73 than 10 business days after it receives the request for the
74 certificate. The amount of the fee must be included on the
75 certificate.

76 2. If the estoppel certificate is requested in conjunction
77 with the sale or refinancing of a unit, the fee for the
78 certificate shall be paid to the association from the closing or
79 settlement proceeds. If the closing does not occur within 60
80 days after the issuance of the estoppel certificate, the fee for
81 the certificate is the obligation of the unit owner, and the
82 association may collect the fee in the same manner as an
83 assessment against the unit. An association may not require the
84 payment of any other fees as a condition for the preparation or
85 delivery of an estoppel certificate.

86 (f) ~~(d)~~ The authority to charge a fee for the estoppel
87 certificate ~~shall~~ must be established by a written resolution
88 adopted by the board or provided by a written management,
89 bookkeeping, or maintenance contract ~~and is payable upon the~~
90 ~~preparation of the certificate. If the certificate is requested~~
91 ~~in conjunction with the sale or mortgage of a unit but the~~
92 ~~closing does not occur and no later than 30 days after the~~
93 ~~closing date for which the certificate was sought the preparer~~
94 ~~receives a written request, accompanied by reasonable~~

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95 ~~documentation, that the sale did not occur from a payor that is~~
96 ~~not the unit owner, the fee shall be refunded to that payor~~
97 ~~within 30 days after receipt of the request. The refund is the~~
98 ~~obligation of the unit owner, and the association may collect it~~
99 ~~from that owner in the same manner as an assessment as provided~~
100 ~~in this section.~~

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

103 719.108 Rents and assessments; liability; lien and
104 priority; interest; collection; cooperative ownership.—

105 (6) An association shall issue an estoppel certificate to
106 a unit owner or the unit owner's designee or a unit mortgagee or
107 the unit mortgagee's designee within 10 business 15 days after
108 receiving a written or electronic request for the certificate.
109 The estoppel certificate must be delivered by mail, by hand
110 delivery, or by electronic means to the requester on the date of
111 issuance.

112 (a) The estoppel certificate must contain all of the
113 following:

114 1. The date of issuance.

115 2. The amount of all assessments and other moneys owed to
116 the association by the unit owner for a specific unit on the
117 date of issuance. This amount is limited to the amounts
118 authorized to be recorded in the official records of the
119 association under s. 719.104(2).

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120 3. The amount of any additional assessments and other
121 moneys that are scheduled to become due for each day after the
122 date of issuance for the 30-day or 35-day effective period of
123 the estoppel certificate. This amount is limited to the amounts
124 authorized to be recorded in the official records of the
125 association under s. 719.104(2). In calculating the amounts that
126 are scheduled to become due, the association may assume that any
127 delinquent amounts will remain delinquent during the effective
128 period of the estoppel certificate.

129 4. The amount of any fee charged by the association for
130 preparing and delivering the estoppel certificate. This fee is
131 in addition to any other amounts on the estoppel certificate.

132 5. The signature of an officer or agent of the
133 association.

134 (b) An estoppel certificate that is delivered on the date
135 of issuance has a 30-day effective period. An estoppel
136 certificate that is mailed to the requester has a 35-day
137 effective period.

138 (c) An association waives the right to collect any moneys
139 owed in excess of the amounts specified in the estoppel
140 certificate from any person who in good faith relies upon the
141 estoppel certificate and from that person's successors and
142 assigns.

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

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146 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
147 ~~association shall provide a certificate stating all assessments~~
148 ~~and other moneys owed to the association by the unit owner with~~
149 ~~respect to the cooperative parcel. Any person other than the~~
150 ~~unit owner who relies upon such certificate shall be protected~~
151 ~~thereby.~~

152 (e)1. Notwithstanding any limitation on transfer fees
153 contained in s. 719.106(1)(i), ~~an~~ the association or its
154 authorized agent may charge a reasonable fee, which may not
155 exceed its reasonable costs to prepare and deliver ~~for the~~
156 ~~preparation of the~~ estoppel certificate. However, the fee for
157 the estoppel certificate may not exceed \$250 if on the date the
158 certificate is issued, no delinquent amounts are owed to the
159 association for the applicable unit. If an estoppel certificate
160 is requested on an expedited basis and delivered within 3
161 business days after the request, the association may charge an
162 additional fee of \$100. If delinquent amounts are owed to the
163 association for the applicable unit, an additional fee for the
164 estoppel certificate may not exceed \$100. The association may
165 not charge a fee for an estoppel certificate that is issued more
166 than 10 business days after it receives a request for the
167 certificate.

168 2. If the estoppel certificate is requested in conjunction
169 with the sale or refinancing of a unit, the fee for the
170 certificate shall be paid to the association from the closing or
171 settlement proceeds. If the closing does not occur within 60

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172 days after the issuance of the estoppel certificate, the fee for
173 the certificate is the obligation of the unit owner, and the
174 association may collect the fee in the same manner as an
175 assessment against the unit. An association may not require the
176 payment of any other fees as a condition for the preparation or
177 delivery of an estoppel certificate.

178 (f) The authority to charge a fee for the estoppel
179 certificate must be established by a written resolution adopted
180 by the board or provided by a written management, bookkeeping,
181 or maintenance contract.

182 Section 3. Section 720.30851, Florida Statutes, is amended
183 to read:

184 720.30851 Estoppel certificates.—An association shall
185 issue an estoppel certificate to a parcel owner or the parcel
186 owner's designee or a mortgagee or the mortgagee's designee
187 within 10 business ~~15~~ days after receiving a written or
188 electronic request for the certificate. The estoppel certificate
189 must be delivered by mail, by hand delivery, or by electronic
190 means to the requester on the date of issuance.

191 (1) The estoppel certificate must contain all of the
192 following:

193 (a) The date of issuance.

194 (b) The amount of all assessments and other moneys owed to
195 the association by the parcel owner for a specific parcel as
196 recorded on the date of issuance. This amount is limited to

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197 amounts authorized by statute to be recorded in the official
198 records of the association under s. 720.303(4).

199 (c) The amount of any additional assessments and other
200 moneys that are scheduled to become due for each day after the
201 date of issuance for the 30-day or 35-day effective period of
202 the estoppel certificate. This amount is limited to amounts
203 authorized by statute to be recorded in the official records of
204 the association under s. 720.303(4). In calculating the amounts
205 that are scheduled to become due, the association may assume
206 that any delinquent amounts will remain delinquent during the
207 effective period of the estoppel certificate.

208 (d) The amount of any fee charged by the association for
209 preparing and delivering the estoppel certificate. This fee is
210 in addition to any other amounts on the certificate.

211 (e) The signature of an officer or agent of the
212 association.

213 (2) An estoppel certificate that is delivered on the date
214 of issuance has a 30-day effective period. An estoppel
215 certificate that is mailed to the requester has a 35-day
216 effective period.

217 (3) 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. ~~the date on which a request for an estoppel certificate~~
222 is received from a parcel owner or mortgagee, or his or her

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223 ~~designee, the association shall provide a certificate signed by~~
224 ~~an officer or authorized agent of the association stating all~~
225 ~~assessments and other moneys owed to the association by the~~
226 ~~parcel owner or mortgagee with respect to the parcel. An~~
227 ~~association may charge a fee for the preparation of such~~
228 ~~certificate, and the amount of such fee must be stated on the~~
229 ~~certificate.~~

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

232 ~~(4)-(2)~~ A summary proceeding pursuant to s. 51.011 may be
233 brought to compel compliance with this section, and the
234 prevailing party is entitled to recover reasonable attorney
235 attorney's fees.

236 (5) (a) An association or its agent may charge a fee, which
237 may not exceed its reasonable costs to prepare and deliver the
238 estoppel certificate. However, the fee for the estoppel
239 certificate may not exceed \$250 if on the date the certificate
240 is issued, no delinquent amounts are owed to the association for
241 the applicable parcel. If an estoppel certificate is requested
242 on an expedited basis and delivered within 3 business days after
243 the request, the association may charge an additional fee of
244 \$100. If delinquent amounts are owed to the association for the
245 applicable parcel, an additional fee for the certificate may not
246 exceed \$100. The association may not charge a fee for an
247 estoppel certificate that is issued more than 10 business days
248 after it receives the request for the certificate.

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249 (b) If the estoppel certificate is requested in
250 conjunction with the sale or refinancing of a parcel, the fee
251 for the certificate shall be paid to the association from the
252 closing or settlement proceeds. If the closing does not occur
253 within 60 days after the issuance of the estoppel certificate,
254 the fee for the certificate is the obligation of the parcel
255 owner, and the association may collect the fee in the same
256 manner as an assessment against the parcel. An association may
257 not require the payment of any other fees as a condition for the
258 preparation or delivery of an estoppel certificate.

259 ~~(6)(3) The authority to charge a fee for the estoppel~~
260 ~~certificate must shall be established by a written resolution~~
261 ~~adopted by the board or provided by a written management,~~
262 ~~bookkeeping, or maintenance contract and is payable upon the~~
263 ~~preparation of the certificate. If the certificate is requested~~
264 ~~in conjunction with the sale or mortgage of a parcel but the~~
265 ~~closing does not occur and no later than 30 days after the~~
266 ~~closing date for which the certificate was sought the preparer~~
267 ~~receives a written request, accompanied by reasonable~~
268 ~~documentation, that the sale did not occur from a payor that is~~
269 ~~not the parcel owner, the fee shall be refunded to that payor~~
270 ~~within 30 days after receipt of the request. The refund is the~~
271 ~~obligation of the parcel owner, and the association may collect~~
272 ~~it from that owner in the same manner as an assessment as~~
273 ~~provided in this section.~~

274 Section 4. This act shall take effect July 1, 2015.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to residential properties; amending ss. 718.116,
719.108, and 720.30851, F.S.; revising requirements relating to
the issuance of an estoppel certificate to specified persons;
requiring that an estoppel certificate contain certain
information; providing an effective period for a certificate
based upon the date of issuance and form of delivery; providing
that the association waives a specified claim against a person
or such person's successors or assigns who rely on the
certificate in good faith; authorizing a summary proceeding to
be brought to compel an association to prepare or deliver an
estoppel certificate; specifying the maximum amounts an
association may charge for an estoppel certificate; providing
that the authority to charge a fee for the estoppel certificate
must be established by a specified written resolution or
provided by a written management, bookkeeping, or maintenance
contract; deleting obsolete provisions; conforming provisions to
changes made by the act; providing an effective date.