

1                                   A bill to be entitled  
 2           An act relating to residential properties; amending  
 3           ss. 718.116 and 720.30851, F.S.; providing  
 4           requirements relating to the request for an estoppel  
 5           certificate by a unit or parcel owner; providing that  
 6           the association waives the right to collect any moneys  
 7           owed in excess of the amounts set forth in the  
 8           estoppel certificate under certain conditions;  
 9           providing that the association waives any claim  
 10          against a person or entity who would have relied in  
 11          good faith upon the estoppel certificate under certain  
 12          conditions; providing and revising fee and  
 13          supplemental fee requirements; providing an effective  
 14          date.

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

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

20           718.116 Assessments; liability; lien and priority;  
 21           interest; collection.—

22           (8) Within 10 ~~15~~ days after receiving a written request  
 23           for an estoppel certificate ~~therefor~~ from a unit owner or his or  
 24           her designee, or a unit mortgagee or his or her designee, the  
 25           association shall deliver by mail, hand, or electronic means an  
 26           estoppel ~~provide a~~ certificate signed by an officer or agent of

27 | the association. The estoppel certificate must be dated as of  
 28 | the date it is delivered and must state ~~stating~~ all assessments  
 29 | and other moneys owed to the association by the unit owner with  
 30 | respect to the unit, as reflected in records maintained pursuant  
 31 | to s. 718.111(12), through a date that is at least 30 days after  
 32 | the date of the estoppel certificate ~~condominium parcel.~~

33 | (a) An association waives the right to collect any moneys  
 34 | owed in excess of the amounts set forth in the estoppel  
 35 | certificate from any person or entity who in good faith relies  
 36 | upon that certificate ~~Any person other than the owner who relies~~  
 37 | ~~upon such certificate shall be protected thereby.~~

38 | (b) If an association has received a written request for  
 39 | an estoppel certificate from a unit owner or his or her  
 40 | designee, or a unit mortgagee or his or her designee, and fails  
 41 | to deliver an estoppel certificate as required by this section,  
 42 | the association waives any claim, including a claim for its lien  
 43 | against the unit, against any person or entity who would have in  
 44 | good faith relied upon that certificate, had it been so  
 45 | delivered, for any moneys owed to the association by the unit  
 46 | owner with respect to the unit for 40 days after the date of  
 47 | receipt of the request ~~A summary proceeding pursuant to s.~~  
 48 | ~~51.011 may be brought to compel compliance with this subsection,~~  
 49 | ~~and in any such action the prevailing party is entitled to~~  
 50 | ~~recover reasonable attorney's fees.~~

51 | (c) Notwithstanding any limitation on transfer fees  
 52 | contained in s. 718.112(2)(i), an ~~the~~ association or its

53 authorized agent may charge a ~~reasonable~~ fee as provided in this  
54 paragraph for the preparation and delivery of the estoppel  
55 certificate. The amount of the fee must be included on the  
56 estoppel certificate. If the estoppel certificate is requested  
57 in conjunction with the sale or refinancing of a unit, the fee  
58 and any supplemental fees pursuant to this paragraph shall be  
59 due and payable no earlier than the closing of the sale or  
60 refinancing, and shall be paid from closing settlement proceeds.  
61 If the closing does not occur within 120 days after the date the  
62 estoppel certificate is delivered, the fee for the estoppel  
63 certificate is the obligation of the unit owner and the  
64 association may collect the fee only in the same manner as an  
65 assessment against the unit owner as set forth in this section.  
66 The preparation and delivery of an estoppel certificate may not  
67 be conditioned upon the payment of any other fees. The  
68 association may collect reasonable attorney fees and costs in  
69 connection with the collection of past due moneys. The amount of  
70 the fee may not exceed \$100. However, one or more of the  
71 following supplemental fees may be added:

72 1. If the unit owner is delinquent with respect to moneys  
73 owed to the association, and the association has referred the  
74 account to an attorney or other agent for collection, an  
75 additional fee not to exceed \$50 may be charged.

76 2. If a request to expedite delivery of the estoppel  
77 certificate is made and the estoppel certificate is delivered no  
78 later than the date requested, an additional fee not to exceed

79 \$50 may be charged.

80 3. If an additional estoppel certificate is requested  
81 within 30 days after the most recently delivered estoppel  
82 certificate, an additional fee not to exceed \$50 for each such  
83 estoppel certificate may be charged.

84 4. If an estoppel certificate is issued to correct an  
85 error or omission in a previously issued estoppel certificate,  
86 no additional fee may be charged.

87 (d) If estoppel certificates for multiple units owned by  
88 the same unit owner are simultaneously requested from the same  
89 association and there are no past due monetary obligations owed  
90 to the association, the statement of moneys due for those units  
91 may be delivered in one or more estoppel certificates, and,  
92 though the fee for each unit shall be computed as set forth in  
93 paragraph (c), the total fee that the association may charge for  
94 the preparation and delivery of the estoppel certificate or  
95 estoppel certificates may not exceed, in the aggregate:

96 1. For 25 or fewer units, \$750.

97 2. For 26 to 50 units, \$1,000.

98 3. For 51 to 100 units, \$1,500.

99 4. For more than 100 units, \$2,500.

100 (e)~~(d)~~ The authority to charge a fee for the estoppel  
101 certificate shall be established by a written resolution adopted  
102 by the board or provided by a written management, bookkeeping,  
103 or maintenance contract and is payable upon the preparation of  
104 the certificate. If the certificate is requested in conjunction

105 ~~with the sale or mortgage of a unit but the closing does not~~  
 106 ~~occur and no later than 30 days after the closing date for which~~  
 107 ~~the certificate was sought the preparer receives a written~~  
 108 ~~request, accompanied by reasonable documentation, that the sale~~  
 109 ~~did not occur from a payor that is not the unit owner, the fee~~  
 110 ~~shall be refunded to that payor within 30 days after receipt of~~  
 111 ~~the request. The refund is the obligation of the unit owner, and~~  
 112 ~~the association may collect it from that owner in the same~~  
 113 ~~manner as an assessment as provided in this section.~~

114 (f) A summary procedure pursuant to s. 51.011 may be  
 115 brought to compel compliance with this subsection, and in any  
 116 such action the prevailing party is entitled to recover  
 117 reasonable attorney fees.

118 Section 2. Section 720.30851, Florida Statutes, is amended  
 119 to read:

120 720.30851 Estoppel certificates.—Within 10 ~~15~~ days after  
 121 the date on which a request for an estoppel certificate is  
 122 received from a parcel owner or mortgagee, or his or her  
 123 designee, the association shall deliver by mail, hand, or  
 124 electronic means an estoppel ~~provide~~ a certificate signed by an  
 125 officer or authorized agent of the association. The estoppel  
 126 certificate must be dated as of the date it is delivered and  
 127 must state ~~stating~~ all assessments and other moneys owed to the  
 128 association by the parcel owner or mortgagee with respect to the  
 129 parcel, as reflected in records maintained pursuant to s.  
 130 720.303(4), through a date that is at least 30 days after the

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131 date of the estoppel certificate. ~~An association may charge a~~  
132 ~~fee for the preparation of such certificate, and the amount of~~  
133 ~~such fee must be stated on the certificate.~~

134 (1) An association waives the right to collect any moneys  
135 owed in excess of the amounts set forth in the estoppel  
136 certificate from any person or entity who in good faith relies  
137 upon that certificate ~~Any person other than a parcel owner who~~  
138 ~~relies upon a certificate receives the benefits and protection~~  
139 ~~thereof.~~

140 (2) If an association has received a written request for  
141 an estoppel certificate from a parcel owner or his or her  
142 designee, or a mortgagee or his or her designee, and fails to  
143 deliver an estoppel certificate as required by this section, the  
144 association waives any claim, including a claim for its lien  
145 against the parcel, against any person or entity who would have  
146 in good faith relied upon that certificate, had it been so  
147 delivered, for any moneys owed to the association by the parcel  
148 owner with respect to the parcel for 40 days after the date of  
149 receipt of the request ~~A summary proceeding pursuant to s.~~  
150 ~~51.011 may be brought to compel compliance with this section,~~  
151 ~~and the prevailing party is entitled to recover reasonable~~  
152 ~~attorney's fees.~~

153 (3) An association or its authorized agent may charge a  
154 fee as provided in this subsection for the preparation and  
155 delivery of the estoppel certificate. The amount of the fee must  
156 be included on the estoppel certificate. If the estoppel

157 certificate is requested in conjunction with the sale or  
158 refinancing of a parcel, the fee and any supplemental fees  
159 pursuant to this subsection shall be due and payable no earlier  
160 than the closing of the sale or refinancing, and shall be paid  
161 from the closing settlement proceeds. If the closing does not  
162 occur within 120 days after the date the estoppel certificate is  
163 delivered, the fee for the estoppel certificate is the  
164 obligation of the parcel owner and the association may collect  
165 the fee only in the same manner as an assessment against the  
166 parcel owner as set forth in s. 720.3085. The preparation and  
167 delivery of an estoppel certificate may not be conditioned upon  
168 the payment of any other fees. The association may collect  
169 reasonable attorney fees and costs in connection with the  
170 collection of past due moneys. The amount of the fee may not  
171 exceed \$100. However, one or more of the following supplemental  
172 fees may be added:

173 (a) If the parcel owner is delinquent with respect to  
174 moneys owed to the association, and the association has referred  
175 the account to an attorney or other agent for collection, an  
176 additional fee not to exceed \$50 may be charged.

177 (b) If a request to expedite delivery of the estoppel  
178 certificate is made and the estoppel certificate is delivered no  
179 later than the date requested, an additional fee not to exceed  
180 \$50 may be charged.

181 (c) If an additional estoppel certificate is requested  
182 within 30 days after the most recently delivered estoppel

183 certificate, an additional fee not to exceed \$50 for each such  
 184 estoppel certificate may be charged.

185 (d) If an estoppel certificate is issued to correct an  
 186 error or omission in a previously issued estoppel certificate,  
 187 no additional fee may be charged.

188 (4) If estoppel certificates for multiple parcels owned by  
 189 the same parcel owner are simultaneously requested from the same  
 190 association and there are no past due monetary obligations owed  
 191 to the association, the statement of moneys due for those  
 192 parcels may be delivered in one or more estoppel certificates,  
 193 and, though the fee for each parcel shall be computed as set  
 194 forth in subsection (3), the total fee that the association may  
 195 charge for the preparation and delivery of the estoppel  
 196 certificate or estoppel certificates may not exceed, in the  
 197 aggregate:

198 (a) For 25 or fewer parcels, \$750.

199 (b) For 26 to 50 parcels, \$1,000.

200 (c) For 51 to 100 parcels, \$1,500.

201 (d) For more than 100 parcels, \$2,500.

202 (5) The authority to charge a fee for the estoppel  
 203 certificate shall be established by a written resolution adopted  
 204 by the board or provided by a written management, bookkeeping,  
 205 or maintenance contract and is payable upon the preparation of  
 206 the certificate. If the certificate is requested in conjunction  
 207 with the sale or mortgage of a parcel but the closing does not  
 208 occur and no later than 30 days after the closing date for which



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209 ~~the certificate was sought the preparer receives a written~~  
210 ~~request, accompanied by reasonable documentation, that the sale~~  
211 ~~did not occur from a payor that is not the parcel owner, the fee~~  
212 ~~shall be refunded to that payor within 30 days after receipt of~~  
213 ~~the request. The refund is the obligation of the parcel owner,~~  
214 ~~and the association may collect it from that owner in the same~~  
215 ~~manner as an assessment as provided in this section.~~

216 (6) A summary procedure pursuant to s. 51.011 may be  
217 brought to compel compliance with this section, and in any such  
218 action the prevailing party is entitled to recover reasonable  
219 attorney fees.

220 Section 3. This act shall take effect July 1, 2015.