

1 A bill to be entitled

2 An act relating to residential properties; amending
3 ss. 718.116, 719.108, and 720.30851, F.S.; revising
4 requirements relating to the issuance of an estoppel
5 certificate to specified persons; requiring that an
6 estoppel certificate contain certain information;
7 providing an effective period for a certificate based
8 upon the date of issuance and form of delivery;
9 providing that the association waives a specified
10 claim against a person or such person's successors or
11 assigns who rely on the certificate in good faith;
12 authorizing a summary proceeding to be brought to
13 compel an association to prepare or deliver an
14 estoppel certificate; specifying the maximum amounts
15 an association may charge for an estoppel certificate;
16 providing that the authority to charge a fee for the
17 estoppel certificate must be established by a
18 specified written resolution or provided by a written
19 management, bookkeeping, or maintenance contract;
20 deleting obsolete provisions; conforming provisions to
21 changes made by the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (8) of section 718.116, Florida
26 Statutes, is amended to read:

27 718.116 Assessments; liability; lien and priority;
 28 interest; collection.-

29 (8) An association shall issue an estoppel certificate to
 30 a unit owner or the unit owner's designee or a unit mortgagee or
 31 the unit mortgagee's designee within 10 business ~~15~~ days after
 32 receiving a written or electronic request for the certificate.
 33 The estoppel certificate must be delivered by mail, by hand
 34 delivery, or by electronic means to the requester on the date of
 35 issuance.

36 (a) The estoppel certificate must contain all of the
 37 following:

38 1. The date of issuance.

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

44 3. The amount of any additional assessments and other
 45 moneys that are scheduled to become due for each day after the
 46 date of issuance for the 30-day or 35-day effective period of
 47 the estoppel certificate. This amount is limited to amounts
 48 authorized by statute to be recorded in the official records of
 49 the association under s. 718.111(12). In calculating the amounts
 50 that are scheduled to become due, the association may assume
 51 that any delinquent amounts will remain delinquent during the
 52 effective period of the estoppel certificate.

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

56 5. The signature of an officer or agent of the
 57 association.

58 (b) An estoppel certificate that is delivered on the date
 59 of issuance has a 30-day effective period. An estoppel
 60 certificate that is mailed to the requester has a 35-day
 61 effective period.

62 (c) An association waives the right to collect any moneys
 63 owed in excess of the amounts specified in the estoppel
 64 certificate from any person who in good faith relies upon the
 65 estoppel certificate and from the person's successors and
 66 assigns. therefor from a unit owner or his or her designee, or a
 67 unit mortgagee or his or her designee, the association shall
 68 provide a certificate signed by an officer or agent of the
 69 association stating all assessments and other moneys owed to the
 70 association by the unit owner with respect to the condominium
 71 parcel.

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

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

78 (e)1.~~(e)~~ Notwithstanding any limitation on transfer fees
79 contained in s. 718.112(2)(i), an ~~the~~ association or its
80 ~~authorized~~ agent may charge a reasonable fee, which may not
81 exceed its reasonable costs to prepare and deliver ~~for the~~
82 ~~preparation of~~ the estoppel certificate. However, the fee for
83 the estoppel certificate may not exceed \$250 if on the date the
84 certificate is issued, no delinquent amounts are owed to the
85 association for the applicable unit. If an estoppel certificate
86 is requested on an expedited basis and delivered within 3
87 business days after the request, the association may charge an
88 additional fee of \$100. If delinquent amounts are owed to the
89 association for the applicable unit, an additional fee for the
90 estoppel certificate may not exceed \$100. The association may
91 not charge a fee for an estoppel certificate that is issued more
92 than 10 business days after it receives the request for the
93 certificate. ~~The amount of the fee must be included on the~~
94 ~~certificate.~~

95 2. If the estoppel certificate is requested in conjunction
96 with the sale or refinancing of a unit, the fee for the
97 certificate shall be paid to the association from the closing or
98 settlement proceeds. If the closing does not occur within 60
99 days after the issuance of the estoppel certificate, the fee for
100 the certificate is the obligation of the unit owner, and the
101 association may collect the fee in the same manner as an
102 assessment against the unit. An association may not require the

103 payment of any other fees as a condition for the preparation or
 104 delivery of an estoppel certificate.

105 ~~(f)-(d)~~ The authority to charge a fee for the estoppel
 106 certificate must ~~shall~~ be established by a written resolution
 107 adopted by the board or provided by a written management,
 108 bookkeeping, or maintenance contract ~~and is payable upon the~~
 109 ~~preparation of the certificate. If the certificate is requested~~
 110 ~~in conjunction with the sale or mortgage of a unit but the~~
 111 ~~closing does not occur and no later than 30 days after the~~
 112 ~~closing date for which the certificate was sought the preparer~~
 113 ~~receives a written request, accompanied by reasonable~~
 114 ~~documentation, that the sale did not occur from a payor that is~~
 115 ~~not the unit owner, the fee shall be refunded to that payor~~
 116 ~~within 30 days after receipt of the request. The refund is the~~
 117 ~~obligation of the unit owner, and the association may collect it~~
 118 ~~from that owner in the same manner as an assessment as provided~~
 119 ~~in this section.~~

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

122 719.108 Rents and assessments; liability; lien and
 123 priority; interest; collection; cooperative ownership.—

124 (6) An association shall issue an estoppel certificate to
 125 a unit owner or the unit owner's designee or a unit mortgagee or
 126 the unit mortgagee's designee within 10 business 15 days after
 127 receiving a written or electronic request for the certificate.
 128 The estoppel certificate must be delivered by mail, by hand

129 delivery, or by electronic means to the requester on the date of
130 issuance.

131 (a) The estoppel certificate must contain all of the
132 following:

133 1. The date of issuance.

134 2. The amount of all assessments and other moneys owed to
135 the association by the unit owner for a specific unit on the
136 date of issuance. This amount is limited to the amounts
137 authorized to be recorded in the official records of the
138 association under s. 719.104(2).

139 3. The amount of any additional assessments and other
140 moneys that are scheduled to become due for each day after the
141 date of issuance for the 30-day or 35-day effective period of
142 the estoppel certificate. This amount is limited to the amounts
143 authorized to be recorded in the official records of the
144 association under s. 719.104(2). In calculating the amounts that
145 are scheduled to become due, the association may assume that any
146 delinquent amounts will remain delinquent during the effective
147 period of the estoppel certificate.

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

151 5. The signature of an officer or agent of the
152 association.

153 (b) An estoppel certificate that is delivered on the date
154 of issuance has a 30-day effective period. An estoppel

155 certificate that is mailed to the requester has a 35-day
156 effective period.

157 (c) An association waives the right to collect any moneys
158 owed in excess of the amounts specified in the estoppel
159 certificate from any person who in good faith relies upon the
160 estoppel certificate and from that person's successors and
161 assigns.

162 (d) A summary proceeding pursuant to s. 51.011 may be
163 brought to compel compliance with this subsection, and in any
164 such action the prevailing party is entitled to recover
165 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
166 ~~association shall provide a certificate stating all assessments~~
167 ~~and other moneys owed to the association by the unit owner with~~
168 ~~respect to the cooperative parcel. Any person other than the~~
169 ~~unit owner who relies upon such certificate shall be protected~~
170 ~~thereby.~~

171 (e)1. Notwithstanding any limitation on transfer fees
172 contained in s. 719.106(1)(i), an ~~the~~ association or its
173 authorized agent may charge a reasonable fee, which may not
174 exceed its reasonable costs to prepare and deliver ~~for the~~
175 preparation of the estoppel certificate. However, the fee for
176 the estoppel certificate may not exceed \$250 if on the date the
177 certificate is issued, no delinquent amounts are owed to the
178 association for the applicable unit. If an estoppel certificate
179 is requested on an expedited basis and delivered within 3
180 business days after the request, the association may charge an

181 additional fee of \$100. If delinquent amounts are owed to the
182 association for the applicable unit, an additional fee for the
183 estoppel certificate may not exceed \$100. The association may
184 not charge a fee for an estoppel certificate that is issued more
185 than 10 business days after it receives a request for the
186 certificate.

187 2. If the estoppel certificate is requested in conjunction
188 with the sale or refinancing of a unit, the fee for the
189 certificate shall be paid to the association from the closing or
190 settlement proceeds. If the closing does not occur within 60
191 days after the issuance of the estoppel certificate, the fee for
192 the certificate is the obligation of the unit owner, and the
193 association may collect the fee in the same manner as an
194 assessment against the unit. An association may not require the
195 payment of any other fees as a condition for the preparation or
196 delivery of an estoppel certificate.

197 (f) The authority to charge a fee for the estoppel
198 certificate must be established by a written resolution adopted
199 by the board or provided by a written management, bookkeeping,
200 or maintenance contract.

201 Section 3. Section 720.30851, Florida Statutes, is amended
202 to read:

203 720.30851 Estoppel certificates.—An association shall
204 issue an estoppel certificate to a parcel owner or the parcel
205 owner's designee or a mortgagee or the mortgagee's designee
206 within 10 business ~~15~~ days after receiving a written or

207 electronic request for the certificate. The estoppel certificate
208 must be delivered by mail, by hand delivery, or by electronic
209 means to the requester on the date of issuance.

210 (1) The estoppel certificate must contain all of the
211 following:

212 (a) The date of issuance.

213 (b) The amount of all assessments and other moneys owed to
214 the association by the parcel owner for a specific parcel as
215 recorded on the date of issuance. This amount is limited to
216 amounts authorized by statute to be recorded in the official
217 records of the association under s. 720.303(4).

218 (c) The amount of any additional assessments and other
219 moneys that are scheduled to become due for each day after the
220 date of issuance for the 30-day or 35-day effective period of
221 the estoppel certificate. This amount is limited to amounts
222 authorized by statute to be recorded in the official records of
223 the association under s. 720.303(4). In calculating the amounts
224 that are scheduled to become due, the association may assume
225 that any delinquent amounts will remain delinquent during the
226 effective period of the estoppel certificate.

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

230 (e) The signature of an officer or agent of the
231 association.

232 (2) An estoppel certificate that is delivered on the date
 233 of issuance has a 30-day effective period. An estoppel
 234 certificate that is mailed to the requester has a 35-day
 235 effective period.

236 (3) An association waives the right to collect any moneys
 237 owed in excess of the amounts specified in the estoppel
 238 certificate from any person who in good faith relies upon the
 239 estoppel certificate and from that person's successors and
 240 assigns. the date on which a request for an estoppel certificate
 241 is received from a parcel owner or mortgagee, or his or her
 242 designee, the association shall provide a certificate signed by
 243 an officer or authorized agent of the association stating all
 244 assessments and other moneys owed to the association by the
 245 parcel owner or mortgagee with respect to the parcel. An
 246 association may charge a fee for the preparation of such
 247 certificate, and the amount of such fee must be stated on the
 248 certificate.

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

251 (4)-(2) A summary proceeding pursuant to s. 51.011 may be
 252 brought to compel compliance with this section, and the
 253 prevailing party is entitled to recover reasonable attorney
 254 attorney's fees.

255 (5) (a) An association or its agent may charge a fee, which
 256 may not exceed its reasonable costs to prepare and deliver the
 257 estoppel certificate. However, the fee for the estoppel

258 certificate may not exceed \$250 if on the date the certificate
 259 is issued, no delinquent amounts are owed to the association for
 260 the applicable parcel. If an estoppel certificate is requested
 261 on an expedited basis and delivered within 3 business days after
 262 the request, the association may charge an additional fee of
 263 \$100. If delinquent amounts are owed to the association for the
 264 applicable parcel, an additional fee for the certificate may not
 265 exceed \$100. The association may not charge a fee for an
 266 estoppel certificate that is issued more than 10 business days
 267 after it receives the request for the certificate.

268 (b) If the estoppel certificate is requested in
 269 conjunction with the sale or refinancing of a parcel, the fee
 270 for the certificate shall be paid to the association from the
 271 closing or settlement proceeds. If the closing does not occur
 272 within 60 days after the issuance of the estoppel certificate,
 273 the fee for the certificate is the obligation of the parcel
 274 owner, and the association may collect the fee in the same
 275 manner as an assessment against the parcel. An association may
 276 not require the payment of any other fees as a condition for the
 277 preparation or delivery of an estoppel certificate.

278 (6)(3) The authority to charge a fee for the estoppel
 279 certificate ~~must~~ shall be established by a written resolution
 280 adopted by the board or provided by a written management,
 281 bookkeeping, or maintenance contract ~~and is payable upon the~~
 282 ~~preparation of the certificate. If the certificate is requested~~
 283 ~~in conjunction with the sale or mortgage of a parcel but the~~

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284 ~~closing does not occur and no later than 30 days after the~~
285 ~~closing date for which the certificate was sought the preparer~~
286 ~~receives a written request, accompanied by reasonable~~
287 ~~documentation, that the sale did not occur from a payor that is~~
288 ~~not the parcel owner, the fee shall be refunded to that payor~~
289 ~~within 30 days after receipt of the request. The refund is the~~
290 ~~obligation of the parcel owner, and the association may collect~~
291 ~~it from that owner in the same manner as an assessment as~~
292 ~~provided in this section.~~

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