



318184

LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 04/15/2015 | . |       |
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The Committee on Fiscal Policy (Stargel) recommended the following:

**Senate Substitute for Amendment (308876)**

Delete lines 92 - 270  
and insert:  
certificate. The maximum allowable fees charged in accordance  
with this section shall be adjusted every 3 years in an amount  
equal to the annual increases for that 3-year period in the  
Consumer Price Index for All Urban Consumers, U.S. City Average,  
all items ~~The amount of the fee must be included on the~~  
certificate.



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11        2. If the estoppel certificate is requested in conjunction  
12 with the sale or refinancing of a unit, the fee for the  
13 certificate shall be paid to the association from the closing or  
14 settlement proceeds. If the closing does not occur, the fee for  
15 the certificate is the obligation of the unit owner, and the  
16 association may collect the fee in the same manner as an  
17 assessment against the unit. An association may not require the  
18 payment of any other fees as a condition for the preparation or  
19 delivery of an estoppel certificate.

20        ~~(f)(d)~~ The authority to charge a fee for the estoppel  
21 certificate must shall be established by a written resolution  
22 adopted by the board or provided by a written management,  
23 bookkeeping, or maintenance contract ~~and is payable upon the~~  
24 ~~preparation of the certificate. If the certificate is requested~~  
25 ~~in conjunction with the sale or mortgage of a unit but the~~  
26 ~~closing does not occur and no later than 30 days after the~~  
27 ~~closing date for which the certificate was sought the preparer~~  
28 ~~receives a written request, accompanied by reasonable~~  
29 ~~documentation, that the sale did not occur from a payor that is~~  
30 ~~not the unit owner, the fee shall be refunded to that payor~~  
31 ~~within 30 days after receipt of the request. The refund is the~~  
32 ~~obligation of the unit owner, and the association may collect it~~  
33 ~~from that owner in the same manner as an assessment as provided~~  
34 ~~in this section.~~

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

37        719.108 Rents and assessments; liability; lien and  
38 priority; interest; collection; cooperative ownership.—

39        (6) An association shall issue an estoppel certificate to a



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40 unit owner or the unit owner's designee or a unit mortgagee or  
41 the unit mortgagee's designee within 10 business ~~15~~ days after  
42 receiving a written or electronic request for the certificate.  
43 The estoppel certificate must be delivered by mail, by hand  
44 delivery, or by electronic means to the requester on the date of  
45 issuance.

46 (a) The estoppel certificate must contain all of the  
47 following:

48 1. The date of issuance.

49 2. The amount of all assessments and other moneys owed to  
50 the association by the unit owner for a specific unit on the  
51 date of issuance. This amount is limited to the amounts  
52 authorized to be recorded in the official records of the  
53 association under s. 719.104(2).

54 3. The amount of any additional assessments and other  
55 moneys that are scheduled to become due for each day after the  
56 date of issuance for the 30-day or 35-day effective period of  
57 the estoppel certificate. This amount is limited to the amounts  
58 authorized to be recorded in the official records of the  
59 association under s. 719.104(2). In calculating the amounts that  
60 are scheduled to become due, the association may assume that any  
61 delinquent amounts will remain delinquent during the effective  
62 period of the estoppel certificate.

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

66 5. The signature of an officer or agent of the association.

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



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69 certificate that is mailed to the requester has a 35-day  
70 effective period.

71 (c) An association waives the right to collect any moneys  
72 owed in excess of the amounts specified in the estoppel  
73 certificate from any person who in good faith relies upon the  
74 estoppel certificate and from that person's successors and  
75 assigns.

76 (d) A summary proceeding pursuant to s. 51.011 may be  
77 brought to compel compliance with this subsection, and in any  
78 such action the prevailing party is entitled to recover  
79 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~  
80 ~~association shall provide a certificate stating all assessments~~  
81 ~~and other moneys owed to the association by the unit owner with~~  
82 ~~respect to the cooperative parcel. Any person other than the~~  
83 ~~unit owner who relies upon such certificate shall be protected~~  
84 ~~thereby.~~

85 (e)1. Notwithstanding any limitation on transfer fees  
86 contained in s. 719.106(1)(i), ~~an the~~ association or its  
87 authorized agent may charge a ~~reasonable~~ fee, which may not  
88 exceed its reasonable costs to prepare and deliver ~~for the~~  
89 ~~preparation of the estoppel~~ certificate. However, the fee for  
90 the estoppel certificate may not exceed \$250 if on the date the  
91 certificate is issued, no delinquent amounts are owed to the  
92 association for the applicable unit. If an estoppel certificate  
93 is requested on an expedited basis and delivered within 3  
94 business days after the request, the association may charge an  
95 additional fee of \$100. If delinquent amounts are owed to the  
96 association for the applicable unit, an additional fee for the  
97 estoppel certificate may not exceed \$100. The association may



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98 not charge a fee for an estoppel certificate that is issued more  
99 than 10 business days after it receives a request for the  
100 certificate. The maximum allowable fees charged in accordance  
101 with this section shall be adjusted every 3 years in an amount  
102 equal to the annual increases for that 3-year period in the  
103 Consumer Price Index for All Urban Consumers, U.S. City Average,  
104 all items.

105 2. If the estoppel certificate is requested in conjunction  
106 with the sale or refinancing of a unit, the fee for the  
107 certificate shall be paid to the association from the closing or  
108 settlement proceeds. If the closing does not occur, the fee for  
109 the certificate is the obligation of the unit owner, and the  
110 association may collect the fee in the same manner as an  
111 assessment against the unit. An association may not require the  
112 payment of any other fees as a condition for the preparation or  
113 delivery of an estoppel certificate.

114 (f) The authority to charge a fee for the estoppel  
115 certificate must be established by a written resolution adopted  
116 by the board or provided by a written management, bookkeeping,  
117 or maintenance contract.

118 Section 3. Section 720.30851, Florida Statutes, is amended  
119 to read:

120 720.30851 Estoppel certificates.—An association shall issue  
121 an estoppel certificate to a parcel owner or the parcel owner's  
122 designee or a mortgagee or the mortgagee's designee within 10  
123 business ~~15~~ days after receiving a written or electronic request  
124 for the certificate. The estoppel certificate must be delivered  
125 by mail, by hand delivery, or by electronic means to the  
126 requester on the date of issuance.



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127       (1) The estoppel certificate must contain all of the  
128 following:

129       (a) The date of issuance.

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

135       (c) The amount of any additional assessments and other  
136 moneys that are scheduled to become due for each day after the  
137 date of issuance for the 30-day or 35-day effective period of  
138 the estoppel certificate. This amount is limited to amounts  
139 authorized by statute to be recorded in the official records of  
140 the association under s. 720.303(4). In calculating the amounts  
141 that are scheduled to become due, the association may assume  
142 that any delinquent amounts will remain delinquent during the  
143 effective period of the estoppel certificate.

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

147       (e) The signature of an officer or agent of the  
148 association.

149       (2) An estoppel certificate that is delivered on the date  
150 of issuance has a 30-day effective period. An estoppel  
151 certificate that is mailed to the requester has a 35-day  
152 effective period.

153       (3) An association waives the right to collect any moneys  
154 owed in excess of the amounts specified in the estoppel  
155 certificate from any person who in good faith relies upon the



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156 estoppel certificate and from that person's successors and  
157 assigns. the date on which a request for an estoppel certificate  
158 is received from a parcel owner or mortgagee, or his or her  
159 designee, the association shall provide a certificate signed by  
160 an officer or authorized agent of the association stating all  
161 assessments and other moneys owed to the association by the  
162 parcel owner or mortgagee with respect to the parcel. An  
163 association may charge a fee for the preparation of such  
164 certificate, and the amount of such fee must be stated on the  
165 certificate.

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

168 (4)~~(2)~~ A summary proceeding pursuant to s. 51.011 may be  
169 brought to compel compliance with this section, and the  
170 prevailing party is entitled to recover reasonable attorney  
171 attorney's fees.

172 (5) (a) An association or its agent may charge a fee, which  
173 may not exceed its reasonable costs to prepare and deliver the  
174 estoppel certificate. However, the fee for the estoppel  
175 certificate may not exceed \$250 if on the date the certificate  
176 is issued, no delinquent amounts are owed to the association for  
177 the applicable parcel. If an estoppel certificate is requested  
178 on an expedited basis and delivered within 3 business days after  
179 the request, the association may charge an additional fee of  
180 \$100. If delinquent amounts are owed to the association for the  
181 applicable parcel, and additional fee for the certificate may  
182 not exceed \$100. The association may not charge a fee for an  
183 estoppel certificate that is issued more than 10 business days  
184 after it receives the request for the certificate. The maximum



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185 allowable fees charged in accordance with this section shall be  
186 adjusted every 3 years in an amount equal to the annual  
187 increases for that 3-year period in the Consumer Price Index for  
188 All Urban Consumers, U.S. City Average, all items.

189 (b) If the estoppel certificate is requested in conjunction  
190 with the sale or refinancing of a parcel, the fee for the  
191 certificate shall be paid to the association from the closing or  
192 settlement proceeds. If the closing does not occur, the fee for