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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/22/2015 11:05 AM

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Senators Negrón and Latvala moved the following:

**Senate Substitute for Amendment (706802)**

Delete lines 82 - 269

and insert:

the estoppel certificate may not exceed \$200 if on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If delinquent amounts are owed to the association for the applicable unit, an additional fee for the



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12 estoppel certificate may not exceed \$200. The association may  
13 not charge a fee for an estoppel certificate that is issued more  
14 than 10 business days after it receives the request for the  
15 certificate. The maximum allowable fees charged in accordance  
16 with this section shall be adjusted every 3 years in an amount  
17 equal to the annual increases for that 3-year period in the  
18 Consumer Price Index for All Urban Consumers, U.S. City Average,  
19 all items ~~The amount of the fee must be included on the~~  
20 ~~certificate.~~

21 2. If the estoppel certificate is requested in conjunction  
22 with the sale or refinancing of a unit, the fee for the  
23 certificate shall be paid to the association from the closing or  
24 settlement proceeds. If the closing does not occur, the fee for  
25 the certificate is the obligation of the unit owner, and the  
26 association may collect the fee in the same manner as an  
27 assessment against the unit. An association may not require the  
28 payment of any other fees as a condition for the preparation or  
29 delivery of an estoppel certificate.

30 (f) ~~(d)~~ The authority to charge a fee for the estoppel  
31 certificate ~~must shall~~ be established by a written resolution  
32 adopted by the board or provided by a written management,  
33 bookkeeping, or maintenance contract ~~and is payable upon the~~  
34 ~~preparation of the certificate. If the certificate is requested~~  
35 ~~in conjunction with the sale or mortgage of a unit but the~~  
36 ~~closing does not occur and no later than 30 days after the~~  
37 ~~closing date for which the certificate was sought the preparer~~  
38 ~~receives a written request, accompanied by reasonable~~  
39 ~~documentation, that the sale did not occur from a payor that is~~  
40 ~~not the unit owner, the fee shall be refunded to that payor~~



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41 ~~within 30 days after receipt of the request. The refund is the~~  
42 ~~obligation of the unit owner, and the association may collect it~~  
43 ~~from that owner in the same manner as an assessment as provided~~  
44 ~~in this section.~~

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

47 719.108 Rents and assessments; liability; lien and  
48 priority; interest; collection; cooperative ownership.—

49 (6) An association shall issue an estoppel certificate to a  
50 unit owner or the unit owner's designee or a unit mortgagee or  
51 the unit mortgagee's designee within 10 business 15 days after  
52 receiving a written or electronic request for the certificate.  
53 The estoppel certificate must be delivered by mail, by hand  
54 delivery, or by electronic means to the requester on the date of  
55 issuance.

56 (a) The estoppel certificate must contain all of the  
57 following:

58 1. The date of issuance.

59 2. The amount of all assessments and other moneys owed to  
60 the association by the unit owner for a specific unit on the  
61 date of issuance. This amount is limited to the amounts  
62 authorized to be recorded in the official records of the  
63 association under s. 719.104(2).

64 3. The amount of any additional assessments and other  
65 moneys that are scheduled to become due for each day after the  
66 date of issuance for the 30-day or 35-day effective period of  
67 the estoppel certificate. This amount is limited to the amounts  
68 authorized to be recorded in the official records of the  
69 association under s. 719.104(2). In calculating the amounts that



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70 are scheduled to become due, the association may assume that any  
71 delinquent amounts will remain delinquent during the effective  
72 period of the estoppel certificate.

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

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

77 (b) An estoppel certificate that is delivered on the date  
78 of issuance has a 30-day effective period. An estoppel  
79 certificate that is mailed to the requester has a 35-day  
80 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 that person's successors and  
85 assigns.

86 (d) A summary proceeding pursuant to s. 51.011 may be  
87 brought to compel compliance with this subsection, and in any  
88 such action the prevailing party is entitled to recover  
89 reasonable attorney fees by a unit owner or mortgagee, the  
90 association shall provide a certificate stating all assessments  
91 and other moneys owed to the association by the unit owner with  
92 respect to the cooperative parcel. Any person other than the  
93 unit owner who relies upon such certificate shall be protected  
94 thereby.

95 (e)1. Notwithstanding any limitation on transfer fees  
96 contained in s. 719.106(1)(i), an the association or its  
97 authorized agent may charge a reasonable fee, which may not  
98 exceed its reasonable costs to prepare and deliver for the



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99 preparation of the estoppel certificate. However, the fee for  
100 the estoppel certificate may not exceed \$200 if on the date the  
101 certificate is issued, no delinquent amounts are owed to the  
102 association for the applicable unit. If an estoppel certificate  
103 is requested on an expedited basis and delivered within 3  
104 business days after the request, the association may charge an  
105 additional fee of \$100. If delinquent amounts are owed to the  
106 association for the applicable unit, an additional fee for the  
107 estoppel certificate may not exceed \$200. The association may  
108 not charge a fee for an estoppel certificate that is issued more  
109 than 10 business days after it receives a request for the  
110 certificate. The maximum allowable fees charged in accordance  
111 with this section shall be adjusted every 3 years in an amount  
112 equal to the annual increases for that 3-year period in the  
113 Consumer Price Index for All Urban Consumers, U.S. City Average,  
114 all items.

115 2. If the estoppel certificate is requested in conjunction  
116 with the sale or refinancing of a unit, the fee for the  
117 certificate shall be paid to the association from the closing or  
118 settlement proceeds. If the closing does not occur, the fee for  
119 the certificate is the obligation of the unit owner, and the  
120 association may collect the fee in the same manner as an  
121 assessment against the unit. An association may not require the  
122 payment of any other fees as a condition for the preparation or  
123 delivery of an estoppel certificate.

124 (f) The authority to charge a fee for the estoppel  
125 certificate must be established by a written resolution adopted  
126 by the board or provided by a written management, bookkeeping,  
127 or maintenance contract.



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128 Section 3. Section 720.30851, Florida Statutes, is amended  
129 to read:

130 720.30851 Estoppel certificates.—An association shall issue  
131 an estoppel certificate to a parcel owner or the parcel owner's  
132 designee or a mortgagee or the mortgagee's designee within 10  
133 business 15 days after receiving a written or electronic request  
134 for the certificate. The estoppel certificate must be delivered  
135 by mail, by hand delivery, or by electronic means to the  
136 requester on the date of issuance.

137 (1) The estoppel certificate must contain all of the  
138 following:

139 (a) The date of issuance.

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

145 (c) The amount of any additional assessments and other  
146 moneys that are scheduled to become due for each day after the  
147 date of issuance for the 30-day or 35-day effective period of  
148 the estoppel certificate. This amount is limited to amounts  
149 authorized by statute to be recorded in the official records of  
150 the association under s. 720.303(4). In calculating the amounts  
151 that are scheduled to become due, the association may assume  
152 that any delinquent amounts will remain delinquent during the  
153 effective period of the estoppel certificate.

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



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157       (e) The signature of an officer or agent of the  
158 association.

159       (2) An estoppel certificate that is delivered on the date  
160 of issuance has a 30-day effective period. An estoppel  
161 certificate that is mailed to the requester has a 35-day  
162 effective period.

163       (3) An association waives the right to collect any moneys  
164 owed in excess of the amounts specified in the estoppel  
165 certificate from any person who in good faith relies upon the  
166 estoppel certificate and from that person's successors and  
167 assigns the date on which a request for an estoppel certificate  
168 is received from a parcel owner or mortgagee, or his or her  
169 designee, the association shall provide a certificate signed by  
170 an officer or authorized agent of the association stating all  
171 assessments and other moneys owed to the association by the  
172 parcel owner or mortgagee with respect to the parcel. An  
173 association may charge a fee for the preparation of such  
174 certificate, and the amount of such fee must be stated on the  
175 certificate.

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

178       (4)(2) A summary proceeding pursuant to s. 51.011 may be  
179 brought to compel compliance with this section, and the  
180 prevailing party is entitled to recover reasonable attorney  
181 attorney's fees.

182       (5) (a) An association or its agent may charge a fee, which  
183 may not exceed its reasonable costs to prepare and deliver the  
184 estoppel certificate. However, the fee for the estoppel  
185 certificate may not exceed \$200 if on the date the certificate



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186 is issued, no delinquent amounts are owed to the association for  
187 the applicable parcel. If an estoppel certificate is requested  
188 on an expedited basis and delivered within 3 business days after  
189 the request, the association may charge an additional fee of  
190 \$100. If delinquent amounts are owed to the association for the  
191 applicable parcel, an additional fee for the certificate may not  
192 exceed \$200. The association may not charge a fee for an