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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2015	.	
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The Committee on Regulated Industries (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(8) Within 10 ~~15~~ days after receiving a written request for
an estoppel certificate ~~therefor~~ from a unit owner or his or her



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11 designee, or a unit mortgagee or his or her designee, the
12 association shall deliver by mail, hand, or electronic means an
13 estoppel ~~provide~~ a certificate signed by an officer or agent of
14 the association. The estoppel certificate must be dated as of
15 the date it is delivered, must be valid for at least 30 days,
16 and must state ~~stating~~ all assessments and other moneys owed to
17 the association by the unit owner with respect to the unit, as
18 reflected in records maintained pursuant to s. 718.111(12),
19 through a date that is at least 30 days after the date of the
20 estoppel certificate ~~condominium parcel.~~

21 (a) An association waives the right to collect any moneys
22 owed in excess of the amounts set forth in the estoppel
23 certificate from any person who in good faith relies upon the
24 estoppel certificate and from that person's successors and
25 assigns ~~Any person other than the owner who relies upon such~~
26 ~~certificate shall be protected thereby.~~

27 (b) If an association receives a written request for an
28 estoppel certificate from a unit owner or his or her designee,
29 or a unit mortgagee or his or her designee, and fails to deliver
30 an estoppel certificate as required by this section, the
31 association waives, as to any person who would have in good
32 faith relied on the estoppel certificate and as to that person's
33 successors and assigns, any claim, including a claim for a lien
34 against the unit, for any amounts owed to the association that
35 should have been shown on the estoppel certificate ~~A summary~~
36 ~~proceeding pursuant to s. 51.011 may be brought to compel~~
37 ~~compliance with this subsection, and in any such action the~~
38 ~~prevailing party is entitled to recover reasonable attorney's~~
39 ~~fees.~~



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40 (c) Notwithstanding any limitation on transfer fees
41 contained in s. 718.112(2)(i), ~~an the~~ association or its
42 ~~authorized~~ agent may charge a reasonable estoppel certificate a
43 reasonable fee as determined by the cost of providing such
44 information for the preparation and delivery of the estoppel
45 certificate. The amount of the estoppel certificate fee must be
46 included on the estoppel certificate. If the estoppel
47 certificate is requested in conjunction with the sale or
48 refinancing of a unit, the estoppel certificate fee shall be due
49 and payable no earlier than the closing of the sale or
50 refinancing, and shall be paid from closing settlement proceeds.
51 If the closing does not occur within 60 days after the date the
52 estoppel certificate is delivered, the estoppel certificate fee
53 is the obligation of the unit owner and the association may
54 collect the estoppel certificate fee only in the same manner as
55 an assessment against the unit owner as set forth in this
56 section. The preparation and delivery of an estoppel certificate
57 may not be conditioned upon the payment of any other fees.

58 (d) The authority to charge a fee for the estoppel
59 certificate shall be established by a written resolution adopted
60 by the board or provided by a written management, bookkeeping,
61 or maintenance contract and is payable upon the preparation of
62 the certificate. If the certificate is requested in conjunction
63 with the sale or mortgage of a unit but the closing does not
64 occur and no later than 30 days after the closing date for which
65 the certificate was sought the preparer receives a written
66 request, accompanied by reasonable documentation, that the sale
67 did not occur from a payor that is not the unit owner, the fee
68 shall be refunded to that payor within 30 days after receipt of



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69 ~~the request. The refund is the obligation of the unit owner, and~~
70 ~~the association may collect it from that owner in the same~~
71 ~~manner as an assessment as provided in this section.~~

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

74 719.108 Rents and assessments; liability; lien and
75 priority; interest; collection; cooperative ownership.-

76 (6) Within 10 15 days after receiving a written request for
77 an estoppel certificate from by a unit owner or his or her
78 designee, or a unit mortgagee or his or her designee, the
79 association shall deliver by mail, hand, or electronic means an
80 estoppel provide a certificate signed by an officer or agent of
81 the association. The estoppel certificate must be dated as of
82 the date it is delivered, must be valid for at least 30 days,
83 and must state stating all assessments and other moneys owed to
84 the association by the unit owner with respect to the
85 cooperative parcel, as reflected in records maintained pursuant
86 to s. 719.104(2), through a date that is at least 30 days after
87 the date of the estoppel certificate.

88 (a) An association waives the right to collect any moneys
89 owed in excess of the amounts set forth in the estoppel
90 certificate from any person who in good faith relies upon the
91 estoppel certificate, and from that person's successors and
92 assigns Any person other than the unit owner who relies upon
93 such certificate shall be protected thereby.

94 (b) If an association receives a written request for an
95 estoppel certificate from a unit owner or his or her designee,
96 or a unit mortgagee or his or her designee, and fails to deliver
97 an estoppel certificate as required by this section, the



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98 association waives, as to any person who would have in good
99 faith relied on the estoppel certificate and as to that person's
100 successors and assigns, any claim, including a claim for a lien
101 against the unit, for any amounts owed to the association that
102 should have been shown on the estoppel certificate.

103 (c) Notwithstanding any limitation on transfer fees
104 contained in s. 719.106(1)(i), ~~an the~~ association or its
105 ~~authorized~~ agent may charge a reasonable estoppel certificate a
106 reasonable fee as determined by the cost of providing such
107 information for the preparation and delivery of the estoppel
108 certificate. The amount of the estoppel certificate fee must be
109 included on the estoppel certificate. If the estoppel
110 certificate is requested in conjunction with the sale or
111 refinancing of a unit, the estoppel certificate fee shall be due
112 and payable no earlier than the closing of the sale or
113 refinancing, and shall be paid from closing settlement proceeds.
114 If the closing does not occur within 60 days after the date the
115 estoppel certificate is delivered, the estoppel certificate fee
116 is the obligation of the unit owner and the association may
117 collect the estoppel certificate fee only in the same manner as
118 an assessment against the unit owner as set forth in this
119 section. The preparation and delivery of an estoppel certificate
120 may not be conditioned upon the payment of any other fees.

121 (d) The authority to charge a fee for the estoppel
122 certificate shall be established by a written resolution adopted
123 by the board or provided by a written management, bookkeeping,
124 or maintenance contract.

125 Section 3. Section 720.30851, Florida Statutes, is amended
126 to read:



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127 720.30851 Estoppel certificates.—Within 10 ~~15~~ days after
128 receiving the date on which a written request for an estoppel
129 certificate is received from a parcel owner or his or her
130 designee, or a parcel mortgagee, or his or her designee, the
131 association shall deliver by mail, hand, or electronic means an
132 estoppel ~~provide~~ a certificate signed by an officer or
133 ~~authorized~~ agent of the association. The estoppel certificate
134 must be dated as of the date it is delivered, must be valid for
135 at least 30 days, and must state ~~stating~~ all assessments and
136 other moneys owed to the association by the parcel owner or
137 parcel mortgagee with respect to the parcel, as reflected in
138 records maintained pursuant to s. 720.303(4), through a date
139 that is at least 30 days after the date of the estoppel
140 certificate. An association may charge a fee for the preparation
141 of such certificate, and the amount of such fee must be stated
142 on the certificate.

143 (1) An association waives the right to collect any moneys
144 owed in excess of the amounts set forth in the estoppel
145 certificate from any person who in good faith relies upon the
146 estoppel certificate, and from that person's successors and
147 assigns ~~Any person other than a parcel owner who relies upon a~~
148 ~~certificate receives the benefits and protection thereof.~~

149 (2) If an association receives a written request for an
150 estoppel certificate from a parcel owner or his or her designee,
151 or a parcel mortgagee or his or her designee, and fails to
152 deliver an estoppel certificate as required by this section, the
153 association waives, as to any person who would have in good
154 faith relied on the estoppel certificate and as to that person's
155 successors and assigns, any claim, including a claim for a lien



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156 against the parcel, for any amounts owed to the association that
157 should have been shown on the estoppel certificate ~~A summary~~
158 ~~proceeding pursuant to s. 51.011 may be brought to compel~~
159 ~~compliance with this section, and the prevailing party is~~
160 ~~entitled to recover reasonable attorney's fees.~~

161 (3) An association or its agent may charge a reasonable
162 estoppel certificate fee as determined by the cost of providing
163 such information for the preparation and delivery of the
164 estoppel certificate. The amount of the estoppel certificate fee
165 must be included on the estoppel certificate. If the estoppel
166 certificate is requested in conjunction with the sale or
167 refinancing of a parcel, the estoppel certificate fee shall be
168 due and payable no earlier than the closing of the sale or
169 refinancing, and shall be paid from the closing settlement
170 proceeds. If the closing does not occur within 60 days after the
171 date the estoppel certificate is delivered, the estoppel
172 certificate fee is the obligation of the parcel owner and the
173 association may collect the estoppel certificate fee only in the
174 same manner as an assessment against the parcel owner as set
175 forth in s. 720.3085. The preparation and delivery of an
176 estoppel certificate may not be conditioned upon the payment of
177 any other fees.

178 (4) The authority to charge a fee for the estoppel
179 certificate shall be established by a written resolution adopted
180 by the board or provided by a written management, bookkeeping,
181 or maintenance contract and is payable upon the preparation of
182 the certificate. If the certificate is requested in conjunction
183 with the sale or mortgage of a parcel but the closing does not
184 occur and no later than 30 days after the closing date for which



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185 ~~the certificate was sought the preparer receives a written~~
186 ~~request, accompanied by reasonable documentation, that the sale~~
187 ~~did not occur from a payor that is not the parcel owner, the fee~~
188 ~~shall be refunded to that payor within 30 days after receipt of~~
189 ~~the request. The refund is the obligation of the parcel owner,~~
190 ~~and the association may collect it from that owner in the same~~
191 ~~manner as an assessment as provided in this section.~~

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

193

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

195 And the title is amended as follows:

196 Delete everything before the enacting clause
197 and insert:

198 A bill to be entitled
199 An act relating to residential properties; amending
200 ss. 718.116, 719.108, and 720.30851, F.S.; providing
201 requirements relating to the request for an estoppel
202 certificate by a unit or parcel owner or a unit or
203 parcel mortgagee; providing that the association
204 waives the right to collect any moneys owed in excess
205 of the amounts set forth in the estoppel certificate
206 under certain conditions; providing that the
207 association waives any claim against a person or
208 entity who would have relied in good faith upon the
209 estoppel certificate under certain conditions;
210 deleting provisions regarding expedited court action
211 to compel issuance of an estoppel certificate;
212 providing an effective date.