



706802

LEGISLATIVE ACTION

Senate

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House

Floor: 1/RS/2R

04/22/2015 11:06 AM

Senators Negrón and Latvala moved the following:

Senate Amendment

Delete lines 82 - 269

and insert:

the estoppel certificate may not exceed \$150 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 \$150 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 \$150 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