



712124

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/09/2015	.	
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	.	
	.	

The Committee on Judiciary (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) An association shall issue an estoppel certificate to a
unit owner or the unit owner's designee or a unit mortgagee or
the unit mortgagee's designee within 10 business 15 days after



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12 receiving a written request for the certificate. The estoppel
13 certificate must be delivered by mail, by hand delivery, or by
14 electronic means to the requester on the date of issuance.

15 (a) The estoppel certificate must contain all of the
16 following:

17 1. The date of issuance.

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

23 3. The amount of any additional assessments and other
24 moneys that are scheduled to become due for each day after the
25 date of issuance for the 30-day or 35-day effective period of
26 the estoppel certificate. This amount is limited to amounts
27 authorized by statute to be recorded in the official records of
28 the association under s. 718.111(12). In calculating the amounts
29 that are scheduled to become due, the association may assume
30 that any delinquent amounts will remain delinquent during the
31 effective period of the estoppel certificate.

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

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

36 (b) An estoppel certificate that is delivered on the date
37 of issuance has a 30-day effective period. An estoppel
38 certificate that is mailed to the requester has a 35-day
39 effective period.

40 (c) An association waives the right to collect any moneys



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41 owed in excess of the amounts specified in the estoppel
42 certificate from any person who in good faith relies upon the
43 estoppel certificate and from the person's successors and
44 assigns. ~~therefor from a unit owner or his or her designee, or a~~
45 ~~unit mortgagee or his or her designee, the association shall~~
46 ~~provide a certificate signed by an officer or agent of the~~
47 ~~association stating all assessments and other moneys owed to the~~
48 ~~association by the unit owner with respect to the condominium~~
49 ~~parcel.~~

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

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

56 (e)1. ~~(e)~~ Notwithstanding any limitation on transfer fees
57 contained in s. 718.112(2)(i), an ~~the~~ association or its
58 ~~authorized~~ agent may charge a reasonable fee, not to exceed its
59 reasonable costs to prepare and deliver ~~for the preparation of~~
60 the estoppel certificate. However, the fee for the estoppel
61 certificate may not exceed \$100 if on the date the certificate
62 is issued, there are no delinquent amounts owed to the
63 association for the applicable unit. If delinquent amounts are
64 owed to the association for the applicable unit, the fee for the
65 estoppel certificate may not exceed \$300. The association may
66 not charge a fee for an estoppel certificate that is issued more
67 than 10 business days after it receives the request for the
68 certificate. ~~The amount of the fee must be included on the~~
69 ~~certificate.~~



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70 2. If the estoppel certificate is requested in conjunction
71 with the sale or refinancing of a unit, the fee for the
72 certificate shall be paid to the association from the closing or
73 settlement proceeds. If the closing does not occur within 60
74 days after the issuance of the estoppel certificate, the fee for
75 the certificate is the obligation of the unit owner, and the
76 association may collect the fee in the same manner as an
77 assessment against the unit. An association may not require the
78 payment of any other fees as a condition for the preparation or
79 delivery of an estoppel certificate.

80 (f) ~~(d)~~ The authority to charge a fee for the estoppel
81 certificate must ~~shall~~ be established by a written resolution
82 adopted by the board or provided by a written management,
83 bookkeeping, or maintenance contract and is payable upon the
84 preparation of the certificate. If the certificate is requested
85 in conjunction with the sale or mortgage of a unit but the
86 closing does not occur and no later than 30 days after the
87 closing date for which the certificate was sought the preparer
88 receives a written request, accompanied by reasonable
89 documentation, that the sale did not occur from a payor that is
90 not the unit owner, the fee shall be refunded to that payor
91 within 30 days after receipt of the request. The refund is the
92 obligation of the unit owner, and the association may collect it
93 from that owner in the same manner as an assessment as provided
94 in this section.

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

97 719.108 Rents and assessments; liability; lien and
98 priority; interest; collection; cooperative ownership.-



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99 (6) An association shall issue an estoppel certificate to a
100 unit owner or the unit owner's designee or a unit mortgagee or
101 the unit mortgagee's designee within 10 business ~~15~~ days after
102 receiving a written request for the certificate. The estoppel
103 certificate must be delivered by mail, by hand delivery, or by
104 electronic means to the requester on the date of issuance.

105 (a) The estoppel certificate must contain all of the
106 following:

107 1. The date of issuance.

108 2. The amount of all assessments and other moneys owed to
109 the association by the unit owner for a specific unit on the
110 date of issuance. This amount is limited to the amounts
111 authorized to be recorded in the official records of the
112 association under s. 719.104(2).

113 3. The amount of any additional assessments and other
114 moneys that are scheduled to become due for each day after the
115 date of issuance for the 30-day or 35-day effective period of
116 the estoppel certificate. This amount is limited to the amounts
117 authorized to be recorded in the official records of the
118 association under s. 719.104(2). In calculating the amounts that
119 are scheduled to become due, the association may assume that any
120 delinquent amounts will remain delinquent during the effective
121 period of the estoppel certificate.

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

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

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



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128 certificate that is mailed to the requester has a 35-day
129 effective period.

130 (c) An association waives the right to collect any moneys
131 owed in excess of the amounts specified in the estoppel
132 certificate from any person who in good faith relies upon the
133 estoppel certificate and from that person's successors and
134 assigns.

135 (d) A summary proceeding pursuant to s. 51.011 may be
136 brought to compel compliance with this subsection, and in any
137 such action the prevailing party is entitled to recover
138 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
139 ~~association shall provide a certificate stating all assessments~~
140 ~~and other moneys owed to the association by the unit owner with~~
141 ~~respect to the cooperative parcel. Any person other than the~~
142 ~~unit owner who relies upon such certificate shall be protected~~
143 ~~thereby.~~

144 (e)1. Notwithstanding any limitation on transfer fees
145 contained in s. 719.106(1)(i), ~~an~~ the association or its
146 authorized agent may charge a ~~reasonable~~ fee, not to exceed its
147 reasonable costs to prepare and deliver ~~for the preparation of~~
148 the estoppel certificate. However, the fee for the estoppel
149 certificate may not exceed \$100 if on the date the certificate
150 is issued, there are no delinquent amounts owed to the
151 association for the applicable unit. If delinquent amounts are
152 owed to the association for the applicable unit, the fee for the
153 estoppel certificate may not exceed \$300. The association may
154 not charge a fee for an estoppel certificate that is issued more
155 than 10 business days after it receives a request for the
156 certificate.



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157 2. If the estoppel certificate is requested in conjunction
158 with the sale or refinancing of a unit, the fee for the
159 certificate shall be paid to the association from the closing or
160 settlement proceeds. If the closing does not occur within 60
161 days after the issuance of the estoppel certificate, the fee for
162 the certificate is the obligation of the unit owner, and the
163 association may collect the fee in the same manner as an
164 assessment against the unit. An association may not require the
165 payment of any other fees as a condition for the preparation or
166 delivery of an estoppel certificate.

167 (f) The authority to charge a fee for the estoppel
168 certificate must be established by a written resolution adopted
169 by the board or provided by a written management, bookkeeping,
170 or maintenance contract.

171 Section 3. Section 720.30851, Florida Statutes, is amended
172 to read:

173 720.30851 Estoppel certificates.—An association shall issue
174 an estoppel certificate to a parcel owner or the parcel owner's
175 designee or a mortgagee or the mortgagee's designee within 10
176 business ~~15~~ days after receiving a written request for the
177 certificate. The estoppel certificate must be delivered by mail,
178 by hand delivery, or by electronic means to the requester on the
179 date of issuance.

180 (1) The estoppel certificate must contain all of the
181 following:

182 (a) The date of issuance.

183 (b) The amount of all assessments and other moneys owed to
184 the association by the parcel owner for a specific parcel as
185 recorded on the date of issuance. This amount is limited to



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186 amounts authorized by statute to be recorded in the official
187 records of the association under s. 720.303(4).

188 (c) The amount of any additional assessments and other
189 moneys that are scheduled to become due for each day after the
190 date of issuance for the 30-day or 35-day effective period of
191 the estoppel certificate. This amount is limited to amounts
192 authorized by statute to be recorded in the official records of
193 the association under s. 720.303(4). In calculating the amounts
194 that are scheduled to become due, the association may assume
195 that any delinquent amounts will remain delinquent during the
196 effective period of the estoppel certificate.

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

200 (e) The signature of an officer or agent of the
201 association.

202 (2) An estoppel certificate that is delivered on the date
203 of issuance has a 30-day effective period. An estoppel
204 certificate that is mailed to the requester has a 35-day
205 effective period.

206 (3) An association waives the right to collect any moneys
207 owed in excess of the amounts specified in the estoppel
208 certificate from any person who in good faith relies upon the
209 estoppel certificate and from that person's successors and
210 assigns. ~~the date on which a request for an estoppel certificate~~
211 ~~is received from a parcel owner or mortgagee, or his or her~~
212 ~~designee, the association shall provide a certificate signed by~~
213 ~~an officer or authorized agent of the association stating all~~
214 ~~assessments and other moneys owed to the association by the~~



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215 ~~parcel owner or mortgagee with respect to the parcel. An~~
216 ~~association may charge a fee for the preparation of such~~
217 ~~certificate, and the amount of such fee must be stated on the~~
218 ~~certificate.~~

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

221 ~~(4)-(2)~~ A summary proceeding pursuant to s. 51.011 may be
222 brought to compel compliance with this section, and the
223 prevailing party is entitled to recover reasonable attorney
224 attorney's fees.

225 (5) (a) An association or its agent may charge a fee, not to
226 exceed its reasonable costs to prepare and deliver the estoppel
227 certificate. However, the fee for the estoppel certificate may
228 not exceed \$100 if on the date the certificate is issued, there
229 are no delinquent amounts owed to the association for the
230 applicable parcel. If delinquent amounts are owed to the
231 association for the applicable parcel, the fee for the
232 certificate may not exceed \$300. The association may not charge
233 a fee for an estoppel certificate that is issued more than 10
234 business days after it receives the request for the certificate.

235 (b) If the estoppel certificate is requested in conjunction
236 with the sale or refinancing of a parcel, the fee for the
237 certificate shall be paid to the association from the closing or
238 settlement proceeds. If the closing does not occur within 60
239 days after the issuance of the estoppel certificate, the fee for
240 the certificate is the obligation of the parcel owner, and the
241 association may collect the fee in the same manner as an
242 assessment against the parcel. An association may not require
243 the payment of any other fees as a condition for the preparation



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244 or delivery of an estoppel certificate.

245 ~~(6)(3) The authority to charge a fee for the estoppel~~
246 ~~certificate must shall be established by a written resolution~~
247 ~~adopted by the board or provided by a written management,~~
248 ~~bookkeeping, or maintenance contract and is payable upon the~~
249 ~~preparation of the certificate. If the certificate is requested~~
250 ~~in conjunction with the sale or mortgage of a parcel but the~~
251 ~~closing does not occur and no later than 30 days after the~~
252 ~~closing date for which the certificate was sought the preparer~~
253 ~~receives a written request, accompanied by reasonable~~
254 ~~documentation, that the sale did not occur from a payor that is~~
255 ~~not the parcel owner, the fee shall be refunded to that payor~~
256 ~~within 30 days after receipt of the request. The refund is the~~
257 ~~obligation of the parcel owner, and the association may collect~~
258 ~~it from that owner in the same manner as an assessment as~~
259 ~~provided in this section.~~

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

261
262 ===== T I T L E A M E N D M E N T =====

263 And the title is amended as follows:

264 Delete everything before the enacting clause
265 and insert:

266 A bill to be entitled
267 An act relating to residential properties; amending
268 ss. 718.116, 719.108, and 720.30851, F.S.; revising
269 requirements relating to the issuance of an estoppel
270 certificate to specified persons; requiring that an
271 estoppel certificate contain certain information;
272 providing an effective period for a certificate based



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273 upon the date of issuance and form of delivery;
274 providing that the association waives a specified
275 claim against a person or such person's successors or
276 assigns who rely on the certificate in good faith;
277 authorizing a summary proceeding to be brought to
278 compel an association to prepare or deliver an
279 estoppel certificate; specifying the maximum amounts
280 an association may charge for an estoppel certificate;
281 providing that the authority to charge a fee for the
282 estoppel certificate must be established by a
283 specified written resolution or provided by a written
284 management, bookkeeping, or maintenance contract;
285 deleting obsolete provisions; conforming provisions to
286 changes made by the act; providing an effective date.