



811302

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Judiciary (Diaz de la Portilla) recommended the following:

1 **Senate Substitute for Amendment (712124) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 718.116 Assessments; liability; lien and priority;
9 interest; collection.—

10 (8) An association shall issue an estoppel certificate to a



811302

11 unit owner or the unit owner's designee or a unit mortgagee or
12 the unit mortgagee's designee within 10 business ~~15~~ days after
13 receiving a written or electronic request for the certificate.
14 The estoppel certificate must be delivered by mail, by hand
15 delivery, or by electronic means to the requester on the date of
16 issuance.

17 (a) The estoppel certificate must contain all of the
18 following:

19 1. The date of issuance.

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

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

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

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

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



811302

40 certificate that is mailed to the requester has a 35-day
41 effective period.

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

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

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

58 (e) 1. ~~(c)~~ Notwithstanding any limitation on transfer fees
59 contained in s. 718.112(2)(i), an ~~the~~ association or its
60 ~~authorized~~ agent may charge a reasonable fee, which may not
61 exceed its reasonable costs to prepare and deliver ~~for the~~
62 ~~preparation of the estoppel certificate. However, the fee for~~
63 the estoppel certificate may not exceed \$250 if on the date the
64 certificate is issued, no delinquent amounts are owed to the
65 association for the applicable unit. If an estoppel certificate
66 is requested on an expedited basis and delivered within 3
67 business days after the request, the association may charge
68 additional fee of \$100. If delinquent amounts are owed to the



811302

69 association for the applicable unit, an additional fee for the
70 estoppel certificate may not exceed \$100. The association may
71 not charge a fee for an estoppel certificate that is issued more
72 than 10 business days after it receives the request for the
73 certificate. ~~The amount of the fee must be included on the~~
74 ~~certificate.~~

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

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



811302

98 ~~from that owner in the same manner as an assessment as provided~~
99 ~~in this section.~~

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

102 719.108 Rents and assessments; liability; lien and
103 priority; interest; collection; cooperative ownership.—

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

111 (a) The estoppel certificate must contain all of the
112 following:

113 1. The date of issuance.

114 2. The amount of all assessments and other moneys owed to
115 the association by the unit owner for a specific unit on the
116 date of issuance. 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).

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



811302

127 period of the estoppel certificate.

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

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

132 (b) An estoppel certificate that is delivered on the date
133 of issuance has a 30-day effective period. An estoppel
134 certificate that is mailed to the requester has a 35-day
135 effective period.

136 (c) An association waives the right to collect any moneys
137 owed in excess of the amounts specified in the estoppel
138 certificate from any person who in good faith relies upon the
139 estoppel certificate and from that person's successors and
140 assigns.

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

150 (e)1. Notwithstanding any limitation on transfer fees
151 contained in s. 719.106(1)(i), ~~an the~~ association or its
152 authorized agent may charge a ~~reasonable~~ fee, which may not
153 exceed its reasonable costs to prepare and deliver ~~for the~~
154 ~~preparation of the estoppel~~ certificate. However, the fee for
155 the estoppel certificate may not exceed \$250 if on the date the



811302

156 certificate is issued, no delinquent amounts are owed to the
157 association for the applicable unit. If an estoppel certificate
158 is requested on an expedited basis and delivered within 3
159 business days after the request, the association may charge an
160 additional fee of \$100. If delinquent amounts are owed to the
161 association for the applicable unit, an additional fee for the
162 estoppel certificate may not exceed \$100. The association may
163 not charge a fee for an estoppel certificate that is issued more
164 than 10 business days after it receives a request for the
165 certificate.

166 2. If the estoppel certificate is requested in conjunction
167 with the sale or refinancing of a unit, the fee for the
168 certificate shall be paid to the association from the closing or
169 settlement proceeds. If the closing does not occur within 60
170 days after the issuance of the estoppel certificate, the fee for
171 the certificate is the obligation of the unit owner, and the
172 association may collect the fee in the same manner as an
173 assessment against the unit. An association may not require the
174 payment of any other fees as a condition for the preparation or
175 delivery of an estoppel certificate.

176 (f) The authority to charge a fee for the estoppel
177 certificate must be established by a written resolution adopted
178 by the board or provided by a written management, bookkeeping,
179 or maintenance contract.

180 Section 3. Section 720.30851, Florida Statutes, is amended
181 to read:

182 720.30851 Estoppel certificates.—An association shall issue
183 an estoppel certificate to a parcel owner or the parcel owner's
184 designee or a mortgagee or the mortgagee's designee within 10



811302

185 business 15 days after receiving a written or electronic request
186 for the certificate. The estoppel certificate must be delivered
187 by mail, by hand delivery, or by electronic means to the
188 requester on the date of issuance.

189 (1) The estoppel certificate must contain all of the
190 following:

191 (a) The date of issuance.

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

197 (c) The amount of any additional assessments and other
198 moneys that are scheduled to become due for each day after the
199 date of issuance for the 30-day or 35-day effective period of
200 the estoppel certificate. This amount is limited to amounts
201 authorized by statute to be recorded in the official records of
202 the association under s. 720.303(4). In calculating the amounts
203 that are scheduled to become due, the association may assume
204 that any delinquent amounts will remain delinquent during the
205 effective period of the estoppel certificate.

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

209 (e) The signature of an officer or agent of the
210 association.

211 (2) An estoppel certificate that is delivered on the date
212 of issuance has a 30-day effective period. An estoppel
213 certificate that is mailed to the requester has a 35-day



811302

214 effective period.

215 (3) An association waives the right to collect any moneys
216 owed in excess of the amounts specified in the estoppel
217 certificate from any person who in good faith relies upon the
218 estoppel certificate and from that person's successors and
219 assigns. ~~the date on which a request for an estoppel certificate~~
220 ~~is received from a parcel owner or mortgagee, or his or her~~
221 ~~designee, the association shall provide a certificate signed by~~
222 ~~an officer or authorized agent of the association stating all~~
223 ~~assessments and other moneys owed to the association by the~~
224 ~~parcel owner or mortgagee with respect to the parcel. An~~
225 ~~association may charge a fee for the preparation of such~~
226 ~~certificate, and the amount of such fee must be stated on the~~
227 ~~certificate.~~

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

230 (4)~~(2)~~ A summary proceeding pursuant to s. 51.011 may be
231 brought to compel compliance with this section, and the
232 prevailing party is entitled to recover reasonable attorney
233 attorney's fees.

234 (5) (a) An association or its agent may charge a fee, which
235 may not exceed its reasonable costs to prepare and deliver the
236 estoppel certificate. However, the fee for the estoppel
237 certificate may not exceed \$250 if on the date the certificate
238 is issued, no delinquent amounts are owed to the association for
239 the applicable parcel. If an estoppel certificate is requested
240 on an expedited basis and delivered within 3 business days after
241 the request, the association may charge an additional fee of
242 \$100. If delinquent amounts are owed to the association for the



811302

243 applicable parcel, and additional fee for the certificate may
244 not exceed \$100. The association may not charge a fee for an
245 estoppel certificate that is issued more than 10 business days
246 after it receives the request for the certificate.

247 (b) If the estoppel certificate is requested in conjunction
248 with the sale or refinancing of a parcel, the fee for the
249 certificate shall be paid to the association from the closing or
250 settlement proceeds. If the closing does not occur within 60
251 days after the issuance of the estoppel certificate, the fee for
252 the certificate is the obligation of the parcel owner, and the
253 association may collect the fee in the same manner as an
254 assessment against the parcel. An association may not require
255 the payment of any other fees as a condition for the preparation
256 or delivery of an estoppel certificate.

257 ~~(6)(3) The authority to charge a fee for the estoppel~~
258 ~~certificate must shall be established by a written resolution~~
259 ~~adopted by the board or provided by a written management,~~
260 ~~bookkeeping, or maintenance contract and is payable upon the~~
261 ~~preparation of the certificate. If the certificate is requested~~
262 ~~in conjunction with the sale or mortgage of a parcel but the~~
263 ~~closing does not occur and no later than 30 days after the~~
264 ~~closing date for which the certificate was sought the preparer~~
265 ~~receives a written request, accompanied by reasonable~~
266 ~~documentation, that the sale did not occur from a payor that is~~
267 ~~not the parcel owner, the fee shall be refunded to that payor~~
268 ~~within 30 days after receipt of the request. The refund is the~~
269 ~~obligation of the parcel owner, and the association may collect~~
270 ~~it from that owner in the same manner as an assessment as~~
271 ~~provided in this section.~~



811302

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

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

275 And the title is amended as follows:

276 Delete everything before the enacting clause

277 and insert:

278 A bill to be entitled

279 An act relating to residential properties; amending
280 ss. 718.116, 719.108, and 720.30851, F.S.; revising
281 requirements relating to the issuance of an estoppel
282 certificate to specified persons; requiring that an
283 estoppel certificate contain certain information;
284 providing an effective period for a certificate based
285 upon the date of issuance and form of delivery;
286 providing that the association waives a specified
287 claim against a person or such person's successors or
288 assigns who rely on the certificate in good faith;
289 authorizing a summary proceeding to be brought to
290 compel an association to prepare or deliver an
291 estoppel certificate; specifying the maximum amounts
292 an association may charge for an estoppel certificate;
293 providing that the authority to charge a fee for the
294 estoppel certificate must be established by a
295 specified written resolution or provided by a written
296 management, bookkeeping, or maintenance contract;
297 deleting obsolete provisions; conforming provisions to
298 changes made by the act; providing an effective date.