

By the Committees on Judiciary; and Regulated Industries; and  
Senators Stargel and Detert

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1 A bill to be entitled  
2 An act relating to residential properties; amending  
3 ss. 718.116, 719.108, and 720.30851, F.S.; revising  
4 requirements relating to the issuance of an estoppel  
5 certificate to specified persons; requiring that an  
6 estoppel certificate contain certain information;  
7 providing an effective period for a certificate based  
8 upon the date of issuance and form of delivery;  
9 providing that the association waives a specified  
10 claim against a person or such person's successors or  
11 assigns who rely on the certificate in good faith;  
12 authorizing a summary proceeding to be brought to  
13 compel an association to prepare or deliver an  
14 estoppel certificate; specifying the maximum amounts  
15 an association may charge for an estoppel certificate;  
16 providing that the authority to charge a fee for the  
17 estoppel certificate must be established by a  
18 specified written resolution or provided by a written  
19 management, bookkeeping, or maintenance contract;  
20 deleting obsolete provisions; conforming provisions to  
21 changes made by the act; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsection (8) of section 718.116, Florida  
26 Statutes, is amended to read:

27 718.116 Assessments; liability; lien and priority;  
28 interest; collection.-

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

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30 unit owner or the unit owner's designee or a unit mortgagee or  
31 the unit mortgagee's designee within 10 business ~~15~~ days after  
32 receiving a written ~~or electronic~~ request ~~for the certificate.~~  
33 The estoppel certificate must be delivered by mail, by hand  
34 delivery, or by electronic means to the requester on the date of  
35 issuance.

36 (a) The estoppel certificate must contain all of the  
37 following:

38 1. The date of issuance.

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

44 3. The amount of any additional assessments and other  
45 moneys that are scheduled to become due for each day after the  
46 date of issuance for the 30-day or 35-day effective period of  
47 the estoppel certificate. This amount is limited to amounts  
48 authorized by statute to be recorded in the official records of  
49 the association under s. 718.111(12). In calculating the amounts  
50 that are scheduled to become due, the association may assume  
51 that any delinquent amounts will remain delinquent during the  
52 effective period of the estoppel certificate.

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

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

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

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59 certificate that is mailed to the requester has a 35-day  
60 effective period.

61 (c) An association waives the right to collect any moneys  
62 owed in excess of the amounts specified in the estoppel  
63 certificate from any person who in good faith relies upon the  
64 estoppel certificate and from the person's successors and  
65 assigns. therefor from a unit owner or his or her designee, or a  
66 unit mortgagee or his or her designee, the association shall  
67 provide a certificate signed by an officer or agent of the  
68 association stating all assessments and other moneys owed to the  
69 association by the unit owner with respect to the condominium  
70 parcel.

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

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

77 (e)1.(e) Notwithstanding any limitation on transfer fees  
78 contained in s. 718.112(2)(i), an the association or its  
79 authorized agent may charge a reasonable fee, which may not  
80 exceed its reasonable costs to prepare and deliver for the  
81 preparation of the estoppel certificate. However, the fee for  
82 the estoppel certificate may not exceed \$250 if on the date the  
83 certificate is issued, no delinquent amounts are owed to the  
84 association for the applicable unit. If an estoppel certificate  
85 is requested on an expedited basis and delivered within 3  
86 business days after the request, the association may charge  
87 additional fee of \$100. If delinquent amounts are owed to the

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88 association for the applicable unit, an additional fee for the  
89 estoppel certificate may not exceed \$100. The association may  
90 not charge a fee for an estoppel certificate that is issued more  
91 than 10 business days after it receives the request for the  
92 certificate. ~~The amount of the fee must be included on the~~  
93 certificate.

94 2. If the estoppel certificate is requested in conjunction  
95 with the sale or refinancing of a unit, the fee for the  
96 certificate shall be paid to the association from the closing or  
97 settlement proceeds. If the closing does not occur within 60  
98 days after the issuance of the estoppel certificate, the fee for  
99 the certificate is the obligation of the unit owner, and the  
100 association may collect the fee in the same manner as an  
101 assessment against the unit. An association may not require the  
102 payment of any other fees as a condition for the preparation or  
103 delivery of an estoppel certificate.

104 (f) ~~(d)~~ The authority to charge a fee for the estoppel  
105 certificate ~~must shall~~ be established by a written resolution  
106 adopted by the board or provided by a written management,  
107 bookkeeping, or maintenance contract ~~and is payable upon the~~  
108 preparation of the certificate. ~~If the certificate is requested~~  
109 ~~in conjunction with the sale or mortgage of a unit but the~~  
110 ~~closing does not occur and no later than 30 days after the~~  
111 ~~closing date for which the certificate was sought the preparer~~  
112 ~~receives a written request, accompanied by reasonable~~  
113 ~~documentation, that the sale did not occur from a payor that is~~  
114 ~~not the unit owner, the fee shall be refunded to that payor~~  
115 ~~within 30 days after receipt of the request. The refund is the~~  
116 ~~obligation of the unit owner, and the association may collect it~~

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117 ~~from that owner in the same manner as an assessment as provided~~  
118 ~~in this section.~~

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

121 719.108 Rents and assessments; liability; lien and  
122 priority; interest; collection; cooperative ownership.—

123 (6) An association shall issue an estoppel certificate to a  
124 unit owner or the unit owner's designee or a unit mortgagee or  
125 the unit mortgagee's designee within 10 business 15 days after  
126 receiving a written or electronic request for the certificate.  
127 The estoppel certificate must be delivered by mail, by hand  
128 delivery, or by electronic means to the requester on the date of  
129 issuance.

130 (a) The estoppel certificate must contain all of the  
131 following:

132 1. The date of issuance.

133 2. The amount of all assessments and other moneys owed to  
134 the association by the unit owner for a specific unit on the  
135 date of issuance. This amount is limited to the amounts  
136 authorized to be recorded in the official records of the  
137 association under s. 719.104(2).

138 3. The amount of any additional assessments and other  
139 moneys that are scheduled to become due for each day after the  
140 date of issuance for the 30-day or 35-day effective period of  
141 the estoppel certificate. This amount is limited to the amounts  
142 authorized to be recorded in the official records of the  
143 association under s. 719.104(2). In calculating the amounts that  
144 are scheduled to become due, the association may assume that any  
145 delinquent amounts will remain delinquent during the effective

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146 period of the estoppel certificate.

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

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

151 (b) An estoppel certificate that is delivered on the date  
152 of issuance has a 30-day effective period. An estoppel  
153 certificate that is mailed to the requester has a 35-day  
154 effective period.

155 (c) An association waives the right to collect any moneys  
156 owed in excess of the amounts specified in the estoppel  
157 certificate from any person who in good faith relies upon the  
158 estoppel certificate and from that person's successors and  
159 assigns.

160 (d) A summary proceeding pursuant to s. 51.011 may be  
161 brought to compel compliance with this subsection, and in any  
162 such action the prevailing party is entitled to recover  
163 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~  
164 association shall provide a certificate stating all assessments  
165 and other moneys owed to the association by the unit owner with  
166 respect to the cooperative parcel. Any person other than the  
167 unit owner who relies upon such certificate shall be protected  
168 thereby.

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

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175 certificate is issued, no delinquent amounts are owed to the  
176 association for the applicable unit. If an estoppel certificate  
177 is requested on an expedited basis and delivered within 3  
178 business days after the request, the association may charge an  
179 additional fee of \$100. If delinquent amounts are owed to the  
180 association for the applicable unit, an additional fee for the  
181 estoppel certificate may not exceed \$100. The association may  
182 not charge a fee for an estoppel certificate that is issued more  
183 than 10 business days after it receives a request for the  
184 certificate.

185 2. If the estoppel certificate is requested in conjunction  
186 with the sale or refinancing of a unit, the fee for the  
187 certificate shall be paid to the association from the closing or  
188 settlement proceeds. If the closing does not occur within 60  
189 days after the issuance of the estoppel certificate, the fee for  
190 the certificate is the obligation of the unit owner, and the  
191 association may collect the fee in the same manner as an  
192 assessment against the unit. An association may not require the  
193 payment of any other fees as a condition for the preparation or  
194 delivery of an estoppel certificate.

195 (f) The authority to charge a fee for the estoppel  
196 certificate must be established by a written resolution adopted  
197 by the board or provided by a written management, bookkeeping,  
198 or maintenance contract.

199 Section 3. Section 720.30851, Florida Statutes, is amended  
200 to read:

201 720.30851 Estoppel certificates.—An association shall issue  
202 an estoppel certificate to a parcel owner or the parcel owner's  
203 designee or a mortgagee or the mortgagee's designee within 10

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204 business 15 days after receiving a written or electronic request  
205 for the certificate. The estoppel certificate must be delivered  
206 by mail, by hand delivery, or by electronic means to the  
207 requester on the date of issuance.

208 (1) The estoppel certificate must contain all of the  
209 following:

210 (a) The date of issuance.

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

216 (c) The amount of any additional assessments and other  
217 moneys that are scheduled to become due for each day after the  
218 date of issuance for the 30-day or 35-day effective period of  
219 the estoppel certificate. This amount is limited to amounts  
220 authorized by statute to be recorded in the official records of  
221 the association under s. 720.303(4). In calculating the amounts  
222 that are scheduled to become due, the association may assume  
223 that any delinquent amounts will remain delinquent during the  
224 effective period of the estoppel certificate.

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

228 (e) The signature of an officer or agent of the  
229 association.

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

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233 effective period.

234 (3) An association waives the right to collect any moneys  
235 owed in excess of the amounts specified in the estoppel  
236 certificate from any person who in good faith relies upon the  
237 estoppel certificate and from that person's successors and  
238 assigns. the date on which a request for an estoppel certificate  
239 is received from a parcel owner or mortgagee, or his or her  
240 designee, the association shall provide a certificate signed by  
241 an officer or authorized agent of the association stating all  
242 assessments and other moneys owed to the association by the  
243 parcel owner or mortgagee with respect to the parcel. An  
244 association may charge a fee for the preparation of such  
245 certificate, and the amount of such fee must be stated on the  
246 certificate.

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

249 (4)-(2) A summary proceeding pursuant to s. 51.011 may be  
250 brought to compel compliance with this section, and the  
251 prevailing party is entitled to recover reasonable attorney  
252 attorney's fees.

253 (5) (a) An association or its agent may charge a fee, which  
254 may not exceed its reasonable costs to prepare and deliver the  
255 estoppel certificate. However, the fee for the estoppel  
256 certificate may not exceed \$250 if on the date the certificate  
257 is issued, no delinquent amounts are owed to the association for  
258 the applicable parcel. If an estoppel certificate is requested  
259 on an expedited basis and delivered within 3 business days after  
260 the request, the association may charge an additional fee of  
261 \$100. If delinquent amounts are owed to the association for the

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

266 (b) If the estoppel certificate is requested in conjunction  
267 with the sale or refinancing of a parcel, the fee for the  
268 certificate shall be paid to the association from the closing or  
269 settlement proceeds. If the closing does not occur within 60  
270 days after the issuance of the estoppel certificate, the fee for  
271 the certificate is the obligation of the parcel owner, and the  
272 association may collect the fee in the same manner as an  
273 assessment against the parcel. An association may not require  
274 the payment of any other fees as a condition for the preparation  
275 or delivery of an estoppel certificate.

276 (6)(3) The authority to charge a fee for the estoppel  
277 certificate ~~must~~ ~~shall~~ be established by a written resolution  
278 adopted by the board or provided by a written management,  
279 bookkeeping, or maintenance contract ~~and is payable upon the~~  
280 ~~preparation of the certificate. If the certificate is requested~~  
281 ~~in conjunction with the sale or mortgage of a parcel but the~~  
282 ~~closing does not occur and no later than 30 days after the~~  
283 ~~closing date for which the certificate was sought the preparer~~  
284 ~~receives a written request, accompanied by reasonable~~  
285 ~~documentation, that the sale did not occur from a payor that is~~  
286 ~~not the parcel owner, the fee shall be refunded to that payor~~  
287 ~~within 30 days after receipt of the request. The refund is the~~  
288 ~~obligation of the parcel owner, and the association may collect~~  
289 ~~it from that owner in the same manner as an assessment as~~  
290 ~~provided in this section.~~

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