

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
30 a 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
 57 association.

58 (b) An estoppel certificate that is delivered on the date
 59 of issuance has a 30-day effective period. An estoppel
 60 certificate that is mailed to the requester has a 35-day
 61 effective period.

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

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

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

78 (e)1.~~(e)~~ Notwithstanding any limitation on transfer fees

79 contained in s. 718.112(2)(i), an ~~the~~ association or its
80 ~~authorized~~ agent may charge a reasonable fee, which may not
81 exceed its reasonable costs to prepare and deliver ~~for the~~
82 ~~preparation of the~~ estoppel certificate. However, the fee for
83 the estoppel certificate may not exceed \$200 if on the date the
84 certificate is issued, no delinquent amounts are owed to the
85 association for the applicable unit. If an estoppel certificate
86 is requested on an expedited basis and delivered within 3
87 business days after the request, the association may charge an
88 additional fee of \$100. If delinquent amounts are owed to the
89 association for the applicable unit, an additional fee for the
90 estoppel certificate may not exceed \$200. The association may
91 not charge a fee for an estoppel certificate that is issued more
92 than 10 business days after it receives the request for the
93 certificate. The maximum allowable fees charged in accordance
94 with this section shall be adjusted every 3 years in an amount
95 equal to the annual increases for that 3-year period in the
96 Consumer Price Index for All Urban Consumers, U.S. City Average,
97 all items ~~The amount of the fee must be included on the~~
98 ~~certificate.~~

99 2. If the estoppel certificate is requested in conjunction
100 with the sale or refinancing of a unit, the fee for the
101 certificate shall be paid to the association from the closing or
102 settlement proceeds. If the closing does not occur, the fee for
103 the certificate is the obligation of the unit owner, and the
104 association may collect the fee in the same manner as an

105 assessment against the unit. An association may not require the
106 payment of any other fees as a condition for the preparation or
107 delivery of an estoppel certificate.

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

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

125 719.108 Rents and assessments; liability; lien and
126 priority; interest; collection; cooperative ownership.—

127 (6) An association shall issue an estoppel certificate to
128 a unit owner or the unit owner's designee or a unit mortgagee or
129 the unit mortgagee's designee within 10 business ~~15~~ days after
130 receiving a written or electronic request for the certificate.

131 The estoppel certificate must be delivered by mail, by hand
132 delivery, or by electronic means to the requester on the date of
133 issuance.

134 (a) The estoppel certificate must contain all of the
135 following:

136 1. The date of issuance.

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

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

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

154 5. The signature of an officer or agent of the
155 association.

156 (b) An estoppel certificate that is delivered on the date

157 of issuance has a 30-day effective period. An estoppel
158 certificate that is mailed to the requester has a 35-day
159 effective period.

160 (c) An association waives the right to collect any moneys
161 owed in excess of the amounts specified in the estoppel
162 certificate from any person who in good faith relies upon the
163 estoppel certificate and from that person's successors and
164 assigns.

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

174 (e)1. Notwithstanding any limitation on transfer fees
175 contained in s. 719.106(1)(i), ~~an~~ the association or its
176 authorized agent may charge a ~~reasonable~~ fee, which may not
177 exceed its reasonable costs to prepare and deliver ~~for the~~
178 ~~preparation of~~ the estoppel certificate. However, the fee for
179 the estoppel certificate may not exceed \$200 if on the date the
180 certificate is issued, no delinquent amounts are owed to the
181 association for the applicable unit. If an estoppel certificate
182 is requested on an expedited basis and delivered within 3

183 business days after the request, the association may charge an
184 additional fee of \$100. If delinquent amounts are owed to the
185 association for the applicable unit, an additional fee for the
186 estoppel certificate may not exceed \$200. The association may
187 not charge a fee for an estoppel certificate that is issued more
188 than 10 business days after it receives a request for the
189 certificate. The maximum allowable fees charged in accordance
190 with this section shall be adjusted every 3 years in an amount
191 equal to the annual increases for that 3-year period in the
192 Consumer Price Index for All Urban Consumers, U.S. City Average,
193 all items.

194 2. If the estoppel certificate is requested in conjunction
195 with the sale or refinancing of a unit, the fee for the
196 certificate shall be paid to the association from the closing or
197 settlement proceeds. If the closing does not occur, the fee for
198 the certificate is the obligation of the unit owner, and the
199 association may collect the fee in the same manner as an
200 assessment against the unit. An association may not require the
201 payment of any other fees as a condition for the preparation or
202 delivery of an estoppel certificate.

203 (f) The authority to charge a fee for the estoppel
204 certificate must be established by a written resolution adopted
205 by the board or provided by a written management, bookkeeping,
206 or maintenance contract.

207 Section 3. Section 720.30851, Florida Statutes, is amended
208 to read:

209 720.30851 Estoppel certificates.—An association shall
210 issue an estoppel certificate to a parcel owner or the parcel
211 owner's designee or a mortgagee or the mortgagee's designee
212 within 10 business ~~15~~ days after receiving a written or
213 electronic request for the certificate. The estoppel certificate
214 must be delivered by mail, by hand delivery, or by electronic
215 means to the requester on the date of issuance.

216 (1) The estoppel certificate must contain all of the
217 following:

218 (a) The date of issuance.

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

224 (c) The amount of any additional assessments and other
225 moneys that are scheduled to become due for each day after the
226 date of issuance for the 30-day or 35-day effective period of
227 the estoppel certificate. This amount is limited to amounts
228 authorized by statute to be recorded in the official records of
229 the association under s. 720.303(4). In calculating the amounts
230 that are scheduled to become due, the association may assume
231 that any delinquent amounts will remain delinquent during the
232 effective period of the estoppel certificate.

233 (d) The amount of any fee charged by the association for
234 preparing and delivering the estoppel certificate. This fee is

235 in addition to any other amounts on the certificate.

236 (e) The signature of an officer or agent of the
237 association.

238 (2) An estoppel certificate that is delivered on the date
239 of issuance has a 30-day effective period. An estoppel
240 certificate that is mailed to the requester has a 35-day
241 effective period.

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

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

257 (4)-(2) A summary proceeding pursuant to s. 51.011 may be
258 brought to compel compliance with this section, and the
259 prevailing party is entitled to recover reasonable attorney
260 attorney's fees.

261 (5) (a) An association or its agent may charge a fee, which
 262 may not exceed its reasonable costs to prepare and deliver the
 263 estoppel certificate. However, the fee for the estoppel
 264 certificate may not exceed \$200 if on the date the certificate
 265 is issued, no delinquent amounts are owed to the association for
 266 the applicable parcel. If an estoppel certificate is requested
 267 on an expedited basis and delivered within 3 business days after
 268 the request, the association may charge an additional fee of
 269 \$100. If delinquent amounts are owed to the association for the
 270 applicable parcel, an additional fee for the certificate may not
 271 exceed \$200. The association may not charge a fee for an
 272 estoppel certificate that is issued more than 10 business days
 273 after it receives the request for the certificate. The maximum
 274 allowable fees charged in accordance with this section shall be
 275 adjusted every 3 years in an amount equal to the annual
 276 increases for that 3-year period in the Consumer Price Index for
 277 All Urban Consumers, U.S. City Average, all items.

278 (b) If the estoppel certificate is requested in
 279 conjunction with the sale or refinancing of a parcel, the fee
 280 for the certificate shall be paid to the association from the
 281 closing or settlement proceeds. If the closing does not occur,
 282 the fee for the certificate is the obligation of the parcel
 283 owner, and the association may collect the fee in the same
 284 manner as an assessment against the parcel. An association may
 285 not require the payment of any other fees as a condition for the
 286 preparation or delivery of an estoppel certificate.

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

302 Section 4. This act shall take effect July 1, 2016.