



724766

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2017	.	
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	.	
	.	

The Committee on Rules (Passidomo) 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) Within 10 business ~~15~~ days after receiving a written or
electronic request therefor from a unit owner or the unit
owner's ~~his or her~~ designee, or a unit mortgagee or the unit



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12 mortgagee's ~~his or her~~ designee, the association shall issue the
13 estoppel ~~provide a~~ certificate. Each association shall designate
14 on its website a person or entity with a street or e-mail
15 address for receipt of a request for an estoppel certificate
16 issued pursuant to this section. The estoppel certificate must
17 be provided by hand delivery, regular mail, or e-mail to the
18 requestor on the date of issuance of the estoppel certificate
19 ~~signed by an officer or agent of the association stating all~~
20 ~~assessments and other moneys owed to the association by the unit~~
21 ~~owner with respect to the condominium parcel.~~

22 (a) An estoppel certificate may be completed by any board
23 member, authorized agent, or authorized representative of the
24 association, including any authorized agent, authorized
25 representative, or employee of a management company authorized
26 to complete this form on behalf of the board or association. The
27 estoppel certificate must contain all of the following
28 information and must be substantially in the following form:

- 29 1. Date of issuance:....
- 30 2. Name(s) of the unit owner(s) as reflected in the books
31 and records of the association:....
- 32 3. Unit designation and address:....
- 33 4. Parking or garage space number, as reflected in the
34 books and records of the association:....
- 35 5. Attorney's name and contact information if the account
36 is delinquent and has been turned over to an attorney for
37 collection. No fee may be charged for this information.
- 38 6. Fee for the preparation and delivery of the estoppel
39 certificate:....
- 40 7. Name of the requestor:....



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41 8. Assessment information and other information:

42
43 ASSESSMENT INFORMATION:

44 a. The regular periodic assessment levied against the unit
45 is \$.... per ...(insert frequency of payment)....

46 b. The regular periodic assessment is paid through
47 ...(insert date paid through)....

48 c. The next installment of the regular periodic assessment
49 is due ...(insert due date)... in the amount of \$.....

50 d. An itemized list of all assessments, special
51 assessments, and other moneys owed on the date of issuance to
52 the association by the unit owner for a specific unit is
53 provided.

54 e. An itemized list of any additional assessments, special
55 assessments, and other moneys that are scheduled to become due
56 for each day after the date of issuance for the effective period
57 of the estoppel certificate is provided. In calculating the
58 amounts that are scheduled to become due, the association may
59 assume that any delinquent amounts will remain delinquent during
60 the effective period of the estoppel certificate.

61
62 OTHER INFORMATION:

63 f. Is there a capital contribution fee, resale fee,
64 transfer fee, or other fee due? ...(Yes)... ...(No).... If yes,
65 specify the type and the amount of the fee.

66 g. Is there any open violation of rule or regulation
67 noticed to the unit owner in the association official records?
68 ...(Yes)... ...(No)....

69 h. Do the rules and regulations of the association



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70 applicable to the unit require approval by the board of
71 directors of the association for the transfer of the unit?
72 ...(Yes)... ...(No).... If yes, has the board approved the
73 transfer of the unit? ...(Yes)... ...(No)....

74 i. Do rules or regulations applicable to the unit provide
75 for a right of first refusal in favor of the members or
76 association? ...(Yes)... ...(No).... If yes, include applicable
77 rules or regulations.

78 j. Provide a list of, and contact information for, all
79 other associations of which the unit is a member.

80 k. Provide contact information for all insurance maintained
81 by the association.

82 l. Provide the signature of an officer or authorized agent
83 of the association.

84
85 The association, at its option, may include additional
86 information in the estoppel ~~Any person other than the owner who~~
87 ~~relies upon such certificate shall be protected thereby.~~

88 (b) An estoppel certificate that is hand delivered or sent
89 by electronic means has a 30-day effective period. An estoppel
90 certificate that is sent by regular mail has a 35-day effective
91 period. If additional information or a mistake related to the
92 estoppel certificate becomes known to the association within the
93 effective period, an amended estoppel certificate may be
94 delivered and becomes effective if a sale or refinancing of the
95 unit has not been completed during the effective period. A fee
96 may not be charged for an amended estoppel certificate. An
97 amended estoppel certificate must be delivered on the date of
98 issuance, and a new 30-day or 35-day effective period begins on



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99 such date.

100 (c) An association waives the right to collect any moneys
101 owed in excess of the amounts specified in the estoppel
102 certificate from any person who in good faith relies upon the
103 estoppel certificate and from the person's successors and
104 assigns.

105 (d) If an association receives a request for an estoppel
106 certificate from a unit owner or the unit owner's designee, or a
107 unit mortgagee or the unit mortgagee's designee, and fails to
108 deliver the estoppel certificate within 10 business days, a fee
109 may not be charged for the preparation and delivery of that
110 estoppel certificate.

111 (e) ~~(b)~~ A summary proceeding pursuant to s. 51.011 may be
112 brought to compel compliance with this subsection, and in any
113 such action the prevailing party is entitled to recover
114 reasonable attorney ~~attorney's~~ fees.

115 (f) ~~(e)~~ Notwithstanding any limitation on transfer fees
116 contained in s. 718.112(2)(i), an ~~the~~ association or its
117 authorized agent may charge a reasonable fee for the preparation
118 and delivery of an estoppel certificate, which may not exceed
119 \$250, if, on the date the certificate is issued, no delinquent
120 amounts are owed to the association for the applicable unit. If
121 an estoppel certificate is requested on an expedited basis and
122 delivered within 3 business days after the request, the
123 association may charge an additional fee of \$100. If a
124 delinquent amount is owed to the association for the applicable
125 unit, an additional fee for the estoppel certificate may not
126 exceed \$150 ~~for the preparation of the certificate. The amount~~
127 ~~of the fee must be included on the certificate.~~



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128 (g) If estoppel certificates for multiple units owned by
129 the same owner are simultaneously requested from the same
130 association and there are no past due monetary obligations owed
131 to the association, the statement of moneys due for those units
132 may be delivered in one or more estoppel certificates, and, even
133 though the fee for each unit shall be computed as set forth in
134 paragraph (f), the total fee that the association may charge for
135 the preparation and delivery of the estoppel certificates may
136 not exceed, in the aggregate:

- 137 1. For 25 or fewer units, \$750.
138 2. For 26 to 50 units, \$1,000.
139 3. For 51 to 100 units, \$1,500.
140 4. For more than 100 units, \$2,500.

141 (h)-(d) The authority to charge a fee for the preparation
142 and delivery of the estoppel certificate must ~~shall~~ be
143 established by a written resolution adopted by the board or
144 provided by a written management, bookkeeping, or maintenance
145 contract and is payable upon the preparation of the certificate.
146 If the certificate is requested in conjunction with the sale or
147 mortgage of a unit but the closing does not occur and no later
148 than 30 days after the closing date for which the certificate
149 was sought the preparer receives a written request, accompanied
150 by reasonable documentation, that the sale did not occur from a
151 payor that is not the unit owner, the fee shall be refunded to
152 that payor within 30 days after receipt of the request. The
153 refund is the obligation of the unit owner, and the association
154 may collect it from that owner in the same manner as an
155 assessment as provided in this section. The right to
156 reimbursement may not be waived or modified by any contract or



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157 agreement. The prevailing party in any action brought to enforce
158 a right of reimbursement shall be awarded damages and all
159 applicable attorney fees and costs.

160 (i) The fees specified in this subsection shall be adjusted
161 every 5 years in an amount equal to the total of the annual
162 increases for that 5-year period in the Consumer Price Index for
163 All Urban Consumers, U.S. City Average, All Items. The
164 Department of Business and Professional Regulation shall
165 periodically calculate the fees, rounded to the nearest dollar,
166 and publish the amounts, as adjusted, on its website.

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

169 719.108 Rents and assessments; liability; lien and
170 priority; interest; collection; cooperative ownership.-

171 (6) Within 10 business ~~15~~ days after receiving a written or
172 electronic request for an estoppel certificate from a unit owner
173 or the unit owner's designee, or a unit mortgagee or the unit
174 mortgagee's designee, the association shall issue the estoppel
175 certificate. Each association shall designate on its website a
176 person or entity with a street or e-mail address for receipt of
177 a request for an estoppel certificate issued pursuant to this
178 section. The estoppel certificate must be provided by hand
179 delivery, regular mail, or e-mail to the requestor on the date
180 of issuance of the estoppel certificate.

181 (a) An estoppel certificate may be completed by any board
182 member, authorized agent, or authorized representative of the
183 association, including any authorized agent, authorized
184 representative, or employee of a management company authorized
185 to complete this form on behalf of the board or association. The



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186 estoppel certificate must contain all of the following
187 information and must be substantially in the following form:

188 1. Date of issuance:....

189 2. Name(s) of the unit owner(s) as reflected in the books
190 and records of the association:....

191 3. Unit designation and address:....

192 4. Parking or garage space number, as reflected in the
193 books and records of the association:....

194 5. Attorney's name and contact information if the account
195 is delinquent and has been turned over to an attorney for
196 collection. No fee may be charged for this information.

197 6. Fee for the preparation and delivery of the estoppel
198 certificate:....

199 7. Name of the requestor:....

200 8. Assessment information and other information:

201
202 ASSESSMENT INFORMATION:

203 a. The regular periodic assessment levied against the unit
204 is \$.... per ...(insert frequency of payment)....

205 b. The regular periodic assessment is paid through
206 ...(insert date paid through)....

207 c. The next installment of the regular periodic assessment
208 is due ...(insert due date)... in the amount of \$.....

209 d. An itemized list of all assessments, special
210 assessments, and other moneys owed by the unit owner on the date
211 of issuance to the association for a specific unit is provided.

212 e. An itemized list of any additional assessments, special
213 assessments, and other moneys that are scheduled to become due
214 for each day after the date of issuance for the effective period



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215 of the estoppel certificate is provided. In calculating the
216 amounts that are scheduled to become due, the association may
217 assume that any delinquent amounts will remain delinquent during
218 the effective period of the estoppel certificate.

219

220 OTHER INFORMATION:

221 f. Is there a capital contribution fee, resale fee,
222 transfer fee, or other fee due? ... (Yes)... ... (No).... If yes,
223 specify the type and amount of the fee.

224 g. Is there any open violation of rule or regulation
225 noticed to the unit owner in the association official records?
226 ... (Yes)... ... (No)....

227 h. Do the rules and regulations of the association
228 applicable to the unit require approval by the board of
229 directors of the association for the transfer of the unit?
230 ... Yes... ... (No).... If yes, has the board approved the
231 transfer of the unit? ... (Yes)... ... (No)....

232 i. Do rules or regulations applicable to the unit provide
233 for a right of first refusal in favor of the members or
234 association? ... (Yes)... ... (No).... If yes, include applicable
235 rules or regulations.

236 j. Provide a list of, and contact information for, all
237 other associations of which the unit is a member.

238 k. Provide contact information for all insurance maintained
239 by the association.

240 l. Provide the signature of an officer or authorized agent
241 of the association.

242

243 The association, at its option, may include additional



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244 information in the estoppel certificate.

245 (b) An estoppel certificate that is hand delivered or sent
246 by electronic means has a 30-day effective period. An estoppel
247 certificate that is sent by regular mail has a 35-day effective
248 period. If additional information or a mistake related to the
249 estoppel certificate becomes known to the association within the
250 effective period, an amended estoppel certificate may be
251 delivered and becomes effective if a sale or refinancing of the
252 unit has not been completed during the effective period. A fee
253 may not be charged for an amended estoppel certificate. An
254 amended estoppel certificate must be delivered on the date of
255 issuance, and a new 30-day or 35-day effective period begins on
256 such date.

257 (c) An association waives the right to collect any moneys
258 owed in excess of the amounts specified in the estoppel
259 certificate from any person who in good faith relies upon the
260 estoppel certificate and from the person's successors and
261 assigns.

262 (d) If an association receives a request for an estoppel
263 certificate from a unit owner or the unit owner's designee, or a
264 unit mortgagee or the unit mortgagee's designee, and fails to
265 deliver the estoppel certificate within 10 business days, a fee
266 may not be charged for the preparation and delivery of that
267 estoppel certificate.

268 (e) A summary proceeding pursuant to s. 51.011 may be
269 brought to compel compliance with this subsection, and in any
270 such action the prevailing party is entitled to recover
271 reasonable attorney fees.

272 (f) Notwithstanding any limitation on transfer fees



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273 contained in s. 719.106(1)(i), an association or its authorized
274 agent may charge a reasonable fee for the preparation and
275 delivery of an estoppel certificate, which may not exceed \$250
276 if, on the date the certificate is issued, no delinquent amounts
277 are owed to the association for the applicable unit. If an
278 estoppel certificate is requested on an expedited basis and
279 delivered within 3 business days after the request, the
280 association may charge an additional fee of \$100. If a
281 delinquent amount is owed to the association for the applicable
282 unit, an additional fee for the estoppel certificate may not
283 exceed \$150.

284 (g) If estoppel certificates for multiple units owned by
285 the same owner are simultaneously requested from the same
286 association and there are no past due monetary obligations owed
287 to the association, the statement of moneys due for those units
288 may be delivered in one or more estoppel certificates, and, even
289 though the fee for each unit shall be computed as set forth in
290 paragraph (f), the total fee that the association may charge for
291 the preparation and delivery of the estoppel certificates may
292 not exceed, in the aggregate:

- 293 1. For 25 or fewer units, \$750.
- 294 2. For 26 to 50 units, \$1,000.
- 295 3. For 51 to 100 units, \$1,500.
- 296 4. For more than 100 units, \$2,500.

297 (h) The authority to charge a fee for the preparation and
298 delivery of the estoppel certificate must be established by a
299 written resolution adopted by the board or provided by a written
300 management, bookkeeping, or maintenance contract and is payable
301 upon the preparation of the certificate. If the certificate is



302 requested in conjunction with the sale or mortgage of a parcel
303 but the closing does not occur and no later than 30 days after
304 the closing date for which the certificate was sought the
305 preparer receives a written request, accompanied by reasonable
306 documentation, that the sale did not occur from a payor that is
307 not the parcel owner, the fee shall be refunded to that payor
308 within 30 days after receipt of the request. The refund is the
309 obligation of the parcel owner, and the association may collect
310 it from that owner in the same manner as an assessment as
311 provided in this section. The right to reimbursement may not be
312 waived or modified by any contract or agreement. The prevailing
313 party in any action brought to enforce a right of reimbursement
314 shall be awarded damages and all applicable attorney fees and
315 costs.

316 (i) The fees specified in this subsection shall be adjusted
317 every 5 years in an amount equal to the total of the annual
318 increases for that 5-year period in the Consumer Price Index for
319 All Urban Consumers, U.S. City Average, All Items. The
320 Department of Business and Professional Regulation shall
321 periodically calculate the fees, rounded to the nearest dollar,
322 and publish the amounts, as adjusted, on its website by a unit
323 owner or mortgagee, the association shall provide a certificate
324 stating all assessments and other moneys owed to the association
325 by the unit owner with respect to the cooperative parcel. Any
326 person other than the unit owner who relies upon such
327 certificate shall be protected thereby. Notwithstanding any
328 limitation on transfer fees contained in s. 719.106(1)(i), the
329 association or its authorized agent may charge a reasonable fee
330 for the preparation of the certificate.



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331 Section 3. Section 720.30851, Florida Statutes, is amended
332 to read:

333 720.30851 Estoppel certificates.—Within 10 business 15 days
334 after receiving a written or electronic the date on which a
335 request for an estoppel certificate from a parcel owner or the
336 parcel owner's designee, or a parcel mortgagee or the parcel
337 mortgagee's designee, the association shall issue the estoppel
338 certificate. Each association shall designate on its website a
339 person or entity with a street or e-mail address for receipt of
340 a request for an estoppel certificate issued pursuant to this
341 section. The estoppel certificate must be provided by hand
342 delivery, regular mail, or e-mail to the requestor on the date
343 of issuance of the estoppel certificate.

344 (1) An estoppel certificate may be completed by any board
345 member, authorized agent, or authorized representative of the
346 association, including any authorized agent, authorized
347 representative, or employee of a management company authorized
348 to complete this form on behalf of the board or association. The
349 estoppel certificate must contain all of the following
350 information and must be substantially in the following form:

351 (a) Date of issuance:....

352 (b) Name(s) of the parcel owner(s) as reflected in the
353 books and records of the association:....

354 (c) Parcel designation and address:....

355 (d) Parking or garage space number, as reflected in the
356 books and records of the association:....

357 (e) Attorney's name and contact information if the account
358 is delinquent and has been turned over to an attorney for
359 collection. No fee may be charged for this information.



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360 (f) Fee for the preparation and delivery of the estoppel
361 certificate:....

362 (g) Name of the requestor:....

363 (h) Assessment information and other information:

364

365 ASSESSMENT INFORMATION:

366 1. The regular periodic assessment levied against the
367 parcel is \$.... per ...(insert frequency of payment)....

368 2. The regular periodic assessment is paid through
369 ...(insert date paid through)....

370 3. The next installment of the regular periodic assessment
371 is due ...(insert due date)... in the amount of \$.....

372 4. An itemized list of all assessments, special
373 assessments, and other moneys owed on the date of issuance to
374 the association by the parcel owner for a specific parcel is
375 provided.

376 5. An itemized list of any additional assessments, special
377 assessments, and other moneys that are scheduled to become due
378 for each day after the date of issuance for the effective period
379 of the estoppel certificate is provided. In calculating the
380 amounts that are scheduled to become due, the association may
381 assume that any delinquent amounts will remain delinquent during
382 the effective period of the estoppel certificate.

383

384 OTHER INFORMATION:

385 6. Is there a capital contribution fee, resale fee,
386 transfer fee, or other fee due? ...(Yes)... ...(No).... If yes,
387 specify the type and amount of the fee.

388 7. Is there any open violation of rule or regulation



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389 noticed to the parcel owner in the association official records?
390 ...(Yes)... ...(No)....

391 8. Do the rules and regulations of the association
392 applicable to the parcel require approval by the board of
393 directors of the association for the transfer of the parcel?
394 ...(Yes)... ...(No).... If yes, has the board approved the
395 transfer of the parcel? ...(Yes)... ...(No)....

396 9. Do rules or regulations applicable to the parcel provide
397 for a right of first refusal in favor of the members or
398 association? ...(Yes)... ...(No).... If yes, include applicable
399 rules or regulations.

400 10. Provide a list of, and contact information for, all
401 other associations of which the parcel is a member.

402 11. Provide contact information for all insurance
403 maintained by the association.

404 12. Provide the signature of an officer or authorized agent
405 of the association.

406
407 The association, at its option, may include additional
408 information in the estoppel certificate.

409 (2) An estoppel certificate that is hand delivered or sent
410 by electronic means has a 30-day effective period. An estoppel
411 certificate that is sent by regular mail has a 35-day effective
412 period. If additional information or a mistake related to the
413 estoppel certificate becomes known to the association within the
414 effective period, an amended estoppel certificate may be
415 delivered and becomes effective if a sale or refinancing of the
416 parcel has not been completed during the effective period. A fee
417 may not be charged for an amended estoppel certificate. An



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418 amended estoppel certificate must be delivered on the date of
419 issuance, and a new 30-day or 35-day effective period begins on
420 such date.

421 (3) An association waives the right to collect any moneys
422 owed in excess of the amounts specified in the estoppel
423 certificate from any person who in good faith relies upon the
424 estoppel certificate and from the person's successors and
425 assigns.

426 (4) If an association receives a request for an estoppel
427 certificate from a parcel owner or the parcel owner's designee,
428 or a parcel mortgagee or the parcel mortgagee's designee, and
429 fails to deliver the estoppel certificate within 10 business
430 days, a fee may not be charged for the preparation and delivery
431 of that estoppel certificate ~~for an estoppel certificate is~~
432 ~~received from a parcel owner or mortgagee, or his or her~~
433 ~~designee, the association shall provide a certificate signed by~~
434 ~~an officer or authorized agent of the association stating all~~
435 ~~assessments and other moneys owed to the association by the~~
436 ~~parcel owner or mortgagee with respect to the parcel. An~~
437 ~~association may charge a fee for the preparation of such~~
438 ~~certificate, and the amount of such fee must be stated on the~~
439 ~~certificate.~~

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

442 (5) ~~(2)~~ A summary proceeding pursuant to s. 51.011 may be
443 brought to compel compliance with this section, and the
444 prevailing party is entitled to recover reasonable attorney
445 attorney's fees.

446 (6) An association or its authorized agent may charge a



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447 reasonable fee for the preparation and delivery of an estoppel
448 certificate, which may not exceed \$250, if, on the date the
449 certificate is issued, no delinquent amounts are owed to the
450 association for the applicable parcel. If an estoppel
451 certificate is requested on an expedited basis and delivered
452 within 3 business days after the request, the association may
453 charge an additional fee of \$100. If a delinquent amount is owed
454 to the association for the applicable parcel, an additional fee
455 for the estoppel certificate may not exceed \$150.

456 (7) If estoppel certificates for multiple parcels owned by
457 the same owner are simultaneously requested from the same
458 association and there are no past due monetary obligations owed
459 to the association, the statement of moneys due for those
460 parcels may be delivered in one or more estoppel certificates,
461 and, even though the fee for each parcel shall be computed as
462 set forth in subsection (6), the total fee that the association
463 may charge for the preparation and delivery of the estoppel
464 certificates may not exceed, in the aggregate:

- 465 (a) For 25 or fewer parcels, \$750.
- 466 (b) For 26 to 50 parcels, \$1,000.
- 467 (c) For 51 to 100 parcels, \$1,500.
- 468 (d) For more than 100 parcels, \$2,500.

469 (8)~~(3)~~ The authority to charge a fee for the preparation
470 and delivery of the estoppel certificate ~~shall~~ must be
471 established by a written resolution adopted by the board or
472 provided by a written management, bookkeeping, or maintenance
473 contract and is payable upon the preparation of the certificate.
474 If the certificate is requested in conjunction with the sale or
475 mortgage of a parcel but the closing does not occur and no later



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476 than 30 days after the closing date for which the certificate
477 was sought the preparer receives a written request, accompanied
478 by reasonable documentation, that the sale did not occur from a
479 payor that is not the parcel owner, the fee shall be refunded to
480 that payor within 30 days after receipt of the request. The
481 refund is the obligation of the parcel owner, and the
482 association may collect it from that owner in the same manner as
483 an assessment as provided in this section. The right to
484 reimbursement may not be waived or modified by any contract or
485 agreement. The prevailing party in any action brought to enforce
486 a right of reimbursement shall be awarded damages and all
487 applicable attorney fees and costs.

488 (9) The fees specified in this section shall be adjusted
489 every 5 years in an amount equal to the total of the annual
490 increases for that 5-year period in the Consumer Price Index for
491 All Urban Consumers, U.S. City Average, All Items. The
492 Department of Business and Professional Regulation shall
493 periodically calculate the fees, rounded to the nearest dollar,
494 and publish the amounts, as adjusted, on its website.

495 Section 4. This act shall take effect July 1, 2017.

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

498 And the title is amended as follows:

499 Delete everything before the enacting clause
500 and insert:

501 A bill to be entitled
502 An act relating to estoppel certificates; amending ss.
503 718.116, 719.108, and 720.30851, F.S.; revising
504 requirements relating to the issuance of an estoppel



505 certificate to specified persons; requiring a
506 condominium, cooperative, or homeowners' association
507 to designate a street or e-mail address on its website
508 for estoppel certificate requests; specifying delivery
509 requirements for an estoppel certificate; authorizing
510 an estoppel certificate to be completed by specified
511 persons; requiring that an estoppel certificate
512 contain certain information; providing an effective
513 period for an estoppel certificate based upon the date
514 of issuance and form of delivery; prohibiting an
515 association from charging a preparation and delivery
516 fee or making certain claims if it fails to deliver an
517 estoppel certificate within certain timeframes;
518 revising fee requirements for preparing and delivering
519 an estoppel certificate under various circumstances;
520 authorizing the statement of moneys due to be
521 delivered in one or more estoppel certificates under
522 certain circumstances; providing limits on a total fee
523 charged for the preparation and delivery of estoppel
524 certificates; requiring that the authority to charge a
525 fee for the preparation and delivery of estoppel
526 certificates be established by a specified written
527 resolution or provided by a certain type of contract;
528 providing that the right to reimbursement may not be
529 waived or modified by a contract or agreement;
530 requiring that the prevailing party in an action to
531 enforce a right to reimbursement be awarded certain
532 damages, fees, and costs; requiring that certain fees
533 be adjusted every certain number of years using a



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534 specified price index; requiring the Department of
535 Business and Professional Regulation to periodically
536 calculate the fees and publish the amounts on its
537 website, subject to certain requirements; conforming
538 provisions to changes made by the act; providing an
539 effective date.