

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Persons-Mulicka offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (2) of section
6 468.436, Florida Statutes, is amended to read:

7 468.436 Disciplinary proceedings.—

8 (2) The following acts constitute grounds for which the
9 disciplinary actions in subsection (4) may be taken:

10 (b)1. Violation of ~~any provision of~~ this part.

11 2. Violation of any lawful order or rule rendered or
12 adopted by the department or the council.

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13 3. Being convicted of or pleading nolo contendere to a
14 felony in any court in the United States.

15 4. Obtaining a license or certification or any other
16 order, ruling, or authorization by means of fraud,
17 misrepresentation, or concealment of material facts.

18 5. Committing acts of gross misconduct or gross negligence
19 in connection with the profession.

20 6. Contracting, on behalf of an association, with any
21 entity in which the licensee has a financial interest that is
22 not disclosed.

23 7. Violating any provision of chapter 718, chapter 719, or
24 chapter 720 during the course of performing community
25 association management services pursuant to a contract with a
26 community association as defined in s. 468.431(1).

27 Section 2. Paragraph (i) of subsection (8) of section
28 718.116, Florida Statutes, is redesignated as paragraph (k),
29 paragraph (h) is amended, and new paragraphs (i) and (j) are
30 added to that subsection, to read:

31 718.116 Assessments; liability; lien and priority;
32 interest; collection.—

33 (8) Within 10 business days after receiving a written or
34 electronic request therefor from a unit owner or the unit
35 owner's designee, or a unit mortgagee or the unit mortgagee's
36 designee, the association shall issue the estoppel certificate.
37 Each association shall designate on its website a person or

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38 entity with a street or e-mail address for receipt of a request
39 for an estoppel certificate issued pursuant to this section. The
40 estoppel certificate must be provided by hand delivery, regular
41 mail, or e-mail to the requestor on the date of issuance of the
42 estoppel certificate.

43 (h) The authority to charge a fee for the preparation and
44 delivery of the estoppel certificate must be established
45 annually by a written resolution adopted by the board or
46 provided by a written management, bookkeeping, or maintenance
47 contract.

48 (i) An association may not directly or indirectly charge a
49 fee for an estoppel certificate other than those expressly
50 authorized by this section. Unauthorized fees or charges,
51 whether described as a convenience fee, an archive fee, a
52 service fee, a processing fee, a delivery fee, a credit card
53 fee, a certification fee, a third-party fee, or any other fee or
54 charge, are void and may be ignored by the requestor of the
55 estoppel certificate.

56 (j) If an estoppel certificate is requested in conjunction
57 with the sale or refinancing of a unit, the fee for the
58 preparation and delivery of the estoppel certificate must be
59 paid to the association from the closing or settlement proceeds
60 within 5 business days after closing. The requestor of the
61 estoppel certificate must provide notice to the person preparing
62 the estoppel certificate of the closing date no later than 3

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63 business days before the closing and, if the closing date
64 changes after such notice is provided, the requestor must
65 provide the person preparing the estoppel certificate with
66 notice of the new closing date within 1 business day after the
67 change occurs. If the closing does not occur, the fee for the
68 preparation and delivery of the estoppel certificate is payable
69 by the unit owner upon the expiration of the 30-day or 35-day
70 effective period of the estoppel certificate. The association
71 may collect the fee in the same manner as an assessment against
72 the unit and is payable upon the preparation of the certificate.
73 ~~If the certificate is requested in conjunction with the sale or~~
74 ~~mortgage of a unit but the closing does not occur and no later~~
75 ~~than 30 days after the closing date for which the certificate~~
76 ~~was sought the preparer receives a written request, accompanied~~
77 ~~by reasonable documentation, that the sale did not occur from a~~
78 ~~payor that is not the unit owner, the fee shall be refunded to~~
79 ~~that payor within 30 days after receipt of the request. The~~
80 ~~refund is the obligation of the unit owner, and the association~~
81 ~~may collect it from that owner in the same manner as an~~
82 ~~assessment as provided in this section. The right to~~
83 ~~reimbursement may not be waived or modified by any contract or~~
84 ~~agreement. The prevailing party in any action brought to enforce~~
85 ~~a right of reimbursement shall be awarded damages and all~~
86 ~~applicable attorney fees and costs.~~

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87 Section 3. Paragraph (i) of subsection (6) of section
88 719.108, Florida Statutes, is redesignated as paragraph (k),
89 paragraph (h) is amended, and new paragraphs (i) and (j) are
90 added to that subsection, to read:

91 719.108 Rents and assessments; liability; lien and
92 priority; interest; collection; cooperative ownership.—

93 (6) Within 10 business days after receiving a written or
94 electronic request for an estoppel certificate from a unit owner
95 or the unit owner's designee, or a unit mortgagee or the unit
96 mortgagee's designee, the association shall issue the estoppel
97 certificate. Each association shall designate on its website a
98 person or entity with a street or e-mail address for receipt of
99 a request for an estoppel certificate issued pursuant to this
100 section. The estoppel certificate must be provided by hand
101 delivery, regular mail, or e-mail to the requestor on the date
102 of issuance of the estoppel certificate.

103 (h) The authority to charge a fee for the preparation and
104 delivery of the estoppel certificate must be established
105 annually by a written resolution adopted by the board or
106 provided by a written management, bookkeeping, or maintenance
107 contract.

108 (i) An association may not directly or indirectly charge a
109 fee for an estoppel certificate other than those expressly
110 authorized by this section. Unauthorized fees or charges,
111 whether described as a convenience fee, an archive fee, a

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112 service fee, a processing fee, a delivery fee, a credit card
113 fee, a certification fee, a third-party fee, or any other fee or
114 charge, are void and may be ignored by the requestor of the
115 estoppel certificate.

116 (j) If an estoppel certificate is requested in conjunction
117 with the sale or refinancing of a unit, the fee for the
118 preparation and delivery of the estoppel certificate must be
119 paid to the association from the closing or settlement proceeds
120 within 5 business days after closing. The requestor of the
121 estoppel certificate must provide notice to the person preparing
122 the estoppel certificate of the closing date no later than 3
123 business days before the closing and, if the closing date
124 changes after such notice is provided, the requestor must
125 provide the person preparing the estoppel certificate with
126 notice of the new closing date within 1 business day after the
127 change occurs. If the closing does not occur, the fee for the
128 preparation and delivery of the estoppel certificate is payable
129 by the unit owner upon the expiration of the 30-day or 35-day
130 effective period of the estoppel certificate. The association
131 may collect the fee in the same manner as an assessment against
132 the unit and is payable upon the preparation of the certificate.
133 ~~If the certificate is requested in conjunction with the sale or~~
134 ~~mortgage of a parcel but the closing does not occur and no later~~
135 ~~than 30 days after the closing date for which the certificate~~
136 ~~was sought the preparer receives a written request, accompanied~~

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137 ~~by reasonable documentation, that the sale did not occur from a~~
138 ~~payor that is not the parcel owner, the fee shall be refunded to~~
139 ~~that payor within 30 days after receipt of the request. The~~
140 ~~refund is the obligation of the parcel owner, and the~~
141 ~~association may collect it from that owner in the same manner as~~
142 ~~an assessment as provided in this section. The right to~~
143 ~~reimbursement may not be waived or modified by any contract or~~
144 ~~agreement. The prevailing party in any action brought to enforce~~
145 ~~a right of reimbursement shall be awarded damages and all~~
146 ~~applicable attorney fees and costs.~~

147 Section 4. Subsection (9) of section 720.30851, Florida
148 Statutes, is renumbered as subsection (11), subsection (8) is
149 amended, and new subsections (9) and (10) are added to that
150 section, to read:

151 720.30851 Estoppel certificates.—Within 10 business days
152 after receiving a written or electronic request for an estoppel
153 certificate from a parcel owner or the parcel owner's designee,
154 or a parcel mortgagee or the parcel mortgagee's designee, the
155 association shall issue the estoppel certificate. Each
156 association shall designate on its website a person or entity
157 with a street or e-mail address for receipt of a request for an
158 estoppel certificate issued pursuant to this section. The
159 estoppel certificate must be provided by hand delivery, regular
160 mail, or e-mail to the requestor on the date of issuance of the
161 estoppel certificate.

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162 (8) The authority to charge a fee for the preparation and
163 delivery of the estoppel certificate must be established
164 annually by a written resolution adopted by the board or
165 provided by a written management, bookkeeping, or maintenance
166 contract.

167 (9) An association may not directly or indirectly charge a
168 fee for an estoppel certificate other than those expressly
169 authorized by this section. Unauthorized fees or charges,
170 whether described as a convenience fee, an archive fee, a
171 service fee, a processing fee, a delivery fee, a credit card
172 fee, a certification fee, a third-party fee, or any other fee or
173 charge, are void and may be ignored by the requestor of the
174 estoppel certificate.

175 (10) If an estoppel certificate is requested in
176 conjunction with the sale or refinancing of a parcel, the fee
177 for the preparation and delivery of the estoppel certificate
178 must be paid to the association from the closing or settlement
179 proceeds within 5 business days after closing. The requestor of
180 the estoppel certificate must provide notice to the person
181 preparing the estoppel certificate of the closing date no later
182 than 3 business days before the closing and, if the closing date
183 changes after such notice is provided, the requestor must
184 provide the person preparing the estoppel certificate with
185 notice of the new closing date within 1 business day after the
186 change occurs. If the closing does not occur, the fee for the

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187 preparation and delivery of the estoppel certificate is payable
 188 by the parcel owner upon the expiration of the 30-day or 35-day
 189 effective period of the estoppel certificate. The association
 190 may collect the fee in the same manner as an assessment against
 191 the parcel and is payable upon the preparation of the
 192 ~~certificate. If the certificate is requested in conjunction with~~
 193 ~~the sale or mortgage of a parcel but the closing does not occur~~
 194 ~~and no later than 30 days after the closing date for which the~~
 195 ~~certificate was sought the preparer receives a written request,~~
 196 ~~accompanied by reasonable documentation, that the sale did not~~
 197 ~~occur from a payor that is not the parcel owner, the fee shall~~
 198 ~~be refunded to that payor within 30 days after receipt of the~~
 199 ~~request. The refund is the obligation of the parcel owner, and~~
 200 ~~the association may collect it from that owner in the same~~
 201 ~~manner as an assessment as provided in this section. The right~~
 202 ~~to reimbursement may not be waived or modified by any contract~~
 203 ~~or agreement. The prevailing party in any action brought to~~
 204 ~~enforce a right of reimbursement shall be awarded damages and~~
 205 ~~all applicable attorney fees and costs.~~

206 Section 5. This act shall take effect October 1, 2024.

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209 **T I T L E A M E N D M E N T**

210 Remove everything before the enacting clause and insert:

211 A bill to be entitled

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212 An act relating to estoppel certificates; amending s.
213 468.436, F.S.; making a technical change; amending ss.
214 718.116, 719.108, and 720.30851, F.S.; requiring a
215 community association to annually establish the
216 authority to charge a fee for the preparation and
217 delivery of an estoppel certificate; prohibiting a
218 community association from directly or indirectly
219 charging fees that are not authorized by law for an
220 estoppel certificate; requiring that the fee for the
221 preparation and delivery of an estoppel certificate be
222 paid from closing or settlement proceeds in certain
223 circumstances; requiring a person requesting an
224 estoppel certificate to provide certain notice to the
225 person preparing the estoppel certificate within a
226 specified time period; providing an alternative method
227 for paying the fee for the preparation and delivery of
228 an estoppel certificate; authorizing a community
229 association to collect the fee in a specified manner;
230 providing an effective date.

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