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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/15/2015	.	
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The Committee on Fiscal Policy (Abruzzo) recommended the following:

Senate Amendment

Delete lines 77 - 275

and insert:

(e) ~~(e)~~ Notwithstanding any limitation on transfer fees contained in s. 718.112(2)(i), an ~~the~~ association or its ~~authorized~~ agent may charge a reasonable fee, which may not exceed its reasonable costs to prepare and deliver ~~for the preparation of the estoppel certificate. However, the fee for the estoppel certificate may not exceed \$250 if on the date the~~



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11 certificate is issued, no delinquent amounts are owed to the
12 association for the applicable unit. If an estoppel certificate
13 is requested on an expedited basis and delivered within 3
14 business days after the request, the association may charge
15 additional fee of \$100. If delinquent amounts are owed to the
16 association for the applicable unit, an additional fee for the
17 estoppel certificate may not exceed \$100. The association may
18 not charge a fee for an estoppel certificate that is issued more
19 than 10 business days after it receives the request for the
20 certificate. The amount of the fee must be included on the
21 certificate.

22 (f) ~~(d)~~ The authority to charge a fee for the estoppel
23 certificate ~~must shall~~ be established by a written resolution
24 adopted by the board or provided by a written management,
25 bookkeeping, or maintenance contract and is payable upon the
26 preparation of the certificate. If the certificate is requested
27 in conjunction with the sale or mortgage of a unit but the
28 closing does not occur and no later than 30 days after the
29 closing date for which the certificate was sought the preparer
30 receives a written request, accompanied by reasonable
31 documentation, that the sale did not occur from a payor that is
32 not the unit owner, the fee shall be refunded to that payor
33 within 30 days after receipt of the request. The refund is the
34 obligation of the unit owner, and the association may collect it
35 from that owner in the same manner as an assessment as provided
36 in this section.

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

39 719.108 Rents and assessments; liability; lien and



40 priority; interest; collection; cooperative ownership.—

41 (6) An association shall issue an estoppel certificate to a
42 unit owner or the unit owner's designee or a unit mortgagee or
43 the unit mortgagee's designee within 10 business ~~15~~ days after
44 receiving a written or electronic request for the certificate.
45 The estoppel certificate must be delivered by mail, by hand
46 delivery, or by electronic means to the requester on the date of
47 issuance.

48 (a) The estoppel certificate must contain all of the
49 following:

50 1. The date of issuance.

51 2. The amount of all assessments and other moneys owed to
52 the association by the unit owner for a specific unit on the
53 date of issuance. This amount is limited to the amounts
54 authorized to be recorded in the official records of the
55 association under s. 719.104(2).

56 3. The amount of any additional assessments and other
57 moneys that are scheduled to become due for each day after the
58 date of issuance for the 30-day or 35-day effective period of
59 the estoppel certificate. This amount is limited to the amounts
60 authorized to be recorded in the official records of the
61 association under s. 719.104(2). In calculating the amounts that
62 are scheduled to become due, the association may assume that any
63 delinquent amounts will remain delinquent during the effective
64 period of the estoppel certificate.

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

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



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69 (b) An estoppel certificate that is delivered on the date
70 of issuance has a 30-day effective period. An estoppel
71 certificate that is mailed to the requester has a 35-day
72 effective period.

73 (c) An association waives the right to collect any moneys
74 owed in excess of the amounts specified in the estoppel
75 certificate from any person who in good faith relies upon the
76 estoppel certificate and from that person's successors and
77 assigns.

78 (d) A summary proceeding pursuant to s. 51.011 may be
79 brought to compel compliance with this subsection, and in any
80 such action the prevailing party is entitled to recover
81 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
82 ~~association shall provide a certificate stating all assessments~~
83 ~~and other moneys owed to the association by the unit owner with~~
84 ~~respect to the cooperative parcel. Any person other than the~~
85 ~~unit owner who relies upon such certificate shall be protected~~
86 ~~thereby.~~

87 (e) Notwithstanding any limitation on transfer fees
88 contained in s. 719.106(1)(i), ~~an~~ the association or its
89 authorized agent may charge a ~~reasonable fee, which may not~~
90 ~~exceed its reasonable costs to prepare and deliver for the~~
91 ~~preparation of the estoppel certificate. However, the fee for~~
92 ~~the estoppel certificate may not exceed \$250 if on the date the~~
93 ~~certificate is issued, no delinquent amounts are owed to the~~
94 ~~association for the applicable unit. If an estoppel certificate~~
95 ~~is requested on an expedited basis and delivered within 3~~
96 ~~business days after the request, the association may charge an~~
97 ~~additional fee of \$100. If delinquent amounts are owed to the~~



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98 association for the applicable unit, an additional fee for the
99 estoppel certificate may not exceed \$100. The association may
100 not charge a fee for an estoppel certificate that is issued more
101 than 10 business days after it receives a request for the
102 certificate.

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

107 Section 3. Section 720.30851, Florida Statutes, is amended
108 to read:

109 720.30851 Estoppel certificates.—An association shall issue
110 an estoppel certificate to a parcel owner or the parcel owner's
111 designee or a mortgagee or the mortgagee's designee within 10
112 business ~~15~~ days after receiving a written or electronic request
113 for the certificate. The estoppel certificate must be delivered
114 by mail, by hand delivery, or by electronic means to the
115 requester on the date of issuance.

116 (1) The estoppel certificate must contain all of the
117 following:

118 (a) The date of issuance.

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

124 (c) The amount of any additional assessments and other
125 moneys that are scheduled to become due for each day after the
126 date of issuance for the 30-day or 35-day effective period of



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127 the estoppel certificate. This amount is limited to amounts
128 authorized by statute to be recorded in the official records of
129 the association under s. 720.303(4). In calculating the amounts
130 that are scheduled to become due, the association may assume
131 that any delinquent amounts will remain delinquent during the
132 effective period of the estoppel certificate.

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

136 (e) The signature of an officer or agent of the
137 association.

138 (2) An estoppel certificate that is delivered on the date
139 of issuance has a 30-day effective period. An estoppel
140 certificate that is mailed to the requester has a 35-day
141 effective period.

142 (3) An association waives the right to collect any moneys
143 owed in excess of the amounts specified in the estoppel
144 certificate from any person who in good faith relies upon the
145 estoppel certificate and from that person's successors and
146 assigns. ~~the date on which a request for an estoppel certificate~~
147 ~~is received from a parcel owner or mortgagee, or his or her~~
148 ~~designee, the association shall provide a certificate signed by~~
149 ~~an officer or authorized agent of the association stating all~~
150 ~~assessments and other moneys owed to the association by the~~
151 ~~parcel owner or mortgagee with respect to the parcel. An~~
152 ~~association may charge a fee for the preparation of such~~
153 ~~certificate, and the amount of such fee must be stated on the~~
154 ~~certificate.~~

155 ~~(1) Any person other than a parcel owner who relies upon a~~



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156 ~~certificate receives the benefits and protection thereof.~~

157 (4)~~(2)~~ A summary proceeding pursuant to s. 51.011 may be
158 brought to compel compliance with this section, and the
159 prevailing party is entitled to recover reasonable attorney
160 ~~attorney's~~ fees.

161 (5) An association or its agent may charge a fee, which may
162 not exceed its reasonable costs to prepare and deliver the
163 estoppel certificate. However, the fee for the estoppel
164 certificate may not exceed \$250 if on the date the certificate
165 is issued, no delinquent amounts are owed to the association for
166 the applicable parcel. If an estoppel certificate is requested
167 on an expedited basis and delivered within 3 business days after
168 the request, the association may charge an additional fee of
169 \$100. If delinquent amounts are owed to the association for the
170 applicable parcel, and additional fee for the certificate may
171 not exceed \$100. The association may not charge a fee for an
172 estoppel certificate that is issued more than 10 business days
173 after it receives the request for the certificate.