

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Business & Professions  
 2 Subcommittee

3 Representative Wood offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 718.116 Assessments; liability; lien and priority;  
 10 interest; collection.—

11 (8) An association shall issue an estoppel certificate to  
 12 a unit owner or the unit owner's designee or a unit mortgagee or  
 13 the unit mortgagee's designee within 10 business ~~15~~ days after  
 14 receiving a written or electronic request for the certificate.  
 15 Each association shall designate a person or entity, and such  
 16 designation shall be available upon request, with a street or  
 17 electronic address for receipt of a request for an estoppel

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18 certificate issued pursuant to this section. The estoppel  
19 certificate must be delivered by United States mail, by hand  
20 delivery, or by electronic transmission to the requester on the  
21 date of issuance. For purposes of delivery by United States  
22 mail, the estoppel certificate is deemed delivered on the date  
23 it is deposited in the mail.

24 (a) The estoppel certificate must contain all of the  
25 following information as set forth in the official records of  
26 the association and may include additional information, as  
27 determined by the association. The estoppel certificate must be  
28 in substantially the following form:  
29

- 30 1. The date of issuance: \_\_\_\_\_  
31 2. Name of unit owner(s): \_\_\_\_\_  
32 3. Unit designation: \_\_\_\_\_  
33     Parking/garage space number, if any: \_\_\_\_\_  
34     Storage locker number, if any: \_\_\_\_\_  
35 4. Unit address: \_\_\_\_\_  
36 5. Fee for preparation and delivery of the estoppel  
37 certificate: \_\_\_\_\_  
38 6. Requested by: \_\_\_\_\_  
39

40 ASSESSMENT INFORMATION

- 41 7. The regular periodic assessment levied against the unit  
42 is \$ \_\_\_\_\_ per \_\_\_\_\_ (insert frequency of payment).  
43 8. The regular periodic assessment is paid through  
44 \_\_\_\_\_ (insert date paid through).

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45 9. The next installment of the regular periodic assessment  
46 is due (insert due date) in the amount of \$ .

47 10. Provide an itemized list of all assessments, special  
48 assessments, other moneys owed, capital  
49 contribution/resale/transfer fees owed, and credit balances to  
50 the association by the unit owner for a specific unit on the  
51 date of issuance.

52 11. Provide an itemized list of any additional  
53 assessments, special assessments, and other moneys that are  
54 scheduled to become due for each day after the date of issuance  
55 for the effective period of the estoppel certificate that are  
56 known at the date of issuance. In calculating the amounts that  
57 are scheduled to become due, the association may assume that any  
58 delinquent amounts will remain delinquent during the effective  
59 period of the estoppel certificate.

60 12. Describe any and all documented violations of the rules  
61 or regulations applicable to the unit.

62  
63 Signed:

64 (Officer or Authorized Agent of the Association)

65 Print Name:  
66

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

71 (c) An association waives the right to collect any moneys  
72 owed in excess of the amounts specified in the estoppel

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73 certificate from any person who in good faith relies upon the  
74 estoppel certificate and from the person's successors and  
75 assigns. therefor from a unit owner or his or her designee, or a  
76 unit mortgagee or his or her designee, the association shall  
77 provide a certificate signed by an officer or agent of the  
78 association stating all assessments and other moneys owed to the  
79 association by the unit owner with respect to the condominium  
80 parcel.

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

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

87 (e) ~~(e)~~ Notwithstanding any limitation on transfer fees  
88 contained in s. 718.112(2)(i), an ~~the~~ association or its  
89 ~~authorized~~ agent may charge a reasonable fee for the preparation  
90 of the estoppel certificate. However, the fee for the estoppel  
91 certificate may not exceed \$250 if on the date the certificate  
92 is issued, no delinquent amounts are owed to the association for  
93 the applicable unit. If an estoppel certificate is requested on  
94 an expedited basis and delivered within 3 business days after  
95 the request, the association may charge an additional fee of  
96 \$100. If delinquent amounts are owed to the association for the  
97 applicable unit, an additional fee for the estoppel certificate  
98 may not exceed \$200. The association may not charge a fee for an

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99 estoppel certificate that is issued more than 10 business days  
100 after it receives the request for the certificate. The maximum  
101 allowable fees charged in accordance with this section shall be  
102 adjusted every 3 years in an amount equal to the annual  
103 increases for that 3-year period in the Consumer Price Index for  
104 All Urban Consumers, U.S. City Average, All Items. The  
105 Department of Business and Professional Regulation shall  
106 periodically calculate the maximum allowable fees under this  
107 section, rounded to the nearest dollar, and publish the amounts,  
108 as adjusted, on its website. An association may not require the  
109 payment of any fees other than those in this paragraph as a  
110 condition for the preparation or delivery of an estoppel  
111 certificate. ~~The amount of the fee must be included on the~~  
112 ~~certificate.~~

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

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125 ~~obligation of the unit owner, and the association may collect it~~  
126 ~~from that owner in the same manner as an assessment as provided~~  
127 ~~in this section.~~

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

130 719.108 Rents and assessments; liability; lien and  
131 priority; interest; collection; cooperative ownership.—

132 (6) An association shall issue an estoppel certificate to  
133 a unit owner or the unit owner's designee or a unit mortgagee or  
134 the unit mortgagee's designee within 10 business 15 days after  
135 receiving a written or electronic request for the certificate.  
136 Each association shall designate a person or entity, and such  
137 designation shall be available upon request, with a street or  
138 electronic address for receipt of a request for an estoppel  
139 certificate issued pursuant to this section. The estoppel  
140 certificate must be delivered by United States mail, by hand  
141 delivery, or by electronic transmission to the requester on the  
142 date of issuance. For purposes of delivery by United States  
143 mail, the estoppel certificate is deemed delivered on the date  
144 it is deposited in the mail.

145 (a) The estoppel certificate must contain all of the  
146 following information as set forth in the official records of  
147 the association and may include additional information, as  
148 determined by the association. The estoppel certificate must be  
149 in substantially the following form:  
150

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- 151        1. The date of issuance:  
152        2. Name of unit owner(s):  
153        3. Unit designation:  
154                Parking/garage space number, if any:  
155                Storage locker number, if any:  
156        4. Unit address:  
157        5. Fee for preparation and delivery of the estoppel  
158 certificate:  
159        6. Requested by:

160  
161        ASSESSMENT INFORMATION

- 162        7. The regular periodic assessment levied against the unit  
163 is \$                per                (insert frequency of payment).  
164        8. The regular periodic assessment is paid through  
165 (insert date paid through).  
166        9. The next installment of the regular periodic assessment  
167 is due                (insert due date) in the amount of \$                .  
168        10. Provide an itemized list of all assessments, special  
169 assessments, other moneys owed, capital  
170 contribution/resale/transfer fees owed, and credit balances to  
171 the association by the unit owner for a specific unit on the  
172 date of issuance.  
173        11. Provide an itemized list of any additional  
174 assessments, special assessments, and other moneys that are  
175 scheduled to become due for each day after the date of issuance  
176 for the effective period of the estoppel certificate that are  
177 known at the date of issuance. In calculating the amounts that  
178 are scheduled to become due, the association may assume that any

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179 delinquent amounts will remain delinquent during the effective  
180 period of the estoppel certificate.

181 12. Describe any and all documented violations of the rules  
182 or regulations applicable to the unit.

183  
184 Signed:

185 (Officer or Authorized Agent of the Association)

186 Print Name:  
187

188 (b) An estoppel certificate that is delivered on the date  
189 of issuance has a 30-day effective period. An estoppel  
190 certificate that is mailed to the requester has a 35-day  
191 effective period.

192 (c) An association waives the right to collect any moneys  
193 owed in excess of the amounts specified in the estoppel  
194 certificate from any person who in good faith relies upon the  
195 estoppel certificate and from that person's successors and  
196 assigns.

197 (d) A summary proceeding pursuant to s. 51.011 may be  
198 brought to compel compliance with this subsection, and in any  
199 such action the prevailing party is entitled to recover  
200 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~  
201 ~~association shall provide a certificate stating all assessments~~  
202 ~~and other moneys owed to the association by the unit owner with~~  
203 ~~respect to the cooperative parcel. Any person other than the~~  
204 ~~unit owner who relies upon such certificate shall be protected~~  
205 ~~thereby.~~

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206       (e) Notwithstanding any limitation on transfer fees  
207       contained in s. 719.106(1)(i), an ~~the~~ association or its  
208       authorized agent may charge a reasonable fee for the preparation  
209       of the estoppel certificate. However, the fee for the estoppel  
210       certificate may not exceed \$250 if on the date the certificate  
211       is issued, no delinquent amounts are owed to the association for  
212       the applicable unit. If an estoppel certificate is requested on  
213       an expedited basis and delivered within 3 business days after  
214       the request, the association may charge an additional fee of  
215       \$100. If delinquent amounts are owed to the association for the  
216       applicable unit, an additional fee for the estoppel certificate  
217       may not exceed \$200. The association may not charge a fee for an  
218       estoppel certificate that is issued more than 10 business days  
219       after it receives a request for the certificate. The maximum  
220       allowable fees charged in accordance with this section shall be  
221       adjusted every 3 years in an amount equal to the annual  
222       increases for that 3-year period in the Consumer Price Index for  
223       All Urban Consumers, U.S. City Average, All Items. The  
224       Department of Business and Professional Regulation shall  
225       periodically calculate the maximum allowable fees under this  
226       section, rounded to the nearest dollar, and publish the amounts,  
227       as adjusted, on its website. An association may not require the  
228       payment of any fees other than those in this paragraph as a  
229       condition for the preparation or delivery of an estoppel  
230       certificate.

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231 (f) The authority to charge a fee for the estoppel  
232 certificate must be established by a written resolution adopted  
233 by the board or provided by a written management, bookkeeping,  
234 or maintenance contract and is payable upon the preparation of  
235 the certificate.

236 Section 3. Section 720.30851, Florida Statutes, is amended  
237 to read:

238 720.30851 Estoppel certificates.—An association shall  
239 issue an estoppel certificate to a parcel owner or the parcel  
240 owner's designee or a mortgagee or the mortgagee's designee  
241 within 10 business 15 days after receiving a written or  
242 electronic request for the certificate. Each association shall  
243 designate a person or entity, and such designation shall be  
244 available upon request, with a street or electronic address for  
245 receipt of a request for an estoppel certificate issued pursuant  
246 to this section. The estoppel certificate must be delivered by  
247 United States mail, by hand delivery, or by electronic  
248 transmission to the requester on the date of issuance. For  
249 purposes of delivery by United States mail, the estoppel  
250 certificate is deemed delivered on the date it is deposited in  
251 the mail.

252 (a) The estoppel certificate must contain all of the  
253 following information as set forth in the official records of  
254 the association and may include additional information, as  
255 determined by the association. The estoppel certificate must be  
256 in substantially the following form:  
257

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- 258 1. The date of issuance:
- 259 2. Name of parcel owner(s):
- 260 3. Parcel designation:
- 261     Parking/garage space number, if any:
- 262     Storage locker number, if any:
- 263 4. Parcel address:
- 264 5. Fee for preparation and delivery of the estoppel
- 265 certificate:
- 266 6. Requested by:

267  
268 ASSESSMENT INFORMATION

- 269 7. The regular periodic assessment levied against the
- 270 parcel is \$            per            (insert frequency of
- 271 payment).
- 272 8. The regular periodic assessment is paid through
- 273 (insert date paid through).
- 274 9. The next installment of the regular periodic assessment
- 275 is due            (insert due date) in the amount of \$            .
- 276 10. Provide an itemized list of all assessments, special
- 277 assessments, other moneys owed, capital
- 278 contribution/resale/transfer fees owed, and credit balances to
- 279 the association by the parcel owner for a specific parcel on the
- 280 date of issuance.
- 281 11. Provide an itemized list of any additional
- 282 assessments, special assessments, and other moneys that are
- 283 scheduled to become due for each day after the date of issuance
- 284 for the effective period of the estoppel certificate that are
- 285 known at the date of issuance. In calculating the amounts that

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286 are scheduled to become due, the association may assume that any  
287 delinquent amounts will remain delinquent during the effective  
288 period of the estoppel certificate.

289 12. Describe any and all documented violations of the rules  
290 or regulations applicable to the parcel.

291  
292 Signed:

293 (Officer or Authorized Agent of the Association)

294 Print Name:  
295

296 (2) An estoppel certificate that is delivered on the date  
297 of issuance has a 30-day effective period. An estoppel  
298 certificate that is mailed to the requester has a 35-day  
299 effective period.

300 (3) An association waives the right to collect any moneys  
301 owed in excess of the amounts specified in the estoppel  
302 certificate from any person who in good faith relies upon the  
303 estoppel certificate and from that person's successors and  
304 assigns. the date on which a request for an estoppel certificate  
305 is received from a parcel owner or mortgagee, or his or her  
306 designee, the association shall provide a certificate signed by  
307 an officer or authorized agent of the association stating all  
308 assessments and other moneys owed to the association by the  
309 parcel owner or mortgagee with respect to the parcel. An  
310 association may charge a fee for the preparation of such  
311 certificate, and the amount of such fee must be stated on the  
312 certificate.

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

315 ~~(4)-(2)~~ A summary proceeding pursuant to s. 51.011 may be  
316 brought to compel compliance with this section, and the  
317 prevailing party is entitled to recover reasonable attorney  
318 attorney's fees.

319 (5) An association or its agent may charge a reasonable fee  
320 for the preparation of the estoppel certificate. However, the  
321 fee for the estoppel certificate may not exceed \$250 if on the  
322 date the certificate is issued, no delinquent amounts are owed  
323 to the association for the applicable parcel. If an estoppel  
324 certificate is requested on an expedited basis and delivered  
325 within 3 business days after the request, the association may  
326 charge an additional fee of \$100. If delinquent amounts are owed  
327 to the association for the applicable parcel, an additional fee  
328 for the certificate may not exceed \$200. The association may not  
329 charge a fee for an estoppel certificate that is issued more  
330 than 10 business days after it receives the request for the  
331 certificate. The maximum allowable fees charged in accordance  
332 with this section shall be adjusted every 3 years in an amount  
333 equal to the annual increases for that 3-year period in the  
334 Consumer Price Index for All Urban Consumers, U.S. City Average,  
335 All Items. The department shall periodically calculate the  
336 maximum allowable fees under this section, rounded to the  
337 nearest dollar, and publish the amounts, as adjusted, on its  
338 website. An association may not require the payment of any fees

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339 other than those in this subsection as a condition for the  
 340 preparation or delivery of an estoppel certificate.

341 ~~(6)(3) The authority to charge a fee for the estoppel~~  
 342 ~~certificate must shall be established by a written resolution~~  
 343 ~~adopted by the board or provided by a written management,~~  
 344 ~~bookkeeping, or maintenance contract and is payable upon the~~  
 345 ~~preparation of the certificate. If the certificate is requested~~  
 346 ~~in conjunction with the sale or mortgage of a parcel but the~~  
 347 ~~closing does not occur and no later than 30 days after the~~  
 348 ~~closing date for which the certificate was sought the preparer~~  
 349 ~~receives a written request, accompanied by reasonable~~  
 350 ~~documentation, that the sale did not occur from a payor that is~~  
 351 ~~not the parcel owner, the fee shall be refunded to that payor~~  
 352 ~~within 30 days after receipt of the request. The refund is the~~  
 353 ~~obligation of the parcel owner, and the association may collect~~  
 354 ~~it from that owner in the same manner as an assessment as~~  
 355 ~~provided in this section.~~

356 Section 4. This act shall take effect July 1, 2016.  
 357

358 -----

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

360 Remove everything before the enacting clause and insert:

361 A bill to be entitled

362 An act relating to residential properties; amending  
 363 ss. 718.116, 719.108, and 720.30851, F.S.; revising  
 364 requirements relating to the issuance of an estoppel

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365 certificate to specified persons; requiring that an  
366 estoppel certificate contain certain information;  
367 providing an effective period for a certificate based  
368 upon the date of issuance and form of delivery;  
369 providing that the association waives a specified  
370 claim against a person or such person's successors or  
371 assigns who rely on the certificate in good faith;  
372 authorizing a summary proceeding to be brought to  
373 compel an association to prepare or deliver an  
374 estoppel certificate; specifying the maximum amounts  
375 an association may charge for an estoppel certificate;  
376 providing that the authority to charge a fee for the  
377 estoppel certificate must be established by a  
378 specified written resolution or provided by a written  
379 management, bookkeeping, or maintenance contract;  
380 deleting obsolete provisions; conforming provisions to  
381 changes made by the act; providing an effective date.  
382