

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 An association must designate a person or entity, and such
 34 designation must be available upon request, with a physical or
 35 electronic address for receipt of a request for an estoppel
 36 certificate issued pursuant to this section. The estoppel
 37 certificate must be delivered by United States mail, by hand
 38 delivery, or by electronic transmission to the requester on the
 39 date of issuance. For purposes of delivery by United States
 40 mail, the estoppel certificate is deemed delivered on the date
 41 it is deposited in the mail.

42 (a) The estoppel certificate must contain all of the
 43 following information as set forth in the official records of
 44 the association and may include additional information, as
 45 determined by the association. The estoppel certificate must be
 46 in substantially the following form:

- 47
- 48 1. Date of issuance:....
- 49 2. Name of unit owner(s):....
- 50 3. Unit designation:....
- 51 Parking/garage space number, if any:....
- 52 Storage locker number, if any:....

- 53 4. Unit address:....
- 54 5. Fee for preparation and delivery of the estoppel
- 55 certificate:....
- 56 6. Requested by:....
- 57
- 58 ASSESSMENT INFORMATION
- 59 7. The regular periodic assessment levied against the
- 60 unit is \$.... per ...(insert frequency of payment)....
- 61 8. The regular periodic assessment is paid through
- 62 ...(insert date paid through)....
- 63 9. The next installment of the regular periodic
- 64 assessment is due ...(insert due date)... in the
- 65 amount of \$.....
- 66 10. Provide an itemized list of all assessments,
- 67 special assessments, other moneys owed, capital
- 68 contribution/resale/transfer fees owed, and credit
- 69 balances to the association by the unit owner for a
- 70 specific unit on the date of issuance.
- 71 11. Provide an itemized list of any additional
- 72 assessments, special assessments, and other moneys
- 73 owed that are scheduled to become due for each day
- 74 after the date of issuance for the effective period of
- 75 the estoppel certificate that are known at the date of
- 76 issuance. In calculating the amounts that are
- 77 scheduled to become due, the association may assume
- 78 that any delinquent amounts will remain delinquent

79 during the effective period of the estoppel
 80 certificate.

81 12. Describe all documented violations, if any, of
 82 the rules or regulations applicable to the unit.

83
 84 Signed:....
 85 ...(Officer or Authorized Agent of the Association)...

86 Print Name:....
 87

88 (b) An estoppel certificate that is delivered on the date
 89 of issuance has a 30-day effective period. An estoppel
 90 certificate that is mailed to the requester has a 35-day
 91 effective period.

92 (c) An association waives the right to collect any moneys
 93 owed in excess of the amounts specified in the estoppel
 94 certificate from any person who in good faith relies upon the
 95 estoppel certificate and from the person's successors and
 96 assigns. therefor from a unit owner or his or her designee, or a
 97 unit mortgagee or his or her designee, the association shall
 98 provide a certificate signed by an officer or agent of the
 99 association stating all assessments and other moneys owed to the
 100 association by the unit owner with respect to the condominium
 101 parcel.

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

104 (d) ~~(b)~~ A summary proceeding pursuant to s. 51.011 may be

105 brought to compel compliance with this subsection, and in any
106 such action the prevailing party is entitled to recover
107 reasonable attorney ~~attorney's~~ fees.

108 ~~(e)(e)~~ Notwithstanding any limitation on transfer fees
109 contained in s. 718.112(2)(i), an ~~the~~ association or its
110 ~~authorized~~ agent may charge a reasonable fee for the preparation
111 of the estoppel certificate. However, the fee for the estoppel
112 certificate may not exceed \$250 if on the date the certificate
113 is issued, no delinquent amounts are owed to the association for
114 the applicable unit. If an estoppel certificate is requested on
115 an expedited basis and delivered within 3 business days after
116 the request, the association may charge an additional fee of
117 \$100. If delinquent amounts are owed to the association for the
118 applicable unit, an additional fee for the estoppel certificate
119 may not exceed \$200. The association may not charge a fee for an
120 estoppel certificate that is issued more than 10 business days
121 after it receives the request for the certificate. The maximum
122 allowable fees charged in accordance with this section shall be
123 adjusted every 3 years in an amount equal to the annual
124 increases for that 3-year period in the Consumer Price Index for
125 All Urban Consumers, U.S. City Average, All Items. The
126 Department of Business and Professional Regulation shall
127 periodically calculate the maximum allowable fees under this
128 section, rounded to the nearest dollar, and publish the amounts,
129 as adjusted, on its website. An association may not require
130 payment of any fees, other than those authorized in this

131 paragraph, as a condition for the preparation or delivery of an
132 estoppel certificate ~~The amount of the fee must be included on~~
133 ~~the certificate.~~

134 ~~(f)(d)~~ The authority to charge a fee for the estoppel
135 certificate must ~~shall~~ be established by a written resolution
136 adopted by the board or provided by a written management,
137 bookkeeping, or maintenance contract and is payable upon the
138 preparation of the certificate. ~~If the certificate is requested~~
139 ~~in conjunction with the sale or mortgage of a unit but the~~
140 ~~closing does not occur and no later than 30 days after the~~
141 ~~closing date for which the certificate was sought the preparer~~
142 ~~receives a written request, accompanied by reasonable~~
143 ~~documentation, that the sale did not occur from a payor that is~~
144 ~~not the unit owner, the fee shall be refunded to that payor~~
145 ~~within 30 days after receipt of the request. The refund is the~~
146 ~~obligation of the unit owner, and the association may collect it~~
147 ~~from that owner in the same manner as an assessment as provided~~
148 ~~in this section.~~

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

151 719.108 Rents and assessments; liability; lien and
152 priority; interest; collection; cooperative ownership.—

153 (6) An association shall issue an estoppel certificate to
154 a unit owner or the unit owner's designee or a unit mortgagee or
155 the unit mortgagee's designee within 10 business 15 days after
156 receiving a written or electronic request for the certificate.

157 An association must designate a person or entity, and such
 158 designation must be available upon request, with a physical or
 159 electronic address for receipt of a request for an estoppel
 160 certificate issued pursuant to this section. The estoppel
 161 certificate must be delivered by United States mail, by hand
 162 delivery, or by electronic transmission to the requester on the
 163 date of issuance. For purposes of delivery by United States
 164 mail, the estoppel certificate is deemed delivered on the date
 165 it is deposited in the mail.

166 (a) The estoppel certificate must contain all of the
 167 following information as set forth in the official records of
 168 the association and may include additional information, as
 169 determined by the association. The estoppel certificate must be
 170 in substantially the following form:

- 171
- 172 1. Date of issuance:....
- 173 2. Name of unit owner(s):....
- 174 3. Unit designation:....
- 175 Parking/garage space number, if any:....
- 176 Storage locker number, if any:....
- 177 4. Unit address:....
- 178 5. Fee for preparation and delivery of the estoppel
 179 certificate:....
- 180 6. Requested by:....

181

182 ASSESSMENT INFORMATION

183 7. The regular periodic assessment levied against the
 184 unit is \$.... per ...(insert frequency of payment)....

185 8. The regular periodic assessment is paid through
 186 ...(insert date paid through)....

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

190 10. Provide an itemized list of all assessments,
 191 special assessments, other moneys owed, capital
 192 contribution/resale/transfer fees owed, and credit
 193 balances to the association by the unit owner for a
 194 specific unit on the date of issuance.

195 11. Provide an itemized list of any additional
 196 assessments, special assessments, and other moneys
 197 owed that are scheduled to become due for each day
 198 after the date of issuance for the effective period of
 199 the estoppel certificate that are known at the date of
 200 issuance. In calculating the amounts that are
 201 scheduled to become due, the association may assume
 202 that any delinquent amounts will remain delinquent
 203 during the effective period of the estoppel
 204 certificate.

205 12. Describe all documented violations, if any, of
 206 the rules or regulations applicable to the unit.

207
 208 Signed:....

209 ...(Officer or Authorized Agent of the Association)...

210 Print Name:....

211

212 (b) An estoppel certificate that is delivered on the date
 213 of issuance has a 30-day effective period. An estoppel
 214 certificate that is mailed to the requester has a 35-day
 215 effective period.

216 (c) An association waives the right to collect any moneys
 217 owed in excess of the amounts specified in the estoppel
 218 certificate from any person who in good faith relies upon the
 219 estoppel certificate and from that person's successors and
 220 assigns.

221 (d) A summary proceeding pursuant to s. 51.011 may be
 222 brought to compel compliance with this subsection, and in any
 223 such action the prevailing party is entitled to recover
 224 reasonable attorney fees. ~~by a unit owner or mortgagee, the~~
 225 ~~association shall provide a certificate stating all assessments~~
 226 ~~and other moneys owed to the association by the unit owner with~~
 227 ~~respect to the cooperative parcel. Any person other than the~~
 228 ~~unit owner who relies upon such certificate shall be protected~~
 229 ~~thereby.~~

230 (e) Notwithstanding any limitation on transfer fees
 231 contained in s. 719.106(1)(i), ~~an~~ the association or its
 232 authorized agent may charge a reasonable fee for the preparation
 233 of the estoppel certificate. However, the fee for the estoppel
 234 certificate may not exceed \$250 if on the date the certificate

235 is issued, no delinquent amounts are owed to the association for
236 the applicable unit. If an estoppel certificate is requested on
237 an expedited basis and delivered within 3 business days after
238 the request, the association may charge an additional fee of
239 \$100. If delinquent amounts are owed to the association for the
240 applicable unit, an additional fee for the estoppel certificate
241 may not exceed \$200. The association may not charge a fee for an
242 estoppel certificate that is issued more than 10 business days
243 after it receives a request for the certificate. The maximum
244 allowable fees charged in accordance with this section shall be
245 adjusted every 3 years in an amount equal to the annual
246 increases for that 3-year period in the Consumer Price Index for
247 All Urban Consumers, U.S. City Average, All Items. The
248 Department of Business and Professional Regulation shall
249 periodically calculate the maximum allowable fees under this
250 section, rounded to the nearest dollar, and publish the amounts,
251 as adjusted, on its website. An association may not require
252 payment of any fees, other than those authorized in this
253 paragraph, as a condition for the preparation or delivery of an
254 estoppel certificate.

255 (f) The authority to charge a fee for the estoppel
256 certificate must be established by a written resolution adopted
257 by the board or provided by a written management, bookkeeping,
258 or maintenance contract and is payable upon the preparation of
259 the certificate.

260 Section 3. Section 720.30851, Florida Statutes, is amended

261 to read:

262 720.30851 Estoppel certificates.—An association shall
 263 issue an estoppel certificate to a parcel owner or the parcel
 264 owner's designee or a mortgagee or the mortgagee's designee
 265 within 10 business ~~15~~ days after receiving a written or
 266 electronic request for the certificate. An association must
 267 designate a person or entity, and such designation must be
 268 available upon request, with a physical or electronic address
 269 for receipt of a request for an estoppel certificate issued
 270 pursuant to this section. The estoppel certificate must be
 271 delivered by United States mail, by hand delivery, or by
 272 electronic transmission to the requester on the date of
 273 issuance. For purposes of delivery by United States mail, the
 274 estoppel certificate is deemed delivered on the date it is
 275 deposited in the mail.

276 (1) The estoppel certificate must contain all of the
 277 following information as set forth in the official records of
 278 the association and may include additional information, as
 279 determined by the association. The estoppel certificate must be
 280 in substantially the following form:

- 281
- 282 1. Date of issuance:....
- 283 2. Name of parcel owner(s):....
- 284 3. Parcel designation:....
- 285 Parking/garage space number, if any:....
- 286 Storage locker number, if any:....

287 4. Parcel address:....

288 5. Fee for preparation and delivery of the estoppel
 289 certificate:....

290 6. Requested by:....

291

292 ASSESSMENT INFORMATION

293 7. The regular periodic assessment levied against the
 294 parcel is \$.... per ...(insert frequency of
 295 payment)....

296 8. The regular periodic assessment is paid through
 297 ...(insert date paid through)....

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

301 10. Provide an itemized list of all assessments,
 302 special assessments, other moneys owed, capital
 303 contribution/resale/transfer fees owed, and credit
 304 balances to the association by the parcel owner for a
 305 specific parcel on the date of issuance.

306 11. Provide an itemized list of any additional
 307 assessments, special assessments, and other moneys
 308 owed that are scheduled to become due for each day
 309 after the date of issuance for the effective period of
 310 the estoppel certificate that are known at the date of
 311 issuance. In calculating the amounts that are
 312 scheduled to become due, the association may assume

313 that any delinquent amounts will remain delinquent
 314 during the effective period of the estoppel
 315 certificate.

316 12. Describe all documented violations, if any, of
 317 the rules or regulations applicable to the parcel.

318
 319 Signed:....
 320 ...(Officer or Authorized Agent of the Association)...
 321 Print Name:....

322
 323 (2) An estoppel certificate that is delivered on the date
 324 of issuance has a 30-day effective period. An estoppel
 325 certificate that is mailed to the requester has a 35-day
 326 effective period.

327 (3) An association waives the right to collect any moneys
 328 owed in excess of the amounts specified in the estoppel
 329 certificate from any person who in good faith relies upon the
 330 estoppel certificate and from that person's successors and
 331 assigns. ~~the date on which a request for an estoppel certificate~~
 332 ~~is received from a parcel owner or mortgagee, or his or her~~
 333 ~~designee, the association shall provide a certificate signed by~~
 334 ~~an officer or authorized agent of the association stating all~~
 335 ~~assessments and other moneys owed to the association by the~~
 336 ~~parcel owner or mortgagee with respect to the parcel. An~~
 337 ~~association may charge a fee for the preparation of such~~
 338 ~~certificate, and the amount of such fee must be stated on the~~

339 ~~certificate.~~

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

342 (4)~~(2)~~ A summary proceeding pursuant to s. 51.011 may be
343 brought to compel compliance with this section, and the
344 prevailing party is entitled to recover reasonable attorney
345 attorney's fees.

346 (5) An association or its agent may charge a reasonable
347 fee for the preparation of the estoppel certificate. However,
348 the fee for the estoppel certificate may not exceed \$250 if on
349 the date the certificate is issued, no delinquent amounts are
350 owed to the association for the applicable parcel. If an
351 estoppel certificate is requested on an expedited basis and
352 delivered within 3 business days after the request, the
353 association may charge an additional fee of \$100. If delinquent
354 amounts are owed to the association for the applicable parcel,
355 an additional fee for the certificate may not exceed \$200. The
356 association may not charge a fee for an estoppel certificate
357 that is issued more than 10 business days after it receives the
358 request for the certificate. The maximum allowable fees charged
359 in accordance with this section shall be adjusted every 3 years
360 in an amount equal to the annual increases for that 3-year
361 period in the Consumer Price Index for All Urban Consumers, U.S.
362 City Average, All Items. The department shall periodically
363 calculate the maximum allowable fees under this section, rounded
364 to the nearest dollar, and publish the amounts, as adjusted, on

365 its website. An association may not require payment of any fees,
366 other than those authorized in this subsection, as a condition
367 for the preparation or delivery of an estoppel certificate.

368 (6)(3) The authority to charge a fee for the estoppel
369 certificate must ~~shall~~ be established by a written resolution
370 adopted by the board or provided by a written management,
371 bookkeeping, or maintenance contract and is payable upon the
372 preparation of the certificate. ~~If the certificate is requested~~
373 ~~in conjunction with the sale or mortgage of a parcel but the~~
374 ~~closing does not occur and no later than 30 days after the~~
375 ~~closing date for which the certificate was sought the preparer~~
376 ~~receives a written request, accompanied by reasonable~~
377 ~~documentation, that the sale did not occur from a payor that is~~
378 ~~not the parcel owner, the fee shall be refunded to that payor~~
379 ~~within 30 days after receipt of the request. The refund is the~~
380 ~~obligation of the parcel owner, and the association may collect~~
381 ~~it from that owner in the same manner as an assessment as~~
382 ~~provided in this section.~~

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