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GOVERNOR SIGNS CONDOMINIUM AND HOMEOWNERS ASSOCIATION LEGISLATION

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Florida Governor Rick Scott signed House Bill 398 into law on June 14, 2017. House Bill 398 addresses estoppel certificates and expands the scope of the current statutory provision. Specifically, the legislation changes the process and requirements for issuance of estoppel certificates by condominium and homeowners associations as follows:

- The time period for responding to a request for an estoppel certificate is reduced from 15 days to 10 days, and if not delivered within 10 days no fee can be charged for the estoppel.
- The association's website must contain the name and street address or e-mail address of the person to whom requests for estoppel certificates are to be sent.
- Estoppel certificates must be delivered by hand, mail or e-mail on the date the estoppel is issued.
- Instead of being signed by an officer or agent of the association, an estoppel certificate may be completed by any board member, authorized agent or authorized representative of the association, which specifically includes an agent or employee of the association's management company.
- The statutes contain a statutory form of estoppel, and all estoppel certificates must be substantially in the form provided in the statute which includes general information, assessment information, and other information relating to capital contributions, required approvals to transfer a home or unit, and insurance.
- An estoppel certificate is effective for 30 days (35 if delivered by regular mail).
- The fee for an estoppel certificate may not exceed $250 unless (a) the estoppel is requested on an expedited basis and is delivered within 3 days, in which case an additional fee of up to $100 can be charged, or (b) delinquent assessments are owed in which case an additional fee of up to $150 can be charged. The statutorily set fees are to be adjusted every 5 years based on the CPI
- The statute contains provisions regarding estoppel certificates for multiple units owned by the same owner which are issued simultaneously.

The new statutory provisions regarding estoppel certificates are effective July 1, 2017.

Senate Bill 1520 which amends the condominium termination statute was sent to the Governor on June 5, 2017 and must be signed or vetoed by the Governor by June 20, 2017. House Bill 6027, House Bill 1237, and House Bill 653 which address several condominium and homeowners associations matters were all sent to the Governor on June 14, 2015. The provisions of these bills is contained in my May 15 blog (http://www.flabusinesslaw.com/real-estate/2017-florida-condominium-and-homeowners-association-legislation/). The Governor has until June 29, 2017 to sign or veto these bills.

For more information, please contact the author Jeffrey Margolis on our Business, Finance & Tax Team.

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