



Changes to Estoppel Certificates

Fee and form changes for estoppel certificates provided by community associations

Background

Property owners who live within a community association must contact the association to get an estoppel letter when they sell their home or condominium unit. Both the Florida Condominium Act and laws regarding Homeowners Associations specifically address estoppel letters/certificates.¹

An estoppel letter/certificate is used to facilitate a closing by providing a snapshot of the fees or assessments that a seller may owe to their association.² In Florida, purchasers are jointly and severally liable with the previous owner for dues and assessments owed to the association. Therefore, when someone buys a property located within a condominium or homeowner's association, they need to know what is owed so that amount may be collected from the seller and applied at closing. In most instances, the seller is current in their community association dues and assessments.

Fees for Preparation of Estoppel Certificate

In 2017, Senate Bill 398 amended Florida Statutes to place a cap on the maximum amount that a community association or community association management company may charge for the preparation and delivery of an estoppel certificate.³ The maximum fee structure is now as follows:

- For non-delinquent accounts, the association may charge no more than \$250.
- For delinquent accounts, the association may charge up to an additional fee of \$150.
- If the estoppel certificate is requested on an expedited basis, the association may charge an additional fee of \$100.⁴

Form, Effective Period and Delivery of Estoppel Certificate

An estoppel certificate must also be provided in a uniform-statewide format to ensure that buyers and sellers receive the appropriate information needed to close the real estate transaction.

Estoppel certificates are effective for 30-days from the date of delivery, if delivered electronically. Estoppel certificates are effective for 35-days, if delivered by mail.

Reporting Violations to DBPR

Any violation of the new fee caps or form requirements should be submitted to the Division of Florida Condominiums, Timeshares and Mobile Homes. The forms are accessible in both [English](#) and [Spanish](#).

You may also mail the complaint forms to the following address:

Division of Florida Condominiums, Timeshares and Mobile Homes
2601 Blair Stone Road,
Tallahassee, Florida 32399-1030

Complaints against Community Association Managers and Firms can be submitted here - [CAM](#).

¹ See ss. 718.116(8), 719.108(6), and 720.30851, F.S.

² Estoppel is a legal term that means "a bar that prevents one from asserting a claim or right that contradicts what one has said or done before or what has been legally established as true." *Black's Law Dictionary* (10th ed. 2014), available at Westlaw BLACKS.

³ [Chapter 2017-93, Laws of Florida](#)

⁴ The definition of "expedited delivery" is within three business days