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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/08/2012 02:03 PM

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Senator Fasano moved the following:

1           **Senate Substitute for Amendment (266672) (with title**  
2 **amendment)**

3  
4           Delete lines 216 - 225

5 and insert:

6           468.439 Collection services.-

7           (1) Reasonable collection service expenses that are  
8 incurred by a community association for collection services  
9 performed by a licensed community association manager or  
10 licensed management firm as a direct result of collecting or  
11 attempting to collect overdue unpaid assessments may be secured  
12 by a claim of lien filed by an association governed by chapter  
13 718, chapter 719, or chapter 720.



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14           (a) The expenses must be directly related to the collection  
15 of overdue unpaid assessments.

16           (b) The collection services must be explicitly authorized  
17 in writing by the board of directors of an association governed  
18 by chapter 718, chapter 719, or chapter 720.

19           (c) The collection service expense must be specified in  
20 advance by amount in a written management contract between the  
21 community association manager or management firm and the  
22 association. The expense shall be considered a cost and shall be  
23 payable to the association in the manner provided for in chapter  
24 718, chapter 719, or chapter 720.

25           (2) The collection services must be conducted in a manner  
26 not inconsistent with any existing rule or rules that may be  
27 adopted by the Regulatory Council of Community Association  
28 Managers to protect against harassment and to protect the safety  
29 and well-being of the community association manager or the  
30 management firm employee attempting to collect the unpaid  
31 assessments.

32           (3) As used in this section, the term "assessment" means  
33 "assessment" or "special assessment" as defined in chapters 718,  
34 719, and 720.

35  
36 ===== T I T L E   A M E N D M E N T =====

37 And the title is amended as follows:

38           Delete lines 23 - 31

39 and insert:

40           and alarm system contracting; creating s. 468.439,  
41           F.S.; providing that a claim of lien may be filed on  
42           behalf of a community association to secure the



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43 expenses incurred in collecting or attempting to  
44 collect a delinquent account rendered by a licensed  
45 community association manager or management firm;  
46 requiring that the expenses for the collection  
47 services be directly related to the collection  
48 activities; requiring that the collection services be  
49 authorized by the board of directors of the  
50 association; requiring that the collection service  
51 expense be specified in advance by amount in a written  
52 management contract; requiring that the collection  
53 services be conducted in a manner not inconsistent  
54 with existing rules of appropriate conduct; defining  
55 the term "assessment;" amending s. 469.002, F.S.;  
56 providing an