

COMMUNITY ASSOCIATION LIVING STUDY COUNCIL

March 23, 2009
10 a.m. until 4 p.m.

Department of Business and Professional Regulation
Division of Profession's Board Room/Northwood Center
and Via Teleconference 1.888.808.6959 (Conference Code 9227625)
1940 North Monroe Street
Tallahassee, Florida 32399

Call To Order

Meeting called to order at 10:03 a.m. by Mark Benson, Chair.

Members Present

Mark Benson, Chair
Rosa de la Camara, Vice-Chair
Michael Andrew
Lawrence Wigdor
Kevin Stanfield, ex officio

Division Staff Present

Debbie Miller

Quorum established and verification of timely publication of meeting notice in Florida Administrative Weekly.

I. PUBLIC INPUT

1. William F. Brod, Jr. addressed the Council regarding condominium and homeowners' association issues. He thanked the Council for the work that is being done.
2. Florida Representative Julio Robaina addressed the Council regarding House Bill 1397.

II. MEMBER SUGGESTIONS

Member Wigdor presented his suggestions to the Council concerning term limits for board members and a requirement that they attend educational seminars. He also suggested the creation of a new department to oversee homeowners', condominium, and cooperative associations and CAM's.

MOTION 1: Vice-Chair de la Camara moved to delete "for Beginners" from the Division's publication entitled "Budgets & Reserve Schedules – A Self-Study Training Manual for Beginners".

SECOND: Chair Benson

VOTE: Passed unanimously

III. FINAL REPORT PREPARATION

1. Members agreed to use the format of the 2008 Advisory Council's Final Report as the Council's working draft for its Final Report.
2. Vice-Chair de la Camara will prepare a brief summary for each of the following subject matters listed under the agenda item entitled "Council Consideration of Prioritization of Pertinent Subjects": A, C, D, E, I and J together, M, P, Q, R and S.

IV. PENDING LEGISLATION CONCERNING CALSC ISSUES

Members agreed to support the following recommendations concerning House Bill 1397 that will be presented by the Chair to the Legislature's Civil Justice and Courts Policy Committee:

1. Proposed section 20.165(10), Florida Statutes (FS) – It should be clarified that the Division of FCTMH will first determine whether sufficient indicia exists to warrant further investigation before the matter is referred to the law enforcement pilot program; this pilot program should be limited to the investigation of economic crimes.
2. Section 468.436(2)(b)5, FS – Replace "gross" with a standard somewhere between gross and simple negligence.
3. Proposed section 468.436(6), FS – Delete "or firm", and limit the permanent license revocation to a violation of section 468.436(2)(b)3 and 4, FS, and the repeated violations of section 468.436(2)(b)2 and 5, FS.
4. Section 718.112(2)(c), FS – The Council is against this proposed language since it is impractical.
5. Section 718.112(2)(d)1, FS – Three members support the proposed changes in the fourth sentence, with one member opposed.
6. Sections 718.112(2)(d)3 and 718.112(2)(p)4, FS – The Council is opposed to the proposed changes. Members agreed that the certification form should be submitted prior to the election along with a candidate's notice of intent to run for the board.
7. Proposed section 718.112(2)(h)4, FS - The Council is against this proposed language since it is impractical.
8. Section 718.112(2)(i), FS - The Council is against the proposed changes.
9. Proposed section 718.112(2)(p)1, FS – This provision should not apply to timeshare condominiums.
10. Proposed section 718.112(2)(p)5, FS – The Council is against the proposed changes. Members requested clarification as to how this will affect the developer's minority representation on the board after turnover,

whether this should apply only to condominiums over 10 units, and clarification of subsection 5(b).

11. Proposed section 718.112(2)(q), FS - Members recommended that a threshold of 25 percent of the annual budget, including reserves, should be added to the proposed language, along with prior approval of not less than a majority of the voting interests of the association.
12. Section 718.113(5)(a), FS - Members requested clarification. It should be clear that the unit owner is not excused from paying his share of the common element installation costs.
13. Section 718.116, FS – Members are not opposed to the proposed changes.
14. Section 718.1265(2), FS – Members support the proposed changes.
15. Section 718.501(1)(d)2., FS – Members support the proposed changes.
16. Proposed section 718.501(1)(d)9., FS – The division does not have jurisdiction over HOA's, therefore "homeowners' association" should be deleted from the proposed language.
17. Section 718.5012(9), FS - Members requested clarification.
18. Proposed section 718.50151(1), FS – Members asked for clarification regarding the intent of the proposed restrictions on council membership. Some members agreed that the proposed language should be revised by deleting "partner or shareholder in a firm providing lobbying services", since this would prevent a lot of individuals with invaluable input from serving on the Council.
19. Section 32 of House Bill 1397 – Members recommended that the scope of the OPPAGA report should include the effectiveness of the current complaint resolution and enforcement process for condominium and cooperative complaints.

MOTION 2: Member Andrew moved to adjourn the meeting.

SECOND: Member Wigdor.

VOTE: Passed unanimously.

The meeting was adjourned at 3:47 p.m.