

Advisory Council on Condominiums
Tallahassee, Florida
Teleconference
May 5, 2008

Meeting called to Order

Members Present

Chair Mike Andrew
Vice-Chair Peter Dunbar
Michael Cochran
Jane Cornett
George Geisler
Gerald Koenig
Karen Tysenn

Division Staff in Attendance

Sharon Malloy
Jon Peet

Verification of timely publication of meeting notices in Florida Administrative Weekly

MOTION 1: Dunbar to approve the minutes of the March 6 and 7, 2008 meeting

SECOND: Geisler

VOTE: Unanimous

Legislative Session Update

Preliminary summary by Dunbar - Will send his summary to circulate to members.

Issues addressed by Council that were addressed and passed during 2008 Session.

- Insurance: The language the Council worked on was approved in HB601 with one addition that puts pooled insurance products under the Office of Insurance Regulation.
- HB601 reorganizes the Division and renames it.
- Robaina's bill (HB995) – Fiduciary duties of directors reformatted in condo act (line 463); emergency powers for the board of directors (line 1742); developer transition when bankruptcy is declared (line 1870); Division jurisdiction in mature communities (line 2046); broadened education initiative (line 2215).

Advisory Council repealed October 1, 2008 – a new council is created and is activated every five years for a period of six months. The scope of the new council is broadened to all forms of community housing. The new council will

hold a series of public hearings and provide a report to the Legislature including recommendations.

Discussion on how to proceed until October 1, 2008 as this council will end.

E-mail summary received and circulated to other members via e-mail.

Meeting chaired by Dunbar

MOTION: 2: Koenig to provide a final report to help guide the next council on experiences of this council. Leave a series of recommendations for new council for effective and efficient operations. Recommend ideas for consideration.
SECOND: Dunbar

Discussion on issue: Time frames for new council are inconsistent with intent for Legislative follow-up. Creates unrealistic expectation of workload; six months of public hearings do not leave time for reporting and timely action by the next Legislative Session. Council may want to make a recommendation to change the timeframes. Dunbar questioned whether the Division should be asked to provide their formal opinion of whether the current council is abolished and a new council is created and how we ought to be spending resources and time between now and the end of our existence. Need to have something in writing for guidance. Dunbar - No purpose to have public meetings. No time sequence to get it to a reasonable report. Possibly modify schedule for one-day hearings not focusing on public input

MOTION 3: Koenig to ask the Division to provide written guidance on how we are to approach our duties for the remaining time we are in existence.
SECOND: Tysenn
VOTE: Unanimous

Chair recommends that Division's response be circulated by e-mail to all members within 10 days to 2 weeks which would allow Chair Mike Andrew to make appropriate adjustments to June 26th and 27th meeting. Maybe collapse meeting to one day in Dade or Monroe County. After receipt of opinion, leave it up to Chair Mike Andrew to guide the council through the balance of time remaining.

Return to Legislative discussion. Pete Dunbar went through his legislative summary. (See attachment).

HB601 by Rep. Hudson - Eliminates regulation of land sales and renames Division. Insurance provision passed as Council recommended. Government mandated expenses become common expenses. Estoppel certificates are the expense of the unit owner. Technical correction made to termination provision. Lender shares cannot exceed their share.

HB697 - Energy bill deals with land unit condominium

HB995 – Eliminates alternative voting procedures; association owned unit can't be voted; new disclosure language for reserves; addresses membership meeting location; and addresses board emergency powers, fiduciary standards, staggered terms of office, certification of board members after election (changed by later bill), Division removal of board members, non-payment of assessments, civil penalties for records violation, and assessments.

HB5051 - Reduces Division fees.

HB679 - Addresses swimming pools. Dispute resolution goes to home court advantage (delayed implementation of bill to 2009). Gives an opportunity for improvement during the next session. Pete Dunbar may send a new copy of the summary as amendments are not all out.

HB1105 - Receivership issues addressed. Notification prior to filing of lien.

Next meeting possibly one day of business in Monroe Co. Let Chair have time to get opinion from Division.

MOTION 4: Cornet to give latitude to the Chair to set the time, date and location of next meeting.

SECOND: Tysenn

VOTE: Unanimous

MOTION 5: Koenig to adjourn at 9:45 a.m.

SECOND: Geisler

VOTE: Unanimous