Meeting Minutes

I. CALL TO ORDER

The meeting was called to order at 10:08 a.m. by Chair, David Beswick.

II. ROLL CALL

David Beswick (Chair)
Dawn Warren (Vice-Chair)
Elizabeth “Betsy” Barbieux
Angela Phillips
Sharon Cunningham
Pedro Allende
Margaret Rogers

Staff:
Robert Milne, Assistant Attorney General
Daniel Biggins, Executive Director
Donald Shaw, Government Analyst
Radhika Puri, Prosecuting Attorney
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Court Reporter present telephonically.

III. APPROVAL

1. November 8th, 2013 meeting minutes

Motion: Ms. Phillips made a motion to waive the reading of the minutes and to approve the November 8th, 2013 meeting minutes.

Second: Ms. Rogers seconds the motion. Motion passes unanimously.

IV. CHAIR REPORT – David Beswick

David Beswick briefly discussed what he sees as a declining membership in Community Association Manager Associations, of which the primary reason for their existence is to provide continuing education credits and networking opportunities for their members. Mr. Beswick stated he feels the declining membership is a result of free continuing education credits being given out by various companies and firms. Mr. Beswick stated he
feels this is a positive for the industry in that managers are being given more access to education and information for their industry, but feels the networking opportunities for licensed Community Association Managers are getting fewer and fewer. Mr. Beswick asked the Council if this phenomenon is appearing in other areas of the state. Ms. Phillips stated that the same thing is happening in her area of the state as there are not many good opportunities for Community Association Managers to network with each other.

V. COUNCIL DISCUSSION TOPICS

Continuing Education for activation of Inactive Licenses

Mr. Biggins gave a brief overview of the process of reactivating an inactive license, indicating that a licensee was required to take the required continuing education prior to the license being activated. Mr. Biggins stated that he has confirmed that this is the information the Department passes on to licensees, but he will ensure that nothing in the Department’s materials indicate otherwise. Mr. Biggins stated that the confusion could be coming up in the difference between reactivating an inactive license, and reinstating a Null & Void license.

Legal Update Seminar

Mr. Biggins reviewed Rule 61E14-4.001 (3)(a), requiring individuals to take the required 2 Hour Legal Update course in each year of the biennium. Ms. Barbieux stated there is some confusion on how the course is being offered by CE providers, and she feels the rule should be changed to better accommodate licensees.

Motion: Ms. Barbieux made the motion to open up Rule 61E14-4.001 for development, to allow individuals to take both of the Legal Update courses at any time throughout the renewal period.

Second: Ms. Phillips seconded the motion.

After discussion, the motion passed unanimously.

Mr. Milne indicated he would present proposed language at the next meeting.

Exam Discussion

Mr. Biggins indicated that he spoke with the Department’s Bureau of Education and Testing and was provided a little history on Rule 61E14-1.004, and provided that history to the Council. Mr. Biggins stated that the Exam has been approved by the Council and doesn’t need to be approved on an annual basis. Mr. Biggins stated that he thinks it would be a good idea for Mr. Beswick to appoint a Committee to visit the Department and review the exam.
Mr. Beswick asked if Ms. Warren would be open to being appointed to that Committee and reviewing the CAM exam. Ms. Warren stated she would be open to the idea. Mr. Beswick appointed Ms. Warren to visit the Department and review the CAM exam.

VI. COUNSEL REPORT – Robert Milne

Mr. Milne informed the Council that the Department had received a letter from the Joint Administrative Procedures Committee (“JAPC”) regarding the language submitted for Rule 61E14-2.001. Mr. Milne stated JAPC required that changes to the proposed language be made, and Mr. Milne stated he would provide those suggested changes to the Council at a future meeting.

Mr. Milne concluded his report by indicating that no other rules are pending, and he will provide suggested language for Rule 61E14-4.001 at the next meeting.

VII. DEPARTMENT RULE REPORT – John MacIver

Mr. MacIver had nothing to report.

Mr. Biggins indicated as soon as Rule 61E14-2.001 was completed, Mr. MacIver would be submitting language to ensure that any Rule under 61-20 that would be affected by the changes to Rule 61E14-2.001 would be changed to be consistent with those changes.

VIII. PROSECUTING ATTORNEY REPORT – Radhika Puri

Ms. Puri read the Prosecuting Attorney’s report into the record.

Ms. Barbieux asked if the numbers provided were an acceptable case load for the Department to handle. Ms. Puri confirmed that the numbers are manageable for her.

IX. EXECUTIVE DIRECTOR - Daniel Biggins

Mr. Biggins introduced Ms. Barineau and Ms. Rice to the Council, and indicated that they would be replacing himself and Mr. Shaw as the Departmental staff for the Council. Ms. Barineau would be the new Executive Director for the Council, and Ms. Rice would be the new Government Analyst, and Mr. Biggins they come with his highest recommendation. Ms. Barineau and Ms. Rice both thanked Mr. Biggins and stated they were looking forward to working with the Council.

1. Financial Statements; current & projections

Mr. Biggins reviewed the report to the Council.

Ms. Barbieux asked why there was such a large difference in income from this year and the previous year. Mr. Biggins explained that is due to the previous year being a renewal year for the CAM licenses.
2. Division of Regulation Quarterly Complaint Report

Mr. Biggins read the Quarterly Complaint Report into the record.

3. CAM Firm Renewal Numbers

Mr. Biggins read the renewal numbers into the record.

4. HOA Reporting Numbers

Mr. Biggins read the reporting numbers into the record.

Ms. Phillips asked if there was any way that the Council could be provided with the total amount of Homeowners’ Associations in the State, to see how many HOAs are in compliance with the reporting requirement and how many have yet to comply. Ms. Phillips expressed concern that self-managed associations may not know of the reporting requirement. Mr. Biggins stated the Council’s office has been working with the Division of Condos, Timeshares, and Mobile Homes to ensure the word is getting out however possible. Mr. Biggins said some initial numbers were provided during bill analysis, and he would check with the appropriate people to see if there is an estimate out there on the total number of HOAs.

Ms. Phillips asked if there was anything the Council members could to ensure that all associations are reporting. Mr. Biggins stated the Council members could try to go through their associations and colleagues to get the word out. Ms. Barbieux stated that when the law was passed requiring licensure of CAM Firms, actual site inspections were made to inform CAM Firms of the licensing requirements. Ms. Barbieux asked if the same could be done for HOAs. Ms. Phillips stated that in her local county, there is an association that reaches out to all the HOAs in her area, and suggested that perhaps Council Members could reach out to similar groups in their areas. Ms. Barbieux stated that she feels an audit might actually need to be performed, county by county, to identify them.

With nothing further to report, Mr. Biggins concluded his report.

X. FUTURE MEETING DATES

May 9th, 2014 (Conference Call)
August 15th, 2014 (Conference Call) – tentative

XI. New Business

Ms. Barbieux requested some information on an issue that arose at the previous meeting, regarding the City of Doral having passed a local ordinance imposing additional regulation on CAMs and CAM Firms. Mr. Biggins stated that the Department’s Office of
the General Counsel had reached out to the City of Doral, and after discussion between the two parties, the City of Doral had withdrawn their ordinance.

Mr. Barbieux asked if the Council takes a position on new legislation as there are currently three bills in the Senate that affect CAMs and Community Associations. Mr. Biggins clarified that the Department’s Office of Legislative Affairs is aware of those bills and is performing analysis and tracking their progress. Mr. Biggins reminded the Council that they can lobby as individual Council members through their professional associations, but the Council itself cannot lobby as a group.

Ms. Phillips requested an update on motion that was passed at the previous meeting to upgrade the Council to a full Board. Mr. Biggins stated that this information was passed on to the appropriate people in the Department but the Department did not have a legislative package this year. Mr. Biggins stated the Department is aware of the Council’s desire to become a full Board.

XIII. Adjournment

Motion: Ms. Rogers made a motion to adjourn the meeting.

Second: Ms. Warren seconded the motion. Motion passes unanimously.

Meeting adjourned at 10:46 a.m.