I. CALL TO ORDER

The meeting was called to order at 10:03 a.m. by Interim Chair, David Beswick.

II. ROLL CALL

David Beswick (Interim Chair)
Dawn Warren
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
John MacIver, DBPR Attorney
Brittany Griffith, DBPR Attorney
C. Erica White, Prosecuting Attorney
Radhika Puri, Prosecuting Attorney

III. APPROVAL

1. August 23, 2013 meeting minutes

Motion: Ms. Warren made a motion to waive the reading of the minutes and to approve the August 23, 2013 meeting minutes.

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

IV. CHAIR REPORT – David Beswick

David Beswick, Interim Chair, welcomed all the new members of the Counsel, and asked each new member to introduce themselves and provide a little background. Mr. Beswick
also requested that tenured members of the Council introduce themselves to the new members.

V. COUNCIL DISCUSSION TOPICS

Ms. Barbieux asked for confirmation that the updates to Rule 61E14-2.001 have been approved and that final language is on its way to implementation. Mr. Milne confirmed this, and that it’s possible the Rule is adopted by the end of the year.

VI. COUNSEL REPORT – Robert Milne

Mr. Milne gave a presentation on the “Sunshine Law”, and the Council’s responsibility to abide by it when discussing Council related issues. Mr. Milne detailed situations in which Council members may be subject to public records requests, and Mr. Biggins reminded the Council that directing communication to either himself or Mr. Shaw will protect the Council and allow the Department to maintain a public record of the communication. Mr. Biggins also explained that if they have any questions, directing that question first to Mr. Milne also protects them.

Ms. Barbieux asked how many violations of the Sunshine Law has the Council committed in the past, and if they happen often. Mr. Biggins replied that he is not aware of any issues for most of the State regulatory boards/councils as the Attorney General’s office and the Department are very proactive in educating their members on the requirements of the Sunshine Laws.

VII. DEPARTMENT RULE REPORT – John MacIver

Mr. MacIver gave a brief explanation of the rule making authority for both the Council and the Department. Mr. MacIver stated that prior to July 1, 2014, he will solicit opinions from the Council, through Mr. Biggins, on any proposed rulemaking the Council intends to take. Mr. MacIver stated that report is submitted to the Senate President, the Speaker of the House, the Governor, and the Chair of the Joint Administrative Procedures Committee. Mr. MacIver also stated that the other obligation of the Council and the Department is internal review of current rules in order to reduce regulatory burdens, reduce costs, and to ensure compliance with statutory authority.

Mr. MacIver also reminded the Board that previous rulemaking regarding 61E14-2.001, Standards of Professional Conduct, has been withdrawn and new proposed language is being submitted to better mirror the language reflected in the statutory change to Ch. 468, Part VIII. Mr. MacIver stated Mr. Milne is working on updated language.

VIII. PROSECUTING ATTORNEY REPORT – Radhika Puri

Ms. Puri read the Prosecuting Attorney’s report into the record.
Ms. Barbieux requested clarification on what cases are confidential and what cases are public record. Ms. Puri stated the cases against CAM Firms are private until probable cause has been found, whereas cases against CAM individuals are public record throughout the investigative process.

Ms. White distributed a power point presentation showing an overview of the complaint process for CAM complaints.

IX. EXECUTIVE DIRECTOR - Daniel Biggins

1. Financial Statements; current & projections

Council Members reviewed the report.

Mr. Biggins explained that the report has a detailed projection for both the operating account and for the unlicensed activity account. Mr. Biggins stated that the operating account has a negative balance, but it does appear that the projections show a move in the right direction. Mr. Biggins stated the Department will continue to monitor fiscal matters, and if its determined that reality isn’t as optimistic as the projections, the Department and Council should plan to address that issue down the road.

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 explained that a new legislative requirement this year required Homeowner’s Associations to report their details to the Department, and Mr. Biggins stated it’s expected that numbers will continue to filter in even after the deadline. Mr. Biggins then read the numbers into the record.

Mr. Biggins also thanked Mr. Beswick for sitting in as Interim Chair for this meeting.

Ms. Barbieux requested clarification on verbiage from previous meeting minutes which referenced the word “sweep”. Mr. Biggins stated that in the past, the Legislature has swept money from board accounts that had high positive balances in order to fund the State’s general business. Mr. Biggins stated he was unclear if this is something would happen in the future, as the State is in a much better position now than it has been in previous years. Ms. Rogers stated that, to her recollection, the Legislature swept about $1 million from the Council’s account about two years previous. Ms. Barbieux stated that previous minutes indicate there was a frustration amongst the Council members on
how quickly complaints were being processed, and stated that it’s her opinion that, if the
Legislature had not swept their account previously, perhaps the prosecutor’s office would
be better staffed and would be able to prosecute cases more quickly. Ms. White stated
that the Office of the General Counsel did direct more resources to the prosecution of
CAM complaints when the number of cases began to rise. Ms. White stated that in her
time at the Department, the current case load is the lowest she’s seen, and that she’s
satisfied with the progress her office has made in working cases. Mr. Biggins also
commended the Office of the General Counsel on the increased availability of
information on the website relating the CAM disciplinary cases.

X. FUTURE MEETING DATES

February 21st, 2014 (Conference Call)
May 23rd, 2014 (Conference Call) – tentative
August 15th, 2014 (Conference Call) – tentative

XI. NEW BUSINESS

1. Elections for Chair and Vice-Chair

Ms. Rogers made a motion nominating David Beswick as Chair. Ms. Barbieux seconded.
Ms. Warren made a motion nominating herself as Chair. Mr. Allende seconded.
After voting, Mr. Beswick was voted as Chair and Ms. Warren was voted as Vice-Chair.

Motion: Ms. Rogers made a motion to change the Regulatory Council of
Community Association Managers from a Council to a full regulatory
Board.

Second: Ms. Barbieux seconds the motion.

Ms. Rogers spoke to the motion, indicating that it is her opinion that if the Council were
to become a Board, they would have more say in the industry, and could more properly
address issues in the industry. Ms. Rogers stated that, if the motion passes, she would
like all of the Council members to lobby individually to make the Council a full Board.
Mr. Allende asked if this would be in the form of a resolution as the Council does not
have the legal authority to make this change. Mr. Biggins confirmed this, and stated that
the Legislature would have to make changes to the law for the Council to become a full
Board, and stated that it is inappropriate for the Council itself to lobby as a group. Mr.
Biggins stated that the Council’s concerns would be passed on to the Department’s
Legislative Affairs office but that the main intent of the Department’s legislative package
was pro-business. Mr. Biggins stated the best way to pursue changes in legislation is
through their professional associations.

After further discussion, the motion passes unanimously.
Ms. Barbieux stated brought up a situation with the City of Doral and an ordinance that was being passed by that municipality. Ms. Barbieux requested Counsel to take a look at the issue and provide guidance on how that issue will affect their industry. Mr. Biggins stated the Department is aware of the issue and the Department’s legal staff is currently reviewing the issue. Mr. Beswick requested that this issue be placed on the agenda for the next meeting for more discussion.

XIII. Adjournment

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

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

Meeting adjourned at 10:53 a.m.