

**MINUTES**

**Regulatory Council for Community Association Managers Meeting  
Department of Business and Professional Regulation**

**1940 North Monroe Street  
Tallahassee, Florida 32399**

**January 23, 2004**

**10:30 a.m.**

**Present at Meeting**

Reginald Billups, Chair  
Marilyn Battista, Vice Chair  
Steven Czonstka, Council Member  
Edith Yates, Council Member  
Barbara Edwards, Asst. Attorney General  
Charles Pellegrini, Prosecuting Attorney  
Julie Malone, Executive Director  
Donna Thomas, Government Analyst  
Molley Foley Healy, CAMI  
Travis Mann, CAMI  
Ron McAulley, DBPR Complaints/Investigations  
Holly Thomas, DBPR Complaints/Investigations  
Mark Whitten, Director of Professions & Regulations  
Julie Baker, Deputy Secretary  
Jerry Wilson, Division Director of Professions

Chairman, Reginald Billups, called the Regulatory Council of Community Association Managers meeting to order at 10:40 a.m..

The meeting was opened with a roll call and a quorum was established. Chris Brown was excused from the meeting due to a death in the family. Debra Glass was not present at the meeting.

Mr. Czonstka motioned that the minutes from the October 20, 2003 meeting be approved. It was seconded by Ms. Battista. The motion passed unanimously.

**Old Business**

Mr. Czonstka and Mr. Brown submitted their suggestions for changing the disciplinary guidelines for Rule 61-20.010, F.A.C. This rule notifies applicants, licensees and registrations of the ranges of penalties that may be imposed for violations. Mr. Czonstka presented his information to the Council. Mr. Billups reminded the Council that this exercise was done to identify ways to save time, money and costs on investigations by issuing citations for minor violations

Ms. Edwards indicated that the Council was not "instructed" to do this. It was "suggested" that members of the Council look at these rules and make suggestions for issuing citations. Ms. Edwards

reviewed Rule 61-20.503, F.A.C which states that, “all licensees and registrants shall adhere to the following provisions and standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees and registrants, into any written or oral agreement for the rendition of community association management services, the violation of which shall constitute gross misconduct or gross negligence:”

Ms. Edwards indicated that some of the things listed Rule 61-20.503, F.A.C. had to do with financial matters or failure to maintain records; and some of the things considered in the rule as gross misconduct has been listed as things to get a citation for the first offense. She explained that she did not think that this is an appropriate response to gross misconduct.

She further invoked that the Council should not focus on Rule 61-20.503, F.A.C., but rather look at Rule 61-20.001, F.A.C. and Rule 61-20.002, F.A.C. She stated that these rules required major changes and that the Council should start at the beginning and work through the rules slowly getting a better feel of what might be considered a minor violation.

Mr. Billups proposed that the review of the Rules be tabled and approached more delicately as there are many rules that may need to change or improve. Mr. Czonstka moved that the discussion of draft changes for Rule 61-20.010, F.A.C. be tabled. The motion was seconded by Ms. Battista and passed unanimously.

### **Executive Directors Report**

Ms. Malone explained that the new contract with the professional testing vendor has decreased the computer-based examination cost per hour from \$13 to \$9 per hour. Ms. Malone stated that the Council shift the difference in the decrease paid to the vendor, instead be paid to the department for both exam and re-exam. The fee adjustment would require a rule change. It was determined that the fee would be an increase to the department from \$61 to \$73 for exam application and a decrease to the vendor from \$39 to \$27 for administering the exam. Ms. Yates moved to have Counsel write the rule for approval and present it at the next meeting. It was seconded by Ms. Battista and passed unanimously.

Ms. Battista expressed concerns regarding special assessments and if there is a rule to cite when discussing it. Mr. Pellegrini cited Section 455.219(2), F.S. as a reference.

Ms. Edwards reported on Section 455.2235 (5), F.S. on mediation. She informed the Council that according to Section 455.2235 (5), F.S. they do not have the authority to adopt rules designating which violations are appropriate for resolution by mediation. She informed the Council that the department has the power to do this by itself. Ms. Yates asked for a copy of the rules that governs the Council on mediation. Ms. Malone indicated that she would provide a copy to the Council.

### **Board Counsel Report**

Ms. Edwards reported that the change to Rule 61-20.504, F.A.C. for background check fees have been adopted. Ms. Edwards provided the drafted language for Rule 61-20.0025, F.A.C. concerning renewal for spouses of members of the armed forces. Ms. Battista made a motion to approve the change and Mr. Czonstka seconded it. The motion passed unanimously.

Ms. Edwards proceeded to handout changes to Rule 61-20.002, F.A.C concerning the re-write of the expiration and renewal of manager's license. Ms. Malone expressed concerns regarding this handout as she had not had an opportunity to review it before it was presented to the Council and neither were the handouts included as part of the agenda. Ms. Malone requested that time be allowed for the department to review the rule changes and that they will be available for perusal at the next meeting. It was also noted that suggested rule changes by Ms. Edwards to Rule 61-20.001, F.A.C. re-writing for licensing procedures would be tabled until the next meeting. Ms. Edwards provided a copy of the suggested changes to Rule of 61-20.001, F.A.C. to Ms. Malone & Mrs. Salters-Thomas for review.

### **Department Attorney Report**

Mr. Pellegrini provided a report on discipline activity as noted in the agenda. There are currently 34 discipline cases; eleven (11) cases are in legal, five (5) cases are awaiting outside action/expert report; six (6) cases are administrative complaints; one (1) for informal hearing/default; two (2) for informal hearing/stipulation; four (4) formal hearings have been requested; and five (5) are awaiting final orders. He also indicated that DOAH Case 03-2462PL, Christian M. Restauri final order is before the Secretary for signature.

### **Chairman's Report**

Mr. Billups provided a report on a meeting with COCO, which is a gathering point for all of the CAM associations in the state of Florida. He indicated that there were about seven organizations represented at the meeting. He reported that the proposed legislation for the coming session was provided by Mark Benson of Florida Community Association Managers Alliance. Mr. Billups informed the Council that none of the groups present supported the legislation because there were too many other issues included and that this Council wanted to primarily focus on a fee increase to sustain regulation of the profession of community association managers.

Ms. Malone stated that she had requested that The Florida Community Association's Manager's Alliance mail each Council member a copy of the proposed legislation.

A discussion ensued on the licensing of community association management companies. It was a consensus among the Council that community association management companies should be licensed. Mr. Billups indicated that he would provide Ms. Edwards and Ms. Malone a copy of the old legislation that was drafted in regards to this issue. This information will be included in the next agenda.

### **Public Comments**

Molley Foley-Healy, Vice President of Government in Public Affairs for Community Associations Institute addressed the Council. She indicated that Community Association Institute and the National Board of Certification for Community Association Managers does not support the deregulation of CAM's in Florida. She addressed the Mark Benson Bill, first indicating that key members of the Senate and the House said that they would see any fee increase as a tax. She expressed interest in regards to ways that CAI can work with the Council to ensure the continued regulation of CAM's in Florida.

She also indicated that they completed an electronic survey with license holders. Mr. Billups asked if there was a mention of a fee increase and an amount? She indicated that she would be prepared to share that information with the Council at another meeting.

**Next Meeting**

The next meeting will be held by telephone conference call on Friday, April 23, 2004 at 10:30 a.m. Ms. Battista made a motion that the meeting be adjourned, it was seconded by Ms. Yates. The meeting was adjourned at 12:05.