

**Regulatory Council for
Community Association Managers**

The Council Meeting Minutes
Friday, February 2, 2007 @ 10:30 A.M. EST.
Hilton Historic Bayfront – St. Augustine
32 Avenida Menendez Street
St. Augustine, Florida

CALL TO ORDER

The meeting was called to order at 10:45 a.m. by Mr. Reginald “Reg” Billups, Council Chair. The meeting was opened with the roll call and a quorum was established.

ROLL CALL (Council Members Present)

Reginald “Reg” Billups, Chair
Chris Brown, Vice Chair
Steven Czonstka
Debra Glass (absent)
Edith Yates (absent)
Kelly Moran
Morris Goodwin, Jr.

Mr. Goodwin apologized for being late for the meeting and stated a tornado hit one block from his house in Deland and reported four fatalities.

STAFF PRESENT

Anthony B. “Tony” Spivey, Executive Director
Renese Jones, Government Analyst
Barbara Edwards, Assistant Attorney General
Jessica Leigh, Prosecuting Attorney

OTHERS PRESENT

Andrew Fortin, Esq.,
Community Assn. Inst.
Sherry Brown

**REVIEW AND APPROVAL OF THE MINUTES FROM THE
NOVEMBER 3, 2006 MEETING**

MOTION: Mr. Brown moved to approve the minutes with no noted corrections.

SECOND: Mr. Czonstka seconded the motion and it passed unanimously.

Mr. Spivey announced if the council members don't want their agenda he will be taking all agenda material back to the department. The department does not want any confidential information left behind after a meeting.

CHAIR REPORT

No report.

Mr. Billups moved the Public Service Announcement and the Council Member Training to the end of the agenda.

COUNCIL COUNSEL REPORT

Ms. Edwards stated that "Rule 61-20.508 (6) F.A.C. Continuing Education Renewal Requirements were to be adopted this week but my paralegal was out of the office with a sick child and it will be adopted by next week (February 5-9, 2007)."

(6) A licensee shall not be required to comply with the continuing education requirements prior to the licensee's first license renewal. Anyone licensed for more than 24 months at renewal time will be required to have complied with the CE requirements set forth in subsection (1), above, prior to renewal. More than 24 months, means 24 months plus 1 day. Licensees licensed for 24 months or less at renewal time are exempt from compliance with the CE requirements set forth in subsection (1), above, until the end of the next renewal cycle.

AUTHORITY: Specific Authority 455.2123, 468.4315(2), 468.4336, 468.4337 FS. Law Implemented 455.2123, 455.2124, 468.4336, 468.4337 FS.

HISTORY

New 5-5-88, Amended 3-22-89, 2-5-91, 12-28-92, Formerly 7D-55.008, 61B-55.008, Amended 10-18-99, 3-13-00, 2-21-01, 7-21-03, 4-25-05.

Rule 61-20.002 (5)(b)

During the last Council meeting Council requested Ms. Edwards to research the statutory requirements on inactive status and report back her findings with draft language of Rule 61-20.002(5) (b). Ms. Edwards stated "all of my comments are in bold print except for the beginning. These comments are basically talking about the statutory requirements for reactivating an inactivate license." After discussion the Council agreed to leave the rules as is. Ms. Edwards' comments and findings are as follow:

Board requested more information about CE requirements for reactivation. Here is my suggestion:

Reactivate license: Comply with the requirements set forth in Rule 61-20.508 and subsections (5) or, at the option of the licensee apply, meet the requirements for licensure and successfully complete the examination as though being licensed for the first time.

455.271(9), F.S. provides that "Every board . . . may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health safety and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee shall meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent."

61-20.002 ~~Inactive Status Expiration~~ and Renewal of Manager's License.

(1) For purposes of license renewal, the licensee shall notify the division in writing of any change of address. **Covered in Rule 61-20.002, Specific Authority, 455.275**

(2) All active and non-active licenses shall be valid, unless suspended or revoked, for a term as provided below:

(a) All licenses issued after June 30, 1992 through June 30, 1994 will expire September 30, 1994. All licenses issued after June 30, 1994 through June 30, 1996 will expire September 30, 1996. **Obsolete**

(b) All licenses issued after June 30, 1996 through June 30, 1998 will expire September 30, 1998. **Obsolete**

(3) Active License Renewal. Licensees shall apply for renewal of their license on a BPR form 33-003, COMMUNITY ASSOCIATION MANAGER'S LICENSE RENEWAL NOTICE, incorporated herein by reference and effective 7-12-94. Applications shall be postmarked by September 30 of each renewal year. The application shall include a non-refundable renewal fee in the amount of \$ 50. Applications for renewal postmarked after September 30 and no later than October 31 shall include both the renewal fee and a non-refundable late renewal fee of \$ 25. If a renewal application is postmarked after October 31 of the renewal year, the license shall be deemed expired. In order to be complete, the application shall have all appropriate spaces completed, be signed by the licensee and include a money order or sufficiently funded check in the correct amount. **Obsolete**

(a) No active license shall be renewed unless the applicant has, between the date of issuance of the license and by September 30 of the renewal year, completed continuing education contact hour courses approved by the division pursuant to the following schedule:

Covered in Rule 61-20.508

1. If the applicant is issued a license during the period October 1, 1988 through March 31, 1993, 16 hours of continuing education courses are required. The continuing education courses must include 4 hours of approved update seminars as provided in Rule 61-20.508, F.A.C. **Obsolete**

~~2. If the applicant is issued a license during the period April 1, 1993 through September 30, 1993, 12 hours of continuing education courses are required. The continuing education courses must include 4 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~3. If the applicant is issued a license during the period October 1, 1993 through March 31, 1994, 8 hours of continuing education courses are required. The continuing education courses must include 2 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~4. If the applicant is issued a license during the period April 1, 1994 through June 30, 1994, 4 hours of continuing education courses are required. The continuing education courses must include 2 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~5. If the applicant is issued a license during the period July 1, 1994 through March 31, 1995, 16 hours of continuing education courses are required. The continuing education courses must include 4 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~6. If the applicant is issued a license during the period April 1, 1995 through September 30, 1995, 12 hours of continuing education courses are required. The continuing education courses must include a 4 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~7. If the applicant is issued a license during the period October 1, 1995 through March 31, 1996, 8 hours of continuing education courses are required. The continuing education courses must include 2 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~8. If the applicant is issued a license during the period April 1, 1996 through June 30, 1996, 4 hours of continuing education courses are required. The continuing education courses must include 2 hours of approved update seminars as provided in Rule [61-20.508, F.A.C.](#) **Obsolete**~~

~~(b) Any community association manager's license which is lost or destroyed will be replaced at no charge to the licensee if a statement attesting to the loss or destruction is submitted to the division. **Handling covered in 61-20.504**~~

~~(c) Any community association manager licensee, who changes his or her legal name, comply with the requirements of Department of Business and Professional Regulation rule 61-6.021, F.A.C. shall submit a copy of the court judgment or decree authorizing the name change to the Division. The Division shall reissue a license at no charge to the licensee.~~

~~(4) **Non- Changing an Active License to an Inactive License and Renewal of an**~~

~~Inactive License. A licensee desiring to maintain a valid license but who will not~~

~~be providing community association management services for a period of time,~~

~~may change apply to have the status of his/her license changed to non-inactive~~

status, as provided in Department of Business and Professional Regulation Rule 61-6.003.

(a) In order to place an active license in an ~~non-inactive~~ status the licensee shall complete DBPR form CAM-4305, Community Association Manager Change of Status Application, effective 10/23/2002, available on the DBPR Web site or by written request addressed to the Council at 1940 N. Monroe Street, Tallahassee, FL 32399. ~~BPR form 33-002, COMMUNITY ASSOCIATION MANAGER STATUS CHANGE FORM, incorporated herein by reference and effective 11-23-93.~~ A non-refundable ~~non-inactive~~ license fee of \$15 ~~10~~ shall accompany the application as set forth in Rule 61-20.504, F.A.C., unless the status change request is made at the end of a renewal period. ~~and the licensee shall surrender his active license by mailing it to the division along with the application form.~~ **(No Authority for requiring surrender)**

(b) All ~~non-inactive~~ licenses shall expire at the end of the renewal period (on September 30 of the next even numbered year). ~~in accordance with the schedule set forth in paragraphs (2)(a)-(c) of this rule.~~ ~~Non-Inactive~~ licensees shall be notified by the Department of Business and Professional Regulation pursuant to section 455.273, Florida Statutes and instructed how to proceed. ~~apply for renewal of their licenses on a BPR form 33-003, Community Association Manager's License Renewal Notice.~~ Renewals Applications shall be completed on or before ~~postmarked by~~ September 30 of each renewal year. Completion of a renewal requires payment of the ~~The application shall include a~~ non-refundable renewal and unlicensed activity fees in the amount of \$ 105 ~~\$ 10.~~ ~~If a renewal application is not filed or postmarked after September 30~~ ~~October~~

~~31 of the renewal year. The first failure to renew on or before September 30 of a renewal year shall result in a delinquent status license pursuant to Department of Business and Professional Regulation rule 61-6.002, F.A.C. the license shall be deemed expired. Failure to renew a delinquent status license results in a null license pursuant to Department of Business and Professional Regulation Rule 61-6.004(1), F.A.C.~~

(5) ~~Changing an Inactive License to an Active License. Reactivation of an Non-Inactive License.~~

(a) If the license has been in ~~a non-~~ an inactive status for a period of 2 years or less, and the licensee seeks to reactivate the license, then the licensee shall complete an approved 2 hour update seminar as provided in Rule 61-20.508, F.A.C(3)(a), F.A.C., within one (1) year prior to the date of application for reactivation.

Comment [OAG1]: Only (3)(a) should be underlined, All should be black ink

(b) If the license has been in ~~a non-~~ an inactive status for a period of more than 2 years and the licensee seeks to reactivate the license, the licensee shall complete 4 hours of an approved update seminar as provided in Rule 61-20.508(3)(a), F.A.C., within one (1) year prior to the date of application for reactivation.

Comment [OAG2]: See comment above.

(Instead or in addition to (a) and (b), since active licensees are required to complete an average of 10 hours a year for renewal. Rule 61-20.508(1); Inactive licensees may not be required to complete more than 10 hours per inactive year 468.4338, F.S., The current rules provided much less than that. As it now exists inactive status provides a method to avoid CE. If that is not the council's wish perhaps the council should consider something more along the lines of 10 hours for each year on inactive status. Perhaps limited to a total of 50 hours. ~~Perhaps providing for reexamination for more than a 5 year period. Or something similar.~~)

It occurred to me that it might be a good idea to require applicants to submit a license application form as though applying for an initial

license, and to assure they meet the character requirements, and have not been busy robbing banks or selling dope during the inactive years. That would require compliance with 468.433, Rule 61-20.001 in addition to having taken 10 hours of CE for each year the license was inactive.

The Council could also require passage of an examination on the laws and rules, and any other specific topic that it deems vital to the adequate practice as a CAM.

(c) In order to reactivate ~~from a non-~~ an inactive status license, the licensee shall complete DBPR form CAM-4305, Community Association Manager Change of Status Application, effective 10/23/2002, available on the DBPR Web site, or by written request from the Council at 1940 N. Monroe Street, Tallahassee, FL 32399. BPR form 33-002, Community Association Manager Status Change Form as referenced in subsection (4) of this rule. ~~The reactivated license shall expire in accordance with the schedule set forth in Rule 61-6.001, F.A.C. and be renewed at the end of the current renewal period, along with all other licenses.~~ ~~paragraphs (2)(a)-(c) of this rule. Renewal of a reactivated license shall be in accordance with subsection (3) of this rule.~~ For the purpose of license renewal, the date of issuance of a reactivated license is the date the division reactivates the license. A reactivated license is not considered an initial license for purposed of rule 61-20.508(6), Florida Administrative Code. A reactivated license holder may apply update seminar credits accepted by the division for reactivation of ~~a non-~~ an inactive license under paragraphs (5)(a) and (b) of this rule toward the continuing education update seminar requirements for active license renewal provided in Rule 61-20.508 (3)(a), F.A.C. ~~paragraph (3)(a) of this rule.~~ if the renewal period is within two years or less of the reactivation.

(6) Expiration of Renewal of a Delinquent license whether Active License or Non-Inactive License shall require Renewal applications submitted submission to the

Council ~~in proper form on or and postmarked before~~ after September 30 ~~and no later than October 31 shall be to be~~ processed for renewal. If September 30 ~~October 31~~ falls on a Saturday, Sunday, or legal holiday, the time period is deemed extended to the next working day. Proper form shall mean the renewal is complete, application has been completed, all applicable fees are paid and all applicable continuing education contact hours completed prior to submission. If a renewal application is submitted after ~~postmarked after~~ September 30 ~~October 31~~ of the renewal year, the license becomes null ~~shall be deemed expired~~. The holder of a null ~~an expired~~ license desiring to perform community association management services shall be required to make an initial application to the division and proceed as provided in Rules [61-20.001](#) and [61-20.502, F.A.C.](#)

AUTHORITY: Specific Authority [455.271](#), [468.433 FS.](#)

Law Implemented [455.271](#), [468.433](#), [468.435](#), [468.436 FS.](#)

HISTORY

New 5-5-88, Amended 3-22-89, 2-5-91, 12-28-92, Formerly 7D-55.006,
Amended 11-23-93, 7-12-94, 10-9-94, 1-29-96, Formerly 61B-55.006.

PROSECUTING ATTORNEY REPORT

Ms. Leigh stated that she provided the council members with a memorandum dated January 16, 2007 which contained all the CAM cases located in the legal section and she gave a verbal report as follows:

Status 30 – In Legal

The report showed that there were 25 cases reported;

Status 35 – Set for Probable Cause

The report showed that there were 2 cases reported;

Status 40 – Awaiting Outside Action

The report showed that there were 2 cases reported;

Status 36 – Administrative Complaint Filed

The report showed that there were 2 cases reported;

Status 42 – Pending Informal Hearing

The report showed that there were 3 cases reported;

Status 43 – Formal Hearing Requested

The report showed that there were 6 cases reported;

Status 50 – Settlement Negotiations

The report showed that there were 2 cases reported;

Status 58 – Case Considered – Awaiting Final order

The report showed that there were 2 cases reported;

There were a total of 44 open CAM cases in the legal department.

EXECUTIVE DIRECTOR'S REPORT

Mr. Spivey reviewed the financial reports ending September 30, 2006. The Operating Account showed a balance of \$1,496,486. The unlicensed activity account showed a balance of \$119,431. He indicated that he had not been informed of any sweeps.

Ms. Edwards asked how many licensed CAMs are there in the state of Florida.

Mr. Spivey replied about eleven thousand.

Mr. Spivey informed Council that the regulation report was provided for information purposes only.

OLD BUSINESS

Mr. Brown stated *“the privatization study was sent to the Governor’s Office and we received a response from Mr. Michael Hanson the Director of the Office of Policy and Budget. There were about twenty pages of the report that they felt needed to be corrected. This is what was expected when this was submitted. I’ve been working with Mr. Robert Skrob with Membership Services Inc. and we have now submitted the packet back to the Office of Policy and Budget. This is the response that we were looking for. This was done a week or so ago and we are waiting to hear back.”*

NEW BUSINESS

Mr. Billups called for an election of officers by opening the floor for candidates for Chair and Vice-Chair.

Ms. Moran nominated Mr. Brown as the candidate for Chair.

Mr. Czonstka asked for the nomination to be closed.

MOTION: Mr. Czonstka moved to approve Mr. Brown as Chair for the 2007-2008 year.

SECOND: Ms. Moran seconded the motion and it passed unanimously.

Mr. Brown nominated Ms. Moran as the candidate for Vice Chair.

Mr. Czonstka asked for the election to be closed.

MOTION: Mr. Brown moved to approve Ms. Moran as Vice-Chair for the 2007-2008 year.

SECOND: Mr. Czonstka seconded the motion and it passed unanimously.

The CAM Council members thanked Mr. Billups for his service as chair for the past five years. Mr. Billups stated his term is up and he will continue to work on the council until the Governor appoints his replacement. He thanked the council and staff for an outstanding job. He stated that he can remember when council did not have money and now we have money and can travel. He had seen the Council through a deficit and a fee wavier.

Mr. Spivey indicated that Governor Christ pulled back all of the recent appointed board and council members appointed under Governor Bush. All of the recent appointed members are required to resubmit their applications to the Governor's Appointment Office to be considered for a board or council member. He also indicated that he had received a packet of appointments before he left the office from the Governor's appointment Office.

PUBLIC COMMENTS

None

NEXT MEETING

The next meeting will be a telephone conference call to be held on May 4, 2007 at 10:30 a.m.

The August 10, 2007 meeting will be held in Sarasota.

Several Public Service Announcements (PSA) were presented to the Council via Mr. Adam Sohn, Communication Director. The Council was not in favor of the PSAs that were shown and asked that they be redone to show a CAM doing more paper work not construction and maintenance work.

Mr. Spivey presented a verbal and slide show to the council members on the department's Council member training, with the assistance of Ms. Edwards and Ms. Leigh. The council members found the information presented to be extremely helpful.

ADJORNMENT:

MOTION: Mr. Goodwin moved to adjourn the meeting
SECOND: Ms. Moran seconded the motion and it passed unanimously.

The meeting was adjourned at 1:26 p.m.