

MINUTES
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
May 19, 2017
11:00 a.m. EST
Conference Call Meeting
Conference: 888.670.3525 Participant Code: 7335214083#

CALL TO ORDER

Vice Chair Angela M. Phillips called the meeting to order at 11:01 a.m.

ROLL CALL

Angela M. Phillips, Vice-Chair
Sharon Cunningham
Lisa Riddle
Robert "Bob" Sibley

MEMBERS NOT PRESENT

Dawn Warren
Pedro Allende

STAFF PRESENT

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Jason Maine, General Counsel, DBPR
Patrick Cunningham, Deputy General Counsel, DBPR
Wayne Mitchell, Assistant General Counsel, DBPR
Megan Silver, Assistant General Counsel, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General (OAG)
Linda Gray, Government Analyst, DBPR

ATTENDANCE

Vice-Chair Phillips requested a motion to excuse Ms. Warren and Mr. Allende from the conference call.

MOTION: Ms. Cunningham made a motion that the Council excuse Ms. Warren and Mr. Allende from the conference call.

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

APPROVAL OF THE MINUTES OF THE MEETING ON MARCH 17, 2017

After discussion, Vice-Chair Phillips requested a motion to approve the minutes.

MOTION: Ms. Riddle made a motion to approve the minutes.

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

REPORTS

PROSECUTING ATTORNEY REPORT – Wayne Mitchell, Megan Silver

Case Reports

Mr. Mitchell provided the Council with an overview of the reports included in the agenda as well as updated statistics through May 19, 2017.

Ms. Barineau and Vice-Chair Phillips commended Mr. Mitchell, his staff and the data steward for the tremendous job in producing the reports and moving the cases through the process.

COUNSEL REPORT – Lynette Norr

Rules Report

Ms. Norr provided the Council with a copy of the report and provided updates.

Section 120.695, F.S. Certification Requirements

After discussion, the following action was taken.

MOTION: Ms. Riddle made a motion that no action was necessary to adjust the content of Rule 61E14-5.003, F.A.C., Notice of Non-Compliance, at this time.

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

Rule 61E14-3.002 Special Assessment

Ms. Norr informed the Council that she received a letter from the Joint Administrative Procedures Committee (JAPC) which directed the Council to review Rule 61E14-3.002, F.A.C. Ms. Norr asked the Council if they wanted to keep this rule or repeal the rule.

The Council discussed Rule 61E14-3.002, F.A.C., Special Assessment, and agreed that it was necessary to maintain this rule since the Council is deficient in their operating account and that it may be necessary to assess additional fees in the future.

MOTION: Ms. Riddle made a motion that the Council maintain this rule as it is written at this time.

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

EXECUTIVE DIRECTOR REPORT – Robyn Barineau

Financial Report – December 31, 2016

Ms. Barineau reported that the balance in the Council's operating account was (\$68,859). The unlicensed activity account balance was \$207,359.

Future Meeting Dates

August 25, 2017 – Conference Call

November 3, 2017 – Tampa

February 8, 2018 – Conference Call

May 18, 2018 – Conference Call

August 10, 2018 – Conference Call

November 2, 2018 - Gainesville

NEW BUSINESS

Ms. Barineau informed the Council that HB 741 related to delinquent fees came before the 2017 Legislature and passed amending Section 455.271(7), Florida Statutes. This language requires that delinquent renewal fees be reduced to \$25. The Council's Rule 61E14-3.001, F.A.C., currently requires a delinquent fee of \$50.

After further discussion, the following action was taken.

MOTION: Ms. Cunningham made a motion that Ms. Norr draft language for Rule 61E-14.3001, F.A.C., to be presented at the next meeting.

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

OLD BUSINESS

There was no old business to come before the Council at this time.

Legislative Update – Jason Maine, General Counsel

General Counsel Maine and Mr. Mitchell informed the Council that the Community Association Management unit of the Office of the General Counsel will be merged with the Condominiums unit since there are similar issues and concerns in disciplinary matters.

General Counsel Maine informed the Council that SB 582 related to the anti-trust defense died during the legislative session. General Counsel Maine brought to the attention of the Council that over the past three-years no law suits or liability has been exposed. General Counsel Maine also informed the Council that a special unit was created by the Attorney General's Office to handle anti-trust issues.

ADJOURNMENT

Vice-Chair Phillips determined that there was no further business to come before the Council and asked for a motion to adjourn the meeting at 11:46 a.m.

MOTION: Ms. Cunningham made a motion to adjourn the meeting.

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

The meeting adjourned at 11:46 a.m.