

**MINUTES
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS**

**May 17, 2019
10:00 a.m. EST**

Conference Call Meeting

Conference: 1.888.585.9008 Conference Room number: 922133251#

CALL TO ORDER

The Regulatory Council of Community Association Managers was called to order at approximately 10:00 a.m., by Vice Chair Lisa Riddle.

MEMBERS PRESENT

Lisa Riddle, Vice-Chair
Sharon Cunningham
Gary Pyott
Robert "Bob" Sibley

OTHER PERSONS PRESENT

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Robyn Barineau, Deputy Director, Division of Regulations
Robin Smith, Deputy General Counsel for Business Regulatory
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Melinda Gray, Government Analyst, DBPR
Jessica Renchen, For the Record Reporting, Inc.

OTHERS PRESENT

Matt Green, Community Association Institute

Ms. Barineau advised the Council that Ms. Phillips resigned from her position. In addition, Ms. Barineau advised the Council that Ms. Krista Woodard will be their new Executive Director.

APPROVAL OF THE MINUTES OF THE MEETING ON FEBRUARY 22, 2019

Mr. Pyott moved to approve the meeting minutes on February 22, 2019. Vice Chair Riddle seconded the motion. The motion passed unanimously.

REPORTS

PROSECUTING ATTORNEY REPORT – Robin Smith

Ms. Smith provided the Council with an overview of the Prosecuting Attorney Reports. Ms. Smith informed the Council that Mr. Nick Duval will be the new Chief Attorney for the Council.

COUNSEL REPORT – Lynette Norr

There was no Rules Report to come before the Council at this time.

RULE DISCUSSION

Rule 61E14-1.001, F.A.C. - Prelicensure Education Requirements

Ms. Barineau provided the Council with a draft copy of Rule 61E14-1.001, F.A.C. The Council was asked to consider and vote on amending Rule 61E14-1.001, F.A.C. to reduce the prelicensure education requirements to 16 hours as written below.

61E14-1.001 Prelicensure Education Requirements.

(1) All community association manager applicants must satisfactorily complete a minimum of ~~48~~16 in-person classroom hours of instruction of 50 minutes each within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite prelicensure education. Each contact hour shall consist of at least 50 minutes of classroom instruction.

(2) The ~~48~~16 hours of prelicensure education shall be comprised of courses in the following areas:

(a) State and federal laws relating to the operation of all types of community associations, governing documents, and state laws relating to corporations and nonprofit corporations – 20%;

(b) Procedure for noticing and conducting community association meetings – 25%;

(c) Preparation of Community Association Budgets and Community Association Finances – 25%;

(d) Insurance matters relating to Community Associations – 12%; and

(e) Management and maintenance – 18%;

(3) Applicants who can document to the Council that they suffer from a disability or hardship shall be permitted to complete prelicensure education by either correspondence or on-line courses. Such documentation must be received and approved by the Council prior to enrolling and completing any correspondence or on-line prelicensure courses.

(a) The following shall constitute acceptable “hardships” as used in this rule:

1. The applicant’s residence is more than 70 miles from the nearest physical location where prelicensure education is taught.

2. Providers are not offering any in-person prelicensure education courses within the twelve months preceding the next available examination.

(b) “Disability” as used in this rule shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the applicant which would preclude the applicant from attending in-person prelicensure courses.

After discussion, the following action was taken.

Vice Chair Riddle made a motion to approve the change as written and reduce the 18 hours of prelicensure education to 16 hours in Rule 61E14-1.001, F.A.C. Mr. Pyott seconded the motion. The motion passed unanimously.

The Council addressed the Statement of Estimated Regulatory Costs (SERC). Vice Chair Riddle made a motion that this rule amendment would not have an adverse impact on small business nor will it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule amendment. Mr. Pyott seconded the motion. The motion passed unanimously.

The Council discussed if this rule would constitute a minor violation. Vice Chair Riddle made a motion that this rule amendment would not constitute a minor violation. Ms. Cunningham seconded the motion. The motion passed unanimously.

After further discussion, the Council decided to discuss Rule 61E14-1.001, F.A.C. at the November 8, 2019 meeting as it relates to reconfiguring the percentage of hours being taught and the method used to teach the prelicensure education requirements.

Rule 61E14-4.001, F.A.C. - Continuing Education Renewal Requirements

Ms. Barineau provided the Council with a draft copy of Rule 61E14-4.001, F.A.C. The Council was asked to consider and vote on amending Rule 61E14-4.001, F.A.C. to reduce the continuing education renewal requirements to 15 hours as written below.

61E14-4.001 Continuing Education Renewal Requirements.

(1) All community association manager licensees must satisfactorily complete a minimum of ~~20~~15 hours of continuing education per biennial renewal cycle. Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses. No license shall be renewed unless the licensee has completed the required continuing education.

(2) Only continuing education courses approved by the Council shall be valid for purposes of licensee renewal.

(3) The required ~~20~~15 hours of continuing education shall be comprised of courses approved pursuant to Rule 61E14-4.003, F.A.C., in the following areas:

(a) ~~43~~ hours of legal update seminars. The legal update seminars shall consist of instruction regarding changes to Chapters 455, 468, Part VIII, 617, 718, 719, 720, and 721, F.S., and other legislation, case law, and regulations impacting community association management. Licensees shall not be awarded continuing education credit for completing the same legal update seminar more than once even if the seminars were taken during different years.

(b) ~~43~~ hours of instruction on insurance and financial management topics relating to community association management.

(c) ~~43~~ hours of instruction on the operation of the community association's physical property.

(d) ~~43~~ hours of instruction on human resources topics relating to community association management. Human resources topics include, but are not limited to, disaster preparedness, employee relations, and communications skills for effectively dealing with residents and vendors.

(e) ~~43~~ hours of additional instruction in any area described in paragraph (3)(b), (c) or (d) of this rule or in any course or courses directly related to the management or administration of community associations.

(4) No licensee will receive credit, for purposes of meeting the continuing education requirement, for completing the same continuing education course more than once during a biennial renewal cycle.

(5) Course instructors may receive continuing education credit hours in the amount of hours approved by the Council for licensees only once every biennial renewal cycle for each approved course taught by the instructor.

(6) Anyone licensed for more than 24 months at renewal time will be required to have complied with the continuing education requirements set forth in subsection (1), above, prior to license renewal. "More than 24 months" means 24 months plus 1 day. Licensees licensed

After discussion, the following action was taken.

Vice Chair Riddle made a motion to approve the change and reduce the 20 hours of continuing education renewal requirements to 15 hours in Rule 61E14-4.001, F.A.C., and that this change would not have an adverse impact on small business nor will it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule amendment and that this rule would not constitute a minor violation. Mr. Pyott seconded the motion. The motion passed unanimously.

Rule 61E14-4.004, F.A.C. – Reactivation Continuing Education

Ms. Barineau asked the Council to amend Rule 61E14-4.004, (1) and (2), F.A.C. to reduce the 20 hours reactivation continuing education to 15 hours to support the rule change for Rule 61E14-4.001, F.A.C.

61E14-4.004 Reactivation Continuing Education.

(1) Inactive Licenses. As a condition for reactivating an inactive license, a licensee must complete fifteen (15) ~~twenty (20)~~ classroom hours of continuing education instruction, as required by Rule 61E14-4.001, F.A.C., all of which must have been completed within the current or immediately preceding licensure renewal cycles.

(2) Delinquent Licenses. As a condition for reactivating a delinquent license, a licensee must complete fifteen (15) ~~twenty (20)~~ classroom hours of continuing education instruction, as required by Rule 61E14-4.001, F.A.C., all of which must have been completed during the licensure cycle in which the licensee becomes delinquent.

(3) All inactive or delinquent licensees applying for reactivation must take the legal update seminars required by paragraph 61E14-4.001(3)(a), F.A.C., for the current and immediately preceding year.

After discussion, the following action was taken.

Vice Chair Riddle made a motion to approve language to amend Rule 61E14-4.004, (1) and (2), F.A.C. to reduce the reactivation continuing education hours to 15 hours to coincide with the approved changes to Rule 61E14-4.001, F.A.C. Mr. Sibley seconded the motion. The motion passed unanimously.

The Council addressed the Statement of Estimated Regulatory Costs (SERC). Vice Chair Riddle made a motion that this rule amendment would not have an adverse impact on small business nor will it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule amendment. Mr. Pyott seconded the motion. The motion passed unanimously.

The Council discussed if this rule would constitute a minor violation. Mr. Pyott made a motion that this rule amendment would not constitute a minor violation. Vice Chair Riddle seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT – Robyn Barineau/Krista Woodard

Financial Report – December 31, 2018

Ms. Barineau reported that the balance in the Council's operating account was \$228,634. The unlicensed activity account balance was \$263,071.

Future Meeting Dates

August 2, 2019 – Conference Call
November 8, 2019 – Fernandina Beach
February 28, 2020 – Conference Call
May 15, 2020 – Conference Call
August 21, 2020 – Conference Call
November 6, 2020 – St. Augustine Beach

ELECTIONS

Nominations were solicited for the position of Chair of the Regulatory Council of Community Association Managers. Mr. Sibley nominated Ms. Riddle as Chair of the Council. Ms. Cunningham seconded the motion. The motion passed unanimously.

Mr. Sibley nominated Ms. Cunningham as Vice Chair of the Council. Ms. Riddle seconded the motion. The motion passed unanimously.

NEW BUSINESS

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

OLD BUSINESS

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

ADJOURNMENT

There being no further business to come before the Council, Vice Chair Riddle made a motion to adjourn. Mr. Sibley seconded the motion. The motion passed unanimously, with the meeting adjourning at 10:36 a.m.