

**MINUTES**  
**REGULATORY COUNCIL OF**  
**COMMUNITY ASSOCIATION MANAGERS**  
**August 21, 2020**  
**10:00 a.m. EDT**  
**The telephone number is 1.888.585.9008**  
**Conference Room Number: 241687833#**

**CALL TO ORDER**

The Regulatory Council of Community Association Managers was called to order at approximately 10:03 a.m., by Chair Sharon Cunningham.

**MEMBERS PRESENT**

Sharon Cunningham, Chair  
Gary Pyott, Vice Chair  
Robert "Bob" Sibley

**PERSONS PRESENT**

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)  
James Richardson Senior Attorney, Office of the General Counsel, DBPR  
Ronald Thomas "Tom" Jones, Assistant Attorney General, Office of the Attorney General  
Melinda Gray, Government Analyst, DBPR  
Jessica Renchen, Court Reporter, For The Record

**OTHER PERSONS PRESENT**

Peter Fleming

**DISCUSSION**

The Council discussed minutes being posted to the Departments website prior to approval by the Council. After discussion, Mr. Sibley made a motion not to post the draft minutes to the website prior to approval. Mr. Pyott seconded the motion. The motion passed unanimously.

The Council discussed Council Member Training.

**APPROVAL OF THE MINUTES OF THE MEETING ON MAY 15, 2020**

Mr. Pyott made a motion to approve the draft minutes provided the word "agenda" is replaced with "minutes." Mr. Sibley seconded the motion. The motion passed unanimously.

**REPORTS**

**PROSECUTING ATTORNEY REPORT – James Richardson**

Mr. Richardson provided the Council with an overview of the reports. Mr. Richardson indicated that legal closed 118 cases and that there are currently 190 cases in legal. Mr. Richardson also stated that the Office of the General Counsel hired new attorneys and that they are fully staffed.

Mr. Pyott made a motion to approve the reports as submitted. Mr. Sibley seconded the motion. The motion passed unanimously.

**COUNSEL REPORT – Tom Jones**  
**2020-2021 Annual Regulatory Plan**

Mr. Pyott made a motion to approve and ratify the 2020-2021 Annual Regulatory Plan. Mr. Sibley seconded the motion. The motion passed unanimously.

**Rule 61E14-1.001 Prelicensure Education Requirements**

The Council discussed Rule 61E14-1.001, Prelicensure Education Requirement. After discussion, Mr. Pyott made a motion to approve the below listed language in Rule 61E14-1.001 Prelicensure Education Requirements. Mr. Sibley seconded the motion. The motion passed unanimously.

Rule 61E14-1.001 Prelicensure Education Requirements

(1) All community association manager applicants must satisfactorily complete a minimum of 16 ~~in-person classroom~~ hours of classroom 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 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) Classroom instruction means that required hours must be in person or from interactive, real-time courses. An interactive, real-time course may be a web-based, satellite-transmitted, telephone or video conference, or online instruction program that allows or requires the applicant to interact in real-time, including live chat, with the instructor during the presentation of the program or in a question and answer session upon completion of the program. 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.~~

*Rulemaking Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History–New 1-3-01, Formerly 61-20.5011, Amended 8-15-19; Date Amended \_\_\_\_\_.*

Mr. Jones asked the Council if this proposed rule amendments will have an adverse impact on small business. Mr. Pyott made a motion that the proposed rule amendments will not have an adverse impact on small business. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones asked the Council if the proposed rule will be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. Mr. Pyott made a motion that the proposed rule would not directly or indirectly increase regulatory costs in excess of \$200,000 within 1 year after the implementation of the rule. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones asked the Council if a violation of the proposed rule be a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Should this rule, or any part of this rule, be designated a minor violation? Mr. Pyott made a motion that this proposed rule would not constitute a minor violation. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones asked the Council if the proposed rule should have a sunset provision. Mr. Pyott made a motion that this proposed rule should not have a sunset provision. Mr. Sibley seconded the motion. The motion passed unanimously.

### **Rules Report**

Mr. Jones explained that Rule 61E14-2.001 Standards of Professional Conduct is ready for adoption. After it is adopted, he will provide the Council with an effective date.

Mr. Sibley expressed the need to have changes to the Council procedures placed into the Hot Topics tab on the Department's website. Ms. Woodard stated she would address the need with the Department.

### **EXECUTIVE DIRECTOR REPORT – Krista Woodard Continuing Education Courses - Ratification List**

The Ratification List of continuing education courses was provided to the Council for their review and approval. Mr. Pyott moved to approve the Ratification List as submitted. Mr. Sibley seconded the motion. The motion passed unanimously.

### **Financial Report – March 31, 2020**

Ms. Woodard reported that the balance in the Council's operating account is (\$209,500). The unlicensed activity account balance was \$279,223. Mr. Sibley made a motion to approve the Financial Report as submitted. Mr. Pyott seconded the motion. The motion passed unanimously.

Ms. Woodard informed the Council that she would provide the Council with the year-end financial report at the November telephone conference call.

### **Future Meeting Dates**

#### **November 6, 2020 – St. Augustine Beach (TO BE DETERMINED)**

The Council discussed the November 6, 2020 meeting. After discussion, Mr. Pyott made a motion to have the November 6, 2020 meeting as a telephone conference call. Mr. Sibley seconded the motion. The motion passed unanimously.

#### **The future meeting dates will be held by telephone conference call.**

February 26, 2021 – Conference Call

May 21, 2021 – Conference Call

August 6, 2021 – Conference Call

## **OLD BUSINESS**

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

## **NEW BUSINESS**

The Council discussed when new members will be appointed to the Council and when their term expires. Ms. Woodard explained that the Governor's Office is responsible for handling appointments.

The Council discussed having updates listed on the Department's website under hot topics. Mr. Sibley requested the Department include updates on the Departments website. Mr. Pyott seconded the motion. The motion passed unanimously.

The Council discussed the need for Board Member Training. Ms. Woodard advised that she would check into the Board Member Handbooks and provide them to the Council members.

## **PUBLIC COMMENT**

Mr. Peter Fleming discussed with the Council the need to have an emergency order issued related to online prelicensure education courses. The Council determined that it is not necessary to issue an emergency order.

## **ADJOURNMENT**

There being no further business to come before the Council, Mr. Pyott made a motion to adjourn. Mr. Sibley seconded the motion. The motion passed unanimously, with the meeting adjourning at 11:52 a.m.