

**MINUTES
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
November 8, 2019
10:00 a.m. EST
Residence Inn Marriott Amelia Island
32301 Sadler Road
Fernandina Beach, Florida 32034
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 10:00 a.m., by Vice Chair Sharon Cunningham.

MEMBERS PRESENT

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

PERSONS PRESENT

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Nick Duval, Chief Attorney, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General (OAG)
Ronald Thomas "Tom" Jones, Assistant Attorney General, OAG
Melinda Gray, Government Analyst, DBPR

OTHER PERSONS PRESENT

Jared Song, DBPR, Investigative Supervisor
Ken Boris, DBPR, Investigative Specialist
Matthew Green, Community Association Institute
Jolita Brazzano, By Telephone

INTRODUCTION OF NEW COUNCIL ATTORNEY

Ms. Norr introduced the new Council attorney, Ronald Thomas "Tom" Jones, to the members. Mr. Jones was recently hired by the Office of the Attorney General. Mr. Jones provided the Council with an overview of his experience as an attorney. Mr. Jones will handle all future meetings of the Council. The Council thanked Ms. Norr for her service.

APPROVAL OF THE MINUTES OF THE MEETING ON AUGUST 2, 2019

Mr. Bob Sibley moved to approve the meeting minutes on August 2, 2019, as amended. The amendment removed Lisa Riddle as having the authority to approve the Annual Regulatory Plan. Mr. Gary Pyott seconded the motion. The motion passed unanimously.

REPORTS

PROSECUTING ATTORNEY REPORT – Nick Duval

Mr. Nick Duval provided the Council with an overview of the reports and provided the Council with updated statistics. Mr. Duval explained how the complaints are processed with the Department. Mr. Duval informed the Council that the Office of the General Counsel has two vacant attorney positions. Mr. Duval hopes to have these positions filled soon. Mr. Duval

explained how the impact of vacant attorney positions might affect the progression of the complaints.

COUNSEL REPORT – Lynette Norr/Tom Jones

Ms. Lynette Norr reported to the Council that the following rules were effective August 15, 2019.

- Rule 61E14-1.001, F.A.C. Prelicensure Education Requirements. The rule reduced the prelicensure education requirements from 18 hours to 16 hours.
- Rule 61E14-4.001, F.A.C. Continuing Education Renewal Requirements. The rule reduced the continuing education renewal requirements from 20 hours to 15 hours.
- Rule 61E14-4.004, F.A.C. Reactivation Continuing Education. The rule reduced the 20 hours reactivation continuing education from 20 hours to 15 hours to support the rule change for Rule 61E14-4.001, F.A.C.

EXECUTIVE DIRECTOR REPORT – Krista Woodard

Financial Report

Ms. Woodard provided the Council with an overview of the Financial Report. The Council discussed the allocations on the operating account and the unlicensed activity account.

Continuing Education Courses

Ms. Krista Woodard explained to the Council that the Department is required to provide a list of Continuing Education Courses approved by the Department for ratification. A Ratification List of continuing education courses was provided to the Council for their review and approval. The Council will vote on the approval of these courses. Mr. Sibley moved to approve the Ratification List as submitted. Mr. Pyott seconded the motion. The motion passed unanimously.

Future Meeting Dates

February 28, 2020 – Conference Call

May 15, 2020 – Conference Call

August 21, 2020 – Conference Call

November 6, 2020 – St. Augustine Beach

The Council recommended that the upcoming in-person meeting be held in Central or South Florida.

Travel Reimbursement Form

Ms. Woodard explained that the Department of Management Services has a new online Statewide Travel Management System (STMS). The Board office created a new Travel Reimbursement Form for the members to complete. This form will be used to issue their travel reimbursement. The reimbursement information will then be added into the system by the Board Office.

NEW BUSINESS

License from Null and Void

Ms. Norr and Ms. Woodard explained to the Council that Section 455.271, Florida Statutes was modified during the 2019 session. This modification requires the Council to establish a rule to reinstate a license from null and void status. Ms. Woodard stated that the Department already has a process to reinstate a null and void license. However, there is currently no rule established by the Council. Vice Chair Cunningham asked the Council to entertain a motion to show good cause to move forward with rule development to establish a rule for licenses that are in a null and void status. Mr. Pyott moved to approve rule development to establish a rule to

reinstate a null and void license. Mr. Sibley seconded the motion. The motion passed unanimously.

Ms. Norr suggested that the Council create a new rule number in 61E14-1.-Licensing, F.A.C., for null and void status. The suggested rule number is Rule 61E14-1.005, which would include the below rule language for reinstatement of licensure from null and void status. Mr. Pyott made a motion to approve Rule 61E14-1.005 in 61E14-1.-Licensing, F.A.C. and to approve the below language for reinstatement of licensure from null and void status. Mr. Sibley seconded the motion. The motion passed unanimously.

61E14-1.005 Null and Void Status.

The null and void status licensee who applies for active or inactive status shall apply to the Department anew by submitting a completed application as set forth in rule 61G7-5.001, F.A.C., with appropriate fees as if this were a first-time application.

The Council addressed the Statement of Estimated Regulatory Costs (SERC). Mr. Pyott made a motion that this rule 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. Sibley 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 would not constitute a minor violation. Mr. Sibley seconded the motion. The motion passed unanimously.

ELECTIONS

Nominations were solicited for the position of Chair and Vice Chair of the Regulatory Council of Community Association Managers. Mr. Sibley nominated Ms. Cunningham as Chair of the Council. Mr. Pyott seconded the motion. The motion passed unanimously. Mr. Sibley nominated Mr. Pyott as the Vice Chair of the Council. Ms. Cunningham seconded the motion. The motion passed unanimously. The Council discussed the process of how the Governor appoints members to serve on the Council. The Council also discussed the expiration date of their term.

OLD BUSINESS

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

DISCUSSION

John Kuhn

Mr. Kuhn submitted a Petition for Declaratory Statement. Mr. Kuhn withdrew this petition. Ms. Norr explained to the Council that Mr. Kuhn's Petition for Declaratory Statement was invalid. Ms. Norr informed the Council that Mr. Kuhn searched the Department's website and was unable to locate a community association manager because of the use of a nickname. Ms. Woodard explained that the Department issues licenses based upon their legal name.

The Council discussed what information may be appropriate advertisement for a community association manager. Ms. Norr informed the Council that they have rule-making authority under Section 468.4315(2), Florida Statutes to address the professional practice standards related to advertisement of a community association manager. Ms. Norr suggested that the Council may consider including information related to advertisement and the use of a nickname in Rule 61E14-2.001, Standards of Professional Conduct, F.A.C. It was determined that Mr. Duval and

Mr. Jones would research advertising rules of other professions and report to the Council at the February 2020 meeting.

ADJOURNMENT

There being no further business to come before the Council, Mr. Sibley made a motion to adjourn. Mr. Pyott seconded the motion. The motion passed unanimously, with the meeting adjourning at 11:20 a.m.