

**NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares, and Mobile Homes

RULE NO.:	RULE TITLE:
61B-19.001	Filing education and training programs.
61B-19.002	Required information.

PURPOSE AND EFFECT: These rules are created to implement a change in the condominium law requiring the division to review and approve condominium education and training programs.

SUMMARY: These rules provide parameters for reviewing education and training programs filed by education providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 718.501(1)(f), FS.

LAW IMPLEMENTED: 718.501(1)(j), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

TIME AND DATE: September 21, 2009 at 10:30 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES, AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at 850-488-1631. If you

are hearing or speech impaired, please contact the agency by calling 1-800-955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850) 488-1631.

THE FULL TEXT OF THE PROPOSED RULE IS:

**61B-19 Education Programs COMPLAINTS**

**61B-19.001 Filing education and training programs.**

(1) Anyone seeking to be considered as a Condominium Education Provider (“provider”) and have their Condominium Education Program (“program”) listed on the department’s website may file the education materials (“materials”) that make up the program with the division for consideration as part of the division’s list of approved programs and providers.

(2) All materials must be submitted to the division via electronic media in CD ROM format to the following address:

Division of Florida Condominiums, Timeshares, and Mobile Homes

Bureau of Compliance

1940 North Monroe Street

Tallahassee, FL 32399-1030

(3) The division shall have 45 days from receipt of the materials to review and either cite deficiencies in the materials or approve the materials. If approved, the department will list the provider and program on the department’s website as part of the list of approved programs and providers. If the division does not approve the materials or issues a notice of deficiency within 45 days from the date such materials were received by the division then the materials are deemed approved.

(4) The provider shall have 45 days from receipt to respond to a notice of deficiency. If the provider fails to respond in the required timeframe, the request shall expire and be rejected.

(5) The division shall have 20 days to review deficiency corrections submitted by providers. If the division has not approved the materials or issued a notice of deficiency within 20 days from date such corrections or responses were received by the division then the materials are deemed approved.

(6) Approved materials may be provided via web-based training programs, seminars, or printed media.

(7) The division will maintain a list of all approved programs and providers on the Department of Business and Professional Regulation's website at <http://www.myflorida.com/dbpr/lsc/index.html>.

Rulemaking Authority: 718.501(1)(f) FS. Law Implemented: 718.501(1)(j) FS. History—  
New \_\_\_\_\_.

**61B-19.002 Required information.**

(1) Providers shall include the following information regarding their education programs:

(a) A price list for the programs and a copy of all materials.

(b) The physical locations where programs will be available, if not web-based.

(c) Dates when programs will be offered.

(2) Programs shall communicate information about:

(a) Budgets;

(b) Reserves;

(c) Elections;

(d) Financial reporting;

(e) Condominium operations;

(f) Records maintenance, including unit owner access to records; or,

(g) Dispute resolution.

(3) Programs and materials shall not contain editorial comments.

(4) The division reserves the right to require changes to education and training programs.

Rulemaking Authority: 718.501(1)(f) FS. Law Implemented: 718.501(1)(j) FS. History—  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030.

NAME OF THE PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE:

Charles W. Drago, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: August 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008.