

MINUTES OF THE MEETING

**REGULATORY COUNCIL OF COMMUNITY
ASSOCIATION MANAGERS
Telephone Conference Call
888.670.3525
Participant Code 7335214083#
February 20, 2015**

CALL TO ORDER

Chair Warren called the meeting to order, however she asked that she be excused from Chairing the meeting due to her having laryngitis. Ms. Barineau responded that she would conduct the conference call.

Members Participating

Dawn Warren, Chair
Sharon Cunningham
Angela Phillips, Vice-Chair
Robert Sibley

Members Not Participating

Pedro Allende

Others Participating

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Lawrence Harris, Counsel
Radhika Puri, Prosecuting Attorney
David Perry, Prosecuting Attorney
John Cary, Office of the General Counsel
Tracy Brown, Court Reporter

Ms. Rice informed the Council that Mr. Allende had a conflict and was unable to participate.

MOTION: Ms. Cunningham made a motion that the Council excuse the absence of Mr. Allende.

SECOND: Vice-Chair Phillips seconded the motion and it passed unanimously.

APPROVAL OF THE MINUTES OF THE MEETING

November 7, 2014

MOTION: Vice-Chair Phillips made a motion that the Council approve the minutes as submitted.

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

UPDATE ON RULES – LAWRENCE HARRIS

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

Mr. Harris discussed the proposed changes to the rule as noted below.

61E14-4.001 Continuing Education Renewal Requirements.

(1) All community association manager licensees must satisfactorily complete a minimum of 20 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 ~~which courses shall include the required hours at an approved update seminar~~. 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 hours of continuing education shall be comprised of courses approved pursuant to Rule 61E14-4.003, F.A.C., in the following areas:

(a) 4 hours of legal update seminars. ~~Licensees shall satisfactorily complete a 2-hour legal update seminar~~. 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) 4 hours of instruction on insurance and financial management topics relating to community association management.

(c) 4 hours of instruction on the operation of the community association's physical property.

(d) 4 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) 4 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 period.

(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 period 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 CE requirements set forth in subsection (1), above, prior to license renewal. "More than 24 months", means 24 months plus 1 day. Licensees licensed for 24 months or less at renewal time are exempt from compliance with the continuing education CE requirements set forth in subsection (1) above, until the end of the next renewal cycle.

Following discussion, the following action was taken.

MOTION: Vice-Chair Phillips made a motion that Rule 61E14-4.001, F.A.C., be noticed for development and amended as provided.

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

Mr. Harris informed the Council that they needed to determine if a Statement of Estimated Regulatory Costs (SERC) was required for this rule.

MOTION: Vice-Chair Phillips made a motion that the Council determined that a SERC was not required.

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

Mr. Harris informed the Council that they needed to determine if legislative ratification would be required for this rule.

MOTION: Ms. Cunningham made a motion that the Council determined that legislative ratification would not be required.

SECOND: Vice-Chair Phillips seconded the motion and it passed unanimously.

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

Mr. Harris informed the Council that he provided a redraft of the rule as requested.

61E14-4.004 Reactivation Continuing Education.

(1) Inactive Licenses. As a condition for reactivating an inactive license, a licensee must complete twenty (20) classroom hours of continuing education instruction, as required by Rule 61E14-4.001, F.A.C., at least ten (10) hours of which must have been completed within twelve (12) months prior to application for reactivation.

(2) Delinquent Licenses. As a condition for reactivating a delinquent license, a licensee must complete 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 Rule 61E14-4.001(3)(a), F.A.C. for the current and immediately preceding years.

~~(1) As a condition for reactivating an inactive or delinquent license, an inactive status licensee shall be required to satisfactorily complete ten (10) classroom hours of continuing education instruction of 50~~

minutes each for each year or any portion of a year the license was inactive. Two (2) hours shall consist of the legal update seminar for the year in which the licensee is reactivating. The remaining hours of reactivation continuing education may be in any of the areas described in Rule 61E14-4.001, F.A.C., as appropriate.

~~(2) Notwithstanding subsection (1) of this rule, no inactive status licensee shall be required to satisfactorily complete more than twenty (20) classroom hours of continuing education, at least 50% of which must have been completed within the year prior to application for reactivation, in order to reactivate a license. An inactive licensee must take the two most recent legal update courses prior to reactivation.~~

In discussion (1) was changed to: (1) Inactive Licenses. As a condition for reactivating an inactive license, a licensee must complete twenty (20) classroom hours of continuing education instruction, as required by Rule 61E14-4.001, F.A.C.

(3) the word “years” was changed to “year.”

Also in discussion, “all of which must have been completed during the current or proceeding licensure cycle” was to be added at the end of (1).

Following discussion, the following action was taken.

MOTION: Ms. Cunningham made a motion that Rule 61E14-4.004, F.A.C., be noticed for development and amended as discussed.

SECOND: Vice-Chair Phillips seconded the motion and it passed unanimously.

MOTION: Vice-Chair Phillips made a motion that Council determined that a SERC was not required nor legislative ratification.

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

61E14-5.003, F.A.C. – Notice of Non-Compliance

In discussion, the following action was taken.

MOTION: Vice-Chair Phillips made a motion that the Council table Rule 61E14-5.003, F.A.C., until the May conference call.

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

61E14-5.003 Notice of Non-Compliance.

In accordance with Section 455.225(3), F.S., when a complaint is received, the Department agency may provide a licensee with a notice of non-compliance for an initial offense of a minor violation. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings. The Council hereby designates the following as “mMinor violations” as used in Section 455.225(3), F.S., for which a a notice of non-compliance may be provided; are defined

as follows:

(1) Violations of paragraph 61E14-2.001(36)(a), F.A.C.: Withholding possession of any original books, records, accounts, funds, or other property of a community association when requested by the community association to deliver the same to the association upon reasonable notice.

(2) Violations of paragraph 61E14-2.001(36)(b), F.A.C.: Denying or delaying access to association official records to an owner or his or her authorized representative who is entitled to access within the timeframe and under the procedures set out in Sections 718.111(12), 719.104(2), or 720.303(5)(4) F.S. Failing to provide access to association records, for the purpose of inspecting or photocopying the same, to a person entitled to such by the law.

REPORTS

Prosecuting Attorney Report – Radhika Puri

Ms. Puri informed the Council that as of February 15, 2015, there were 140 private cases, 63 public cases for a total of 203 cases in the Office of the General Counsel.

Counsel Report – Lawrence Harris

Mr. Harris informed the Committee that Rule 61E14-2.001, F.A.C., was effective on February 4, 2015.

Executive Director Report – Robyn Barineau

Legislative Update

Ms. Barineau informed the Council that the request to become a board will not be included in the Department's package this session.

Financial Report – September 30, 2014

Ms. Barineau reported that as of September 30, 2014, they were \$200,000 in the red. They had \$170,000 in their unlicensed activity account. She stated that she will have proposals for a one-time assessment for discussion at the May conference call.

Future Meeting Dates

May 15, 2015 – Conference Call

August 21, 2015 – Conference Call

November 13, 2015 - Orlando

NEW BUSINESS

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

OLD BUSINESS

61E14-2.001 – Standards of Professional Conduct (2/4/15)

Chair Warren had requested that the members be provided with the updated rule.

ADJOURNMENT

There being no further business to come before the Council, the conference call was adjourned at 11:00 a.m.