REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
Friday, May 31, 2013 at 10:00 a.m. EST
Conference Call Meeting
Conference: 888.670.352 Conference Code: 6493057517 then #

Meeting Minutes

I. CALL TO ORDER

The meeting was called to order at 10:02 a.m. by Patricia Rogers, Chair.

II. ROLL CALL

Patricia Rogers, Chair
Kelly Moran, Vice Chair
David Beswick
Dawn Warren
Terence Brennan
Maggie Rogers

Staff:
Daniel Biggins, Executive Director
Mary Alford, Government Analyst
Kathleen Brown-Blake, DBPR Rules Attorney
John MacIver – DBPR Attorney
C. Erica White – Prosecuting Attorney
LeChea Parson – Prosecuting Attorney
Doug Dolan – Assistant Attorney General
Robert Milne – Assistant Attorney General

III. APPROVAL

1. Executive Director Approval

Patricia Rogers, Chair read Daniel Biggins bio on the record.

Motion: Maggie Rogers made a motion to approve Daniel Biggins as the new Executive Director.

Second: Kelly Moran seconds the motion. Motion passes unanimously.

2. February 8, 2013 meeting minutes

Motion: Kelly Moran made a motion to approve the February 8, 2013 meeting minutes.
Second:  David Beswick seconds the motion. Motion passes unanimously.

IV. CHAIR REPORT – Patricia Rogers
Patricia Rogers, Chair welcomed everyone and reminded Council members they must respond or contact Mary Alford to confirm attendance for meetings; this will help ensure we have a quorum to discuss agenda items.

V. COUNSEL REPORT – Doug Dolan and Robert Milne
Doug Dolan introduced the new Assistant Attorney General, Robert Milne, who will be the new Board Counsel.

1. Rule 61E14-4.004, F.A.C.; Reactivation Continuing Education
Doug Dolan: This rule must be re-opened for development. You have already seen this language last year and previously approved by the Council. Due to procedural requirements it must be re-opened again for development. This is going to lessen the requirements to reactivate for continuing education.

Patricia Rogers, Chair: If I understand it correctly in paragraph 2 what we are saying is even if you did not complete the prior required hours you can not require licensees to complete more than 20 hours in a renewal segment?

Doug Dolan: Yes.

Patricia Rogers, Chair: So even though you didn’t do your hours, I can skip my 20 hours for this segment and in 2015-2016 only do a total of 20 hours and I meet the requirements.

Doug Dolan: That is the case.

Patricia Rogers, Chair: I have a problem with that, there is no penalty then if you don’t do your hours.

Kathleen Brown-Blake: This part of the rule making language is actually a change to the statute that was implemented in 2012. The statute does not allow for us to ask for more than one cycle of CE’s, so we can’t. It is in statute, Section 455.271(10), F.S. It mandates that we can not ask for more than once cycle of CE requirements. Every boards and the Department has to implement this for every license it provides.

Mary Alford: The license would go inactive the two year period you do not complete your CE’s and you can not practice on an inactive license.

Motion:  David Beswick made a motion to open Rule 61E14-4.004, F.A.C, for rule development.
Second: Kelly Moran seconds the motion. Motion passes unanimously.

Doug Dolan: This would be the appropriate time to vote on the new language presented.

Motion: David Beswick made a motion to approve the language for Rule 61E14-4.004, F.A.C.

Second: Terence Brennan seconds the motion. Motion passes unanimously.

Motion: David Beswick made a motion to approve the language for Rule 61E14-4.004, F.A.C.

Second: Terence Brennan seconds the motion. Motion passes unanimously.

Doug Dolan: The Council will need to vote a SERC for this rule. Will the proposed rule amendments have an adverse impact to small business or will the proposed rule directly or indirectly increase regulatory cost in the excess of $200,000 in the aggregate in one year after implementation of the rule.

Patricia Rogers, Chair: It will not negatively affect it.

Motion: Maggie Rogers made a motion indicating the proposed rule will not have an adverse impact to small business or increase regulatory cost.

Second: Terence Brennan seconds the motion. Motion passes unanimously.

2. Annual Regulatory Plan (ARP) – Kathleen Brown-Blake

Kathleen Brown-Blake: Section 120.74, F.S. requires a list of rules that we plan to amend or create for the next fiscal year. The list is presented to the Senate President, Speaker of the House and OFARR. At this time we have rules under the Council’s rule, 61E14, on the list for what we need to update.

Motion: Kelly Moran made a motion to move forward with the Rules indicated on the 2013 Annual Regulatory Plan.

Second: Dawn Warren seconds the motion. Motion passes unanimously.

VI. DEPARTMENT RULE REPORT – Kathleen Brown-Blake

1. JAPC Correspondence (Joint Administrative Procedures Committee)

Kathleen Brown-Blake: This is a letter we received from JAPC regarding the citation rule, mediation rule and notice of non-compliance rule we published under 61E14-5.001 – 5.003. JAPC comments pointed out that the rules would now fall under the Department rules of 61-20, F.A.C. The Department took the language the Council approved and published them under 61-20.011 and 61-20.012. That is currently out there for OFARR’s response. JAPC did not have any comments on those rules. I made some minor technical changes to the language prior to publishing it. These changes are reflected in the draft
response. The only rule you have out there currently, published that is waiting for
determination is 61E14-5.003, which is the notice of non-compliance rule.

Patricia Rogers: I have a question on 61E14-5.002 number 5 and number 6, what exactly
is JAPC asking for?

Kathleen Brown-Blake: The requirements of mediation are that it does not have a
physical injury to somebody and does not have an economic impact. Subsection 5 of the
language we published and subsection 6 of the language we published are both sections
that are very broad disciplinary actions that could in some cases have economic impact.
Since they cover both economic and non-economic violations we did include them in the
mediation rule. Our investigators are very good at determining what is appropriate for
mediation. They will only send over cases to mediation that are non-economic. That is
what she is asking.

Patricia Rogers: Are you going to be clarifying the rule?

Kathleen Brown-Blake: I didn't need to. She is only asking if they were appropriate. I
explained it to her that subsection 5 and 6 of the rule, depending on the facts of the case
include non-economic fractions in statute. She was asking a "why" question and not a
please change the language question. So I explained why we had it in there.

Patricia Rogers: Was that satisfactory to her?

Kathleen Brown-Blake: The letter is a draft response. I would assume it is satisfactory
because when I published that language under 61-20.011 and 61-20.012 there were no
comment.

Patricia Rogers: Is there any action required by the Council?

Kathleen Brown-Blake: Not for 61E14-5.001 and 5.002, however, there is still 61E14-
5.003 that is still the Councils rule. Technically the 90 days has passed on 61-20.011 and
61-20.012, OFARR is asking us to draft and publish withdraws on those. I don’t think it
will be a problem since we already have the language published under the Department’s
rule, but I do need to get a vote from the Council to withdraw the other two rules, 5.001
and 5.002.

Motion: Terence Brennan made a motion to withdraw Rule 61E14-5.001 & 5.002,
F.A.C. from the Council Rules.

Second: Kelly Moran seconds the motion. Motion passes unanimously.

Kathleen Brown-Blake: The first subsection under 5.003 is a technically change. The
second part for 5.003(1)(b) is them asking why Section 718.11(12)(c), F.S. is cited in the
rule provision. When I did a cross reference on the rule we were referring to that
language is not in the rule we were noticing. I need to do a substantive notice of change
for that part of the rule. That subsection of the old rule does not say as set forth in Section 718.111(12)(c), F.S. It is not necessary in our Notice of Non-Compliance Rule. They think we need to remove that language. I don’t think it will be problematic. They are referencing the rule we are enforcing. Technically since it is substantive I need a vote from the Council to approve the notice of change.

Motion: David Beswick made a motion for a substance notice of change to the rule.
Second: Terence Brennan seconds the motion. Motion passes unanimously.

Kathleen Brown-Blake: The last thing will be approval of the draft response letter by the Council.

Motion: Kelly Moran made a motion to approve draft response letter to JAPC.
Second: Maggie Rogers seconds the motion. Motion passes unanimously.

VII. PROSECUTING ATTORNEY REPORT – C. Erica White

C. Erica White introduced LeChea Parson as the new Prosecuting Attorney for the Regulatory Council of Community Association Manager.

Terence Brennan: Usually this is included in the agenda. Was this late prepared or what caused it to be sent separately?

C. Erica White: It was sent separately, we are switching over to a new database system. We have had some difficulty generating our standard report. This particular report had to be reconfigured in Excel which is why it looks different as well. In the future it should come in the materials sent by Mrs. Alford.

Terence Brennan: Okay, thank you.

Patricia Rogers: I noticed there are several cases were the same manager has a complaint against them and then a month later has another complaint against them. When that occurs are those complaints combined?

C. Erica White: The complaints are not combined because often times the complainants are different. Even when the complainants are the same the allegations are typically different. The only time we combine cases for resolutions is if it is against a CAM and the associated CAM Firm and then we can resolve them together.

Patricia Rogers: Okay, if John Doe has a complaint from one person and another complaint from another person you have to treat them separately.

Terrance Brennan: You are switching over to a new database. Is it possible in the future that this can accommodate one additional field that can give a clue as to what the general
categories of allegations were? So there is more than just a name and that it is in process, something giving some indexing information as to what is going on.

C. Erica White: The database we currently use does not allow for a descriptor. For example if you were looking at a case, does this case relate to public records, unlicensed activity, we don’t have anything in our current database that would allow us to give a more descriptive idea of what a particular case pertains to without actually going and looking at the case.

Terence Brennan: Is that referring to the database that has been in use or what you are switching over to?

C. Erica White: The database we are switching over to is more of an upgrade, but the basic premise of the database is the same. It would not allow for us to know by looking at the case number what the case pertains to, that aspect of that has not changed.

Terence Brennan: If something can be done in the future that could provide a link to further information. I personally think that would be a substantial improvement.

Patricia Rogers: Is it possible to add the county in which the complaint occurred? So we could get a sense of where the majority of complaints are?

C. Erica White: The current report does not allow for us to break it down by county or location so there is no way to display that in your report. I would have to manually go in and look at the case to tell you what county.

Patricia Rogers: I don’t want to add to your burden. We will miss you. We have thoroughly enjoyed having you work with us.

C. Erica White: I have been working with this Council for two and half years and it has been a pleasure.

Terence Brennan: I concur in Patricia’s comments. You have been very clear in your explanations.

VIII. EXECUTIVE DIRECTOR - Daniel Biggins

1. Financial Statements ending March 31, 2013

Operating Account Balance: ($104,438) Negative Balance

Unlicensed Activity Account Balance: $149,332

Patricia Rogers, Chair: What are we going to do with the deficit?
Dan Biggins: Mary Alford has been drilling down on the numbers and talking to the Finance people to see what we can do. We will try and do some projections for future meetings to show you were this is headed and some suggestions.

Patricia Rogers, Chair: I think we need to be very cautious when we are running into a deficit. The big renewal period is next year, but if we are going to run in deficits I think we need to be aware of that and look at how we are going to deal with that.

2. Division of Regulation Quarterly Complaint Report

Council Members reviewed the report.

IX. COUNCIL DISCUSSION TOPICS

Patricia Rogers, Chair: Mr. Biggins can you please address the letter that was sent out regarding the summer CEUs for CAMs without cost? And bring the Council up to date on that?

Dan Biggins: Yes, we can do that. Mr. Patrick Flynn is here and can answer any questions you have.

Patricia Rogers, Chair: A letter was sent by the Department on April 15th noting that there was summer CEUs for CAMs without cost. It listed nine (9) vendors and a specific contact and invited people to take all CEUs without cost. I received calls from a number of education providers who were disturbed about this and asking if the Department will recommend certain vendors over others. There is a DBPR course being offered by Mr. Flynn’s section and I believe that is were the problem arose.

Dan Biggins: Just to let you know, I have received a lot of those communications as well. We went and looked into what was being offered. I will let Mr. Flynn get into it.

Essentially this is in the nature of an outreach by the Department to offer education were it was asked for previously. To give you some background, many boards and divisions here in the Department where different individuals in the Department will go out in different situations and offer education, particularly on things like do I need a license and what type of license do I need. It is very frequent for the Department to offer continuing education or courses or information, of course the Department does not charge for that when they do it.

Patrick Flynn: One of the things I view our mission is to get the word out about what we do. We do board member certifications, we do CAM and CEU courses. When ever I talk to someone, specifically providers, an attorney or management firm we will let them know we are happy to come down and participate in any programs they want to do or if they want to set up a program we will come down and teach the course. In this instance, Beth Hagan the individual that contacted us said she wanted to put a summer series together we said we would participate. It won’t come out on our letterhead again. There website has been updated so it does not show our logo. We don’t recommend any
particular individual or company we are just out there to help get the word out. We do stuff with CAI, SERVPRO, associations, attorneys, colleges and CPA’s. I want to throw out there that if you want us to assist or participate in education we will be happy to do it. I apologize if it appeared that we endorsed this company that is not what we do. We are here to provide education. I will answer any additional questions you guys have.

Patricia Rogers, Chair: Let me tell you what I heard from vendors. The problem here was the letter said we hope you take advantage of this opportunity to obtain all your CEUs without cost. That was clearly too many of the vendors out there a statement of endorsement. I understand you do programs that we all can benefit from. Hopefully other CE vendors will approach you and you can join them to do those. I think the problem comes were you appear to endorse other vendors other than DBPR. I think we need to know, do we need a rule that specifically says while the DBPR can offer courses it can not enter into promotion of any courses being offered by private vendors.

Pat Flynn: What I see our mission is to educate the public; CAMs, board members or unit owners, there is a dyer need for that. This may not have been the proper way to do it, but our goal is to spread the word. The Council knows the problem we face with CAMs not knowing what they are doing, not to mention board members. I take that as part of our mission to help spread the word.

Patricia Rogers: This clearly appears to be an endorsement. Should the Department be endorsing anyone? Should it endorse CAI, Florida CAM schools, Gold Coast or Gray, should it be endorsing any of them. I think the answer is no. That is were the problem comes in, do we need a rule that specifically says while the Department may participate with private providers it may not in any way appear to be endorsing them.

Dan Biggins: You have a lot of rules about CE courses and you can have rules about the courses. I don’t think the Council can pass a rule to regulate what the Department does. Certainly, the Department is letting you know they are going to be very aware of this situation going forward. Mr. Flynn has apologized. I would suggest to you we ask them (CTMH) to be mindful of your concerns and I can assure you they are sensitive to those concerns now. If there is not a problem with the course itself, that is addressed in your rules. In terms of trying to regulate the Department’s action, I think that goes beyond the Council.

Patricia Rogers, Chair: Please be aware, I heard from a lot of vendors and I think we need to be extremely cautious on how the Department approaches this.

Pat Flynn: Yes Ma’am, I did hear from a number of people too. I will make sure that does not happen again.

Patricia Rogers, Chair: Again, I know Mr. Flynn only meant the best. We can not have it appear that the Department recommends one vendor over another.

Pat Flynn: I understand.
1. Rule 61E14-2.001, F.A.C; Standards of Professional Conduct

Kathleen Brown-Blake: I will walk the Council through this. This is the one we noticed the rule for development to clean up the language to make it easier to enforce. What we have is some of the language is outdated, some of the language was declared unconstitutional by an ALJ (administrative law judge), this rule is well overdue in its clean-up. We have the language that we think is appropriate, but if you have any amendments or changes we can do that on the record now.

Patricia Rogers, Chair: I think we should incorporate the 2013 changes once they become law. There should be a way for letting them know that if there is a complaint filed in the division that it can spill over to a complaint against the manager. I know there is some cross reference there.

Kathleen Brown-Blake: My understanding is that as licensees they are obligated to know they are subject to 718 and 719 statutes as well as the 468 statute.

Patricia Rogers, Chair: There is also 718, 719, 720, 721 and 723.

C. Erica White: That change does not take effect until July 2013. Since you were already in the rule development process that July has to pass before you can start making rules to implement the changes on the new legislation. I think it would have to be something new.

Kathleen Brown-Blake: In order for us to incorporate the 2013 legislative changes it will be part of the implementation plan once it starts. It will be something that is addressed. It will be open to address those mandatory changes on the phone. There will be two separate rule changes on this rule at this time. We did not notice the development appropriately to account for the 2013 changes. So, we will have to start all over. Since we already have this rule we can keep it moving and open the same rule to implement the 2013 changes as soon as we get the implementation plan rolling here in the Department.

Patricia Rogers, Chair: I also had questions regarding the Good Moral Character rule that is included in the initial application phase. Is this properly addressed here?

Kathleen Brown-Blake: The reason we have a Good Moral Character defined in 61-20.001(5) is because the initial licensure statute requires Good Moral Character. There is nothing in the Standards of Professional Conduct language that refers to good moral character. So, if we start cross referencing rules to include characters that are not included in the statute pertaining to discipline JAPC will kick it back asking were our authority is and I won’t be able to answer them.

Patricia Rogers, Chair: I want to go back to the removal of “control of others.” It seems to me that somehow we need to still make a CAM Firm responsible for properly supervising their CAMs. How do we do that within the law?
Kathleen Brown-Blake: Constitutionally we can’t. That’s holding an individual responsible for the responses and actions of another individual. An ALJ (administrative law judge) has already kicked that back to us as unconstitutional which is why it is being removed from the rule language. It would be great to have, but it has already been declared unconstitutional and could open up the Council and the Department for liability since we know now.

Patricia Roger, Chair: Isn’t that a little crazy that you can’t hold a company accountable for the employees it’s supposed to supervise?

C. Erica White: The person that is responsible is the person that qualifies the CAM Firm. That is the person that you file for separate action against. What we do now is file a complaint against the license and a complaint against the actual person who makes the CAM Firm qualified to hold the license. If an employee does something and that employee is a licensed CAM you can file an action against that employee for the misconduct. You can’t hold a CAM Firm responsible for what the employee did when the employee is licensed. You have to go after the employee itself.

Maggie Rogers: Are you going after them financially because you can’t go after them any other way because they don’t have a license.

C. Erica White: When I say go after I am talking about administrative proceedings, now of course there is civil action that can happen in terms of a company in absence of its employees. In an administrative context, you can file a complaint against the licensee. You do have a lot of CAM Firm’s that have several employees. You would file your complaint against the employee of the CAM Firm. You can not file a complaint against the Firm if one of its employees committed the misconduct.

Maggie Rogers: So a person who is a maintenance person in the normal scheme of things, who are they responsible too?

C. Erica White: In a hypothetical context the association is actually responsible for the maintenance. So if the issue is with the maintenance person, the association would have to take action against the maintenance person.

Patrick Flynn: If the maintenance person is doing work that should be licensed like electrical or plumbing then they would be liable under the other boards like the Electrical Contractors Licensing Board for unlicensed activity.

Maggie Rogers: You said the board would be liable. What sort of liability does the Board have? What would they be responsible for?

C. Erica White: Are you talking about the association, the board of directors with the association?
Patricia Rogers, Chair: She is referring to the maintenance person with the association’s board. I would rather go back to our responsibly with the CAMs and CAM Firms. It seems to me that the problem would be we can’t hold, if the CAM Firm says to the employee the condo doesn’t want to follow the documents don’t worry about it don’t follow them. The CAM can be brought up on charges. But if that is a general policy of the CAM Firm that CAM can be left out hanging and the CAM Firm is not charge for any issues. That is were my problem comes in. There needs to be the ability to hold the CAM Firm responsible for proper supervision of their employees.

Maggie Rogers, Chair: I agree with that, but I am looking at it from the standpoint of a consumer. I want to be sure the consumer is protected from people the CAM hires. You told us at a previous meeting that a CAM is not responsible for someone they have hired. I am wondering if there is not some other way to phrase this to make it so it is all one thing. That is so when they do hire someone they do become apart of the association so they are held responsible and they are not just the employee. Something needs to be done because this is absurd.

C. Erica White: Let me first say that CAMs are employees of the Board of Directors for the association. They have contracts, they have certain ways they are suppose to conduct themselves.

Maggie Rogers: Does that mean that everything, every responsibility goes back to the Board in essence the CAM is not responsible for anything because they were hired by the Board and the Board has to be responsible.

C. Erica White: No Ma’am that is not what I am saying. A CAM is an employee of the association. What we are talking about for the purpose of what is covered in your rules, what do your rules state you can do for discipline. The administrative law judges that listens to your cases has said it is unconstitutional to discipline a Firm, a corporation, for the actions of its employees. There is no point for it to be in your rule if we are not going to prevail in disciplinary proceedings. All we are going to do is take out that language since we don’t charge under that rule anyways.

Maggie Rogers: I understand what you are saying. It is making me sick. It is holding no one responsible. I know people who work for CAMs who when they don’t like someone they will take the door off of their condos and leave it to the side and nothing can be done about it.

59:45

C. Erica White: No, you have a civil remedy. We are only an administrative agency, so we are only talking about the licensee. What we are talking about in administrative penalty, we discipline the license holder, and even in the CAM Firm a CAM Firm is qualified by a CAM. It is not really the Firm it is the person qualifying that particular firm. We will not be able to hold a CAM Firm responsible if the CAM mismanages money. That is the burden on the licensee, not on the CAM Firm. We are not able to do that.
Maggie Rogers: Even if they know it?

Kathleen Brown-Blake: There is a distinct difference between your license which is a property right guarantee by the constitution and your protection from civil liability. Anybody can be sued for pretty much anything. If you have a license it is a property right guarantee, you are afforded the protection of the constitution. It is a separate thing. You can still sue them, but we can not go after their license.

Maggie Rogers: I understand everything you have said, I am just saying it is insane. I have lost all understanding on what the good purpose of this Council is with that ruling. It is basically saying anybody can get away with anything, they just have people do it for them.

Patricia Rogers, Chair: It sounds like this is a legislative issue. It is clearly a problem in 455 and we can’t really fix it.

Maggie Rogers: It is not a legislative issue. It is a law problem, it is a problem in the courts. A judicial problem.

Patricia Rogers, Chair: It is legislative problem and we need to change the language in 455 to address that, which is not something we can do.

Maggie Rogers: I don’t think it is because it is outside the law. The constitution has several problems and we are talking about federal issues. This has to do with constitutional problems.

Patricia Rogers, Chair: As frustrating as it is we need to move on.

Motion: Kelly Moran made a motion to approve the changes to Rule 61E14-2.001, Standards of Professional Conduct.

Second: David Beswick seconds the motion. Motion passes unanimously.

Patricia Rogers, Chair: Mrs. Brown-Blake I would ask that you look at my comments and let me know if there is anyway we can incorporate them in the second round when we get to the 2013 updates.

Kathleen Brown-Blake: Absolutely.

Patricia Rogers, Chair: And there were some other comments that we can look into seeing if we can include in some of that. I would appreciate you looking into that as well.

Kathleen Brown-Blake: Absolutely.

2. Unlicensed Practice of Law relating to CAMs.
C. Erica White: I was made aware of the proposed advisory opinion from the Florida Bar on the unlicensed practice of law. I believe there is a link on their website there to a 23 page proposed advisory opinion on the issue of what constitutes an unlicensed practice of law by community association managers. If you were not sent that link in your materials I am sure we can provide to you for your review.

Patricia Rogers, Chair: Did it substantial change anything?

C. Erica White: There are some areas that could be constructive in the proposed opinion and I don’t know if it has been adopted as the final opinion. There are some clarifications regarding what the unlicensed practice of law committee believes is the unlicensed practice of law. I believe it would be constructive for the Council to read that opinion. I have read it and there are a couple of things relating to the drafting of liens and other types of things that different associations and different CAMs do. I do think that it is constructive for people to read. Our rules have not been affected, unless or until we change what we discipline people for it does not change what we do.

Patricia Rogers, Chair: Can you send all members the link? If it is necessary we may need to discuss it. If it limits what CAMs currently do we may need to want a discussion and have our opinion sent forth.

C. Erica White: I will have Mary send it around to the Council members. As I read it, I don’t believe it provides a limitation rather a clarification on the previous 1996 Supreme Court decision. As it relates to discipline I don’t believe it changes that.

Patricia Rogers, Chair: Ms. White I am not as concerned about that as I am does it limit CAMs in areas that we have previously in your letter disagreed with limitations.

C. Erica White: I think that is something you will have to look at. It does provide clarification in areas that were previously un-clarified. I don’t know if you view that as a limitation. It would be constructive for the Council to review it before it is discussed. I don’t know if people have reviewed it. Since you all are the ones in the industry it would be constructive for you all to review it and develop your own opinion on what you can do.

Patricia Rogers, Chair: What date by which are they going to make a decision, or don’t we not know?

C. Erica White: I just saw a link to it. I don’t know if there will have another meeting were it will be adopted. The date on the proposed advisory opinion is May 15th. I don’t think it has been adopted and I believe they are accepting commentary on the advisory opinion.

Patricia Rogers, Chair: I would ask that the Council Members when you get the link please review it and I will discuss with Mr. Biggins and Mrs. Parsons if we need to have a special meeting to discuss it.
3. Legislative Update

Report of legislation passed during the 2013 Session with current status on referenced bills reviewed by the Council.

Kathleen Brown-Blake: SB 50 as related to public meetings will require each Board, Council and Commission adopt language relating to public meetings into rule. That will be another rule that will be added to the ARP. The Council will see the language before it is adopted. I need the Council to approve the adding of this language to our rule.

Motion: Terence Brennan made a motion to add a rule related to public meetings as indicated in SB 50.

Second: Maggie Rogers seconds the motion. Motion passes unanimously.

Kathleen Brown-Blake: It was not included in your agenda material, but we will need to vote on a SERC Checklist for the language you previously approved in the meeting for Rule 61E14-2.001, F.A.C.

Motion: Terence Brennan made a motion to publish approved language for Rule 61E14-2.001, F.A.C.

Second: Maggie Rogers seconds the motion. Motion passes unanimously.

X. Future Meeting Dates

August 23, 2013 (Conference Call)
November 8, 2013 (Tallahassee)

XI. Profession Issues

1. Pre-Licensure Certificate Date

Mary Alford: This is a new agenda topic for our meetings so the Council is aware of frequent questions or concerns that come up in our office. We do get a lot of calls of confusion, even in the application process when it comes to the 12 months that the exam is required to be passed from the pre-licensure certificate completion date versus when they actually apply with the Department. I want to make the Council aware of our frequency of calls on this topic or issue. And for providers that might be listening to reiterate that in your courses. I do speak with a lot of applicants who unfortunately, are not able to take their exam because the pre-licensure certificate is expired by the time they get to that point.

Patricia Rogers, Chair: Yes, Irun into that problem a lot as well.
2. Email Addresses

Mary Alford: On this topic I want to make sure Council Members and anyone listening that the Department is utilizing the email addresses to send out official notifications when it comes to your application or license file, deficiencies or renewals. For licensee please make sure your email address is accurate and updated with the Department in our system. You can receive those updates more quickly versus snail mail.

Patricia Rogers, Chair: Any comments from the Council on any other issue?

David Beswick: I was looking at the Council website and if someone who didn’t know anything looked at that website and saw our names there, it would appear that Dawn Warren is the only active member of the Council and the rest of us are expired. Is there anything going on in that direction?

Mary Alford: Those are the official term dates from the original appointments by the Governor’s Appointment Office. Dawn is the only Council Member serving on an active term. When there is not someone re-appointed or appointed in your place, Council Members have the right to continue serving until you are re-appointed or if someone is appointed in that position on the Council.

Patricia Rogers, Chair: Do we have idea on when that might occur?

Mary Alford: No, not at this time.

Dan Biggins: There are so many types of positions that the Governors Office needs to appoint, the priority is to fill the spots with quorum issues. If you haven’t had a chance to go on the Governor’s Appointment website and submit a new appointment form, please do so.

Patricia Rogers, Chair: I submitted mine after the expiration date which was two years ago, should I re-submit the appointment form?

Dan Biggins: I would, to make sure they have it since it has been that long.

Terence Brennan: Is the renewal process as lengthy as the original application?

Dan Biggins: It is the same application process.

Dawn Warren: I just submitted my re-appointment application.

Dan Biggins: We will send you a link to the website and there is contact information for the Appointments office.

XII. TOPICS FOR NEXT MEETING
1. Rules Update
2. Unlicensed Practice of Law update
3. Public Information Brochure
4. Strategies for Financials

XIII. Adjournment

Motion: David Beswick made a motion to adjourn the meeting.

Second: Maggie Rogers seconds the motion. Motion passes unanimously.

Meeting adjourned at 11:25 a.m.