

## MINUTES

### REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS

November 3, 2017

10:00 a.m. EST

Tampa Marriott Westshore  
1001 N. Westshore Boulevard  
Tampa, FL 33607

Conference Call Number

Conference: 888.670.3525 Participant Code: 7335214083#

#### CALL TO ORDER

Chair Dawn Warren called the meeting to order at 10:00 a.m.

#### MEMBERS PRESENT

Dawn Warren, Chair  
Angela M. Phillips, Vice-Chair  
Sharon Cunningham  
Lisa Riddle  
Robert "Bob" Sibley  
Gary Pyott

#### OTHER PERSONS PRESENT

Robyn Barineau, Executive Director, Department of Business and Professional Regulation  
(DBPR)  
Lynette Norr, Assistant Attorney General, Office of the Attorney General  
Linda Gray, Government Analyst, DBPR  
Colleen Sumner, Integra Reporting Group, LLC

#### PRESENT TELEPHONICALLY

Wayne Mitchell, Assistant General Counsel, DBPR

#### OTHERS PERSONS PRESENT

Matthew Green, Community Associations Institute  
Rich Phillips  
Rita Sibley

Chair Warren introduced the newest Council member, Gary Pyott.

#### APPROVAL OF THE MINUTES OF THE MEETING ON AUGUST 25, 2017

After discussion, Chair Warren requested a motion to approve the minutes.

MOTION: Vice Chair Phillips made a motion to approve the minutes as written.

SECOND: Ms. Lisa Riddle seconded the motion and it passed unanimously.

#### REPORTS

##### PROSECUTING ATTORNEY REPORT – Wayne Mitchell

##### Case Reports

Mr. Wayne Mitchell provided the Council with an overview of the reports included in the agenda as well as updated statistics through November 3, 2017. The Council requested that Mr. Mitchell

provide a report that identifies complaints with the alleged violations. Mr. Mitchell stated that he would inquire about their request. The Council added that such a report could identify trends of complaints received by the Department.

### **COUNSEL REPORT – Lynette Norr Rules Report**

Ms. Lynette Norr explained to the Council that Rule 61E14-6.001, F.A.C., Unexcused Absences, was published for rule development on September 28, 2017.

In response to a letter dated October 23, 2017, from the Joint Administrative Procedures Committee (JAPC), Ms. Norr requested the Council consider removal of the phrase “but not limited to” in Rule 61E14-6.001(1), F.A.C.

After further discussion, the Council requested that Ms. Norr remove the phrase “but not limited to” and add the phrase “Acting Chair, Vice-Chair or majority vote by the council” and add the word “approved” and delete “approved by the council Chair” in (e) of Rule 61E14-6.001, F.A.C., as amended below.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 61E14-6.001 Unexcused Absences.

(1) No council member may be absent from three (3) consecutive council meetings, or 50 percent or more of the council’s meetings within any 12-month period, unless those absences are excused by the council Chair, ~~Acting Chair, Vice-Chair or majority vote of the council.~~ Reasons for granting excused absences shall be, ~~but are not limited to~~, the following:

(a) Illness or injury of the council member;

(b) Illness, injury or death of a member of the council member’s family;

(c) Court order, subpoena, or business with a court which has the sole prerogative of setting the date of such business;

(d) Unavoidable travel delays or cancellations;

(e) Any ~~approved~~ conflict or extraordinary circumstance or event. ~~approved by the council Chair.~~

(2) An otherwise excused absence is not excused if the council member fails to notify the council office of the impending absence prior to the regularly scheduled meeting at which the absence will occur. If failure to notify the council office is the result of circumstances surrounding the reason for the absence, the absence may be excused by the council Chair, ~~Acting Chair, Vice-Chair or majority vote of the council~~ after the absence has occurred.

(3) Unexcused absences as set forth in subsection (1) will be reported to the Department.

Rulemaking Authority 455.207(3) FS. Law Implemented 455.207(3) FS. History–  
New \_\_\_\_\_.

Chair Warren requested the Council make a motion to approve proposed Rule 61E14-6.00(1), F.A.C., as amended.

MOTION: Vice-Chair Phillips moved that the amended language be noticed for rule development.

SECOND: Mr. Pyott seconded the motion and it passed unanimously.

The Council addressed the Statement of Estimated Regulatory Costs (SERC). The Council determined that these rule amendments 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 amendments.

MOTION: Vice-Chair Phillips made a motion that this rule amendment would not have an adverse impact on small business.

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

The Council discussed if this rule would constitute a minor violation.

After discussion, the following action was taken.

MOTION: Vice-Chair Philips made a motion that this rule would not create a minor violation.

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

### **EXECUTIVE DIRECTOR REPORT – Robyn Barineau**

#### **Future Meeting Dates**

February 9, 2018 – Conference Call

May 18, 2018 – Conference Call

August 10, 2018 – Conference Call

November 2, 2018 – Gainesville

Ms. Barineau gave brief instructions on the completion of travel forms.

#### **NEW BUSINESS**

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

#### **OLD BUSINESS**

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

#### **ADJOURNMENT**

Chair Warren determined that there was no further business to come before the Council and asked for a motion to adjourn the meeting.

MOTION: Ms. Sharon Cunningham made a motion to adjourn the meeting.

SECOND: Mr. Pyott seconded the motion and it passed unanimously.

The meeting adjourned at 11:03 a.m.