

**MINUTES
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
November 6, 2020
10:00 a.m. EDT
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 Chair Sharon Cunningham.

MEMBERS PRESENT

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

PERSONS PRESENT

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Suhail Chhabra, Senior Attorney, Office of the General Counsel, DBPR
Ronald Thomas "Tom" Jones, Assistant Attorney General, Office of the Attorney General
Melinda Gray, Government Analyst, DBPR
Julie Culver, Court Reporter, For The Record

APPROVAL OF THE MINUTES OF THE MEETING ON August 21, 2020

Mr. Pyott made a motion to approve the draft minutes of August 21, 2020. Mr. Sibley seconded the motion. The motion passed unanimously.

REPORTS

PROSECUTING ATTORNEY REPORT – Suhail Chhabra

Mr. Suhail Chhabra, Senior Prosecuting Attorney, Office of the General Counsel, introduced himself to the Council. Mr. Chhabra provided the Council with an overview of the reports. Mr. Chhabra indicated that the Office of the General Counsel received 124 new cases and one supplemental investigation, closed 272 cases, intake cases received is 41 per month, closed cases is an average of 91 per month. Of the 272 cases, there were 218 closing orders, 53 letters of guidance, and one final order. In addition, the Office of the General Counsel has also filed several administrative complaints; the majority requested an informal hearing. There are 18 cases that are awaiting filing of the administrative complaints.

Mr. Pyott thanked and complimented Mr. Chhabra and his staff for processing the complaints in a speedy manner. Mr. Sibley echoed Mr. Pyott's statement.

Mr. Sibley asked for clarification of the legal meaning "aiding and abiding unlicensed activity". Mr. Chhabra explained the definition of aiding and abiding unlicensed activity.

Mr. Pyott made a motion to approve the reports as submitted. Mr. Sibley seconded the motion. The motion passed unanimously.

COUNSEL REPORT – Tom Jones

October 2020 Rules Report, Mr. Jones explained that Rule 61E14-2.001, F.A.C. became effective October 4, 2020.

Rule 61E14-1.001, F.A.C. is currently in the rulemaking process. It was noticed on October 21, 2020 for adoption.

2020 DBPR Comprehensive Rules Review

Rule 61E14-3.002, F.A.C.

Mr. Jones requested that the Council repeal Rule 61E14-3.002, F.A.C. because it is no longer necessary.

Mr. Pyott made a motion to approve the repeal of this rule. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones asked the Council if this repeal have an adverse impact on small businesses. Will the repeal have an adverse impact on small business? Will the repeal be likely to directly or indirectly increase regulatory costs in excess of \$200,000? Mr. Jones asked the Council if a violation of the repeal be a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Should this repeal, or any part of this repeal, be designated a minor violation? Mr. Pyott made a motion that this repeal does not have an adverse impact on small businesses, would not directly or indirectly have regulatory costs, and would not constitute a minor violation. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones stated that he would move forward on the rulemaking process related to Rule 61E14-3.002, F.A.C.

Joint Administrative Procedures Committee

The Council reviewed and addressed Rule 61E14-1.001, F.A.C. The Council reviewed the Modified Proposed Rule 61E14-1.001, F.A.C. as outlined below.

MODIFIED PROPOSED RULE:

61E14-1.001 Prelicensure Education Requirements.

(1) All community association manager applicants must satisfactorily complete a minimum of 16 in-person classroom hours of ~~classroom~~ instruction of 50 minutes each within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite prelicensure education. Each contact hour shall consist of at least 50 minutes of classroom instruction.

(2) No Change.

(3) ~~Classroom instruction~~ In-person classroom hours of instruction means that required hours must be in person or from interactive, real-time courses. An interactive, real-time course may be a web-based, satellite-transmitted, telephone or video conference, or online instruction program that allows or requires the applicant to interact in real-time, including live chat, with the instructor during the presentation of the program or in a question and answer session upon completion of the program. Applicants who can document to the Council that they suffer from a disability or hardship shall be permitted to complete prelicensure education by either correspondence or on-line courses. Such documentation must be received and approved by the Council prior to enrolling and completing any correspondence or on-line prelicensure courses.

~~(a) The following shall constitute acceptable "hardships" as used in this rule:~~

~~1. The applicant's residence is more than 70 miles from the nearest physical location where prelicensure education is taught.~~

~~2. Providers are not offering any in-person precicensure education courses within the twelve months preceding the next available examination.~~

~~(b) "Disability" as used in this rule shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the applicant which would preclude the applicant from attending in-person precicensure courses.~~

Rulemaking Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History--New 1-3-01, Formerly 61-20.5011, Amended 8-15-19.

Mr. Pyott made a motion to approve the modified proposed language for Rule 61E14-1.001, (1) and Rule 61E14-1.001(3), F.A.C. as presented to the Council. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Jones asked the Council if the proposed rule have an adverse impact on small businesses. Will the proposed rule have an adverse impact on small business? Will the proposed rule be likely to directly or indirectly increase regulatory costs in excess of \$200,000? Mr. Jones asked the Council if a violation of the proposed rule be a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Should this rule, or any part of this rule, be designated a minor violation? Mr. Pyott made a motion that this proposed rule does not have an adverse impact on small businesses, would not directly or indirectly have regulatory costs, and would not constitute a minor violation. Mr. Sibley seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT – Krista Woodard Continuing Education Courses - Ratification List

The Ratification List of continuing education courses was provided to the Council for their review and approval. Mr. Pyott moved to approve the Ratification List as submitted. Mr. Sibley seconded the motion. The motion passed unanimously.

Mr. Sibley complimented the Continuing Education Providers for their courses about dealing with difficult people.

Future Meeting Dates

February 26, 2021 – Conference Call

May 21, 2021 – Conference Call

August 6, 2021 – Conference Call

November 5, 2021 (Location to be determined)

OLD BUSINESS

Mr. Sibley mentioned to the Financial Report submitted at the last meeting. Ms. Woodard explained that she does not have access to Financial Report at this time.

Mr. Sibley mentioned the Hot Topics on the Department's website and would like to see more current topics.

NEW BUSINESS

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

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business to come before the Council, Mr. Pyott made a motion to adjourn. Mr. Sibley seconded the motion. The motion passed unanimously, with the meeting adjourning at 10:44 a.m.