

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Regulatory Council of Community Association Managers

RULE NO: RULE TITLE

61E14-4.002: Continuing Education Provider Approval

PURPOSE AND EFFECT: The proposed rule updates the reference to the application forms required to become continuing education providers and updates cross references to portions of the Florida Administrative Code that have been renumbered. The rule amendment also requires that individual course records be maintained by the provider for an additional 24 months beyond the current requirements.

SUMMARY: The proposed rule updates the application forms that individuals who wish to become continuing education providers submit to the Council and updates cross references to portions of the Florida Administrative Code that have been renumbered. The rule amendment also requires that individual course records be maintained by the provider for an additional 24 months beyond the current requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: • Seventy-one providers of continuing education will be affected.

- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- Minimal transactional costs will be incurred because the rule simply updates the application form required to be submitted by applicants who wish to become continuing education requirements. Minimal storage costs will be incurred by applicants as the rule amendment also requires course providers to maintain individual course records for an additional 24 months.
- Approximately 1-99 small businesses will be affected by this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.4315(2), (3) FS.

LAW IMPLEMENTED: 455.2179, 468.4337 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.002 Continuing Education Provider Approval.

(1) A continuing education provider is a person or entity approved pursuant to this rule to conduct continuing education courses for community association managers.

(2) Entities or individuals who wish to become approved providers of continuing professional education shall make application to the Council, on Forms DBPR 0020-1 – Master Organization Application, and DBPR CAM-4302 – Continuing Education Provider and Course Approval Application, effective July 2007, copies of which may be obtained at the Department’s website at <http://www.myfloridalicense.com/dbpr/pro/cam/forms.html> ~~BPR form 33-011, entitled, “COMMUNITY ASSOCIATION MANAGER’S CONTINUING EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective 11-1-00, which copies may be obtained from the Council.~~

(3) Each provider application shall contain the following information, and shall be accompanied by the following documentation and other information as required by the Council ~~BPR form 33-011~~:

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Council of any change of contact person within ten (10) days of the actual change.

(b) The identity and qualifications of all instructors who will be presenting courses during the period of providership. These qualifications at a minimum shall include instructional experience and:

1. A bachelor’s degree and 2 years experience in the subject matter being taught; or
2. An associate’s degree and 4 years experience in the subject matter being taught; or

3. Six years experience in the subject matter being taught.

Should additional instructors be added during the period of providership, the provider shall notify the Council in writing of the new instructor's qualifications at least 30 days prior to actually conducting the course.

(c) The appropriate continuing education provider application fee pursuant to subsection ~~61E14-3.001(13)~~ ~~61-20.504(13)~~, F.A.C.

(4) Continuing education provider status shall be valid from the date of approval until May 31 of every odd numbered year. Providers may renew their provider status within 90 days of May 31 of the odd numbered year. Those seeking renewal of provider status must reapply in the same manner as set forth in subsection (2) and submit the appropriate renewal fee pursuant to subsection ~~61E14-3.001(14)~~ ~~61-20.504(14)~~, F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for continuing education. Renewal of provider status shall be for a two year period until May 31 of the next odd numbered year. ~~Providers who are to expire June 30, 2002 shall have a new expiration date of May 31, 2003.~~

(5) Once approved, providers shall comply with the following requirements:

(a) When advertising approved courses, providers shall disclose the course approval number and the number of contact hours assigned by the Council and the course subject area. Providers shall not advertise courses as approved courses until they are actually approved by the Council.

(b) Providers shall maintain a system of recordkeeping which provides for storage of approved course offerings information.

(c) Records of individual courses shall be maintained by the provider for ~~6~~ years and shall be available for inspection by the Council and the Department or the Department's designee.

~~(d) Providers shall furnish each participant with an individual certificate of attendance complies with paragraph 61-6.015(4)(a), F.A.C.~~ An attendance record shall be maintained by the provider for ~~6~~ years and shall be available for inspection by the Council and the Department or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. The list and a certificate of attendance provided to the participant shall include the provider's name, the name and license number of the attendee, the date the course was completed and course approval number and the total number of hours successfully completed in each type of continuing education credit granted as described in subsection 61E14.001(3), F.A.C. ~~each subject covered by the continuing education course.~~ If the instructor is receiving credit as set forth in subsection ~~61E14-4.001(5)~~ ~~61-20.508(5)~~, F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates.

(e) All information or documentation, including electronic course rosters, submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider.

(f) Providers shall assure that sales presentations shall not be conducted during, immediately before or after the administration of any courses approved pursuant to this rule.

(6) A continuing education provider initially approved during the last 90 days prior to May 31 of an odd numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) The Council shall deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Council.

(8) The Council retains the right and authority to audit ~~all~~ courses offered by any provider approved pursuant to this rule.

(9) The Council shall rescind the provider status or reject individual courses offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or the Department or are in violation of any of the provisions of Chapter 468, Part VIII or 455, F.S.

(10) The Council shall utilize expert groups or individuals as appropriate in implementing these rules. Rulemaking Specific Authority 468.4315(2), (3) FS. Law Implemented 455.2179, 468.4337 FS. History--New 5-14-98, Amended 3-13-00, 2-5-01, 3-19-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009