MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

RULES COMMITTEE
HILTON GARDEN INN – GAINESVILLE
4075 SW 33RD PLACE
GAINESVILLE, FLORIDA 32608

THURSDAY, JANUARY 24, 2019

The meeting was called to order by David Schryver, Committee Chair, at 11:09 a.m.

MEMBERS PRESENT

David Schryver, Committee Chair
Christopher McLaughlin
Deborah Hill

OTHERS PRESENT

Steven Hyde, Board Chair
George Grubbs, Board Vice Chair
Robin Petzold, Board Member
Nick Campanile, Board Member
Frank Conkling, Board Member
Keith Fountain, Board Member
Robert Summers, Board Counsel
Erik Sayler, Prosecuting Attorney
Jenna Harper, Executive Director
Regenia Lee, Government Analyst
Corey Fedrick, Investigator
Michael Neff
W. Lamar Evers
John N. Breed
Dianne Collins
Trisha Burton
Alvin Gloer
John Clyatt
Jeffrey Whitmore
Joseph Gore
Lou Campanile

REVIEW AND APPROVAL OF THE OCTOBER 2018 RULES COMMITTEE MINUTES

After discussion, the following motion was made:

MOTION: Ms. Hill made a motion to approve the October 2018 minutes as amended.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion passed unanimously.
DISCUSSION ON DRAFT NOTICE OF PROPOSED RULE

Ms. Harper stated that the Department opened the statute to add information regarding military personnel and the Military Fee Waiver. She said that since the Department opened the statute, that it was an opportunity to make a few rule changes. She said that she and Mr. Summers have been working on rule language so that it could be reviewed and published by April 2019. She said one item is that the applications for licensure section of the rule now includes language regarding the use of the NCEES records for education, experience, license verification, etc. She said another rule suggestion is that when applicants come before the Board with Null and Void licenses, they currently submit their applications with the required fees and continuing education credits for the Board to determine whether their applications meet the requirements. She said that if the applicant is denied by the Board, the upfront fees and CE credits are for naught. She said that the proposal is a two-part process - 1) To allow the Null and Void applicant to come before the Board for a determination of eligibility. 2) If approved, they would then pay the fees, submit the verification of education, and obtain the required CE credits then come back before the Board for review. She also stated that the proposed language is to allow probation to be shortened from 120 days to 90 days for compliance. Mr. Campanile said that currently the other avenue for Null and Void applicants is if they are denied by the Board and they have a 4-year degree, they would be able to apply for a new license. Mr. Petzold concurred and added that education information should be placed on the application as well. Mr. Campanile questioned how long an applicant is given between a Board approval and the applicant appearing back before the Board with the other required information. Mr. Summers stated that he doesn’t see any harm in not having a time limit. Mr. McLaughlin suggested that there could be some clarification regarding the question on the Null and Void application that asks the applicant if they are engaged in the practice of surveying and mapping during the time-period they are in a null-and-void status. He also suggested replacing active duty, honorably discharged, military spouse, etc. and the like, with United States Armed Forces throughout the rule instead of using specific terms. Mr. Schryver said that the word “spouse” refers to a married couple. He suggested using “partners” or “significant other” in lieu of “spouse”. He said that this is food-for-thought as to avoid a challenge in the future. Ms. Harper said that this was a good point, but this is the language that has been set by the Department, and if a situation arises, she said that we would let the Department handle it. Mr. Campanile said that some of the Null and Void applicants have been voided for a long period. He suggested that we could entertain putting language in the Null and Void rule that would allow for re-examination that is currently allowed for the inactive and delinquent applicants. He also suggested that if the Florida Jurisdictional examination should cease to exist, that a Null and Void applicant would not have to re-take the exam if they have another avenue for licensure. Mr. Campanile said that his suggestions are in response to the request by Mr. Hyde to keep a running list of changes and/or suggestions for future use. Mr. Petzold said that if the applicant’s license has been voided for 10 or more years, that they should have to re-take the exam.

After discussion, the following motion was made:

MOTION: Ms. Hill made a motion to accept the proposed rule changes based on the Committee’s discussion and to the revisions of what the staff has provided.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion passed unanimously.

OLD/NEW BUSINESS

None
PUBLIC COMMENT

Ms. Collins asked the Board to review the Complaint Form for changes, etc. She stated that there are areas that are questionable on how to answer. She gave a couple of examples - “Do you wish to file your complaint anonymously?”. She said that the answers listed are yes, no, and unknown. She said that if the complainant wanted to file anonymously, do they still sign the form? Ms. Harper said that if a person files anonymously, that it would be handled by our investigator and the attorneys. Ms. Collins also said that the form only mentions complaints against businesses but not individuals. She suggested to create a complaint form exclusively for unlicensed activity vs. a surveyor or contract issue, etc. Ms. Harper said that she and Mr. Summers would take her suggestions into consideration. Mr. Hyde said that he encourages everyone to keep a running list of suggestions and comments to be discussed as we move forward.

ADJOURNMENT – The Rules Committee adjourned the meeting at 11:53 p.m.