



Florida Department of Agriculture and Consumer Services • Nicole "Nikki" Fried, Commissioner
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AGENDA

**BOARD OF PROFESSIONAL SURVEYORS
AND MAPPERS**

**RULES COMMITTEE
VIRTUAL MEETING**

August 2, 2021

(Immediately following Exam Committee)

Members: Keith Fountain, Committee Chair
David Schryver
Michael Zoltek

- I. **CALL TO ORDER / ROLL CALL**
- II. **REVIEW AND APPROVAL OF FEBRUARY 2021 RULES COMMITTEE MEETING MINUTES**
- III. **REVIEW AND APPROVAL OF APRIL 22, 2021 RULES COMMITTEE MEETING MINUTES**
- IV. **DISCUSSION ON DESIGNATION OF MINOR VIOLATIONS**
- V. **DISCUSSION ON PICTURE ID BADGE REQUIREMENT PUT IN RULE**
- VI. **DISCUSSION ON UPCOMING RULE DEVELOPMENT**
- VII. **OLD/NEW BUSINESS**
- VIII. **PUBLIC COMMENT**
- V. **ADJOURN**

1 MINUTES

2
3 BOARD OF PROFESSIONAL SURVEYORS AND
4 MAPPERS

5
6 RULES COMMITTEE

7
8 VIRTUAL MEETING

9
10 TUESDAY, FEBRUARY 11, 2021

11
12 The meeting was called to order by Keith Fountain, at 2:28 p.m.

13
14 **COMMITTEE MEMBERS PRESENT**

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16 Keith Fountain, Committee Chair
17 David Schryver
18 Michael Zoltek

19
20 **OTHERS PRESENT**

21
22 Nick Campanile, Board Chair
23 Frank Conkling, Board Member
24 Steven Hyde, Board Member
25 George Grubbs, Board Member
26 Ia Hall, Board Member
27 Christopher McLaughlin, Board Member
28 Patricia Compton, Executive Director
29 Regenia Lee, Government Analyst
30 Amanda McKibben, Board Counsel
31 Funmi Ojetaya, Prosecuting Attorney
32 Cory Fedrick, PSAM Investigator
33 Kenneth Buchanan
34 Dan Wilcox
35 Don Elder
36 Howard Ehmke
37 Brian Bellino
38 Jack Breed
39 Lewis Kent
40 Mark Bassett
41 John Beach
42 Alvin Gloer
43 Fred Franklin

44
45 **REVIEW AND APPROVAL OF FEBRUARY 11, 2021 RULE COMMITTEE MINUTES**

46
47 After discussion, the following motion was made:

48
49 MOTION: Mr. Zoltek made a motion to approve the February 2021 Rule Committee minutes.
50 SECOND: Mr. Schryver seconded.
51 ACTION: The motion passed unanimously.
52
53

54 **DISCUSSION ON PROCEDURES FOR CONDUCTING RULEMAKING AND PRIORITIZING CHANGES**

55
56 Mr. Fountain said that he would like for the Committee to move forward with addressing the rule so that
57 we are prepared when the rule opens. He suggested that the Rules Committee conduct a special
58 meeting prior to the next regularly scheduled Board meeting. He said that he the Committee needs to
59 review the comments on the rule and boil down the items that we deem essential. Mr. Schryver and Mr.
60 Zoltek agreed with Mr. Fountain. Ms. Compton said that the meeting would be publicly noticed, and all
61 may attend. Mr. Fountain suggested sending all comments and suggestions to Ms. Compton prior to the
62 meeting so that she could sort them out. Ms. Compton would coordinate the schedule and get back with
63 the Board with meeting information. Mr. Ehmke requested that an agenda be available as well. Mr.
64 McLaughlin said that the list he provided could be a good place to start.

65
66 **NEW/OLD BUSINESS**

67
68 NONE

69
70 **PUBLIC COMMENT**

71
72 NONE

73
74 **ADJOURNMENT AT 2:40 p.m.**

1 MINUTES

2
3 BOARD OF PROFESSIONAL SURVEYORS AND
4 MAPPERS

5
6 SPECIAL RULES COMMITTEE MEETING

7
8 VIRTUAL MEETING

9
10 APRIL 22, 2021

11
12 The meeting was called to order by Keith Fountain, at 1:30 p.m.

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14 **COMMITTEE MEMBERS PRESENT**

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16 Keith Fountain, Committee Chair
17 David Schryver
18 Michael Zoltek

19
20 **OTHERS PRESENT**

21
22 Nick Campanile, Board Chair
23 Steven Hyde, Board Member
24 Ia Hall, Board Member
25 Christopher McLaughlin, Board Member
26 Patricia Compton, Executive Director
27 Regenia Lee, Government Analyst
28 Amanda McKibben, Board Counsel

29
30 **DISCUSSION ON DRAFTING A LIST THAT DESIGNATES "MINOR" VIOLATIONS IN SURVEYS**

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32 Ms. McKibben explained that "minor" violations is required to be established by the Board per statute to
33 determine which specific violations are considered minor. She said that there are various reasons for this
34 requirement, i.e. if someone asked for their record to be expunged and is deemed by the Board as a
35 minor violation, then the Board could act on the request. Ms. McKibben said that this requirement needs
36 to be addressed, and minor violations should be established by the Committee for full vote by the Board.

37
38 After discussion, the following list of minor violations were determined by the Committee:

39
40 5J-17.051 (3)(c), All survey maps and reports must bear the name, certificate of authorization number,
41 and street and mailing address of the business entity issuing the map and report, along with the name and
42 license number of the surveyor and mapper in responsible charge. The name, license number, and street
43 and mailing address of a surveyor and mapper practicing independent of any business entity must be shown
44 on each survey map and report.

45
46 5J-17.051 (3)(f), Abbreviations related to surveying matters shall be defined on the work product.

47
48 5J-17.051 (3)(h), A designated "north arrow" and either a stated scale or graphic scale of the map shall
49 be prominently shown upon the survey map.

50
51
52

After discussion, the following motion was made:

MOTION: Mr. Zoltek made a motion to approve the minor violations selected by the Committee and submit to the Board for a full Board vote.

SECOND: Mr. Schryver seconded.

ACTION: The motion passed unanimously

DISCUSSION ON CREATING A PRIORITY LIST OF PROPOSED CHANGES TO RULE 5J-17

Mr. Fountain said that while reviewing the rule, he attempted to find places in Rule 5J-17 where there may be a legal problem, legal insufficiency, or a procedural problem or insufficiency. He stated that he went through the document provided by Ms. Compton and he made an immediate presumption to exclude all minor edits i.e. grammar, word structuring, etc. and disregarded those notes. He said it left only the essential remarks that needed attention. Mr. Zoltek said that he agreed with Mr. Fountain's procedure. Mr. Zoltek stated that we need to select items that can make a difference. Ms. Compton reminded the Committee that we need to limit how much of the rule that we open at a time. She said that she has been working on certain applications that need to be updated in the rule and the rule should be opened only for this purpose. She said that there is ample time to update the rule a little at a time. Mr. Zoltek suggested that the comments from Ms. Compton's list should be incorporated into the rule and then it can be reviewed with acceptance or non-acceptance. Ms. Compton said that the notes on her list are mostly questions and general comments. Ms. McKibben said that Ms. Compton is asking for the Committee to review this document for comments and choose those items that are priority. *The Committee reviewed several rules, and discussed changes, and made comments.* Mr. Zoltek stated that Ms. Compton and Ms. McKibben should review the comments and provide a suggestion of final revisions. He said that he thought that the meeting should be in person and the Committee could review the final version created by Ms. Compton. Ms. Compton suggested presenting the Committee/Board with the minimum changes that are priority in order to move forward. Mr. Zoltek said that he or Mr. Schryver could be designated for questions and answers and the Committee could meet to discuss the changes in which the Board could accept and initiate. Mr. Schryver agreed with Mr. Zoltek's suggestion. Ms. Compton said that she would start work on the document immediately.

PUBLIC COMMENT

Mr. McLaughlin said that the word 'intern' is used in 471 for engineers and 472.005 for surveyors.

ADJOURNMENT AT 3:04 p.m.

Minor Violations List

5J-17.051 Standards of Practice – General Survey, Map, and Report Content Requirements.

(3) Surveys, Maps, and/or Survey Products Content.

(c) All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

(f) Abbreviations related to surveying matters shall be defined on the work product.

(h) A designated “north arrow” and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99, 4-4-06, 8-31-06, 8-18-08, Formerly 61G17-6.003, Amended 5-11-15, 11-13-17.

Compton, Liz

From: Darren Leach <darren16218@hotmail.com>
Sent: Thursday, May 13, 2021 10:59 AM
To: Compton, Liz
Cc: Lee, Regenia
Subject: [External] Re: Board Meeting 5/13//2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Liz,

Thank you so much for your prompt reply.

I would like to ask your opinion as to whether the following would be best discussed with the Board during "open business" or drafted into a formal petition.

Increased public safety and the safety of professional surveyors and mappers.

Purpose: Petition the Board to adopt a rule, under its rulemaking authority, which requires surveyors, licensed under the Florida Board of Professional Surveyors and Mappers, their subordinates, agents/contractors acting on their behalf, and employees to wear at all times, while on private property, photo identification badges which contain a minimum of the following information (photograph of the individual, their name (first, last or both), their title, the name of the company under which they are operating, and their Florida license number if applicable. The photo ID badge should be placed at eye level on the anterior upper torso (breast pocket level).

Fla. Stat. 472.029 is broad in scope granting surveyors and mappers and their duly authorized agents or employees significant protection from arrest or any civil action by reason of entry/trespass onto private property. It is important to note however that this statute does not negate the need for property owners to be able to positively confirm the identity and purpose of persons on their property.

Public Safety: Lack of proper identification inherently places both the public and the surveyors at risk. Unscrupulous individuals may present themselves as surveyors for malicious purposes and licensed surveyors, duly authorized agents or employees are placed at risk due to public fear of persons on their property and lack of appropriate surveyor identification. Although the individual requesting the survey may be aware fully aware of the identity of those individuals on their property, surveyors frequently are required to enter adjacent properties, with the owners of those properties completely unaware of the purpose or validity of the surveyors claimed identity.

Background: Most, if not all, public and private utility, telephone and cable companies/agencies require that their employees and authorized agents wear photo ID badges for the purpose of safety of the public, and safety of their employees and authorized agents. Additionally, many of these companies and agencies clearly identify their vehicles used for business purposes which is not always the case with surveyors. Screen printed T-shirts or a paper card which uses the term "surveyor" are easily obtained by anyone and are not appropriate identification.

Cost: The cost of implementing mandatory photo ID's is not cost prohibitive (approx \$10-\$15 per badge), does not place an undue burden on either the public or the surveyor, and enables the public/consumers to be able to confirm the identity and purpose of individuals on their property.

Penalties: Penalties enforced by the board for failing to abide by this, or any other laws and rules of the board, should be sufficient to elicit compliance with the rule.

Benefit: Increased public and surveyor safety at minimal cost.

Side note: One of the most common reason to for calls to survey companies is to confirm the identity of surveyors. I spoke last week with Regenia Lee and she shared a story with me which could have had a tragic ending, potentially avoided by appropriate photo identification. Additionally, a national search of historical data resulted numerous instances in which surveyors have been shot at and in some cases injured or killed by property owners who have feared for their safety, which possible could have been avoided had the surveyors knocked on the door, notified the land owner of their presence and purpose, and presented appropriate identification. You may also wish to consider requiring that a copy of Fla. Stat. 472.029(1) be printed on the rear of each photo ID as the general public may or may not be aware of this statute. Additionally, the Board could consider requiring that survey vehicles be appropriately marked either permanently, or temporarily with removable magnetic vehicle signs which could be taken off when the vehicle was not being used for survey purposes. Each of the suggestions above could be implemented at minimal cost, add professionalism to the profession of land surveying and mapping and most importantly, go a long way in protecting the safety of both the public and the surveyors themselves.

Thank you for your consideration and I look forward to your reply.

Sincerely,
Darren Leach

From: Compton, Liz <Patricia.Compton@fdacs.gov>

Sent: Thursday, May 13, 2021 9:18 AM

To: Darren Leach <darren16218@hotmail.com>

Subject: Re: Board Meeting 5/13//2021

Dear Mr. Leach,

I am very sorry but no, the meeting had to be rescheduled. The cancellation was posted and published but I apologize for any inconvenience. It has been scheduled for May 24. I have pasted the log in information below. The meeting will be an abbreviated meeting with the application review committee taking up applications and the probation committee meeting. Then the full board will meet to vote on committee actions. Was there a particular issue you were interested in?

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From: Darren Leach <darren16218@hotmail.com>

Sent: Thursday, May 13, 2021 9:10 AM

To: Compton, Liz <Patricia.Compton@fdacs.gov>

Subject: [External] Board Meeting 5/13//2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Liz,

My name is Darren Leach. I was wondering if the board meeting scheduled for today (5/13/2021) from 8:30 to 5:00 is still on?

Thanks,
Darren