MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

RULES COMMITTEE

EMBASSY SUITES BY HILTON
3705 SPECTRUM BOULEVARD
TAMPA, FLORIDA 33612

THURSDAY, MAY 3, 2018

The meeting was called to order by Steve Hyde, Committee, Chair, at 1:04 p.m.

MEMBERS PRESENT

Steve Hyde, Committee Chair
Nick Campanile
Deborah Hill

OTHERS PRESENT

Robin Petzold, Board Member
David Schryver, Board Member
Christopher McLaughlin, Board Member
George Grubbs, Board Member
Jenna Harper, Executive Director
Regenia Lee, Government Analyst
Patrick Creehan, Board Counsel
Robert Summers, Prosecuting Attorney
Todd Boyle
W. Lamar Evers
Joseph Beckman
Kevin Ryan
Alvin Gloer
Dianne Collins
David Melvin
Bill Payne
Justin Silva
Robert Prince
Wendy Edwards
Ryan Clark
Priscilla Seleska
Brice Hellstrom
Michael Goodnight
Kiel Bailey
J.L. Youderian
Robert Hall
Steven Bostwick
Patrick Collins
Amy Topol
Robert Strayer, Jr.
REVIEW AND APPROVAL OF THE FEBRUARY 2018 RULES COMMITTEE MINUTES

After discussion, the following motion was made:

MOTION: Ms. Hill made a motion to approve the February 2018 minutes.
SECOND: Mr. Campanile seconded.
ACTION: The motion passed unanimously.

UPDATE ON NOTICE OF PROPOSED RULE PACKAGE FOR CHAPTER 5J-17, F.A.C.

Ms. Harper said that after the February 2018 meeting, she sent a notice of Proposed Rule to the Department and then it was sent to the Joint Administrative Procedures Committee (JAPC) for review. JAPC completed their review and responded to the proposed revisions. Board Counsel, Patrick Creehan, reviewed the response with the Board. (Letters available upon request).

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to accept the JAPC changes as presented.
SECOND: Ms. Hill seconded.
ACTION: The motion passed unanimously.

DISCUSSION/CLARIFICATION ON ELECTRONIC SIGNATURE/SEAL

Ms. Harper received an e-mail from a licensed surveyor and mapper with the following questions to the Board:

1. With digital signatures having an expiration date, how does this affect the survey? Will the survey become null and void at the date of expiration?

2. Is it necessary to have a third party to issue the validation of the signature? Software, such as Adobe, allows you to set up a signature at no cost.

Ms. Harper said that these are the type of questions that would be best answered at the Rules Public Workshop.

Ms. Hill said that she would like to discuss electronic signature/seals so that the Committee would be prepared to answer the public. The Committee discussed different scenarios. Mr. Petzold said that he doesn’t see this as a Board issue, but as a contractual issue between the surveyor and his/her client.

Manatee County Surveyor, Todd Boyle, said that the Adobe Digital Signature does not meet the statute. He said that you cannot validate or repudiate the Adobe Digital Signature and it can only be authenticated to a certain degree. He said that relying upon a third party to validate a survey doesn’t work. He said that the whole point of a digital signature was so that a transaction could take place between the buyer and the lender. He said that the surveys that surveyors produce goes on forever. He stated that it is very common for him to receive a paper copy and that he feels for the seal for authentication. He said that this needs more discussion and that a workshop is needed. Mr. Hyde opined that this is a contractual obligation between the surveyor and the client.

DISCUSSION ON CHAPTER 5J-17.052(1)(b)

Mr. McLaughlin said that Mr. Boyle had informed surveyors that Manatee County would not be accepting surveys that did not say that there was a survey at the corner. He said that he always practiced that way until he researched his colleague’s complaint about pin cushioning. He said that it was not until then that he realized that SOP/MTS did not require that there should be a monument on the corner. He said that it states what to do when you have a monument, how to describe it when you set a monument, how to describe property, what to write on your survey, and the difference between the deed and what is being measured. He said that the language is now included in Chapter 5J-17.52(1)(b). Ms. Hill said that it all goes back to professional judgement.
DISCUSSION ON THE POTENTIAL NEED FOR PUBLIC WORKSHOP

After discussion, the Committee decided to hold a Rules Public Workshop in the Orlando area on Monday, June 25, 2018 from 10:00 a.m. to Noon. Ms. Harper said that this is not a mandatory meeting for the Board members. (The date has now been changed to Monday, September 17, 2018)

PUBLIC COMMENT

None

ADJOURNMENT – The Rules Committee adjourned the meeting at 2:28 p.m.