

1 **RULE WORKSHOP MINUTES**

2
3 **BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

4
5 **HYATT PLACE COCONUT POINT**
6 **23120 VIA VILLAGIO**
7 **ESTERO, FL 33928**

8
9 **August 24, 2010 at 2:30 p.m.**

10
11 The meeting was called to order by Jeffrey Cooner at 3:17 p.m. after opening remarks Mr. Cooner yielded the
12 floor to Ms. Nobles.

13
14 MEMBERS PRESENT

15
16 Pamela Nobles, Rules Committee Chair
17 Jeffrey Cooner
18 Mary Hanna Clodfelter
19 Patrick Talbott
20 Arthur Mastronicola
21 Louis Lebron
22 Larry Wright
23 Howard Ehmke

24
25 OTHERS PRESENT

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27 Leon Biegalski, Executive Director
28 Bennett Miller, Board Counsel
29 Patti Kight, Senior Management Analyst I
30 Eric Miller
31 Louie Bush
32 Ray Niles

33
34 REVIEW AND APPROVAL OF THE MAY 2010 RULE COMMITTEE MINUTES

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36 After discussion, the following motion was made:

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38 MOTION: Ms. Clodfelter made a motion to approve the minutes as modified.
39 SECOND: Mr. Cooner seconded.
40 ACTION: The motion passed unanimously.

41
42 BOARD COUNSEL REPORT AND RECOMMENDATIONS

43
44 Mr. Bennett Miller recapped of the status of the rules that were adopted in the May meeting the notice of rule
45 development was published in the Florida Administrative Weekly on August 13, 2010, Volume 36 number 32.
46 With no request for a workshop or objection, the rules will be finalized on or about December 19, 2010. If a
47 workshop is requested by an interested party it will occur on September 7, 2010. Otherwise a notice of proposed
48 rulemaking will be prepared for the DACS's approval to be filed and published in the Florida Administrative
49 Weekly.

50
51 Status of the Title Changes, at the May meeting the Board requested changes to make the rule titles clearer,
52 although the DACS has not heard back from the administrative law division; however Mr. Bennett Miller does not
53 expect any opposition.

54
55 Mr. Bennett Miller does not expect any substantial changes outside of what the staff is requesting in the rules at
56 the November meeting, with the exception of the addition of forms as required. The outdated reference to forms
57 will be deleted, others will be added and others will be updated.

59 A proposal regarding internet courses based on questions that have been raised from both the public and Board
60 staff regarding how webex and web conferences fit into the current definitions, this issue may be addressed in
61 the future. Mr. Bennett Miller asked the Board to consider this as we move forward.

62
63 Mr. Bennett Miller has been working on correcting the typos that are on the web and will be corrected before the
64 November meeting.

65
66 A question of how to deal with multiple dba's, should they be tied to one particular Certificate of Authorization,
67 should DACS track all of them, is it only the principal dba, Mr. Bennett Miller informed the Board that this may be
68 considered for a possible rule change at a future date. He asked the members present to be in consideration of
69 this issue based on their experience and knowledge.

70
71 5J-17.012 Payment of Fine

72
73 Ms. Nobles explained the proposed changes. Mr. Bennett Miller responded to inquiries regarding the proposed
74 changes.

75
76 After discussion, the following motions were made:

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78 MOTION: Mr. Cooner made a motion that Rule 5J-17.012 has no impact on small businesses.
79 SECOND: Ms. Clodfelter seconded.
80 ACTION: The motion passed unanimously.

81
82 MOTION: Mr. Ehmke made a motion to accept Rule 5J-17.012 as amended.
83 SECOND: Mr. Lebron seconded.
84 ACTION: The motion passed unanimously.

85
86 5J-17.016 Time for Compliance with Final Order; Probation

87
88 Ms. Nobles explained the proposed changes. Mr. Bennett Miller responded to inquiries regarding the proposed
89 changes.

90
91 After discussion, the following motions were made:

92
93 MOTION: Mr. Cooner made a motion that Rule 5J-17.016 has no impact on small businesses.
94 SECOND: Ms. Clodfelter seconded.
95 ACTION: The motion passed unanimously.

96
97 MOTION: Mr. Lebron made a motion to accept Rule 5J-17.016 as amended.
98 SECOND: Mr. Mastronicola seconded.
99 ACTION: The motion passed unanimously.

100
101 5J-17.070 Fees

102
103 Ms. Nobles explained the proposed changes. Mr. Biegalski, Mr. Bennett Miller and Ms. Kight responded to
104 inquiries regarding the proposed changes.

105
106 After discussion, the following motions were made:

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108 MOTION: Mr. Cooner made a motion that Rule 5J-17.070 has no impact on small businesses.
109 SECOND: Ms. Clodfelter seconded.
110 ACTION: The motion passed unanimously.

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112 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.070 as amended.
113 SECOND: Mr. Ehmke seconded.
114 ACTION: The motion passed unanimously.

115
116 5J-17.081 Notices of Noncompliance

117
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118 Ms. Nobles explained the proposed changes. Mr. Biegalski, Mr. Bennett Miller and Ms. Kight responded to
119 inquiries regarding the proposed changes.

120
121 After discussion, the following motions were made:

122
123 MOTION: Mr. Ehmke made a motion that Rule 5J-17.081 has no impact on small businesses.

124 SECOND: Ms. Clodfelter seconded.

125 ACTION: The motion passed unanimously.

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127 MOTION: Mr. Ehmke made a motion to accept Rule 5J-17.081 as amended.

128 SECOND: Mr. Lebron seconded.

129 ACTION: The motion passed unanimously.

130
131 New Business

132
133 Mr. Biegalski asked for guidance from the Board on the following questions:

- 134
- 135 1) Can DACS begin relying on the revised rules, specifically the rule amending the definition of a
 - 136 course hour from 60 minutes to 50 minutes?
 - 137 2) Should any provider changing their timeline to a 50 minute hour be considered a material change
 - 138 and need to be presented to the Continuing Education Committee for review and forwarded to the
 - 139 Board for approval?
- 140

141 After discussion, it was the consensus of those present that DACS may begin relying on the 50 minute hour rule
142 and that if a provider wishes to change their timeline to a 50 minute rule that would not be considered a material
143 change. If the provider wishes to change the number of hours they are granting a licensed person for taking an
144 already approved course that would constitute a material change and would need to be brought before the Board
145 for review.

146
147 Mr. Biegalski explained to the Board that a provider has contacted DACS regarding courses they provide to their
148 employees that are given through WebEx, based on the way the rule is written, a webex seminar would not be
149 considered continuing education. Mr. Mastronicola asked if there was a way to draft language that would
150 encompass future technology; the Board staff will begin to draft language that will include any interactive
151 courses.

152
153 Mr. Biegalski informed the Board that rule 5J-17.026, Foreign Degree Evaluation will need to be revised.
154 Currently the rule lists Silny with an old address, also and Engineering Credentials Evaluation International no
155 longer exists. He asked the Board to consider if they only want to list one service or if they would like to include
156 a second one which could be NCEES' service.

157
158 Mr. Bennett Miller gave an approximate timeline for the rules discussed today in response to Mr. Ray Niles'
159 inquiry.

160
161 Mr. Mastronicola asked if the rules on the website are current. Mr. Biegalski stated that within days of the rules
162 being published by the Department of State, they are posted on DACS website.

163
164 With no further business to discuss the following motion was made:

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166 MOTION: Mr. Ehmke made a motion to adjourn

167 SECOND: Mr. Cooner seconded.

168 ACTION: The meeting was adjourned at 4:31 p.m.