

1 **RULES COMMITTEE MEETING MINUTES**

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3 **BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

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5 **QUALITY INN AND SUITES**  
6 **2020 APALACHEE PARKWAY**  
7 **TALLAHASSEE, FL**

8  
9 **February 16, 2010 at 2:00 p.m.**

10 **CALL TO ORDER/ROLL CALL**

11  
12 The meeting was called to order by Jeffery Cooner, Chair, at 2:00 p.m. on February 16, 2010, he then yielded  
13 the floor to Ms. Pamela Nobles, the Rules Committee Chair.

14  
15 MEMBERS PRESENT

16  
17 Pamela Nobles (Chair)  
18 Mary Hanna Clodfelter  
19 Jeffrey Cooner

20  
21  
22 OTHERS PRESENT

23  
24 Leon Biegalski, Executive Director  
25 Bennett Miller, Board Counsel  
26 Patti Kight, Senior Management Analyst I  
27 LuAnn Stiles, Director, Division of Consumer Services  
28 Arthur Mastronicola  
29 Nickolas Fusco  
30 Howard Ehmke  
31 W. Lamar Evers  
32 Jeffrey G. Carlen  
33 Pablo Ferrari  
34 Gordon R. Niles  
35 Allen Nobles  
36 Steve Stinson

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59 **Opening Comments**

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Ms. Nobles opened the meeting by stating that the Rules concerning the assessment has been removed and is being reconsidered and reworked by Department staff to be presented at a later date. Also, she informed all in attendance that the Rules open for consideration are not new; the Board is already governed by everything that is being presented today. Mr. Bennett Miller explained that the rule references, 5J-17 was necessary to move them from the Department of Business and Professional Regulation (DBPR) to the Department of Agriculture and Consumer Services (DACS). He further explained that the underlined language is addition language that, while not new is new to the Rule. It may have been language found in a DBPR governing rule. The language that has is struck through is language that has been deleted.

## Rules

### ~~5J-17.106~~ 5J-17.016

After discussion the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept Rule ~~5J-17.106~~ 5J-17.016 as written.  
SECOND: Mr. Cooner seconded.  
ACTION: The motion passed unanimously.

Mr. Biegalski explained to those present that if the language at the bottom of the rules states “formerly” then that was a rule that was taken directly from DBPR’s rules and moved to DACS’ rules, if it states “History-New” then that is language that was copied from DBPR’s rules and inserted into DACS’ rules.

### 5J-17.029

After discussion the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.029 as written.  
SECOND: Mr. Cooner seconded.  
ACTION: The motion passed unanimously.

### 5J-17.030

After discussion the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.030 as amended.  
SECOND: Mr. Cooner seconded.  
ACTION: The motion passed unanimously.

### 5J-17.034

After discussion the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.034 as amended.  
SECOND: Mr. Cooner seconded.  
ACTION: The motion passed unanimously

### 5J-17.035

After discussion the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.035 as written.  
SECOND: Mr. Cooner seconded.  
ACTION: The motion passed unanimously.

### 5J-17.036

After discussion the following motion was made:

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119  
120 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.036 as written.  
121 SECOND: Ms. Clodfelter seconded.  
122 ACTION: The motion passed unanimously.

123  
124 5J-17.038

125  
126 After discussion the following motion was made:

127  
128 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.038 as written.  
129 SECOND: Mr. Cooner seconded.  
130 ACTION: The motion passed unanimously.

131  
132 5J-17.039

133  
134 After discussion the following motion was made:

135  
136 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.039 as written.  
137 SECOND: Ms. Clodfelter seconded.  
138 ACTION: The motion passed unanimously.

139  
140 5J-17.041

141  
142 The Committee and Board members present discussed the issue of allowing an instructor to received Continuing  
143 Education credits for preparing and teaching the course. Mr. Lamar Evers asked to address the Committee and  
144 asked for their consideration that if he teaches a course 12 times in the year and a licensee takes that course  
145 each time, the licensee gets credit for 12 courses, while he as an instructor only receives credit for one course.

146  
147 Mr. Bennett Miller offered the Committee two options, to adopt the rule now and to allow the DACS to begin  
148 rulemaking on behalf of the Board regarding the issue as described above or to not adopt this rule and  
149 reconsider this issue at a later date.

150  
151 After discussion the following motion was made:

152  
153 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.041 as written and request that the  
154 Department begin rulemaking on behalf of the Board on the instructor credit.  
155 SECOND: Mr. Cooner seconded.  
156 ACTION: The motion passed unanimously.

157  
158 5J-17.044

159  
160 After discussion the following motion was made:

161  
162 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.044 as written.  
163 SECOND: Mr. Cooner seconded.  
164 ACTION: The motion passed unanimously.

165  
166 5J-17.047

167  
168 After discussion the following motion was made:

169  
170 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.047 as amended.  
171 SECOND: Ms. Clodfelter seconded.  
172 ACTION: The motion passed unanimously.

173  
174 The Committee has asked Mr. Bennett Miller to determine the best course of action for the expiration date of the  
175 courses.

176  
177 5J-17.070

178  
179 After discussion the following motion was made:  
180  
181 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.070 as written.  
182 SECOND: Mr. Cooner seconded.  
183 ACTION: The motion passed unanimously.

184  
185 5J-17.080

186  
187 After discussion the following motion was made:  
188  
189 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.080 as written.  
190 SECOND: Mr. Cooner seconded.  
191 ACTION: The motion passed unanimously.

192  
193 5J-17.082

194  
195 After discussion the following motion was made:  
196  
197 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.082 as amended.  
198 SECOND: Mr. Cooner seconded.  
199 ACTION: The motion passed unanimously.

200  
201 5J-17.085

202  
203 After discussion the following motion was made:  
204  
205 MOTION: Ms. Clodfelter made a motion to accept Rule ~~5J-17.082~~ 5J-17.085 as amended.  
206 SECOND: Mr. Cooner seconded.  
207 ACTION: The motion passed unanimously.

208  
209 5J-17.085

210  
211 ~~After discussion the following motion was made:~~  
212  
213 ~~MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.085 as amended.~~  
214 ~~SECOND: Mr. Cooner seconded.~~  
215 ~~ACTION: The motion passed unanimously.~~

216  
217 5J-17.0321

218  
219 After discussion the following motion was made:  
220  
221 MOTION: Mr. Cooner made a motion to accept Rule ~~5J-17.321~~ 5J-17.0321 as written.  
222 SECOND: Ms. Clodfelter seconded.  
223 ACTION: The motion passed unanimously.

224  
225 5J-17.0322

226  
227 After discussion the following motion was made:  
228  
229 MOTION: Ms. Clodfelter made a motion to accept Rule ~~5J-17.322~~ 5J-17.0322 as written.  
230 SECOND: Mr. Cooner seconded.  
231 ACTION: The motion passed unanimously

232  
233 5J-17.0381

234  
235 After discussion the following motion was made:  
236

237 MOTION: Ms. Clodfelter made a motion to accept Rule ~~5J-17.384~~ 5J-17.0381 as written.  
238 SECOND: Mr. Cooner seconded.  
239 ACTION: The motion passed unanimously

240  
241 5J-17.102

242  
243 After discussion the following motion was made:

244  
245 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.102 as amended.  
246 SECOND: Mr. Cooner seconded.  
247 ACTION: The motion passed unanimously

248  
249 5J-17.110

250  
251 Withdrawn.

252  
253 5J-17.200

254  
255 After discussion the following motion was made:

256  
257 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.200 as written.  
258 SECOND: Mr. Cooner seconded.  
259 ACTION: The motion passed unanimously

260  
261 5J-17.203

262  
263 After discussion the following motion was made:

264  
265 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.203 as written.  
266 SECOND: Ms. Clodfelter seconded.  
267 ACTION: The motion passed unanimously

268  
269 5J-17.204

270  
271 After discussion the following motion was made:

272  
273 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.204 as written.  
274 SECOND: Mr. Cooner seconded.

275 ACTION: The motion passed unanimously

276  
277 5J-17.206

278  
279 After discussion the following motion was made:

280  
281 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.206 as amended.  
282 SECOND: Ms. Clodfelter seconded.

283 ACTION: The motion passed unanimously

284  
285 5J-17.208

286  
287 After discussion the following motion was made:

288  
289 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.208 as written.  
290 SECOND: Mr. Cooner seconded.

291 ACTION: The motion passed unanimously

292  
293 5J-17.203 - revisited

294  
295 After further discussion the following motion was made:

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296  
297 MOTION: Ms. Nobles made a motion to accept Rule 5J-17.203 as amended.  
298 SECOND: Mr. Cooner seconded.  
299 ACTION: The motion passed unanimously.

300  
301 5J-17.210

302  
303 After discussion the following motion was made:

304  
305 MOTION: Mr. Cooner made a motion to accept Rule 5J-17.210 as amended.  
306 SECOND: Ms. Clodfelter seconded.  
307 ACTION: The motion passed unanimously.

308  
309 5J-17.041 – revisited

310  
311 After further discussion the following motion was made:

312  
313 MOTION: Ms. Clodfelter made a motion to accept Rule 5J-17.041 as amended.  
314 SECOND: Mr. Cooner seconded.  
315 ACTION: The motion passed unanimously.

316  
317 With no further business to discuss, the following motion was made:

318  
319 MOTION: Ms. Clodfelter made a motion to adjourn.  
320 SECOND: Mr. Cooner seconded.  
321 ACTION: The motion passed unanimously.

322  
323 The meeting was adjourned at 5:10 p.m.