

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

RULES WORKSHOP

October 12, 2005

Crowne Plaza Oceanfront
3200 North Ocean Drive
Singer Island, Florida 33404

The workshop was called to order by Mr. Jeff Cooner, Chair, at 1:30 p.m.

Members Present:

Pam Nobles
Jeff Cooner, Chair
Louis Lebron
Sidney Greer
Beverly Sutphin
Lou Bush
Dennis Blankenship
Omar Armenteros
Fran Poppell

Members Not Present:

Others Present:

Brian Stabley, Board Counsel
John Knap, Executive Director
Christa Patterson, Government Analyst
Harley Gilmore
David Melvin
Marilyn Evers
Henry Echezabal
Steve Gordon
Gail Oliver
Secretary Simone Marstiller

REVIEW AND APPROVAL OF THE JULY 13, 2005 RULES WORKSHOP MEETING MINUTES

The board reviewed the July 13, 2005 rules workshop meeting minutes and after review the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the July 13, 2005 rules workshop minutes.

SECOND: Mr. Blankenship seconded the motion and it passed unanimously.

REVIEW AND DISCUSSION

Rule 61G17-5.0043, Florida Administrative Code

Mr. Stabley reviewed with the board the proposed changes to rule 61G17-5.0043, F.A.C. Mr. Stabley stated that the proposed language would make it clear what is required to be on the certificate of attendance and in advertisements. Mr. Stabley stated that the proposed language also addresses the change in 455, F.S. to require the provider to report the licensees continuing education credits within 30 days.

MOTION: Ms. Sutphin made a motion to approve the proposed changes to rule 61G17-5.0043, F.A.C. and to move forward with the changes.

SECOND: Mr. Blankenship seconded the motion and it passed unanimously.

61G17-5.0051 (1) (d), Florida Administrative Code

Mr. Stabley reviewed with the board the proposed changes to rule 61G17-5.0051 (1) (d), F.A.C. Mr. Stabley stated that the proposed language changes the citation language to comply with new statutory language.

MOTION: Ms. Sutphin made a motion to approve the proposed changes to rule 61G17-5.0051 (1) (d), F.A.C. and to move forward with the changes.

SECOND: Mr. Greer seconded the motion and it passed unanimously.

455.271, Florida Statutes

Mr. Stabley advised the board that at the July 2005 rule workshop meeting the board reviewed and discussed the revisions made to Chapter 455.271, F.S. and it was the consensus of the board at that time not to develop draft rules.

Mr. Stabley stated that since that time the Department of Business and Professional Regulation has requested that the board develop forms or an application to implement the changes to Chapter 455.271, F.S.

It was the consensus of the board that rules would be very difficult to draft since the language in Chapter 455.271, F.S. was so unclear. The board discussed what would be considered a hardship and what would be considered a good faith effort and could not come up with any specific language.

Mr. Stabley suggested that the board establish an application and fees.

Ms. Nobles advised the board that another avenue would be to draft legislative language that would be more restrictive than 455.271, F.S.

Ms. Nobles advised the board that Secretary Simone Marstiller was present at the meeting. The board welcomed Secretary Marstiller to the meeting.

Secretary Marstiller thanked the board for allowing her the time during their busy meeting schedule to introduce herself and to address the board.

Secretary Marstiller advised the board that she was looking forward to meeting each of the board members and working with them. She advised the board if they had any concerns or questions to contact her.

Secretary Marstiller asked if the board had any questions.

Mr. Blankenship advised the Secretary that he was aware of the fee waiver for those impacted by the Hurricane and asked if there was any new development of implementing other avenues

for those licensees misplaced by the Hurricanes. Secretary Marstiller advised Mr. Blankenship that so far the fee waiver is the only mandate by the Governor.

Mr. Bush advised Secretary Marstiller that the board had discussed and is prepared to handle in a timely manner endorsement applications for those that were affected. Mr. Bush asked the Secretary to advise Governor Bush of the board's efforts.

Mr. Cooner advised Secretary Marstiller that the board is in the process of requesting that the board be privatized. Mr. Cooner asked Secretary Marstiller if she was aware of the board's request. Secretary Marstiller stated she was aware of the request and that she recently received the written request and back up materials. Secretary Marstiller advised the board that she was not prepared to discuss all the issues, but hoped to have the opportunity to work with the board on the issues.

Ms. Nobles stated that the next few months were important to work with the Department on the next step toward privatization.

Ms. Sutphin advised Secretary Marstiller that it would be helpful not to limit her discussion of privatization issues to FSMS or the Chair. Ms. Sutphin suggested that the Secretary contact board members and even persons who attend the meeting regularly. Ms. Sutphin stated there were specific issues for the board to get to the point of requesting to go private.

Mr. Bush advised the Secretary that the request was not confrontational but was an effort to determine how the board could better do their job and execute the responsibility of the public safety and welfare and that is what is motivating the board to move forward with privatization.

Secretary Marstiller stated that she would like the opportunity to work with the board on the issues.

The board thanked Secretary Marstiller again for taking the time to attend the meeting.

The board continued discussion of Chapter 455.271, F.S.

After discussion the following motions were made.

MOTION: Ms. Sutphin made a motion to draft rule language to require a \$125.00 application fee, and a \$255.00 fee for every renewal period the licensee failed to renew the license.

SECOND: Mr. Lebron seconded the motion and it passed unanimously.

MOTION: Mr. Greer made a motion to use the current application for licensure but change the title of the application and revise the application to include; a written statement and back up material that would include dates and time frame of the hardship, a written statement explaining the licensee's good faith effort, and provide copies of certificates of completion of past continuing education hours.

SECOND: Ms. Nobles seconded the motion and it passed unanimously.

Domestic School Approval – Substantial Equivalency

Mr. Stabley advised the board that he spoke with Dr. Dave Gibson, Professor at the University of Florida, regarding domestic school equivalency. Mr. Stabley advised the board that Dr. Gibson has extensive ABET accreditation experience with Surveying and Mapping curriculum and has a good understanding of the programs.

Mr. Stabley asked the board if they would consider entering into a contract agreement with Dr. Gibson to assist the board with developing and drafting rule language for domestic school approval.

Mr. Cooner agreed that the board was not an expert in the area of education curriculum review and agreed Dr. Gibson would be a good asset to the board. The board agreed. Mr. Cooner asked Mr. Knap to estimate the costs involved and report back to the board.

Mr. Knap advised the board that he was in the process of checking with the Department to see if funds were available to contract with Dr. Gibson.

Mr. Stabley stated he would contact Dr. Gibson to find out the cost and would report that cost to Mr. Knap.

Mr. Stabley stated that he felt the board should consider rule development to address the issue of who is required to apply for a certificate of authorization. Mr. Stabley stated that during the application review committee meeting it was clear that some individuals were unclear that they were required to make application. The board agreed. Ms. Oliver volunteered to work with Mr. Stabley on draft language. Mr. Stabley agreed and thanked Ms. Oliver for volunteering her time.

OLD/NEW BUSINESS

Discussion of the FSMS Convention Feedback regarding the changes to the MTS rule

Mr. Cooner reported that a request for a hearing on rule 61G17-6, F.A.C. was received by the board and would be heard at the January 2006 meeting. Mr. Cooner stated the hearing request was not received in time to be placed on the October 2005 meeting agenda.

Mr. Cooner stated the hearing request addressed positional accuracy. Mr. Cooner stated that at the FSMS convention the issue was discussed at length and some points he agreed with. Mr. Cooner advised the board that he was in the process of preparing proposed changes to this section and as soon as the draft was completed he would forward it to the board office to be included in the January 2006 meeting materials.

There being no other business the meeting adjourned at 3:10 p.m.