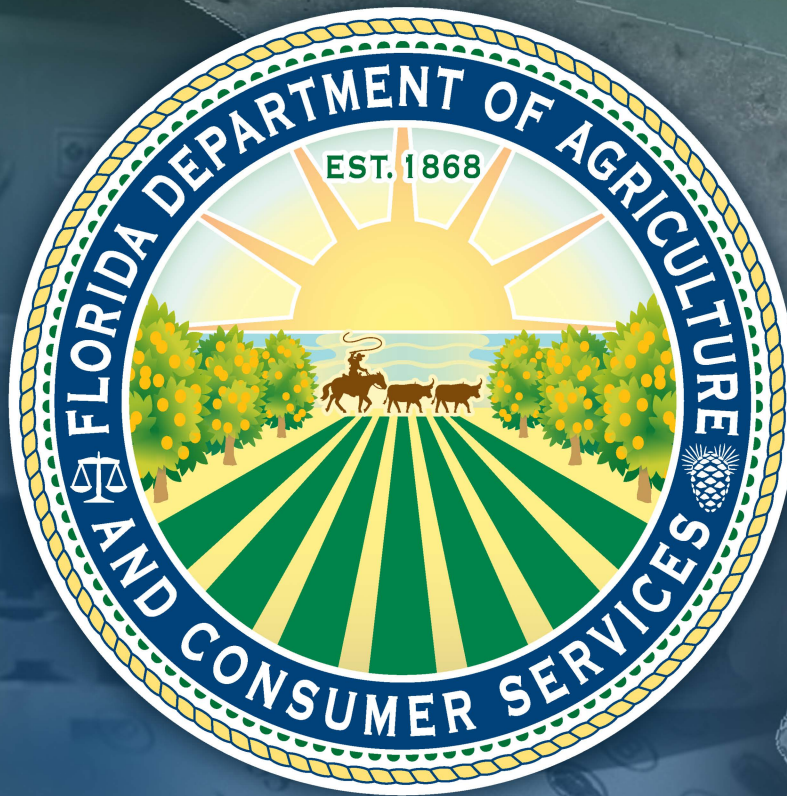




RULES COMMITTEE

OCTOBER 28, 2021

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

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

RULES COMMITTEE

**GUY HARVEY RESORT ST. AUGUSTINE BEACH
860 A1A Beach Boulevard
St. Augustine, Florida 32080**

THURSDAY, OCTOBER 28, 2021

(Immediately following the Exam Committee)

Members: Keith Fountain, Committee Chair
David Schryver
Michael Zoltek

- I. CALL TO ORDER / ROLL CALL**
- II. REVIEW AND APPROVAL OF AUGUST 2, 2021 RULES COMMITTEE MINUTES**
- III. NOTICE OF PROPOSED RULE MAKING**
- IV. DISCUSSION OF SPECIAL RULES REVIEW WORK GROUP**
- V. OLD/NEW BUSINESS**
- VI. 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 MONDAY, AUGUST 2, 2021

11
12 The meeting was called to order by David Schryver 2:11 p.m.

13
14 **COMMITTEE MEMBERS PRESENT**

15
16 Keith Fountain, Committee Chair
17 David Schryver
18 Michael Zoltek

19
20 **OTHERS PRESENT**

21
22 Nicholas Campanile, Board Chair
23 Steve Hyde, Board Member
24 George Grubbs, Board Member
25 Frank Conkling, 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 Alvin Gloer
34 Howard Ehmke
35 Tim Simpson
36 Willis Howell
37 Azahel Echevarria
38 Michael Stallings
39 Don Elder
40 Brian Bellino
41 Jonathan Branson
42 David Melvin
43 James Smale
44 Matthew Simpson
45
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51

52 **REVIEW AND APPROVAL OF FEBRUARY 11, 2021 RULES COMMITTEE MEETING**
53 **MINUTES**

54
55 After discussion, the following motion was made:

56
57 MOTION: Mr. Zoltek made a motion to approve the February 11, 2021 Exam Committee minutes as
58 amended.
59 SECOND: Mr. Schryver seconded.
60 ACTION: The motion passed unanimously.
61

62 **REVIEW AND APPROVAL OF APRIL 22, 2021 RULES COMMITTEE MEETING MINUTES**

63
64 After discussion, the following motion was made:

65
66 MOTION: Mr. Zoltek made a motion to approve the April 22, 2021 Exam Committee minutes as
67 amended.
68 SECOND: Mr. Schryver seconded.
69 ACTION: The motion passed unanimously.
70

71 **DISCUSSION ON DESIGNATION OF MINOR VIOLATIONS**

72
73 Mr. Fountain stated that the Committee was tasked with looking at all violations that are possible and to
74 come up with a list of at least 2 minor violations. He said that the Committee searched for violations that
75 would not be damaging to any party. Mr. Campanile stated that the 3 listed violations are to satisfy the
76 Rule but it could be at times that during the review of the survey, depending on the circumstances
77 involved in the survey, the surveyor or reviewer may need to use their professional judgement. Mr.
78 Fountain said that the 3 listed violations will always be minor, however, everything else is not always
79 major. He said that there are plenty of other rules violations that may not have any dramatic substantive
80 impact on a third-party use of the survey.
81

82 **DISCUSSION ON PICTURE ID BADGE REQUIREMENT PUT IN RULE**

83
84 Ms. Compton said that Darren Leach sent an e-mail to the Board office requesting that the Board adopt a
85 rule which would require all Florida licensed surveyors and subordinates, that while on private property, to
86 have proper identification that contains the first and last name, their title, the name of the company they
87 work for and license number and the license number of the surveyor, if applicable. Mr. Zoltek said that he
88 hesitates to regulate in this manner without through review. Mr. Schryver said that he like the idea of a
89 surveyor/subordinate identification so that you can verify who is on or in your property. Mr. Zoltek said
90 that the Committee should do their homework to see whatever other entities provide customers. Mr.
91 Fountain said he thought that Mr. Zoltek has the correct approach to this idea. Mr. Ojetayo stated that he
92 has had several complaints come across his desk regarding this issue. He said that he would suggest
93 that the Board adopt a rule for identification badges, notifying consumers, etc. Mr. Campanile is going to
94 draft a response to Mr. Leach.
95

96 **DISCUSSION ON UPCOMING RULE DEVELOPMENT**

97
98 Mr. Fountain stated that the few years that he's been a Board member, Mr. McLaughlin and Mr.
99 Campanile has kept track of ideas for rule changes. He said that the Rules Committee has addressed
100 the rule suggestions that are on that list. He said that not much progress was made because of the
101 amount of work involved, however, it has been discussed with Counsel that this could be further
102 addressed in late Summer or Fall of 2021, which would now be moved to 2022. Mr. Schryver said that
103 the Committee needs to create a living document. Mr. Fountain said that someone take the current
104 compilation of comments, in addition to the rule suggestions that were made in the meeting today and go
105 through the existing rule. Mr. Fountain proposed that at the next Committee meeting, an identification of
106 the list of rules that need substantive change and work on those for now in order to move forward with

107 this project. Mr. Don Elder said that rules revision works best with a workgroup, composed of industry
108 representatives from several sectors and a single member of the Board. He said that this was done
109 previously done with a roughly, 9-member group and it took about a year to complete.

110
111 After discussion, the following motion was made:

112
113 MOTION: Mr. Schryver made a motion that Board approves the interfacing with the professional
114 community to work on rules changes.

115 SECOND: Mr. Fountain seconded.

116 ACTION: The motion passed unanimously.

117
118 **NEW/OLD BUSINESS**

119
120 Mr. Conkling said that he would like the rule regarding physical sciences addressed in rule change as to
121 whether earth sciences are the same as physical sciences when it comes to validating college course
122 credits and determine whether the work physical needs to be removed. He also said that he would like
123 the rule addressed regarding the auditing and renewal of continuing education providers.

124
125 **PUBLIC COMMENT**

126
127 Mr. Ehmke asked if we had to open the whole rule vs. a small section of the rule. Ms. Compton said that
128 the upcoming rule change for now will only affect the revision of applications.

129
130 **ADJOURNMENT AT 3:23 P.M.**