

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

RULES WORKSHOP

April 13, 2005

Department of Business and Professional Regulation
Board Conference Room
1940 North Monroe Street
Tallahassee, Florida

The workshop was called to order by Mr. Jeff Cooner, Chair, at 10:50 a.m.

Members Present:

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

Members Not Present:

Fran Poppell

Others Present:

Richard Matthews
Harley Gilmore
David Melvin
Dennis Riordan
Alvin Gloer
Missy Rudd
Shelly Duorak
Henry Echezabal
Gail Oliver
Steve Gordon
Ronnie Taylor

REVIEW AND APPROVAL OF THE JANUARY 5, 2005 RULES WORKSHOP MEETING MINUTES

The board reviewed the January 5, 2005 rules workshop meeting minutes and after review the following motion was made.

MOTION: Mr. Blankenship made a motion to approve the January 5, 2005 rules workshop minutes with corrections.

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

REVIEW AND DISCUSSION

61G17-3.004, Florida Administrative Code

Mr. Stabley reviewed with the board proposed changes to rule 61G17-3.004, F.A.C. Mr. Stabley stated that the proposed language was to make a correction to the application form number referenced in the rule.

The board reviewed Mr. Stabley's proposed language and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve the proposed language to reference the correct application form number.

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

61G17-5.0041, Florida Administrative Code

Mr. Stabley advised the board that rule 61G17-5.0041 (f), F.A.C., referenced the renewal fee for continuing education providers. Mr. Stabley stated that he felt this section of the rule should be moved and added to 61G17-5.0043, obligation of continuing education. After discussion the board agreed.

MOTION: Mr. Armenteros made a motion to move the language of rule 61G17-5.0041 (f) to rule 61G17-5.0043.

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

61G17-5.0043 (2), Florida Administrative Code

Mr. Stabley reviewed with the board proposed language to rule 61G17-5.0043. The board reviewed the proposed language and after discussion the following motion was made.

(2) Furnish each participant with an individual certificate of attendance that complies with paragraph 61-6.015(4) (a), F.A.C. Continuing education providers must provide their Florida Department of Business and Professional Regulation (DBPR) continuing education provider number on all course advertisements and on all course completion certificates issued to individuals completing a continuing education course. Additionally, continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(a). An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee.

(b). Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed.

(c). If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(d). Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

MOTION: Ms. Nobles made a motion to approve the proposed language as drafted by Mr. Stabley.

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

61G17-5.0043 (14), Florida Administrative Code

Mr. Stabley reviewed with the board proposed language to rule 61G17-5.0043 (14), F.A.C. The board reviewed the proposed language.

Ms. Sutphin stated that she felt that if a continuing education provider was offering MTS courses then the provider should attend at least one rule workshop meeting a year.

Ms. Oliver advised the board that she was in support of a requirement. Mr. Cooner stated he agreed.

After discussion it was the consensus of the board that the instructor teaching the MTS course should be required to attend at least one rules workshop a year.

Ms. Sutphin advised the board that she had recently attended a MTS course offered by an approved provider and the information provided by the provider was not current MTS information. Ms. Sutphin stated that it was not an approved provider who usually attends the board meetings.

Ms. Oliver stated that in the past the board had a rule which required the provider to attend a MTS training session which was conducted by the board. Ms. Oliver stated that the board would review the MTS rule with the providers line by line. Ms. Oliver stated it was a training session.

Mr. Cooner stated that he did not see the board going back to an MTS training session. Mr. Armenteros agreed and stated he would not support requiring the provider to attend a rules workshop. Mr. Armenteros stated if the board approves the provider to offer MTS courses, so it is the responsibility to keep updated. Mr. Armenteros suggested that the board require the provider to sign an attest statement advising the board that they have current information regarding board rules as part of the application process.

Ms. Sutphin stated that the courses are approved for two years and recently the board has had numerous rule changes and she was not satisfied that the providers were up to date since the majority of the providers did not attend the meetings.

Mr. Gordon stated that he would not support the language requiring the providers to attend meetings. Mr. Gordon stated that he felt a person should be able to read and understand the MTS rules and if not there is a problem with the way the MTS rules are written.

Mr. Nobles stated that he felt the MTS rules were specialized and that in order for providers to teach an MTS course it would be beneficial for the provider to attend the board meetings.

Mr. Knap advised the board that there was not a tracking system available for the department staff to track the provider's attendance.

Mr. Cooner stated he felt it would be beneficial for the providers to attend a board meeting, MTS workshop or rules workshop.

Ms. Patterson suggested that the board consider implementing a requirement for MTS instructors to sign a statement every six months advising the board that they have obtained and read the current laws and rules.

Mr. Blankenship stated that he would not support any new regulations for the continuing education. Mr. Blankenship stated he felt it is already over regulated by the board. Mr. Blankenship stated that it should be the responsibility of the provider to be current with the laws and rules. Mr. Blankenship stated the market will take care of bad MTS courses.

Ms. Patterson stated that if a licensee attends a course they do not feel meets standards, then the licensee should submit a complaint to the Bureau of Education and Testing.

Mr. Cooner offered the following proposed language for the board to consider.

Rule 61G17-5.0043(14), F.A.C.: All approved continuing education providers must submit an affidavit stating that any instructors offering to teach minimum technical standards have attended during the licensure biennium, either a minimum technical standards workshop, rules workshop, or board meeting.

Mr. Knap asked Mr. Cooner if the proposed language should be part of the requirements for the course application if the provider was requesting MTS approval. Mr. Cooner stated yes.

MOTION: Mr. Cooner made a motion to approve the following proposed language.
Rule 61G17-5.0043(14), F.A.C.: All approved continuing education providers must submit an affidavit stating that any instructors offering to teach minimum technical standards have attended during the licensure biennium, either a minimum technical standards workshop, rules workshop, or board meeting.

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

Mr. Armenteros opposed the motion.

61G17-9.006, Florida Administrative Code

Mr. Stabley asked the board if they were in support of the proposed language to change the probation review process to use a monitor/expert.

Ms. Nobles advised the board that she met with Mr. Stabley regarding the proposed changes and they came to the consensus that if the board did move forward with the monitor/expert that the board would have to accept the monitor/expert report with no question.

Mr. Cooner asked Mr. Stabley if experts were used for probable cause panel cases. Mr. Stabley replied yes. Mr. Cooner asked if the experts reviewed for MTS violations. Mr. Stabley stated if the complaint related to MTS violations then yes the experts reviewed the survey for MTS violations. Mr. Blankenship stated that the PCP members reviewed the recommendations of the expert and either accepts, reject or modify the expert's recommendations.

Mr. Cooner stated he didn't see any difference, if the probation review committee considered the expert's recommendations.

Mr. Stabley stated that the difference would be that the probation committee would not be reviewing the surveys but accepting the recommendations of the expert. Mr. Stabley stated that the board would be evaluating an expert application, possibly deeming the applicant as an expert to review the survey, and then if the committee did not agree with the expert report then the board would be wasting time and money.

Ms. Oliver stated she felt the probation committee should conduct the probation survey review. Ms. Oliver stated she did not feel there would be a lot of licensees who would want to be an expert to review the probation surveys.

Mr. Cooner asked each member to report if they were in support of changing the probation review procedures to use a monitor/expert.

Ms. Nobles stated she was not in support of change.
Mr. Armenteros stated he was not in support of change.
Mr. Blankenship stated he was not in support of change.
Mr. Cooner stated he was in support of change.
Ms. Sutphin stated she was in support change.
Mr. Lebron stated he was not in support of change.
Mr. Bush stated he was not in support of change.
Mr. Greer stated he was not in support of change.

Mr. Cooner stated that the board should consider changing the procedure in the survey review process. Mr. Cooner stated that the probationer should not be allowed to pick the surveys to submit to the probation committee. Mr. Cooner stated that probationer should be required to submit a list of surveys and the probation committee chooses the surveys the probationer would submit for the probation review committee to review.

MOTION: Mr. Cooner made a motion to request Mr. Stabley to draft proposed language to require the probationer to provide a list of surveys for the probation committee to choose from.

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

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

Mr. Knap advised the board that the continuing education office proposed changes to 61G17-5.0051 (1)(d), F.A.C. After discussion, by the board was unclear to why they made the request. The board tabled consideration of the proposed changes to rule 61G17-5.005 to the July meeting.

Mr. Knap stated he would obtain additional information from the continuing education office to why they proposed changes to the language.

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

Mr. Stabley advised the board that Ms. Printy requested that the board consider draft rule language for domestic school approval. Mr. Stabley advised the board that he included in their board member folder information regarding ABET accreditation.

After discussion it was the consensus of the board that a rule was necessary. Mr. Stabley asked each board member to email education courses they considered to be equivalent to ABET approved courses.

Mr. Stabley asked the board to forward their courses list to him by May 13, 2005.

Mr. Greer suggested that Mr. Stabley contact the education evaluator Joseph Silney to see if he could obtain information on their evaluations of degrees.

Mr. Stabley stated he would contact the Joseph Silney group.

There being no other business the meeting adjourned at 1:45 p.m.