

By Representative Henriquez

1 A bill to be entitled
2 An act relating to land surveying and mapping;
3 amending s. 472.003, F.S.; exempting certain
4 subordinate employees from provisions relating
5 to regulation of land surveying and mapping;
6 amending s. 472.005, F.S.; providing
7 definitions; amending s. 472.008, F.S.;
8 providing rulemaking authority to the Board of
9 Professional Surveyors and Mappers relating to
10 the use of professional titles by retirees;
11 amending s. 472.013, F.S.; deleting an obsolete
12 prerequisite to take the licensure examination
13 to practice as a surveyor and mapper; deleting
14 rulemaking authority for the review and
15 approval of military schools and federal
16 training and apprenticeship programs; amending
17 s. 472.015, F.S.; revising requirements for
18 licensure by endorsement; amending s. 472.029,
19 F.S.; revising provisions relating to access to
20 lands of others for surveying or mapping
21 purposes; providing applicability to
22 subordinates; exempting landowners from certain
23 liability; providing for a landowner's duty of
24 care; amending s. 472.031, F.S.; prohibiting
25 persons who are not registered to practice
26 surveying and mapping from offering to practice
27 such profession or from using certain related
28 professional titles; providing penalties;
29 amending s. 472.033, F.S.; revising and
30 providing grounds for disciplinary action;
31 providing penalties; deleting certain duties of

1 the Board of Professional Surveyors and Mappers
2 and the Department of Business and Professional
3 Regulation relating to disciplinary
4 proceedings; providing an effective date.

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6 Be It Enacted by the Legislature of the State of Florida:

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8 Section 1. Subsection (5) is added to section 472.003,
9 Florida Statutes, to read:

10 472.003 Persons not affected by ss.

11 472.001-472.037.--Sections 472.001-472.037 do not apply to:

12 (5)(a) Persons who are employees of any state, county,
13 municipal, or other governmental unit of this state and who
14 are the subordinates of a person in responsible charge
15 registered under this chapter, to the extent that the
16 supervision meets standards adopted by rule of the board, if
17 any.

18 (b) Persons who are employees of any employee leasing
19 company licensed pursuant to part XI of chapter 468 and who
20 work as subordinates of a person in responsible charge
21 registered under this chapter.

22 (c) Persons who are employees of an individual
23 registered or legal entity certified under this chapter and
24 who are the subordinates of a person in responsible charge
25 registered under this chapter, to the extent that the
26 supervision meets standards adopted by rule of the board, if
27 any.

28 Section 2. Subsections (9), (10), (11), (12), and (13)
29 are added to section 472.005, Florida Statutes, to read:

30 472.005 Definitions.--As used in ss. 472.001-472.037:

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1 (9) "Employee" means a person who receives
2 compensation from and is under the supervision and control of
3 an employer who regularly deducts the F.I.C.A. and withholding
4 tax and provides workers' compensation, all as prescribed by
5 law.

6 (10) "Subordinate" means an employee who performs work
7 under the direction, supervision, and responsible charge of a
8 person who is registered under this chapter.

9 (11) "Monument" means an artificial or natural object
10 that is permanent or semipermanent and used or presumed to
11 occupy any real property corner, any point on a boundary line,
12 or any reference point or other point to be used for
13 horizontal or vertical control.

14 (12) "Legal entity" means a corporation, partnership,
15 association, or person practicing under a fictitious name who
16 is certified under s. 472.021.

17 (13) "Retired professional surveyor and mapper" means
18 a person who has been licensed as a professional surveyor and
19 mapper by the board and who chooses to relinquish or not to
20 renew his or her license and applies to and is approved by the
21 board to use the title "Professional Surveyor and Mapper,
22 Retired."

23 Section 3. Section 472.008, Florida Statutes, is
24 amended to read:

25 472.008 Rules of the board.--

26 (1) The board has authority to adopt rules pursuant to
27 ss. 120.536(1) and 120.54 to implement the provisions of this
28 chapter conferring duties upon it.

29 (2) The board shall adopt rules governing the use of
30 professional titles by retired surveyors and mappers.

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1 Section 4. Subsections (2) and (4) of section 472.013,
2 Florida Statutes, are amended to read:

3 472.013 Examinations, prerequisites.--

4 (2) An applicant shall be entitled to take the
5 licensure examination to practice in this state as a surveyor
6 and mapper if the applicant is of good moral character and has
7 satisfied one of the following requirements:

8 (a) The applicant is a graduate of an approved course
9 of study in surveying and mapping from a college or university
10 recognized by the board and has a specific experience record
11 of 4 or more years as a subordinate to a professional surveyor
12 and mapper in the active practice of surveying and mapping,
13 which experience is of a nature indicating that the applicant
14 was in responsible charge of the accuracy and correctness of
15 the surveying and mapping work performed. The course of study
16 in surveying and mapping must have included not fewer than 32
17 semester hours of study, or its academic equivalent, in the
18 science of surveying and mapping or in board-approved
19 surveying-and-mapping-related courses. Work experience
20 acquired as a part of the education requirement shall not be
21 construed as experience in responsible charge.

22 (b) The applicant is a graduate of a 4-year course of
23 study, other than in surveying and mapping, at an accredited
24 college or university and has a specific experience record of
25 6 or more years as a subordinate to a registered surveyor and
26 mapper in the active practice of surveying and mapping, 5
27 years of which shall be of a nature indicating that the
28 applicant was in responsible charge of the accuracy and
29 correctness of the surveying and mapping work performed. The
30 course of study in disciplines other than surveying and
31 mapping must have included not fewer than 32 semester hours of

1 study or its academic equivalent, 25 semester hours of which
2 shall be in surveying and mapping subjects or in any
3 combination of courses in civil engineering, surveying,
4 mapping, mathematics, photogrammetry, forestry, or land law
5 and the physical sciences. Work experience acquired as a part
6 of the education requirement shall not be construed as
7 experience in responsible charge.

8 ~~(c) The applicant was enrolled, on October 1, 1988, in~~
9 ~~a 4-year course of study in surveying and mapping at a college~~
10 ~~or university recognized by the board and prior to October 1,~~
11 ~~1991, and both completes at least 32 semester hours, or the~~
12 ~~academic equivalent, in surveying-and-mapping-related courses~~
13 ~~and has a specific experience record of 6 or more years as a~~
14 ~~subordinate to a surveyor and mapper, 5 years of which are in~~
15 ~~the active practice of surveying and mapping of a nature~~
16 ~~indicating that the applicant was in responsible charge of the~~
17 ~~accuracy and correctness of surveying and mapping work~~
18 ~~performed.~~

19 (4) The board shall adopt rules providing for the
20 review and approval of schools and colleges, ~~including~~
21 ~~military schools and training and apprenticeship programs~~
22 ~~operated by the United States Government,~~ and the courses of
23 study in surveying and mapping in such schools and colleges,
24 ~~and programs~~. The rules shall be based on the educational
25 requirements for surveying and mapping as defined in s.
26 472.005. The board may adopt rules providing for the
27 acceptance of the approval and accreditation of schools and
28 courses of study by a nationally accepted accreditation
29 organization.

30 Section 5. Subsection (3) of section 472.015, Florida
31 Statutes, is amended to read:

1 472.015 Licensure.--

2 (3)(a) The board shall certify as qualified for a
3 license by endorsement an applicant who:

4 1.(a) Holds a valid license to practice surveying and
5 mapping issued prior to July 1, 1999, by another state or
6 territory of the United States;~~Qualifies to take the~~
7 ~~examination as set forth in s. 472.013, who has passed a~~
8 national, regional, state, or territorial licensing
9 examination that is substantially equivalent to the
10 examination required by s. 472.013;~~and who has a specific~~
11 experience record of at least 8 years as a subordinate to a
12 registered surveyor and mapper in the active practice of
13 surveying and mapping, 6 years of which must be of a nature
14 indicating that the applicant was in responsible charge of the
15 accuracy and correctness of the surveying and mapping work
16 performed ~~satisfied the experience requirements set forth in~~
17 ~~s. 472.013; or~~

18 2.(b) Holds a valid license to practice surveying and
19 mapping issued by another state or territory of the United
20 States if the criteria for issuance of the license were
21 substantially the same as the licensure criteria that existed
22 in Florida at the time the license was issued.

23 (b) All applicants for licensure by endorsement must
24 pass the Florida law and rules portion of the examination
25 prior to licensure.

26 Section 6. Section 472.029, Florida Statutes, is
27 amended to read:

28 472.029 Authorization ~~Surveyors and mappers authorized~~
29 ~~to enter lands of third parties;~~under certain
30 conditions.--Surveyors and mappers or their subordinates may
31 go on, over, and upon the lands of others when necessary to

1 make surveys and maps or to search for, locate, or set
2 monuments, and, in so doing, may carry with them their agents
3 and employees necessary for that purpose. Entry under the
4 right hereby granted does not constitute trespass, and
5 surveyors and mappers and their subordinates and duly
6 authorized agents or employees so entering are not liable to
7 arrest or to a civil action by reason of such entry as long as
8 the entering is in compliance with all federal, state, and
9 local regulations pertaining to premises security,
10 agricultural protections, and other health and safety
11 requirements. However, this section does not give authority
12 to registrants, subordinates, agents, or employees to destroy,
13 injure, damage, or otherwise move any physical improvements
14 ~~anything~~ on lands of another without the written permission of
15 the landowner. No landowner shall be liable to any third
16 party for any civil or criminal act, or any damages, which
17 result in whole or in part through the negligent or
18 intentional conduct of any person regulated by this section.
19 If written notice is delivered to a landowner or landowner's
20 registered agent 3 business days prior to entry on a parcel
21 containing more than 160 acres classified as agricultural
22 land, the duty of care owed to those regulated by this section
23 shall be that due to a licensee under this chapter; however,
24 if no such notice is given, the landowner's duty of care shall
25 be that due to an unforeseen trespasser.

26 Section 7. Section 472.031, Florida Statutes, is
27 amended to read:

28 472.031 Prohibitions; penalties.--

29 (1) No person shall:
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- 1 (a) Practice or offer to practice surveying and
2 mapping unless such person is registered pursuant to ss.
3 472.001-472.037;
- 4 (b) Use the name or title "registered surveyor and
5 mapper," "surveyor and mapper," "professional surveyor and
6 mapper," "land surveyor," "surveyor," or any combination
7 thereof when such person has not registered pursuant to ss.
8 472.001-472.037;
- 9 (c) Present as his or her own the registration of
10 another;
- 11 (d) Knowingly give false or forged evidence to the
12 board or a member thereof; or
- 13 (e) Use or attempt to use a registration that has been
14 suspended or revoked.
- 15 (2) Any person who violates any provision of this
16 section commits ~~is guilty of~~ a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083.
- 18 Section 8. Section 472.033, Florida Statutes, is
19 amended to read:
- 20 472.033 Disciplinary proceedings.--
- 21 (1) The following acts constitute grounds for which
22 the disciplinary actions in subsection (2) ~~(3)~~ may be taken:
- 23 (a) Violation of any provision of s. 472.031 or s.
24 455.227(1);
- 25 (b) Attempting to procure a license to practice
26 surveying and mapping by bribery or fraudulent
27 misrepresentations;
- 28 (c) Having a license to practice surveying and mapping
29 revoked, suspended, or otherwise acted against, including the
30 denial of licensure, by the licensing authority of another
31 state, territory, or country;

1 (d) Being convicted or found guilty of, or entering a
2 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
3 crime in any jurisdiction which directly relates to the
4 practice of surveying and mapping or the ability to practice
5 surveying and mapping;

6 (e) Making or filing a report or record that the
7 licensee knows to be false, willfully failing to file a report
8 or record required by state or federal law, willfully impeding
9 or obstructing such filing, or inducing another person to
10 impede or obstruct such filing. Such reports or records shall
11 include only those that are signed in the capacity of a
12 registered surveyor and mapper;

13 (f) Advertising goods or services in a manner that is
14 fraudulent, false, deceptive, or misleading in form or
15 content;

16 (g) Upon proof that the licensee is guilty of fraud or
17 deceit, or of negligence, incompetency, or misconduct, in the
18 practice of surveying and mapping;

19 (h) Failing to perform any statutory or legal
20 obligation placed upon a licensed surveyor and mapper;
21 violating any provision of this chapter, a rule of the board
22 or department, or a lawful order of the board or department
23 previously entered in a disciplinary hearing; or failing to
24 comply with a lawfully issued subpoena of the department; ~~or~~

25 (i) Practicing on a revoked, suspended, inactive, or
26 delinquent license; ~~or-~~

27 (j) Engaging in any professional or business conflict
28 of interest as defined by the board by rule.

29 ~~(2) The board shall specify by rule the acts or~~
30 ~~omissions that constitute a violation of subsection (1).~~

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1 (2)~~(3)~~ When the board finds any surveyor and mapper
2 guilty of any of the grounds set forth in subsection (1), it
3 may enter an order imposing one or more of the following
4 penalties:
5 (a) Denial of an application for licensure.
6 (b) Revocation or suspension of a license.
7 (c) Imposition of an administrative fine not to exceed
8 \$1,000 for each count or separate offense.
9 (d) Issuance of a reprimand.
10 (e) Placement of the surveyor and mapper on probation
11 for a period of time and subject to such conditions as the
12 board may specify.
13 (f) Restriction of the authorized scope of practice by
14 the surveyor and mapper.
15 ~~(4) The department shall reissue the license of a~~
16 ~~disciplined surveyor and mapper upon certification by the~~
17 ~~board that he or she has complied with all of the terms and~~
18 ~~conditions set forth in the final order.~~

19 Section 9. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Revises various provisions relating to the regulation of land surveying and mapping. Exempts certain subordinate employees from regulation. Provides definitions. Provides rulemaking authority to the Board of Professional Surveyors and Mappers relating to the use of professional titles by retirees. Deletes an obsolete prerequisite to take the licensure examination to practice as a surveyor and mapper. Deletes rulemaking authority for the review and approval of military schools and federal training and apprenticeship programs. Revises requirements for licensure by endorsement. Revises provisions relating to access to lands of others for surveying or mapping purposes, provides applicability to subordinates, exempts landowners from certain liability, and provides for a landowner's duty of care. Prohibits persons who are not registered to practice surveying and mapping from offering to practice such profession or from using certain related professional titles. Revises and provides grounds for disciplinary action. Deletes certain duties of the Board of Professional Surveyors and Mappers and the Department of Business and Professional Regulation relating to disciplinary proceedings. See bill for details.