

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; providing for liability and duty
23 of care on agricultural land; amending s.
24 472.031, F.S.; prohibiting persons who are not
25 registered to practice surveying and mapping
26 from offering to practice such profession or
27 from using certain related professional titles;
28 providing penalties; amending s. 472.033, F.S.;
29 providing grounds for disciplinary action;
30 providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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

5 472.003 Persons not affected by ss.

6 472.001-472.037.--Sections 472.001-472.037 do not apply to:

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

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

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

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

25 472.005 Definitions.--As used in ss. 472.001-472.037:

26 (9) "Employee" means a person who receives
27 compensation from and is under the supervision and control of
28 an employer who regularly deducts the F.I.C.A. and withholding
29 tax and provides workers' compensation, all as prescribed by
30 law.

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

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

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

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

18 Section 3. Section 472.008, Florida Statutes, is
19 amended to read:

20 472.008 Rules of the board.--

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

24 (2) The board shall adopt rules authorizing the use of
25 professional titles by retired surveyors and mappers. Such
26 rules shall establish guidelines designed to avoid abuse by
27 retirees and confusion on the part of the general public. The
28 rules shall not require continuing education requirements in
29 order to use a professional title by a retiree.

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

1 472.013 Examinations, prerequisites.--

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

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

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

1 combination of courses in civil engineering, surveying,
2 mapping, mathematics, photogrammetry, forestry, or land law
3 and the physical sciences. Work experience acquired as a part
4 of the education requirement shall not be construed as
5 experience in responsible charge.

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

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

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

30 472.015 Licensure.--

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

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

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

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

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

27 472.029 Authorization ~~Surveyors and mappers authorized~~
28 ~~to enter lands of third parties; under certain conditions.--~~

29 (1) IN GENERAL.--Surveyors and mappers or their
30 subordinates may go on, over, and upon the lands of others
31 when necessary to make surveys and maps or locate or set

1 monuments, and, in so doing, may carry with them their agents
2 and employees necessary for that purpose. Entry under the
3 right ~~hereby~~ granted by this subsection does not constitute
4 trespass, and surveyors and mappers and their duly authorized
5 agents or employees so entering are not liable to arrest or to
6 a civil action by reason of such entry; however, this
7 subsection ~~section~~ does not give authority to registrants,
8 subordinates, agents, or employees to destroy, injure, damage,
9 or move any physical improvements ~~anything~~ on lands of another
10 without the written permission of the landowner.

11 (2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.--

12 (a) Any person regulated by this chapter who enters
13 agricultural land shall do so in compliance with all federal,
14 state, and local laws, rules, and regulations pertaining to
15 premises security, agricultural protections, and other health
16 and safety requirements in place on such land.

17 (b) A landowner is not liable to any third party for
18 civil or criminal acts or damages that result from the
19 negligent or intentional conduct of any person regulated by
20 this chapter on agricultural land.

21 (c) If written notice is not delivered to the
22 landowner or landowner's registered agent at least 3 business
23 days prior to entry on an agricultural parcel containing more
24 than 160 acres, the duty of care owed by the landowner to
25 those regulated by this chapter is that due an undiscovered
26 trespasser.

27 (d) This subsection applies only to land classified as
28 agricultural pursuant to s. 193.461.

29 Section 7. Section 472.031, Florida Statutes, is
30 amended to read:

31 472.031 Prohibitions; penalties.--

1 (1) No person shall:

2 (a) Practice or offer to practice surveying and
3 mapping unless such person is registered pursuant to ss.
4 472.001-472.037;

5 (b) Use the name or title "registered surveyor and
6 mapper," "surveyor and mapper," "professional surveyor and
7 mapper," "land surveyor," "surveyor," or any combination
8 thereof when such person has not registered pursuant to ss.
9 472.001-472.037;

10 (c) Present as his or her own the registration of
11 another;

12 (d) Knowingly give false or forged evidence to the
13 board or a member thereof; or

14 (e) Use or attempt to use a registration that has been
15 suspended or revoked.

16 (2) Any person who is found to be in violation of
17 ~~violates~~ any provision of this section is guilty of a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 Section 8. Section 472.033, Florida Statutes, is
21 amended to read:

22 472.033 Disciplinary proceedings.--

23 (1) The following acts constitute grounds for which
24 the disciplinary actions in subsection (2) ~~(3)~~ may be taken:

25 (a) Violation of any provision of s. 472.031 or s.
26 455.227(1);

27 (b) Attempting to procure a license to practice
28 surveying and mapping by bribery or fraudulent
29 misrepresentations;

30 (c) Having a license to practice surveying and mapping
31 revoked, suspended, or otherwise acted against, including the

1 denial of licensure, by the licensing authority of another
2 state, territory, or country;

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

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

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

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

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

27 (i) Practicing on a revoked, suspended, inactive, or
28 delinquent license; or.

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