

By Senator Campbell

33-286-02

1                                   A bill to be entitled  
2           An act relating to land surveying and mapping;  
3           amending s. 472.003, F.S.; providing additional  
4           exemptions from regulation; amending s.  
5           472.005, F.S.; providing additional  
6           definitions; amending s. 472.013, F.S.;  
7           eliminating obsolete provisions; eliminating  
8           provisions relating to the approval of training  
9           provided by the United States Government;  
10          amending s. 472.015, F.S.; revising  
11          work-experience requirements for licensure by  
12          endorsement; amending s. 472.029, F.S.;  
13          revising provisions authorizing surveyors and  
14          mappers to enter lands of third parties;  
15          providing liability standards for such entries;  
16          amending s. 472.033, F.S.; providing as grounds  
17          for discipline a plea of nolo contendere to  
18          certain crimes; eliminating board authority to  
19          specify which acts constitute violations;  
20          eliminating a requirement for reissuance of  
21          certain licenses upon board certification;  
22          providing an effective date.

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

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

28           472.003 Persons not affected by ss.  
29 472.001-472.037.--Sections 472.001-472.037 do not apply to:

30           (5)(a) Employees of a state, county, municipal, or  
31 other governmental unit of this state who are the subordinates

1 of a person in responsible charge who is registered under this  
2 chapter, to the extent that the supervision meets standards  
3 adopted by board rule.

4 (b) Employees of an employee leasing company licensed  
5 under part XI of chapter 468 who work as subordinates of a  
6 person in responsible charge who is registered under this  
7 chapter, to the extent that the supervision meets standards  
8 adopted by board rule.

9 (c) Employees of a person or legal entity registered  
10 or certified under this chapter who are subordinates of a  
11 person in responsible charge who is registered under this  
12 chapter, to the extent that the supervision meets standards  
13 adopted by board rule.

14 Section 2. Section 472.005, Florida Statutes, is  
15 amended to read:

16 472.005 Definitions.--As used in ss. 472.001-472.037,  
17 the term:

18 (1) "Board" means the Board of Professional Surveyors  
19 and Mappers.

20 (2) "Department" means the Department of Business and  
21 Professional Regulation.

22 (3) "Surveyor and mapper" includes the term  
23 "professional surveyor and mapper" and means a person who is  
24 registered to engage in the practice of surveying and mapping  
25 under ss. 472.001-472.037. For the purposes of this statute, a  
26 surveyor and mapper means a person who determines and displays  
27 the facts of size, shape, topography, tidal datum planes,  
28 legal or geodetic location or relation, and orientation of  
29 improved or unimproved real property through direct  
30 measurement or from certifiable measurement through accepted  
31 photogrammetric procedures.

1           (4)(a) "Practice of surveying and mapping" means,  
2 among other things, any professional service or work, the  
3 adequate performance of which involves the application of  
4 special knowledge of the principles of mathematics, the  
5 related physical and applied sciences, and the relevant  
6 requirements of law for adequate evidence of the act of  
7 measuring, locating, establishing, or reestablishing lines,  
8 angles, elevations, natural and manmade features in the air,  
9 on the surface and immediate subsurface of the earth, within  
10 underground workings, and on the beds or surface of bodies of  
11 water, for the purpose of determining, establishing,  
12 describing, displaying, or interpreting the facts of size,  
13 shape, topography, tidal datum planes, legal or geodetic  
14 location or relocation, and orientation of improved or  
15 unimproved real property and appurtenances thereto, including  
16 acreage and condominiums.

17           (b) The practice of surveying and mapping also  
18 includes, but is not limited to, photogrammetric control; the  
19 monumentation and remonumentation of property boundaries and  
20 subdivisions; the measurement of and preparation of plans  
21 showing existing improvements after construction; the layout  
22 of proposed improvements; the preparation of descriptions for  
23 use in legal instruments of conveyance of real property and  
24 property rights; the preparation of subdivision planning maps  
25 and record plats, as provided for in chapter 177; the  
26 determination of, but not the design of, grades and elevations  
27 of roads and land in connection with subdivisions or divisions  
28 of land; and the creation and perpetuation of alignments  
29 related to maps, record plats, field note records, reports,  
30 property descriptions, and plans and drawings that represent  
31 them.

1           (5) ~~The term~~ "Surveyor and mapper intern" includes the  
2 term "surveyor-mapper-in-training" and means a person who  
3 complies with the requirements provided by ss. 472.001-472.037  
4 and who has passed an examination as provided by rules adopted  
5 by the board.

6           (6) ~~The term~~ "Responsible charge" means direct control  
7 and personal supervision of surveying and mapping work, but  
8 does not include experience as a chainperson, rodperson,  
9 instrumentperson, ordinary draftsperson, digitizer, scribe,  
10 photo lab technician, ordinary stereo plotter operator, aerial  
11 photo pilot, photo interpreter, and other positions of routine  
12 work.

13           (7) ~~The term~~ "License" means the registration of  
14 surveyors and mappers or the certification of businesses to  
15 practice surveying and mapping in this state.

16           (8) "Photogrammetric mapper" means any person who  
17 engages in the practice of surveying and mapping using aerial  
18 or terrestrial photography or other sources of images.

19           (9) "Employee" means a person who receives  
20 compensation from and is under the supervision and control of  
21 an employer who regularly deducts the F.I.C.A. and withholding  
22 tax and provides workers' compensation, as prescribed by law.

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

26           (11) "Monument" means an artificial or natural object  
27 that is permanent or semipermanent and used or presumed to  
28 occupy a real property corner, a point on a boundary line, or  
29 a reference point or other point used for horizontal or  
30 vertical control.

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1           (12) "Legal entity" means a corporation, partnership,  
2 association, or person practicing under a fictitious name who  
3 is certified under this chapter.

4           (13) "Retired Professional Surveyor and Mapper" means  
5 a person who has been licensed as a professional surveyor and  
6 mapper, who relinquishes or chooses not to renew his or her  
7 license, and who is allowed by the board pursuant to its rules  
8 to use the title "Professional Surveyor and Mapper, Retired."

9           Section 3. Subsections (2) and (4) of section 472.013,  
10 Florida Statutes, are amended to read:

11           472.013 Examinations, prerequisites.--

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

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

30           (b) The applicant is a graduate of a 4-year course of  
31 study, other than in surveying and mapping, at an accredited

1 college or university and has a specific experience record of  
2 6 or more years as a subordinate to a registered surveyor and  
3 mapper in the active practice of surveying and mapping, 5  
4 years of which shall be of a nature indicating that the  
5 applicant was in responsible charge of the accuracy and  
6 correctness of the surveying and mapping work performed. The  
7 course of study in disciplines other than surveying and  
8 mapping must have included not fewer than 32 semester hours of  
9 study or its academic equivalent, 25 semester hours of which  
10 shall be in surveying and mapping subjects or in any  
11 combination of courses in civil engineering, surveying,  
12 mapping, mathematics, photogrammetry, forestry, or land law  
13 and the physical sciences. Work experience acquired as a part  
14 of the education requirement shall not be construed as  
15 experience in responsible charge.

16 ~~(c) The applicant was enrolled, on October 1, 1988, in~~  
17 ~~a 4-year course of study in surveying and mapping at a college~~  
18 ~~or university recognized by the board and prior to October 1,~~  
19 ~~1991, and both completes at least 32 semester hours, or the~~  
20 ~~academic equivalent, in surveying and mapping-related courses~~  
21 ~~and has a specific experience record of 6 or more years as a~~  
22 ~~subordinate to a surveyor and mapper, 5 years of which are in~~  
23 ~~the active practice of surveying and mapping of a nature~~  
24 ~~indicating that the applicant was in responsible charge of the~~  
25 ~~accuracy and correctness of surveying and mapping work~~  
26 ~~performed.~~

27 (4) The board shall adopt rules providing for the  
28 review and approval of schools and colleges, ~~including~~  
29 ~~military schools and training and apprenticeship programs~~  
30 ~~operated by the United States Government,~~ and the courses of  
31 study in surveying and mapping in such schools and colleges,

1 ~~and programs~~. The rules must ~~shall~~ be based on the educational  
2 requirements for surveying and mapping as defined in s.  
3 472.005. The board may adopt rules providing for the  
4 acceptance of the approval and accreditation of schools and  
5 courses of study by a nationally accepted accreditation  
6 organization.

7 Section 4. Subsection (3) of section 472.015, Florida  
8 Statutes, is amended to read:

9 472.015 Licensure.--

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

12 (a) Holds a valid license to practice surveying and  
13 mapping issued before July 1, 1999, by another state or  
14 territory ~~Qualifies to take the examination as set forth in s.~~  
15 ~~472.013~~, who has passed a national, regional, state, or  
16 territorial licensing examination that is substantially  
17 equivalent to the examination required by s. 472.013, and who  
18 has 8 or more years' work experience as a subordinate to a  
19 registered surveyor and mapper in the active practice of  
20 surveying and mapping, 6 years of which must involve work that  
21 shows that the applicant was in responsible charge of the  
22 accuracy and correctness of the surveying and mapping work  
23 performed ~~satisfied the experience requirements set forth in~~  
24 ~~s. 472.013~~; or

25 (b) Holds a valid license to practice surveying and  
26 mapping issued by another state or territory of the United  
27 States if the criteria for issuance of the license were  
28 substantially the same as the licensure criteria that existed  
29 in Florida at the time the license was issued.

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1 All applicants for licensure by endorsement must pass an  
2 examination on Florida laws and rules before licensure.

3 Section 5. Section 472.029, Florida Statutes, is  
4 amended to read:

5 472.029 Surveyors and mappers authorized to enter  
6 lands of third parties under certain conditions.--Surveyors  
7 and mappers or their subordinates may go on, over, and upon  
8 the lands of others when necessary to make surveys and maps or  
9 locate or set monuments, and, in so doing, may carry with them  
10 their agents and employees necessary for that purpose. Entry  
11 under the right ~~hereby~~ granted by this section does not  
12 constitute trespass, and surveyors and mappers and their duly  
13 authorized agents or employees who enter in compliance with  
14 all federal, state, and local regulations pertaining to  
15 premises security, agricultural protections, and other health  
16 and safety requirements ~~so entering~~ are not liable to arrest  
17 or to a civil action by reason of such entry; however, this  
18 section does not give authority to registrants, subordinates,  
19 agents, or employees to destroy, injure, damage, or move any  
20 physical improvements ~~anything~~ on lands of another without the  
21 written permission of the landowner. A landowner is not liable  
22 to any third party for civil or criminal acts or damages that  
23 result from the negligent or intentional conduct of any person  
24 regulated by this section. If written notice is delivered to a  
25 landowner or landowner's registered agent at least 3 business  
26 days prior to entry on a parcel containing more than 160 acres  
27 which is classified as agricultural land, the duty of care  
28 owed to those regulated by this section is that due a licensee  
29 under this chapter. However, if no such notice is given, the  
30 landowner's duty of care is that due an unforseen trespasser.

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1 Section 6. Section 472.033, Florida Statutes, is  
2 amended to read:

3 472.033 Disciplinary proceedings.--

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

6 (a) Violation of any provision of s. 472.031 or s.  
7 455.227(1);

8 (b) Attempting to procure a license to practice  
9 surveying and mapping by bribery or fraudulent  
10 misrepresentations;

11 (c) Having a license to practice surveying and mapping  
12 revoked, suspended, or otherwise acted against, including the  
13 denial of licensure, by the licensing authority of another  
14 state, territory, or country;

15 (d) Being convicted or found guilty of, or pleading  
16 nolo contendere to, regardless of adjudication, ~~of~~ a crime in  
17 any jurisdiction which directly relates to the practice of  
18 surveying and mapping or the ability to practice surveying and  
19 mapping;

20 (e) Making or filing a report or record that the  
21 licensee knows to be false, willfully failing to file a report  
22 or record required by state or federal law, willfully impeding  
23 or obstructing such filing, or inducing another person to  
24 impede or obstruct such filing. Such reports or records shall  
25 include only those that are signed in the capacity of a  
26 registered surveyor and mapper;

27 (f) Advertising goods or services in a manner that is  
28 fraudulent, false, deceptive, or misleading in form or  
29 content;

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

4 (h) Failing to perform any statutory or legal  
5 obligation placed upon a licensed surveyor and mapper;  
6 violating any provision of this chapter, a rule of the board  
7 or department, or a lawful order of the board or department  
8 previously entered in a disciplinary hearing; or failing to  
9 comply with a lawfully issued subpoena of the department; or

10 (i) Practicing on a revoked, suspended, inactive, or  
11 delinquent license.

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

14 (2)~~(3)~~ When the board finds any surveyor and mapper  
15 guilty of any of the grounds set forth in subsection (1), it  
16 may enter an order imposing one or more of the following  
17 penalties:

18 (a) Denial of an application for licensure.

19 (b) Revocation or suspension of a license.

20 (c) Imposition of an administrative fine not to exceed  
21 \$1,000 for each count or separate offense.

22 (d) Issuance of a reprimand.

23 (e) Placement of the surveyor and mapper on probation  
24 for a period of time and subject to such conditions as the  
25 board may specify.

26 (f) Restriction of the authorized scope of practice by  
27 the surveyor and mapper.

28 ~~(4) The department shall reissue the license of a~~  
29 ~~disciplined surveyor and mapper upon certification by the~~  
30 ~~board that he or she has complied with all of the terms and~~  
31 ~~conditions set forth in the final order.~~

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Section 7. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Revises provisions governing land surveying and mapping. Provides licensure exemptions. Revises requirements for licensure by endorsement. Revises provisions authorizing entry onto lands of third parties. Provides additional grounds for discipline. Eliminates provisions allowing reissuance of certain licenses. (See bill for details.)