

By the Committee on Regulated Industries; and Senator Campbell

315-1228-02

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. 472.008, F.S.;
7 requiring the Board of Professional Surveyors
8 and Mappers to adopt rules governing the use of
9 professional titles by retired surveyors and
10 mappers; amending s. 472.013, F.S.; eliminating
11 obsolete provisions; eliminating provisions
12 relating to the approval of training provided
13 by the United States Government; amending s.
14 472.015, F.S.; revising work-experience
15 requirements for licensure by endorsement;
16 amending s. 472.029, F.S.; revising provisions
17 authorizing surveyors and mappers to enter
18 lands of third parties; providing liability
19 standards for such entries; amending s.
20 472.031, F.S.; prohibiting persons who are not
21 registered to practice surveying and mapping
22 from offering to practice such profession or
23 from using certain related professional titles;
24 amending s. 472.033, F.S.; providing as grounds
25 for discipline a plea of nolo contendere to
26 certain crimes; eliminating board authority to
27 specify which acts constitute violations;
28 eliminating a requirement for reissuance of
29 certain licenses upon board certification;
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) Employees of a state, county, municipal, or
8 other governmental unit of this state who are the subordinates
9 of a person in responsible charge who is registered under this
10 chapter, to the extent that the supervision meets standards
11 adopted by board rule.

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

17 (c) Employees of a person or legal entity registered
18 or certified under this chapter who are subordinates of a
19 person in responsible charge who is registered under this
20 chapter, to the extent that the supervision meets standards
21 adopted by board rule.

22 Section 2. Section 472.005, Florida Statutes, is
23 amended to read:

24 472.005 Definitions.--As used in ss. 472.001-472.037,
25 the term:

26 (1) "Board" means the Board of Professional Surveyors
27 and Mappers.

28 (2) "Department" means the Department of Business and
29 Professional Regulation.

30 (3) "Surveyor and mapper" includes the term
31 "professional surveyor and mapper" and means a person who is

1 registered to engage in the practice of surveying and mapping
2 under ss. 472.001-472.037. For the purposes of this statute, a
3 surveyor and mapper means a person who determines and displays
4 the facts of size, shape, topography, tidal datum planes,
5 legal or geodetic location or relation, and orientation of
6 improved or unimproved real property through direct
7 measurement or from certifiable measurement through accepted
8 photogrammetric procedures.

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

25 (b) The practice of surveying and mapping also
26 includes, but is not limited to, photogrammetric control; the
27 monumentation and remonumentation of property boundaries and
28 subdivisions; the measurement of and preparation of plans
29 showing existing improvements after construction; the layout
30 of proposed improvements; the preparation of descriptions for
31 use in legal instruments of conveyance of real property and

1 property rights; the preparation of subdivision planning maps
2 and record plats, as provided for in chapter 177; the
3 determination of, but not the design of, grades and elevations
4 of roads and land in connection with subdivisions or divisions
5 of land; and the creation and perpetuation of alignments
6 related to maps, record plats, field note records, reports,
7 property descriptions, and plans and drawings that represent
8 them.

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

14 (6) ~~The term~~ "Responsible charge" means direct control
15 and personal supervision of surveying and mapping work, but
16 does not include experience as a chainperson, rodperson,
17 instrumentperson, ordinary draftsperson, digitizer, scribe,
18 photo lab technician, ordinary stereo plotter operator, aerial
19 photo pilot, photo interpreter, and other positions of routine
20 work.

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

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

27 (9) "Employee" means a person who receives
28 compensation from and is under the supervision and control of
29 an employer who regularly deducts the F.I.C.A. and withholding
30 tax and provides workers' compensation, as prescribed by 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 a real property corner, a point on a boundary line, or
7 a reference point or other point used for horizontal or
8 vertical control.

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

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

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

19 472.008 Rules of the board.--

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

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

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

27 472.013 Examinations, prerequisites.--

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

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

15 (b) The applicant is a graduate of a 4-year course of
16 study, other than in surveying and mapping, at an accredited
17 college or university and has a specific experience record of
18 6 or more years as a subordinate to a registered surveyor and
19 mapper in the active practice of surveying and mapping, 5
20 years of which shall be of a nature indicating that the
21 applicant was in responsible charge of the accuracy and
22 correctness of the surveying and mapping work performed. The
23 course of study in disciplines other than surveying and
24 mapping must have included not fewer than 32 semester hours of
25 study or its academic equivalent, 25 semester hours of which
26 shall be in surveying and mapping subjects or in any
27 combination of courses in civil engineering, surveying,
28 mapping, mathematics, photogrammetry, forestry, or land law
29 and the physical sciences. Work experience acquired as a part
30 of the education requirement shall not be construed as
31 experience in responsible charge.

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

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

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

25 472.015 Licensure.--

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

28 (a) Holds a valid license to practice surveying and
29 mapping issued before July 1, 1999, by another state or
30 territory ~~Qualifies to take the examination as set forth in s.~~
31 ~~472.013, who has passed a national, regional, state, or~~

1 territorial licensing examination that is substantially
2 equivalent to the examination required by s. 472.013, and who
3 has 8 or more years' work experience as a subordinate to a
4 registered surveyor and mapper in the active practice of
5 surveying and mapping, 6 years of which must involve work that
6 shows that the applicant was in responsible charge of the
7 accuracy and correctness of the surveying and mapping work
8 performed ~~satisfied the experience requirements set forth in~~
9 ~~s. 472.013; or~~

10 (b) Holds a valid license to practice surveying and
11 mapping issued by another state or territory of the United
12 States if the criteria for issuance of the license were
13 substantially the same as the licensure criteria that existed
14 in Florida at the time the license was issued.

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

18 Section 6. Section 472.029, Florida Statutes, is
19 amended to read:

20 472.029 Surveyors and mappers authorized to enter
21 lands of third parties under certain conditions.--Surveyors
22 and mappers or their subordinates may go on, over, and upon
23 the lands of others when necessary to make surveys and maps or
24 locate or set monuments, and, in so doing, may carry with them
25 their agents and employees necessary for that purpose. Entry
26 under the right ~~hereby~~ granted by this section does not
27 constitute trespass, and surveyors and mappers and their duly
28 authorized agents or employees who enter in compliance with
29 all federal, state, and local regulations pertaining to
30 premises security, agricultural protections, and other health
31 and safety requirements ~~so entering~~ are not liable to arrest

1 or to a civil action by reason of such entry; however, this
2 section does not give authority to registrants, subordinates,
3 agents, or employees to destroy, injure, damage, or move any
4 physical improvements ~~anything~~ on lands of another without the
5 written permission of the landowner. A landowner is not liable
6 to any third party for civil or criminal acts or damages that
7 result from the negligent or intentional conduct of any person
8 regulated by this section. If written notice is delivered to a
9 landowner or landowner's registered agent at least 3 business
10 days prior to entry on a parcel containing more than 160 acres
11 which is classified as agricultural land, the duty of care
12 owed to those regulated by this section is that due a licensee
13 under this chapter. However, if no such notice is given, the
14 landowner's duty of care is that due an unforseen trespasser.

15 Section 7. Section 472.031, Florida Statutes, is
16 amended to read:

17 472.031 Prohibitions; penalties.--

18 (1) No person shall:

19 (a) Practice or offer to practice surveying and
20 mapping unless such person is registered pursuant to ss.
21 472.001-472.037;

22 (b) Use the name or title "registered surveyor and
23 mapper," "surveyor and mapper," "professional surveyor and
24 mapper," "land surveyor," "surveyor," or any combination of
25 such terms when such person has not registered pursuant to ss.
26 472.001-472.037;

27 (c) Present as his or her own the registration of
28 another;

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

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

3 (2) Any person who violates any provision of this
4 section commits ~~is guilty of~~ a misdemeanor of the first
5 degree, punishable as provided in s. 775.082 or s. 775.083.

6 Section 8. Section 472.033, Florida Statutes, is
7 amended to read:

8 472.033 Disciplinary proceedings.--

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

11 (a) Violation of any provision of s. 472.031 or s.
12 455.227(1);

13 (b) Attempting to procure a license to practice
14 surveying and mapping by bribery or fraudulent
15 misrepresentations;

16 (c) Having a license to practice surveying and mapping
17 revoked, suspended, or otherwise acted against, including the
18 denial of licensure, by the licensing authority of another
19 state, territory, or country;

20 (d) Being convicted or found guilty of, or pleading
21 nolo contendere to, regardless of adjudication, ~~of~~ a crime in
22 any jurisdiction which directly relates to the practice of
23 surveying and mapping or the ability to practice surveying and
24 mapping;

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

1 (f) Advertising goods or services in a manner that is
2 fraudulent, false, deceptive, or misleading in form or
3 content;

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

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

13 (i) Practicing on a revoked, suspended, inactive, or
14 delinquent license.

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

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

21 (a) Denial of an application for licensure.

22 (b) Revocation or suspension of a license.

23 (c) Imposition of an administrative fine not to exceed
24 \$1,000 for each count or separate offense.

25 (d) Issuance of a reprimand.

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

29 (f) Restriction of the authorized scope of practice by
30 the surveyor and mapper.

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

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

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 526

10 Provides rulemaking authority to the Board of Professional
11 Surveyors and Mappers relating to the use of professional
titles by retired surveyors and mappers.

12 Prohibits persons who are not registered to practice surveying
13 and mapping from offering to practice such profession and from
using certain related professional titles.

14 Makes certain technical changes.

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