

By the Committees on Judiciary; Regulated Industries; and
Senator Campbell

308-2009-02

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 penalties; deleting certain duties of
31 the Board of Professional Surveyors and Mappers

1 and the Department of Business and Professional
2 Regulation relating to disciplinary
3 proceedings; providing an effective date.
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Subsection (5) is added to section 472.003,
8 Florida Statutes, to read:

9 472.003 Persons not affected by ss.
10 472.001-472.037.--Sections 472.001-472.037 do not apply to:

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

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

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

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

29 472.005 Definitions.--As used in ss. 472.001-472.037:

30 (9) "Employee" means a person who receives
31 compensation from and is under the supervision and control of

1 an employer who regularly deducts the F.I.C.A. and withholding
2 tax and provides workers' compensation, all as prescribed by
3 law.

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

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

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

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

21 Section 3. Section 472.008, Florida Statutes, is
22 amended to read:

23 472.008 Rules of the board.--

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

27 (2) The board shall adopt rules authorizing the use of
28 professional titles by retired surveyors and mappers. Such
29 rules shall establish guidelines designed to avoid abuse by
30 retirees and confusion on the part of the general public. The
31

1 rules shall not require continuing education requirements in
2 order to use a professional title by a retiree.

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

5 472.013 Examinations, prerequisites.--

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

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

24 (b) The applicant is a graduate of a 4-year course of
25 study, other than in surveying and mapping, at an accredited
26 college or university and has a specific experience record of
27 6 or more years as a subordinate to a registered surveyor and
28 mapper in the active practice of surveying and mapping, 5
29 years of which shall be of a nature indicating that the
30 applicant was in responsible charge of the accuracy and
31 correctness of the surveying and mapping work performed. The

1 course of study in disciplines other than surveying and
2 mapping must have included not fewer than 32 semester hours of
3 study or its academic equivalent, 25 semester hours of which
4 shall be in surveying and mapping subjects or in any
5 combination of courses in civil engineering, surveying,
6 mapping, mathematics, photogrammetry, forestry, or land law
7 and the physical sciences. Work experience acquired as a part
8 of the education requirement shall not be construed as
9 experience in responsible charge.

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

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

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

3 472.015 Licensure.--

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

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

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

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

28 Section 6. Section 472.029, Florida Statutes, is
29 amended to read:

30 472.029 Authorization ~~Surveyors and mappers authorized~~
31 ~~to enter lands of third parties;~~under certain conditions.--

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

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

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

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

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

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

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

4 (c) Having a license to practice surveying and mapping
5 revoked, suspended, or otherwise acted against, including the
6 denial of licensure, by the licensing authority of another
7 state, territory, or country;

8 (d) Being convicted or found guilty of, or entering a
9 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
10 crime in any jurisdiction which directly relates to the
11 practice of surveying and mapping or the ability to practice
12 surveying and mapping;

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

20 (f) Advertising goods or services in a manner that is
21 fraudulent, false, deceptive, or misleading in form or
22 content;

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

26 (h) Failing to perform any statutory or legal
27 obligation placed upon a licensed surveyor and mapper;
28 violating any provision of this chapter, a rule of the board
29 or department, or a lawful order of the board or department
30 previously entered in a disciplinary hearing; or failing to
31 comply with a lawfully issued subpoena of the department; or

1 (i) Practicing on a revoked, suspended, inactive, or
2 delinquent license.

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

5 (2)~~(3)~~ When the board finds any surveyor and mapper
6 guilty of any of the grounds set forth in subsection (1), it
7 may enter an order imposing one or more of the following
8 penalties:

9 (a) Denial of an application for licensure.

10 (b) Revocation or suspension of a license.

11 (c) Imposition of an administrative fine not to exceed
12 \$1,000 for each count or separate offense.

13 (d) Issuance of a reprimand.

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

17 (f) Restriction of the authorized scope of practice by
18 the surveyor and mapper.

19 (3)~~(4)~~ The department shall reissue the license of a
20 disciplined surveyor and mapper upon certification by the
21 board that he or she has complied with all of the terms and
22 conditions set forth in the final order.

23 Section 9. This act shall take effect July 1, 2002.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 526

4 -- Clarifies the direction to the Board of Professional
5 Surveyors and Mappers in s. 472.008, F.S., to adopt
6 rules governing the use of professional titles by
7 retired surveyors and mappers to state that the rules
8 shall establish guidelines designed to avoid abuse by
9 retirees and confusion on the part of the public. The
10 rules shall not require continuing education
11 requirements in order to use a professional title by a
12 retiree.

13 -- Revises the changes to s. 472.029, F.S., which pertains
14 to the authority of surveyors and mappers to enter lands
15 of third parties. Subsection (1) is created to provide
16 general conditions pertaining to all surveyors and
17 mappers who enter lands of third parties. Subsection (1)
18 provides that surveyors and mappers, or their
19 subordinates, may enter lands of third parties to make
20 surveys and maps, or locate or set monuments, and they
21 will not be considered trespassers subject to arrest or
22 a civil action. The right provided by subsection (1)
23 does not allow surveyors and mappers, or their
24 subordinates, to damage or destroy any physical
25 improvements without the written permission of the
26 landowner.

27 Subsection (2) is created to provide conditions
28 applicable only to surveyors and mappers who enter lands
29 of third parties classified as agricultural pursuant to
30 s. 193.461, F.S. When entering agricultural land a
31 surveyor and mapper must do so in compliance with all
federal, state, and local laws, rules, and regulations
pertaining to premises security, agricultural
protections, and other health and safety requirements in
place on such land. Additionally, for agricultural
parcels greater than 160 acres, surveyors and mappers
will be classified as undiscovered trespassers unless
they provide the landowner with written notice of their
intent to enter the land at least 3 business days prior
to entry.

-- Reinstates subsection (4) of s. 472.033, F.S., related
to disciplinary proceedings, and renumbers it as
subsection (3).