

By Senator Clary

4-197A-04

1                                   A bill to be entitled  
2           An act relating to the Board of Professional  
3           Surveyors and Mappers; amending s. 472.007,  
4           F.S.; delegating to the board the duties and  
5           authority of the Department of Business and  
6           Professional Regulation to investigate and  
7           prosecute the practice and unlicensed practice  
8           of surveying and mapping; requiring the board  
9           to contract with a corporation or other  
10          business entity to provide the headquarters  
11          office, administrative services, technology,  
12          financial and statistical information, and  
13          revenue-receipt, reporting, licensure, testing,  
14          legal, investigative, prosecutorial, and other  
15          services; providing records requirements;  
16          authorizing the board to use funds from the  
17          unlicensed activity account to perform certain  
18          duties; requiring the board to submit an annual  
19          budget request to the Legislature; providing an  
20          effective date.

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

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24           Section 1. Section 472.007, Florida Statutes, is  
25 amended to read:

26           472.007 Board of Professional Surveyors and Mappers.--  
27           (1) There is created in the Department of Business and  
28 Professional Regulation the Board of Professional Surveyors  
29 and Mappers. The board shall consist of nine members, six of  
30 whom shall be registered surveyors and mappers primarily  
31 engaged in the practice of surveying and mapping, one of whom

1 shall be a registered surveyor and mapper with the designation  
2 of photogrammetric mapper, and two of whom shall be laypersons  
3 who are not and have never been surveyors and mappers or  
4 members of any closely related profession or occupation.  
5 Members shall be appointed for 4-year terms.

6 (2)(a) Notwithstanding ss. 455.225, 455.228, and  
7 455.32, the powers and duties of the department to investigate  
8 complaints and discipline persons licensed under this part,  
9 including the ability to determine legal sufficiency and  
10 probable cause; to issue emergency suspension or restriction  
11 orders; to initiate proceedings and issue final orders for  
12 summary suspension or restriction of a license; to issue  
13 notices of noncompliance, notices to cease and desist,  
14 subpoenas, and citations; to retain legal counsel,  
15 investigators, or prosecutorial staff in connection with the  
16 licensed and unlicensed practice of surveying and mapping; and  
17 to investigate, deter, and prosecute the unlicensed practice  
18 of surveying and mapping are delegated to the board. All  
19 complaints and any information obtained pursuant to an  
20 investigation authorized by the board are confidential and  
21 exempt from s. 119.07(1) as provided in s. 455.225(2) and  
22 (10).

23 (b) Notwithstanding s. 455.32(13), the board, in lieu  
24 of the department, shall contract with a corporation or other  
25 business entity pursuant to s. 287.057(3) to provide a  
26 headquarters office, administrative services, technology,  
27 financial and statistical information, and revenue-receipt,  
28 reporting, licensure, testing, investigative, legal,  
29 prosecutorial, and other services necessary to perform its  
30 duties.

1           (c) The corporation or business entity shall comply  
2 with the recordkeeping and reporting requirements of s. 455.32  
3 applicable to the scope of the contract and shall report  
4 directly to the board. Records of the corporation or other  
5 business entity are public records as specified in s.  
6 455.32(15).

7           (d) Notwithstanding s. 455.228, the board may use  
8 funds in the unlicensed activity account established under s.  
9 455.2281 to perform its duties relating to unlicensed  
10 activity.

11           (e) The board shall submit an annual budget request to  
12 the Legislature to fund its activities under this subsection,  
13 which must be separate from the legislative budget request  
14 submitted by the department.

15           Section 2. This act shall take effect July 1, 2004.

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18           SENATE SUMMARY

19           Delegates to the Board of Professional Surveyors and  
20           Mappers certain duties and authority of the Department of  
21           Business and Professional Regulation relating to  
22           investigating and disciplining persons for unlicensed  
23           practice. Requires the board to contract for  
24           administrative services. Provides records requirements.  
25           Authorizes the use of certain funds and requires the  
26           board to submit an annual budget request to the  
27           Legislature.