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LEGISLATIVE ACTION

Senate

House

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The Conference Committee on CS for SB 1744 recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. All powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the licensing and regulation of Professional Surveyors and Mappers are transferred by a type two transfer, as defined in s.



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12 20.06(2), Florida Statutes, from the Division of Professions
13 within the Department of Business and Professional Regulation to
14 the Department Agriculture and Consumer Services.

15 Section 2. Paragraph (a) of subsection (4) of section
16 20.165, Florida Statutes, is amended to read:

17 20.165 Department of Business and Professional Regulation.—
18 There is created a Department of Business and Professional
19 Regulation.

20 (4) (a) The following boards are established within the
21 Division of Professions:

22 1. Board of Architecture and Interior Design, created under
23 part I of chapter 481.

24 2. Florida Board of Auctioneers, created under part VI of
25 chapter 468.

26 3. Barbers' Board, created under chapter 476.

27 4. Florida Building Code Administrators and Inspectors
28 Board, created under part XII of chapter 468.

29 5. Construction Industry Licensing Board, created under
30 part I of chapter 489.

31 6. Board of Cosmetology, created under chapter 477.

32 7. Electrical Contractors' Licensing Board, created under
33 part II of chapter 489.

34 8. Board of Employee Leasing Companies, created under part
35 XI of chapter 468.

36 9. Board of Landscape Architecture, created under part II
37 of chapter 481.

38 10. Board of Pilot Commissioners, created under chapter
39 310.

40 11. Board of Professional Engineers, created under chapter



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41 471.

42 12. Board of Professional Geologists, created under chapter
43 492.

44 ~~13. Board of Professional Surveyors and Mappers, created~~
45 ~~under chapter 472.~~

46 13.14. Board of Veterinary Medicine, created under chapter
47 474.

48 Section 3. Subsection (2) of section 472.005, Florida
49 Statutes, is amended, and subsection (14) is added to that
50 section, to read:

51 472.005 Definitions.—As used in ss. 472.001-472.037:

52 (2) "Department" means the Department of Agriculture and
53 Consumer Services ~~Business and Professional Regulation.~~

54 (14) "Commissioner" means the Commissioner of Agriculture.

55 Section 4. Section 472.006, Florida Statutes, is created to
56 read:

57 472.006 Department; powers and duties.—The department
58 shall:

59 (1) Adopt rules establishing a procedure for the biennial
60 renewal of licenses. However, the department may issue up to a
61 4-year license to selected licensees notwithstanding any other
62 law to the contrary. Fees for such renewal may not exceed the
63 fee caps for individual professions on an annualized basis as
64 authorized by law.

65 (2) Appoint the executive director of the board, subject to
66 the approval of the board.

67 (3) Submit an annual budget to the Legislature at a time
68 and in the manner provided by law.

69 (4) Develop a training program for persons newly appointed



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70 to membership on the board. The program shall familiarize such
71 persons with the substantive and procedural laws and rules and
72 fiscal information relating to the regulation of the profession
73 and with the structure of the department.

74 (5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
75 administer this chapter. The department also is authorized to
76 join with, or withhold approval of, rules proposed for adoption
77 by the board.

78 (6) Establish uniform application and other forms,
79 including certificates of licensure, necessary to administer the
80 provisions of this chapter. This subsection does not authorize
81 the department to vary any substantive requirements, duties, or
82 eligibilities for licensure or certification as provided by law.

83 (7) Establish by rule procedures by which the department
84 shall use the expert or technical advice of the board for the
85 purposes of investigation, inspection, evaluation of
86 applications, other duties of the department, or any other areas
87 the department may deem appropriate.

88 (8) Require all proceedings of the board or panel thereof
89 and all formal or informal proceedings conducted by the
90 department, an administrative law judge, or a hearing officer
91 with respect to licensing or discipline to be electronically
92 recorded in a manner sufficient to ensure the accurate
93 transcription of all matters so recorded.

94 (9) Select only those investigators, or consultants who
95 undertake investigations, who meet criteria established with the
96 advice of the board.

97 (10) Have authority to:

98 (a) Close and terminate deficient license application files



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99 2 years after the board or the department notifies the applicant
100 of the deficiency; and

101 (b) Approve applications for professional licenses that
102 meet all statutory and rule requirements for licensure.

103 (11) Provide legal counsel for the board by contracting
104 with the Department of Legal Affairs, by retaining private
105 counsel pursuant to s. 287.059, or by providing department staff
106 counsel. The board shall periodically review and evaluate the
107 services provided by its board counsel. Fees and costs of such
108 counsel shall be paid from the General Inspection Trust Fund,
109 subject to ss. 215.37 and 472.011. All contracts for independent
110 legal counsel must provide for periodic review and evaluation by
111 the board and the department of services provided.

112 (a) The department may employ or use the legal services of
113 outside counsel and the investigative services of outside
114 personnel.

115 (b) Any person retained by the department under contract to
116 review materials, make site visits, or provide expert testimony
117 regarding any complaint or application filed with the department
118 relating to the practice of surveying and mapping shall be
119 considered an agent of the department in determining the state
120 insurance coverage and sovereign immunity protection
121 applicability of ss. 284.31 and 768.28.

122 Section 5. Section 472.007, Florida Statutes, is amended to
123 read:

124 472.007 Board of Professional Surveyors and Mappers.—There
125 is created in the Department of Agriculture and Consumer
126 Services ~~Business and Professional Regulation~~ the Board of
127 Professional Surveyors and Mappers.



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128 (1) The board shall consist of nine members, six of whom
129 shall be registered surveyors and mappers primarily engaged in
130 the practice of surveying and mapping, one of whom shall be a
131 registered surveyor and mapper with the designation of
132 photogrammetrist, and two of whom shall be laypersons who are
133 not and have never been surveyors and mappers or members of any
134 closely related profession or occupation.

135 (2) Members shall be appointed by the Commissioner of
136 Agriculture, subject to confirmation by the Senate for 4-year
137 terms.

138 (a) Members shall be appointed for 4-year terms and such
139 terms shall expire on October 31. However, a term of less than 4
140 years may be used to ensure that no more than 3 members' terms
141 expire during the same calendar year.

142 (b) A member whose term has expired shall continue to serve
143 on the board until such time as a replacement is appointed. A
144 vacancy on the board must be filled for the unexpired portion of
145 the term in the same manner as the original appointment. A
146 member may not serve for more than the remaining portion of a
147 previous member's unexpired term plus two consecutive 4-year
148 terms of the member's own appointment thereafter.

149 (3) The board shall annually elect from among its number a
150 chairperson and vice chairperson.

151 (4) The board shall meet at least once annually and may
152 meet as often as is necessary. The chairperson or a quorum of
153 the board have the authority to call other meetings.

154 (a) A quorum is necessary for the conduct of official
155 business by the board or any committee thereof. Unless otherwise
156 provided by law, 51 percent or more of the appointed members of



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157 the board or any committee, when applicable, constitute a
158 quorum.

159 (b) The membership of committees of the board, except as
160 otherwise authorized under this chapter, shall be composed of
161 currently appointed members of the board. The vote of a majority
162 of the members of the quorum is necessary for any official
163 action by the board or committee.

164 (c) Three consecutive unexcused absences or absences
165 constituting 50 percent or more of the board's meetings within
166 any 12-month period shall cause the board membership of the
167 member in question to become void, and the position shall be
168 considered vacant. The board shall define unexcused absences by
169 rule.

170 (5) Unless otherwise provided by law, a board member or
171 former board member serving on a probable cause panel must be
172 compensated \$50 for each day in attendance at an official
173 meeting of the board and for each day participating in any other
174 business involving the board. The board shall adopt a rule
175 defining the phrase "other business involving the board."
176 However, the phrase may not routinely be defined to include
177 telephone conference calls. A board member is also entitled to
178 reimbursement for expenses pursuant to s. 112.061. Travel out of
179 state requires the prior approval of the commissioner or the
180 commissioner's designee.

181 (6) The department and the board may advise licensees
182 periodically, through the publication of a newsletter, of
183 information that the department or the board determines is of
184 interest to the industry. Unless otherwise prohibited by law,
185 the department and the board shall publish a summary of final



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186 orders resulting in fines, suspensions, or revocations, and any
187 other information the department or the board determines is of
188 interest to the public.

189 (7) (a) Each board member is accountable to the commissioner
190 for the proper performance of his or her duties as a member of
191 the board. The commissioner shall investigate any legally
192 sufficient complaint or unfavorable written report received by
193 the commissioner or by the department or the board concerning
194 the actions of the board or its individual members. The
195 commissioner may suspend from office any board member for
196 malfeasance, misfeasance, neglect of duty, drunkenness,
197 incompetence, permanent inability to perform the member's
198 official duties, or commission of a felony.

199 (b) Each board member and each former board member serving
200 on a probable cause panel is exempt from civil liability for any
201 act or omission committed while acting in the member's official
202 capacity. The department shall defend any member in any action
203 against the board or a member of the board. In addition, the
204 department may defend the member's company or business in any
205 action against the company or business if the department
206 determines that the actions from which the suit arises are
207 actions taken by the member in the member's official capacity
208 and were within the scope of the member's statutory authority.
209 In providing such defense, the department may employ or use the
210 legal services of the Department of Legal Affairs or outside
211 counsel retained pursuant to s. 287.059. Fees and costs of
212 providing legal services under this subsection shall be paid
213 from the General Inspection Trust Fund, subject to ss. 215.37
214 and 472.011.



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215 Section 6. Section 472.0075, Florida Statutes, is created
216 to read:

217 472.0075 Contacting board through department.—The board may
218 be contacted through the headquarters of the department in the
219 City of Tallahassee.

220 Section 7. Section 472.008, Florida Statutes, is amended to
221 read:

222 472.008 Rules of the board.—

223 (1) The board has authority to adopt rules ~~pursuant to ss.~~
224 ~~120.536(1) and 120.54~~ to implement ~~the provisions of this~~
225 ~~chapter conferring duties upon it.~~ This specific grant of
226 rulemaking authority to the board shall be exercised only
227 through proceedings pursuant to ss. 120.536(1) and 120.54 and
228 with the prior approval of the department.

229 (2) The board shall adopt rules authorizing the use of
230 professional titles by retired surveyors and mappers. Such rules
231 shall establish guidelines designed to avoid abuse by retirees
232 and confusion on the part of the general public. The rules shall
233 not require continuing education requirements in order to use a
234 professional title by a retiree.

235 (3) The department has standing to challenge any rule or
236 proposed rule of the board pursuant to s. 120.56. In addition to
237 challenges for any invalid exercise of delegated legislative
238 authority, the administrative law judge, upon such a challenge
239 by the department, may declare all or part of a rule or proposed
240 rule invalid if it:

241 (a) Does not protect the public from any significant and
242 discernible harm or damages;

243 (b) Unreasonably restricts competition or the availability



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244 of professional services in the state or in a significant part
245 of the state; or

246 (c) Unnecessarily increases the cost of professional
247 services without a corresponding or equivalent public benefit.

248
249 A presumption is not created for the existence of any of the
250 conditions cited in this subsection if the department challenges
251 the rule or proposed rule.

252 (4) The department or the board is a substantially
253 interested party for purposes of s. 120.54(7). The board may, as
254 an adversely affected party, initiate and maintain an action
255 pursuant to s. 120.68 challenging final agency action.

256 (5) Any proposed board rule that has not been modified to
257 remove proposed committee objections of the Administrative
258 Procedures Committee must receive approval from the department
259 before filing the rule with the Department of State for final
260 adoption. The department may repeal any rule enacted by the
261 board which has taken effect without having met proposed
262 committee objections of the Administrative Procedures Committee.

263 Section 8. Section 472.0101, Florida Statutes, is created
264 to read:

265 472.0101 Foreign-trained professionals; special examination
266 and license provisions.-

267 (1) When not otherwise provided by law, the department
268 shall by rule provide procedures under which exiled
269 professionals may be examined under this chapter. A person is
270 eligible for the examination if the exiled professional:

271 (a) Immigrated to the United States after leaving the
272 person's home country because of political reasons, provided the



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273 country is located in the Western Hemisphere and does not have
274 diplomatic relations with the United States;
275 (b) Applies to the department and submits a fee;
276 (c) Was a resident of this state immediately preceding the
277 person's application;
278 (d) Demonstrates to the department, through submission of
279 documentation verified by the applicant's respective
280 professional association in exile, that the applicant was
281 graduated with an appropriate professional or occupational
282 degree from a college or university. However, the department may
283 not require receipt of any documentation from the Republic of
284 Cuba as a condition of eligibility under this section;
285 (e) Lawfully practiced the profession for at least 3 years;
286 (f) Prior to 1980, successfully completed an approved
287 course of study pursuant to chapters 74-105 and 75-177, Laws of
288 Florida; and
289 (g) Presents a certificate demonstrating the successful
290 completion of a continuing education program which offers a
291 course of study that will prepare the applicant for the
292 examination offered under subsection (2). The department shall
293 develop rules for the approval of such programs for the board.
294 (2) Upon request of a person who meets the requirements of
295 subsection (1) and submits an examination fee, the department,
296 for the board, shall conduct a written practical examination
297 that tests the person's current ability to practice the
298 profession competently in accordance with the actual practice of
299 the profession. Evidence of meeting the requirements of
300 subsection (1) shall be treated by the department as evidence of
301 the applicant's preparation in the academic and preprofessional



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302 fundamentals necessary for successful professional practice, and
303 the applicant may not be examined by the department on such
304 fundamentals.

305 (3) The fees charged for the examinations offered under
306 subsection (2) shall be established by the department, for the
307 board, by rule and shall be sufficient to develop or to contract
308 for the development of the examination and its administration,
309 grading, and grade reviews.

310 (4) The department shall examine any applicant who meets
311 the requirements of subsections (1) and (2). Upon passing the
312 examination and the issuance of the license, a licensee is
313 subject to the administrative requirements of this chapter. Each
314 applicant so licensed is subject to all provisions of this
315 chapter.

316 (5) Upon a request by an applicant otherwise qualified
317 under this section, the examinations offered under subsection
318 (2) may be given in the applicant's native language if any
319 translation costs are borne by the applicant.

320 (6) The department, for the board, may not issue an initial
321 license to, or renew a license of, any applicant or licensee who
322 is under investigation or prosecution in any jurisdiction for an
323 action that would constitute a violation of this chapter until
324 such time as the investigation or prosecution is complete, at
325 which time the provisions of this chapter shall apply.

326 Section 9. Subsections (10) through (16) are added to
327 section 472.011, Florida Statutes, to read:

328 472.011 Fees.—

329 (10) All funds collected under this section, and the amount
330 paid for licenses, fines, and fees, shall be deposited into the



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331 General Inspection Trust Fund of the Department of Agriculture
332 and Consumer Services.

333 (11) If sufficient action is not taken by the board within
334 1 year after notification by the department that license fees
335 are projected to be inadequate, the department shall set license
336 fees on behalf of the board to cover anticipated costs and to
337 maintain the required cash balance. Further, it is the
338 legislative intent that this regulated profession not operate
339 with a negative cash balance. The department may provide by rule
340 for the advancement of sufficient funds if this profession is
341 operating with a negative cash balance. Such advancement may be
342 for a period not to exceed 2 consecutive years and shall require
343 interest to be paid by the regulated profession. Interest shall
344 be calculated at the current rate earned on General Inspection
345 Trust Fund investments. Interest earned shall be allocated to
346 the various funds in accordance with the allocation of
347 investment earnings during the period of the advance.

348 (12) The board may, by rule, assess and collect a one-time
349 fee from each active and each voluntary inactive licensee in an
350 amount necessary to eliminate a cash deficit or, if there is not
351 a cash deficit, in an amount sufficient to maintain the
352 financial integrity of this profession as required in this
353 subsection.

354 (13) The department may contract with public and private
355 entities to receive and deposit revenue pursuant to this
356 section. The Legislature shall appropriate funds from the
357 General Inspection Trust Fund sufficient to carry out the
358 provisions of this chapter. To the maximum extent possible, the
359 department shall directly charge all expenses under this chapter



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360 to the account of the regulated profession. For the purpose of
361 this subsection, direct charge expenses shall include, but not
362 be limited to, costs for investigations, examinations, and legal
363 services. The department shall maintain adequate records to
364 support its allocation of department expenses. The department
365 shall provide the board with reasonable access to these records
366 upon request. The board shall be provided an annual report of
367 revenue and direct and allocated expenses related to the
368 operation of the profession. These reports shall be used by the
369 board to determine the amount of license fees.

370 (14) A condensed management report of budgets, finances,
371 performance statistics, and recommendations shall be provided to
372 the board at least once a quarter. The department shall identify
373 and include in such presentations any changes, or projected
374 changes, made to the board's budget since the last presentation.

375 (15) If a duplicate license is required or requested by a
376 licensee, the board may charge a fee as determined by rule not
377 to exceed \$25 before issuing a duplicate license.

378 (16) The department or the board shall charge a fee not to
379 exceed \$25 for the certification of a public record. The fee
380 shall be determined by rule of the department. The department or
381 the appropriate board shall assess a fee for duplication of a
382 public record as provided in s. 119.07(4)

383 Section 10. Section 472.0131, Florida Statutes, is created
384 to read:

385 472.0131 Examinations; development; administration.—

386 (1) The department shall provide, contract, or approve
387 services for the development, preparation, administration,
388 scoring, score reporting, and evaluation of all examinations.



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389 The department shall consult with the board in providing such
390 services.

391 (a) The department shall ensure that examinations
392 adequately and reliably measure an applicant's ability to
393 practice the profession of surveying and mapping. After an
394 examination developed or approved by the department has been
395 administered, the board or department may reject any question
396 that does not reliably measure the general areas of competency
397 specified in the rules of the board. The department shall use
398 professional testing services for the development, preparation,
399 and evaluation of examinations when such services are available
400 and approved by the board.

401 (b) For each examination developed by the department or
402 contracted vendor, to the extent not otherwise specified by
403 statute, the board shall by rule specify the general areas of
404 competency to be covered by the examination, the relative weight
405 to be assigned in grading each area tested, the score necessary
406 to achieve a passing grade, and the fees, where applicable, to
407 cover the actual cost for any purchase, development, and
408 administration of the required examination. However, statutory
409 fee caps in this chapter shall apply. This subsection does not
410 apply to national examinations approved and administered
411 pursuant to paragraph (d).

412 (c) If a practical examination is deemed to be necessary,
413 rules shall specify the criteria by which examiners are to be
414 selected, the grading criteria to be used by the examiner, the
415 relative weight to be assigned in grading each criterion, and
416 the score necessary to achieve a passing grade. When a mandatory
417 standardization exercise for a practical examination is required



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418 by law, the board may conduct such exercise. Board members may
419 serve as examiners at a practical examination with the consent
420 of the board.

421 (d) The board may approve by rule the use of any national
422 examination which the department has certified as meeting
423 requirements of national examinations and generally accepted
424 testing standards under department rules. Providers of
425 examinations, which may be profit or nonprofit entities, seeking
426 certification by the department shall pay the actual costs
427 incurred by the department in making a determination regarding
428 the certification of the vendor. The department shall use any
429 national examination that is available, certified by the
430 department, and approved by the board. The name and number of a
431 candidate may be provided to a national contractor for the
432 limited purpose of preparing the grade tape and information to
433 be returned to the board or department or, to the extent
434 otherwise specified by rule, the candidate may apply directly to
435 the vendor of the national examination. The department may
436 delegate to the board the duty to provide and administer the
437 examination. Any national examination approved by the board
438 prior to October 1, 1997, is deemed certified under this
439 paragraph. Any licensing or certification examination that is
440 not developed or administered by the department in-house or
441 provided as a national examination shall be competitively bid.

442 (e) The department shall adopt rules regarding the security
443 and monitoring of examinations. In order to maintain the
444 security of examinations, the department may employ the
445 procedures set forth in s. 472.033 to seek fines and injunctive
446 relief against an examinee who violates s. 472.0132 or the rules



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447 adopted under this paragraph. The department, or any agent
448 thereof, may, for the purposes of investigation, confiscate any
449 written, photographic, or recording material or device in the
450 possession of the examinee at the examination site which the
451 department deems necessary to enforce such provisions or rules.

452 (f) If the board concurs, the department may, for a fee,
453 share with any other state's licensing authority an examination
454 developed by or for the department unless prohibited by a
455 contract entered into by the department for development or
456 purchase of the examination. The department, with the
457 concurrence of the board, shall establish guidelines that ensure
458 security of a shared exam and shall require that any other
459 state's licensing authority comply with those guidelines. Those
460 guidelines shall be approved by the board. All fees paid by the
461 user shall be applied to the department's examination and
462 development program under this chapter.

463 (2) For each examination developed by the department or a
464 contracted vendor, the board shall make rules providing for
465 reexamination of any applicant who failed an examination. If
466 both a written and a practical examination are given, an
467 applicant is required to retake only the portion of the
468 examination for which he or she failed to achieve a passing
469 grade, if the applicant successfully passes that portion within
470 a reasonable time, as determined by rule of the board, of his or
471 her passing the other portion.

472 (3) Except for national examinations approved and
473 administered pursuant to paragraph (1)(d), the department shall
474 provide procedures for applicants who have taken and failed an
475 examination developed by the department or a contracted vendor



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476 to review their examination questions, answers, papers, grades,
477 and grading key for the questions the candidate answered
478 incorrectly or, if not feasible, the parts of the examination
479 failed. Applicants shall bear the actual cost for the department
480 to provide examination review pursuant to this subsection. An
481 applicant may waive in writing the confidentiality of his or her
482 examination grades.

483 (4) For each examination developed or administered by the
484 department or a contracted vendor, an accurate record of each
485 applicant's examination questions, answers, papers, grades, and
486 grading key shall be kept for a period of not less than 2 years
487 immediately following the examination, and such record shall
488 thereafter be maintained or destroyed as provided in chapters
489 119 and 257. This subsection does not apply to national
490 examinations approved and administered pursuant to paragraph
491 (1) (d).

492 (5) Meetings and records of meetings of any member of the
493 department or of the board held for the exclusive purpose of
494 creating or reviewing licensure examination questions or
495 proposed examination questions are confidential and exempt from
496 ss. 119.07(1) and 286.011. However, this exemption does not
497 affect the right of any person to review an examination as
498 provided in subsection (3).

499 (6) For examinations developed by the department, a
500 contracted vendor or the board may provide licensure
501 examinations in an applicant's native language. Applicants for
502 examination or reexamination pursuant to this subsection bear
503 the full cost for the department's development, preparation,
504 administration, grading, and evaluation of any examination in a



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505 language other than English or Spanish. Requests for translated
506 examinations, except for those in Spanish, must be on file in
507 the board office at least 6 months before the scheduled
508 examination. When determining whether it is in the public
509 interest to allow the examination to be translated into a
510 language other than English or Spanish, the board shall consider
511 the percentage of the population who speak the applicant's
512 native language.

513 (7) In addition to meeting any other requirements for
514 licensure by examination or by endorsement, an applicant may be
515 required by the board to pass an examination pertaining to state
516 laws and rules applicable to the practice of surveying and
517 mapping.

518 (8) Notwithstanding any other law to the contrary, the
519 department may use a professional testing service to prepare,
520 administer, grade, and evaluate any computerized examination,
521 when that service is available and approved by the board.

522 Section 11. Section 472.0132, Florida Statutes, is created
523 to read:

524 472.0132 Penalty for theft or reproduction of an
525 examination.—In addition to, or in lieu of, any other discipline
526 imposed pursuant to s. 472.033, a person who wrongfully takes an
527 examination in whole or in part or reproduces or copies an
528 examination administered by the department, whether such
529 examination is reproduced or copied in part or in whole and by
530 any means, commits a felony of the third degree, punishable as
531 provided in s. 775.082, s. 775.083, or s. 775.084.

532 Section 12. Section 472.0135, Florida Statutes, is created
533 to read:



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534 472.0135 Education; substituting demonstration of
535 competency for clock-hour requirements; accreditation;
536 consultation.—

537 (1) If the board requires a student to complete a specific
538 number of clock hours of classroom instruction for initial
539 licensure purposes, the board shall establish the minimal
540 competencies that such student must demonstrate in order to be
541 licensed. The demonstration of such competencies may be
542 substituted for specific classroom clock-hour requirements
543 established in statute or rule which are related to
544 instructional programs for licensure purposes. Student
545 demonstration of the established minimum competencies shall be
546 certified by the educational institution.

547 (2) Notwithstanding any other law, educational programs and
548 institutions which are required by statute to be accredited, but
549 which were accredited by an agency that has since ceased to
550 perform an accrediting function, shall be recognized until such
551 programs and institutions are accredited by a qualified
552 successor to the original accrediting agency, an accrediting
553 agency recognized by the United States Department of Education,
554 or an accrediting agency recognized by the board.

555 (3) The board shall consult with the Commission for
556 Independent Education, the Board of Governors of the State
557 University System, and the State Board of Education prior to
558 adopting any changes to training requirements relating to entry
559 into the profession. This consultation must allow the
560 educational board to provide advice regarding the impact of the
561 proposed changes in terms of the length of time necessary to
562 complete the training program and the fiscal impact of the



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563 changes. The educational board must be consulted only when an
564 institution offering the training program falls under its
565 jurisdiction.

566 Section 13. Section 472.015, Florida Statutes, is amended
567 to read:

568 472.015 Licensure.—

569 (1) Notwithstanding any other law, the department is the
570 sole authority for determining the contents of any documents to
571 be submitted for initial licensure and licensure renewal. Such
572 documents may contain information including, as appropriate:
573 demographics, education, work history, personal background,
574 criminal history, finances, business information, complaints,
575 inspections, investigations, discipline, bonding, signature
576 notarization, photographs, performance periods, reciprocity,
577 local government approvals, supporting documentation, periodic
578 reporting requirements, continuing education requirements, and
579 ongoing education monitoring. The application may be
580 supplemented as needed to reflect any material change in any
581 circumstance or condition stated in the application which takes
582 place between the initial filing of the application and the
583 final grant or denial of the license and which might affect the
584 decision of the department.

585 (2)~~(1)~~ The department shall license any applicant who the
586 board certifies is qualified to practice surveying and mapping.

587 (3) Before the issuance of any license, the department may
588 charge an initial license fee as determined by rule of the
589 board. Upon receipt of the appropriate license fee, except as
590 provided in subsection (6), the department shall issue a license
591 to any person certified by the board, or its designee, as having



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592 met the applicable requirements imposed by law or rule. However,
593 an applicant who is not otherwise qualified for licensure is not
594 entitled to licensure solely based on a passing score on a
595 required examination.

596 ~~(4)~~(2) The board shall certify for licensure any applicant
597 who satisfies the requirements of s. 472.013 and who has passed
598 the licensing examination. The board may refuse to certify any
599 applicant who has violated any of the provisions of s. 472.031.

600 ~~(5)~~(3)(a) The board shall certify as qualified for a
601 license by endorsement an applicant who:

602 1. Holds a valid license to practice surveying and mapping
603 issued prior to July 1, 1999, by another state or territory of
604 the United States; has passed a national, regional, state, or
605 territorial licensing examination that is substantially
606 equivalent to the examination required by s. 472.013; and has a
607 specific experience record of at least 8 years as a subordinate
608 to a registered surveyor and mapper in the active practice of
609 surveying and mapping, 6 years of which must be of a nature
610 indicating that the applicant was in responsible charge of the
611 accuracy and correctness of the surveying and mapping work
612 performed;

613 2. Holds a valid license to practice surveying and mapping
614 issued by another state or territory of the United States if the
615 criteria for issuance of the license were substantially the same
616 as the licensure criteria that existed in Florida at the time
617 the license was issued; or

618 3. Is a practicing photogrammetrist who holds the Certified
619 Photogrammetrist designation of the American Society for
620 Photogrammetry and Remote Sensing and held such designation on



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621 or before July 1, 2005; is a graduate of a 4-year course of
622 study at an accredited college or university; and has a specific
623 experience record of 6 or more years as a subordinate to a
624 Certified Photogrammetrist of the American Society for
625 Photogrammetry and Remote Sensing in the active practice of
626 surveying and mapping, 5 years of which shall be of a nature
627 indicating that the applicant was in responsible charge of the
628 accuracy and correctness of the surveying and mapping work
629 performed. The course of study must have included not fewer than
630 32 semester hours of study or its academic equivalent. The
631 applicant must have completed a minimum of 25 semester hours
632 from a college or university approved by the board in surveying
633 and mapping subjects or in any combination of courses in civil
634 engineering, surveying, mapping, mathematics, photogrammetry,
635 forestry, or land law and the physical sciences. Any of the
636 required 25 semester hours of study completed not as a part of
637 the 4-year course of study shall be approved at the discretion
638 of the board. Work experience acquired as a part of the
639 education requirement shall not be construed as experience in
640 responsible charge. The applicant must have applied to the
641 department for licensure on or before July 1, 2007.

642 (b) All applicants for licensure by endorsement must pass
643 the Florida law and rules portion of the examination prior to
644 licensure.

645 (6) (a) The board may refuse to issue an initial license to
646 any applicant who is under investigation or prosecution in any
647 jurisdiction for an action that would constitute a violation of
648 this chapter until such time as the investigation or prosecution
649 is complete.



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650 (b) ~~(4)~~ The department shall not issue a license by
651 endorsement to any applicant who is under investigation in
652 another state for any act that would constitute a violation of
653 ss. 472.001-472.037 or chapter 455 until such time as the
654 investigation is complete and disciplinary proceedings have been
655 terminated.

656 (7) When any administrative law judge conducts a hearing
657 pursuant to chapter 120 with respect to the issuance of a
658 license by the department, the administrative law judge shall
659 submit his or her recommended order to the board, which shall
660 thereupon issue a final order. The applicant for a license may
661 appeal the final order of the board in accordance with the
662 provisions of chapter 120.

663 (8) A privilege against civil liability is hereby granted
664 to any witness for any information furnished by the witness in
665 any proceeding pursuant to this section, unless the witness
666 acted in bad faith or with malice in providing such information.

667 (9) Notwithstanding anything to the contrary, any elected
668 official who is licensed under this chapter may hold employment
669 for compensation with any public agency concurrent with such
670 public service. Such dual service must be disclosed according to
671 any disclosure required by applicable law.

672 (10) In any instance in which a licensee or applicant to
673 the department is required to be in compliance with a particular
674 provision by, on, or before a certain date, and if that date
675 occurs on a Saturday, Sunday, or a legal holiday, the licensee
676 or applicant is deemed to be in compliance with the specific
677 date requirement if the required action occurs on the first
678 succeeding day that is not a Saturday, Sunday, or legal holiday.



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679 (11) Any submission required to be in writing may otherwise
680 be required by the department to be made by electronic means.

681 ~~(12)(5)~~ A licensee or business entity that meets the
682 requirements of this section or s. 472.021 must carry
683 professional liability insurance or provide notice to any person
684 or entity to which surveying and mapping services are offered
685 that the licensee or business entity does not carry professional
686 liability insurance. The notice must consist of a sign
687 prominently displayed in the reception area and written
688 statements provided in a form and frequency as required by rule
689 of the Board of Professional Surveyors and Mappers.

690 ~~(13)(6)~~ The department may revoke the license of a licensee
691 or business entity that fails to pay a final judgment in
692 connection with the provision of, or failure to provide,
693 services under this chapter.

694 (14) A person may not be disqualified from practicing
695 surveying or mapping as regulated by the state solely because he
696 or she is not a United States citizen.

697 Section 14. Section 472.016, Florida Statutes, is created
698 to read:

699 472.016 Members of Armed Forces in good standing with the
700 board.-

701 (1) Any member of the Armed Forces of the United States who
702 is now or in the future on active duty and who, at the time of
703 becoming such a member of the Armed Forces, was in good standing
704 with the board and entitled to practice or engage in surveying
705 and mapping in the state shall be kept in good standing by the
706 board, without registering, paying dues or fees, or performing
707 any other act on his or her part to be performed, as long as he



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708 or she is a member of the Armed Forces of the United States on
709 active duty and for a period of 6 months after discharge from
710 active duty, provided that he or she is not engaged the practice
711 of surveying or mapping in the private sector for profit.

712 (2) The board shall adopt rules exempting the spouses of
713 members of the Armed Forces of the United States from licensure
714 renewal provisions, but only in cases of absence from the state
715 because of their spouses' duties with the Armed Forces.

716 Section 15. Section 472.0165, Florida Statutes, is created
717 to read:

718 472.0165 Qualification of immigrants for examination to
719 practice a licensed profession or occupation.—

720 (1) It is the declared purpose of this section to encourage
721 the use of foreign-speaking residents of this state duly
722 qualified to become licensed surveyors and mappers so that all
723 Florida citizens may receive better services.

724 (2) Any person who has successfully completed, or is
725 currently enrolled in, an approved course of study created
726 pursuant to chapters 74-105 and 75-177, Laws of Florida, shall
727 be deemed qualified for an examination or reexamination for a
728 license which shall be administered in the English language
729 unless 15 or more such applicants request that the reexamination
730 be administered in their native language. If a reexamination is
731 administered in a foreign language, the full cost to the board
732 of preparing and administering the examination must be borne by
733 the applicants.

734 (3) The board shall adopt and implement programs designed
735 to qualify for examination all persons who were resident
736 nationals of the Republic of Cuba and who, on July 1, 1977, were



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737 residents of this state.

738 Section 16. Section 472.018, Florida Statutes, is amended
739 to read:

740 472.018 Continuing education.—The department may not renew
741 a license until the licensee submits proof satisfactory to the
742 board that during the 2 years prior to her or his application
743 for renewal the licensee has completed at least 24 hours of
744 continuing education. ~~Criteria and course content shall be~~
745 ~~approved by the board by rule.~~

746 (1) The board shall adopt rules to establish the criteria
747 and course content for continuing education courses. The rules
748 may provide that up to a maximum of 25 percent of the required
749 continuing education hours can be fulfilled by the performance
750 of pro bono services to the indigent or to underserved
751 populations or in areas of critical need within the state where
752 the licensee practices. The board must require that any pro bono
753 services be approved in advance in order to receive credit for
754 continuing education under this section. The standard for
755 determining indigency shall be that recognized by the Federal
756 Poverty Income Guidelines produced by the United States
757 Department of Health and Human Services. The rules may provide
758 for approval by the board that a part of the continuing
759 education hours can be fulfilled by performing research in
760 critical need areas or for training leading to advanced
761 professional certification. The board, or the department when
762 there is no board, may make rules to define underserved and
763 critical need areas. The department shall adopt rules for the
764 administration of continuing education requirements adopted by
765 the boards or the department when there is no board.



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766 (2) The board may provide by rule that distance learning
767 may be used to satisfy continuing education requirements.

768 (3) The board may prorate the required continuing education
769 hours in the following circumstances:

770 (a) For new licensees:

771 1. By requiring half of the required continuing education
772 hours for any applicant who becomes licensed with more than half
773 the renewal period remaining and no continuing education for any
774 applicant who becomes licensed with half or less than half of
775 the renewal period remaining; or

776 2. Requiring no continuing education hours until the first
777 full renewal cycle of the licensee.

778 (b) When the number of hours required is increased by law
779 or the board.

780 (4) Upon the request of a licensee, the provider must also
781 furnish to the department information regarding courses
782 completed by the licensee, in an electronic format required by
783 rule of the department.

784 (5) Each continuing education provider shall retain all
785 records relating to a licensee's completion of continuing
786 education courses for at least 4 years after completion of a
787 course.

788 (6) A continuing education provider may not be approved,
789 and the approval may not be renewed, unless the provider agrees
790 in writing to provide such cooperation under this section as
791 required by the department.

792 (7) For the purpose of determining which persons or
793 entities must meet the reporting, recordkeeping, and access
794 provisions of this section, the board by rule shall adopt a



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795 definition of the term "continuing education provider"
796 applicable to the profession's continuing education
797 requirements. The intent of the rule is to ensure that all
798 records and information necessary to carry out the requirements
799 of this section are maintained and transmitted accordingly and
800 to minimize disputes as to what person or entity is responsible
801 for maintaining and reporting such records and information.

802 (8) The board shall approve the providers of continuing
803 education. The approval of continuing education providers and
804 courses must be for a specified period of time, not to exceed 4
805 years. An approval that does not include such a time limitation
806 may remain in effect under this chapter or the rules adopted
807 under this chapter.

808 (9) The department may fine, suspend, or revoke approval of
809 any continuing education provider that fails to comply with its
810 duties under this section. The fine may not exceed \$500 per
811 violation. Investigations and prosecutions of a provider's
812 failure to comply with its duties under this section shall be
813 conducted pursuant to s. 472.033.

814 (10) The board shall issue an order requiring a person or
815 entity to cease and desist from offering any continuing
816 education programs for licensees, and fining, suspending, or
817 revoking any approval of the provider previously granted by the
818 board if the board determines that the person or entity failed
819 to provide appropriate continuing education services that
820 conform to approved course material. The fine may not exceed
821 \$500 per violation. Investigations and prosecutions of a
822 provider's failure to comply with its duties under this section
823 shall be conducted under s. 472.033.



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824 (11) The board may establish, by rule, a fee not to exceed
825 \$250 for anyone seeking approval to provide continuing education
826 courses and may establish, by rule, a biennial fee not to exceed
827 \$250 for the renewal of providership of such courses. Such
828 postlicensure education courses are subject to the reporting,
829 monitoring, and compliance provisions of this section.

830 (12) The department and the board may adopt rules under ss.
831 120.536(1) and 120.54 to administer this section.

832 Section 17. Section 472.0201, Florida Statutes, is created
833 to read:

834 472.0201 Public inspection of information required from
835 applicants; exceptions; examination hearing.—

836 (1) All information required by the department of any
837 applicant shall be a public record and shall be open to public
838 inspection pursuant to s. 119.07, except financial information,
839 medical information, school transcripts, examination questions,
840 answers, papers, grades, and grading keys, which are
841 confidential and exempt from s. 119.07(1) and shall not be
842 discussed with or made accessible to anyone except members of
843 the board, the department, and staff thereof, who have a bona
844 fide need to know such information. Any information supplied to
845 the department by any other agency which is exempt from the
846 provisions of chapter 119 or is confidential shall remain exempt
847 or confidential pursuant to applicable law while in the custody
848 of the department.

849 (2) The department shall establish by rule the procedure by
850 which an applicant, and the applicant's attorney, may review
851 examination questions and answers. Examination questions and
852 answers are not subject to discovery but may be introduced into



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853 evidence and considered only in camera in any administrative
854 proceeding under chapter 120. If an administrative hearing is
855 held, the department shall provide challenged examination
856 questions and answers to the administrative law judge. The
857 examination questions and answers provided at the hearing are
858 confidential and exempt from s. 119.07(1), unless invalidated by
859 the administrative law judge.

860 (3) Unless an applicant notifies the department at least 5
861 days before an examination hearing of the applicant's inability
862 to attend, or unless an applicant can demonstrate an extreme
863 emergency for failing to attend, the department may require an
864 applicant who fails to attend to pay reasonable attorney's fees,
865 costs, and court costs of the department for the examination
866 hearing.

867 Section 18. Section 472.02011, Florida Statutes, is created
868 to read:

869 472.02011 Disclosure of confidential information.—

870 (1) An officer, employee, or person under contract with the
871 department or the board, or any subject of an investigation may
872 not convey knowledge or information to any person who is not
873 lawfully entitled to such knowledge or information about any
874 public meeting or public record, which at the time such
875 knowledge or information is conveyed is exempt from the
876 provisions of s. 119.01, s. 119.07(1), or s. 286.011.

877 (2) Any person who willfully violates this section commits
878 a misdemeanor of the first degree, punishable as provided in s.
879 775.082 or s. 775.083, and may be subject to discipline pursuant
880 to s. 472.033, and, if applicable, shall be removed from office,
881 employment, or the contractual relationship.



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882 Section 19. Section 472.0202, Florida Statutes, is created
883 to read:

884 472.0202 Inactive and delinquent status.—

885 (1) A licensee may practice a profession only if the
886 licensee has an active status license. A licensee who practices
887 a profession without an active status license is in violation of
888 this section and s. 472.033, and the board may impose discipline
889 on the licensee.

890 (2) The board shall permit a licensee to choose, at the
891 time of licensure renewal, an active or inactive status.
892 However, a licensee who changes from inactive to active status
893 is not eligible to return to inactive status until the licensee
894 thereafter completes a licensure cycle on active status.

895 (3) The board, by rule, shall impose a fee for an inactive
896 status license which is no greater than the fee for an active
897 status license.

898 (4) An inactive status licensee may change to active status
899 at any time, provided the licensee meets all requirements for
900 active status, pays any additional licensure fees necessary to
901 equal those imposed on an active status licensee, pays any
902 applicable reactivation fees as set by the board, and meets all
903 continuing education requirements as specified in this section.

904 (5) A licensee shall apply with a complete application, as
905 defined by rule of the board, to renew an active or inactive
906 status license before the license expires. Failure of a licensee
907 to renew before the license expires shall cause the license to
908 become delinquent in the license cycle following expiration.

909 (6) (a) A delinquent status licensee must affirmatively
910 apply with a complete application, as defined by rule of the



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911 board, for active or inactive status during the licensure cycle
912 in which a licensee becomes delinquent. Failure by a delinquent
913 status licensee to become active or inactive before the
914 expiration of the current licensure cycle shall render the
915 license void without any further action by the board or the
916 department.

917 (b) Notwithstanding this chapter, the board may, at its
918 discretion, reinstate the license of an individual whose license
919 has become void if the board determines that the individual has
920 made a good faith effort to comply with this section but has
921 failed to comply because of illness or unusual hardship. The
922 individual must apply to the board for reinstatement in a manner
923 prescribed by rules of the board and shall pay an applicable fee
924 in an amount determined by rule. The board shall require that
925 such individual meet all continuing education requirements
926 prescribed by law, pay appropriate licensing fees, and otherwise
927 be eligible for renewal of licensure under this chapter.

928 (7) The board, by rule, shall impose an additional
929 delinquency fee, not to exceed the biennial renewal fee for an
930 active status license, on a delinquent status licensee when such
931 licensee applies for active or inactive status.

932 (8) The board, by rule, shall impose an additional fee, not
933 to exceed the biennial renewal fee for an active status license,
934 for processing a licensee's request to change licensure status
935 at any time other than at the beginning of a licensure cycle.

936 (9) The board, by rule, may impose reasonable conditions,
937 excluding full reexamination but including part of a national
938 examination or a special purpose examination to assess current
939 competency, necessary to ensure that a licensee who has been on



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940 inactive status for more than two consecutive biennial licensure
941 cycles and who applies for active status can practice with the
942 care and skill sufficient to protect the health, safety, and
943 welfare of the public. Reactivation requirements may differ
944 depending on the length of time licensees are inactive. The
945 costs to meet reactivation requirements shall be borne by
946 licensees requesting reactivation.

947 (10) Before reactivation, an inactive or delinquent
948 licensee shall meet the same continuing education requirements,
949 if any, imposed on an active status licensee for all biennial
950 licensure periods in which the licensee was inactive or
951 delinquent.

952 (11) The status or a change in status of a licensee does
953 not alter the board's right to impose discipline or to enforce
954 discipline previously imposed on a licensee for acts or
955 omissions committed by the licensee while holding a license,
956 whether active, inactive, or delinquent.

957 Section 20. Section 472.0203, Florida Statutes, is created
958 to read:

959 472.0203 Renewal and cancellation notices.-

960 (1) At least 90 days before the end of a licensure cycle,
961 the department shall:

962 (a) Forward a licensure renewal notification to an active
963 or inactive licensee at the licensee's last known address of
964 record with the department.

965 (b) Forward a notice of pending cancellation of licensure
966 to a delinquent status licensee at the licensee's last known
967 address of record with the department.

968 (2) Each licensure renewal notification and each notice of



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969 pending cancellation of licensure must state conspicuously that
970 a licensee who remains on inactive status for more than two
971 consecutive biennial licensure cycles and who wishes to
972 reactivate the license may be required to demonstrate the
973 competency to resume active practice by sitting for a special
974 purpose examination or by completing other reactivation
975 requirements, as defined by rule of the board.

976 Section 21. Section 472.0204, Florida Statutes, is created
977 to read:

978 472.0204 Address of record.—

979 (1) Each licensee of the department is solely responsible
980 for notifying the department in writing of the licensee's
981 current mailing address and place of practice, as defined by
982 rule of the board. A licensee's failure to notify the department
983 of a change of address constitutes a violation of this section,
984 and the licensee may be disciplined by the board.

985 (2) Notwithstanding any other provision of law, service by
986 regular mail to a licensee's last known address of record with
987 the department constitutes adequate and sufficient notice to the
988 licensee for any official communication to the licensee by the
989 board or the department except when other service is required
990 pursuant to s. 472.033.

991 Section 22. Section 472.033, Florida Statutes, is amended
992 to read:

993 472.033 Disciplinary proceedings.—Disciplinary proceedings
994 for the board shall be within the jurisdiction of the
995 department.

996 (1)(a) The department shall investigate any complaint that
997 is filed before it if the complaint is in writing, signed by the



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998 complainant, and legally sufficient. A complaint is legally
999 sufficient if it contains ultimate facts that show that a
1000 violation of this chapter or of any rule adopted by the
1001 department or the board has occurred. In order to determine
1002 legal sufficiency, the department may require supporting
1003 information or documentation. The department may investigate,
1004 and the department or the board may take appropriate final
1005 action on, a complaint even though the original complainant
1006 withdraws it or otherwise indicates a desire not to cause the
1007 complaint to be investigated or prosecuted to completion. The
1008 department may investigate an anonymous complaint if the
1009 complaint is in writing and is legally sufficient, if the
1010 alleged violation of law or rules is substantial, and if the
1011 department has reason to believe, after preliminary inquiry,
1012 that the violations alleged in the complaint are true. The
1013 department may investigate a complaint made by a confidential
1014 informant if the complaint is legally sufficient, if the alleged
1015 violation of law or rule is substantial, and if the department
1016 has reason to believe, after preliminary inquiry, that the
1017 allegations of the complainant are true. The department may
1018 initiate an investigation if it has reasonable cause to believe
1019 that a licensee or a group of licensees has violated a Florida
1020 statute, a rule of the department, or a rule of the board.

1021 (b) If an investigation of any subject is undertaken, the
1022 department shall promptly furnish to the subject or the
1023 subject's attorney a copy of the complaint or document that
1024 resulted in the initiation of the investigation. The subject may
1025 submit a written response to the information contained in such
1026 complaint or document within 20 days after service to the



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1027 subject of the complaint or document. The subject's written
1028 response shall be considered by the probable cause panel. The
1029 right to respond does not prohibit the issuance of a summary
1030 emergency order if necessary to protect the public. However, if
1031 the commissioner, or the commissioner's designee, and the chair
1032 of the respective board or the chair of its probable cause panel
1033 agree in writing that such notification would be detrimental to
1034 the investigation, the department may withhold notification. The
1035 department may conduct an investigation without notification to
1036 any subject if the act under investigation is a criminal
1037 offense.

1038 (2) The department shall allocate sufficient and adequately
1039 trained staff to expeditiously and thoroughly determine legal
1040 sufficiency and investigate all legally sufficient complaints.
1041 When its investigation is complete and legally sufficient, the
1042 department shall prepare and submit to the probable cause panel
1043 of the board the investigative report of the department. The
1044 report shall contain the investigative findings and the
1045 recommendations of the department concerning the existence of
1046 probable cause. At any time after legal sufficiency is found,
1047 the department may dismiss any case, or any part thereof, if the
1048 department determines that there is insufficient evidence to
1049 support the prosecution of allegations contained therein. The
1050 department shall provide a detailed report to the appropriate
1051 probable cause panel before dismissing any case or part thereof,
1052 and to the subject of the complaint after dismissal of any case
1053 or part thereof, under this section. For cases dismissed before
1054 a finding of probable cause, such report is confidential and
1055 exempt from s. 119.07(1). The probable cause panel shall have



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1056 access, upon request, to the investigative files pertaining to a
1057 case before dismissing the case.

1058 (3) (a) As an alternative to subsections (1) and (2), if a
1059 complaint is received, the department may provide a licensee
1060 with a notice of noncompliance for an initial offense of a minor
1061 violation. A violation is a minor violation if it does not
1062 demonstrate a serious inability to practice the profession,
1063 result in economic or physical harm to a person, or adversely
1064 affect the public health, safety, or welfare or create a
1065 significant threat of such harm. The board shall establish by
1066 rule those violations which are minor violations under this
1067 provision. Failure of a licensee to take action in correcting
1068 the violation within 15 days after notice may result in the
1069 institution of regular disciplinary proceedings.

1070 (b) The department may issue a notice of noncompliance for
1071 an initial offense of a minor violation, notwithstanding the
1072 board's failure to designate a particular minor violation by
1073 rule as provided in paragraph (a).

1074 (4) The determination as to whether probable cause exists
1075 shall be made by majority vote of a probable cause panel of the
1076 board, or by the department, as appropriate. The board shall
1077 provide by rule that the determination of probable cause shall
1078 be made by a panel of its members or by the department. The
1079 board may provide by rule for multiple probable cause panels
1080 composed of at least two members. The board may provide by rule
1081 that one or more members of the panel or panels may be a former
1082 board member. The length of term or repetition of service of any
1083 such former board member on a probable cause panel may vary
1084 according to the direction of the board when authorized by board



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1085 rule. Any probable cause panel must include one of the board's
1086 former or present consumer members, if one is available, willing
1087 to serve, and is authorized to do so by the board chair. Any
1088 probable cause panel must include a present board member. Any
1089 probable cause panel must include a former or present
1090 professional board member. However, any former professional
1091 board member serving on the probable cause panel must hold an
1092 active valid license for that profession. All proceedings of the
1093 panel are exempt from s. 286.011 until 10 days after probable
1094 cause has been found to exist by the panel or until the subject
1095 of the investigation waives his or her privilege of
1096 confidentiality. The probable cause panel may make a reasonable
1097 request, and upon such request the department shall provide such
1098 additional investigative information as is necessary to the
1099 determination of probable cause. A request for additional
1100 investigative information shall be made within 15 days from the
1101 date of receipt by the probable cause panel of the investigative
1102 report of the department. The probable cause panel or the
1103 department, as may be appropriate, shall make its determination
1104 of probable cause within 30 days after receipt by it of the
1105 final investigative report of the department. The commissioner
1106 or the commissioner's designee may grant extensions of the 15-
1107 day and the 30-day time limits. In lieu of a finding of probable
1108 cause, the probable cause panel may issue a letter of guidance
1109 to the subject. If, within the 30-day time limit, as may be
1110 extended, the probable cause panel does not make a determination
1111 regarding the existence of probable cause or does not issue a
1112 letter of guidance in lieu of a finding of probable cause, the
1113 department, for disciplinary cases under its jurisdiction, must



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1114 make a determination regarding the existence of probable cause
1115 within 10 days after the expiration of the time limit. If the
1116 probable cause panel finds that probable cause exists, it shall
1117 direct the department to file a formal complaint against the
1118 licensee. The department shall follow the directions of the
1119 probable cause panel regarding the filing of a formal complaint.
1120 If directed to do so, the department shall file a formal
1121 complaint against the subject of the investigation and prosecute
1122 that complaint pursuant to chapter 120. However, the department
1123 may decide not to prosecute the complaint if it finds that
1124 probable cause had been improvidently found by the panel. In
1125 such cases, the department shall refer the matter to the board.
1126 The board may then file a formal complaint and prosecute the
1127 complaint pursuant to chapter 120. The department shall also
1128 refer to the board any investigation or disciplinary proceeding
1129 not before the Division of Administrative Hearings pursuant to
1130 chapter 120 or otherwise completed by the department within 1
1131 year after the filing of a complaint. The department, for
1132 disciplinary cases under its jurisdiction, must establish a
1133 uniform reporting system to quarterly refer to the board the
1134 status of any investigation or disciplinary proceeding that is
1135 not before the Division of Administrative Hearings or otherwise
1136 completed by the department within 1 year after the filing of
1137 the complaint. All proceedings of the probable cause panel are
1138 exempt from s. 120.525.

1139 (5) A formal hearing before an administrative law judge
1140 from the Division of Administrative Hearings shall be held
1141 pursuant to chapter 120 if there are any disputed issues of
1142 material fact. The administrative law judge shall issue a



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1143 recommended order pursuant to chapter 120. If any party raises
1144 an issue of disputed fact during an informal hearing, the
1145 hearing shall be terminated and a formal hearing pursuant to
1146 chapter 120 shall be held.

1147 (6) The board, with those members of the panel, if any, who
1148 reviewed the investigation pursuant to subsection (4) being
1149 excused, shall determine and issue the final order in each
1150 disciplinary case. Such order shall constitute final agency
1151 action. Any consent order or agreed settlement shall be subject
1152 to the approval of the department.

1153 (7) The department has standing to seek judicial review of
1154 any final order of the board, pursuant to s. 120.68.

1155 (8) Any proceeding for the purpose of summary suspension of
1156 a license, or for the restriction of the license, of a licensee
1157 pursuant to s. 120.60(6) shall be conducted by the commissioner
1158 or the commissioner's designee, who shall issue the final
1159 summary order.

1160 (9) The department shall periodically notify the person who
1161 filed the complaint of the status of the investigation, whether
1162 probable cause has been found, and the status of any civil
1163 action or administrative proceeding or appeal.

1164 (10) The complaint and all information obtained pursuant to
1165 the investigation by the department are confidential and exempt
1166 from s. 119.07(1) until 10 days after probable cause has been
1167 found to exist by the probable cause panel or by the department,
1168 or until the regulated professional or subject of the
1169 investigation waives his or her privilege of confidentiality,
1170 whichever occurs first. However, this exemption does not apply
1171 to actions against unlicensed persons pursuant to s. 472.036 .



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1172 Upon completion of the investigation and pursuant to a written
1173 request by the subject, the department shall provide the subject
1174 an opportunity to inspect the investigative file or, at the
1175 subject's expense, forward to the subject a copy of the
1176 investigative file. The subject may file a written response to
1177 the information contained in the investigative file. Such
1178 response must be filed within 20 days, unless an extension of
1179 time has been granted by the department. This subsection does
1180 not prohibit the department from providing such information to
1181 any law enforcement agency or to any other regulatory agency.

1182 (11) A privilege against civil liability is granted to any
1183 complainant or any witness with regard to information furnished
1184 with respect to any investigation or proceeding pursuant to this
1185 section, unless the complainant or witness acted in bad faith or
1186 with malice in providing such information.

1187 ~~(1) The following acts constitute grounds for which the~~
1188 ~~disciplinary actions in subsection (2) may be taken:~~

1189 ~~(a) Violation of any provision of s. 472.031 or s.~~
1190 ~~455.227(1);~~

1191 ~~(b) Attempting to procure a license to practice surveying~~
1192 ~~and mapping by bribery or fraudulent misrepresentations;~~

1193 ~~(c) Having a license to practice surveying and mapping~~
1194 ~~revoked, suspended, or otherwise acted against, including the~~
1195 ~~denial of licensure, by the licensing authority of another~~
1196 ~~state, territory, or country;~~

1197 ~~(d) Being convicted or found guilty of, or entering a plea~~
1198 ~~of nolo contendere to, regardless of adjudication, a crime in~~
1199 ~~any jurisdiction which directly relates to the practice of~~
1200 ~~surveying and mapping or the ability to practice surveying and~~



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1201 ~~mapping;~~

1202 ~~(c) Making or filing a report or record that the licensee~~
1203 ~~knows to be false, willfully failing to file a report or record~~
1204 ~~required by state or federal law, willfully impeding or~~
1205 ~~obstructing such filing, or inducing another person to impede or~~
1206 ~~obstruct such filing. Such reports or records shall include only~~
1207 ~~those that are signed in the capacity of a registered surveyor~~
1208 ~~and mapper;~~

1209 ~~(f) Advertising goods or services in a manner that is~~
1210 ~~fraudulent, false, deceptive, or misleading in form or content;~~

1211 ~~(g) Upon proof that the licensee is guilty of fraud or~~
1212 ~~deceit, or of negligence, incompetency, or misconduct, in the~~
1213 ~~practice of surveying and mapping;~~

1214 ~~(h) Failing to perform any statutory or legal obligation~~
1215 ~~placed upon a licensed surveyor and mapper; violating any~~
1216 ~~provision of this chapter, a rule of the board or department, or~~
1217 ~~a lawful order of the board or department previously entered in~~
1218 ~~a disciplinary hearing; or failing to comply with a lawfully~~
1219 ~~issued subpoena of the department; or~~

1220 ~~(i) Practicing on a revoked, suspended, inactive, or~~
1221 ~~delinquent license.~~

1222 ~~(2) When the board finds any surveyor and mapper guilty of~~
1223 ~~any of the grounds set forth in subsection (1), it may enter an~~
1224 ~~order imposing one or more of the following penalties:~~

1225 ~~(a) Denial of an application for licensure.~~

1226 ~~(b) Revocation or suspension of a license.~~

1227 ~~(c) Imposition of an administrative fine not to exceed~~
1228 ~~\$1,000 for each count or separate offense.~~

1229 ~~(d) Issuance of a reprimand.~~



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1230 ~~(e) Placement of the surveyor and mapper on probation for a~~
1231 ~~period of time and subject to such conditions as the board may~~
1232 ~~specify.~~

1233 ~~(f) Restriction of the authorized scope of practice by the~~
1234 ~~surveyor and mapper.~~

1235 ~~(3) The department shall reissue the license of a~~
1236 ~~disciplined surveyor and mapper upon certification by the board~~
1237 ~~that he or she has complied with all of the terms and conditions~~
1238 ~~set forth in the final order.~~

1239 Section 23. Section 472.0335, Florida Statutes, is created
1240 to read:

1241 472.0335 Classification of disciplinary actions.-

1242 (1) A licensee may petition the department to review a
1243 disciplinary incident to determine whether the specific
1244 violation meets the standard of a minor violation as set forth
1245 in s. 472.033(3). If the circumstances of the violation meet
1246 that standard and 2 years have passed since the issuance of a
1247 final order imposing discipline, the department shall reclassify
1248 that violation as inactive if the licensee has not been
1249 disciplined for any subsequent minor violation of the same
1250 nature. After the department has reclassified the violation as
1251 inactive, it is no longer considered to be part of the
1252 licensee's disciplinary record, and the licensee may lawfully
1253 deny or fail to acknowledge the incident as a disciplinary
1254 action.

1255 (2) The department may establish a schedule classifying
1256 violations according to the severity of the violation. After the
1257 expiration of set periods of time, the department may provide
1258 for such disciplinary records to become inactive, according to



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1259 their classification. After the disciplinary record has become
1260 inactive, the department may clear the violation from the
1261 disciplinary record and the subject person or business may
1262 lawfully deny or fail to acknowledge such disciplinary actions.
1263 The department may adopt rules to administer this subsection.

1264 Section 24. Section 472.034, Florida Statutes, is created
1265 to read:

1266 472.034 Mediation.—

1267 (1) Notwithstanding s. 472.033, the board shall adopt rules
1268 to designate which violations of this chapter are appropriate
1269 for mediation. The board may designate as mediation offenses
1270 those complaints where harm caused by the licensee is economic
1271 in nature or can be remedied by the licensee.

1272 (2) After the department determines a complaint is legally
1273 sufficient and the alleged violations are defined as mediation
1274 offenses, the department or any agent of the department may
1275 conduct informal mediation to resolve the complaint. If the
1276 complainant and the subject of the complaint agree to a
1277 resolution of a complaint within 14 days after contact by the
1278 mediator, the mediator shall notify the department of the terms
1279 of the resolution. The department or board shall take no further
1280 action unless the complainant and the subject each fail to
1281 record with the department an acknowledgment of satisfaction of
1282 the terms of mediation within 60 days of the mediator's
1283 notification to the department. In the event the complainant and
1284 subject fail to reach settlement terms or to record the required
1285 acknowledgment, the department shall process the complaint
1286 according to the provisions of s. 472.033.

1287 (3) Conduct or statements made during mediation are



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1288 inadmissible in any proceeding pursuant to s. 472.033. Further,
1289 any information relating to the mediation of a case shall be
1290 subject to the confidentiality provisions of s. 472.033.

1291 (4) A licensee may not go through the mediation process
1292 more than three times without approval of the department. The
1293 department may consider the subject and dates of the earlier
1294 complaints in rendering its decision. The decision is not final
1295 agency action for purposes of chapter 120.

1296 (5) The board has the continuing authority to amend its
1297 rules adopted pursuant to this section.

1298 Section 25. Section 472.0345, Florida Statutes, is created
1299 to read:

1300 472.0345 Authority to issue citations.—

1301 (1) Notwithstanding s. 472.033, the board or the department
1302 shall adopt rules to permit the issuance of citations. The
1303 citation shall be issued to the subject and shall contain the
1304 subject's name and address, the subject's license number if
1305 applicable, a brief factual statement, the sections of the law
1306 allegedly violated, and the penalty imposed. The citation must
1307 clearly state that the subject may choose, in lieu of accepting
1308 the citation, to follow the procedure under s. 472.033. If the
1309 subject disputes the matter in the citation, the procedures set
1310 forth in s. 472.033 must be followed. However, if the subject
1311 does not dispute the matter in the citation with the department
1312 within 30 days after the citation is served, the citation
1313 becomes a final order and constitutes discipline. The penalty
1314 shall be a fine or other conditions as established by rule.

1315 (2) The board shall adopt rules designating violations for
1316 which a citation may be issued. Such rules shall designate as



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1317 citation violations those violations for which there is no
1318 substantial threat to the public health, safety, and welfare.

1319 (3) The department shall be entitled to recover the costs
1320 of investigation, in addition to any penalty provided according
1321 to board or department rule, as part of the penalty levied
1322 pursuant to the citation.

1323 (4) A citation must be issued within 6 months after the
1324 filing of the complaint that is the basis for the citation.

1325 (5) Service of a citation may be made by personal service
1326 or certified mail, restricted delivery, to the subject at the
1327 subject's last known address.

1328 (6) The board has continuous authority to amend its rules
1329 adopted pursuant to this section.

1330 Section 26. Section 472.0351, Florida Statutes, is created
1331 to read:

1332 472.0351 Grounds for discipline; penalties; enforcement.-

1333 (1) The following acts shall constitute grounds for which
1334 the disciplinary actions specified in subsection (2) may be
1335 taken:

1336 (a) Violation of any provision of s. 472.031;

1337 (b) Attempting to procure a license to practice surveying
1338 and mapping by bribery or fraudulent misrepresentations;

1339 (c) Having a license to practice surveying and mapping
1340 revoked, suspended, or otherwise acted against, including the
1341 denial of licensure, by the licensing authority of another
1342 state, territory, or country;

1343 (d) Being convicted or found guilty of, or entering a plea
1344 of nolo contendere to, regardless of adjudication, a crime in
1345 any jurisdiction which directly relates to the practice of



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1346 surveying and mapping or the ability to practice surveying and
1347 mapping;

1348 (e) Making or filing a report or record that the licensee
1349 knows to be false, willfully failing to file a report or record
1350 required by state or federal law, willfully impeding or
1351 obstructing such filing, or inducing another person to impede or
1352 obstruct such filing. Such reports or records shall include only
1353 those that are signed in the capacity of a registered surveyor
1354 and mapper;

1355 (f) Advertising goods or services in a manner that is
1356 fraudulent, false, deceptive, or misleading in form or content;

1357 (g) Upon proof that the licensee is guilty of fraud or
1358 deceit, or of negligence, incompetency, or misconduct, in the
1359 practice of surveying and mapping;

1360 (h) Failing to perform any statutory or legal obligation
1361 placed upon a licensed surveyor and mapper; violating any
1362 provision of this chapter, a rule of the board or department, or
1363 a lawful order of the board or department previously entered in
1364 a disciplinary hearing; or failing to comply with a lawfully
1365 issued subpoena of the department;

1366 (i) Practicing on a revoked, suspended, inactive, or
1367 delinquent license;

1368 (j) Making misleading, deceptive, or fraudulent
1369 representations in or related to the practice of the licensee's
1370 profession;

1371 (k) Intentionally violating any rule adopted by the board
1372 or the department, as appropriate;

1373 (l) Having a license or the authority to practice the
1374 regulated profession revoked, suspended, or otherwise acted



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1375 against, including the denial of licensure, by the licensing
1376 authority of any jurisdiction, including its agencies or
1377 subdivisions, for a violation that would constitute a violation
1378 under Florida law;

1379 (m) Having been found liable in a civil proceeding for
1380 knowingly filing a false report or complaint with the department
1381 against another licensee;

1382 (n) Failing to report to the department any person who the
1383 licensee knows is in violation of this chapter or the rules of
1384 the department or the board;

1385 (o) Aiding, assisting, procuring, employing, or advising
1386 any unlicensed person or entity to practice surveying and
1387 mapping contrary to this chapter or the rules of the department
1388 or the board;

1389 (p) Making deceptive, untrue, or fraudulent representations
1390 in or related to the practice of a profession or employing a
1391 trick or scheme in or related to the practice of a profession;

1392 (q) Exercising influence on the client for the purpose of
1393 financial gain of the licensee or a third party;

1394 (r) Practicing or offering to practice beyond the scope
1395 permitted by law or accepting and performing professional
1396 responsibilities the licensee knows, or has reason to know, the
1397 licensee is not competent to perform;

1398 (s) Delegating or contracting for the performance of
1399 professional responsibilities by a person when the licensee
1400 delegating or contracting for performance of such
1401 responsibilities knows, or has reason to know, such person is
1402 not qualified by training, experience, and authorization when
1403 required to perform them;



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1404 (t) Violating this chapter, the applicable professional
1405 practice act, a rule of the department or the board, or a lawful
1406 order of the department or the board, or failing to comply with
1407 a lawfully issued subpoena of the department; or

1408 (u) Improperly interfering with an investigation or
1409 inspection authorized by statute, or with any disciplinary
1410 proceeding.

1411 (2) When the board finds any surveyor or mapper guilty of
1412 any of the grounds set forth in subsection (1), it may enter an
1413 order imposing one or more of the following penalties:

1414 (a) Denial of an application for licensure.

1415 (b) Revocation or suspension of a license.

1416 (c) Imposition of an administrative fine not to exceed
1417 \$1,000 for each count or separate offense.

1418 (d) Issuance of a reprimand.

1419 (e) Placement of the surveyor or mapper on probation for a
1420 period of time and subject to such conditions as the board may
1421 specify. Those conditions may include, but are not limited to,
1422 requiring the licensee to undergo treatment, attend continuing
1423 education courses, submit to be reexamined, work under the
1424 supervision of another licensee, or satisfy any terms which are
1425 reasonably tailored to the violations found.

1426 (f) Restriction of the authorized scope of practice by the
1427 surveyor or mapper.

1428 (3) The department shall reissue the license of a
1429 disciplined surveyor or mapper upon certification by the board
1430 that he or she has complied with all of the terms and conditions
1431 set forth in the final order.

1432 (4) (a) In addition to any other discipline imposed pursuant



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1433 to this section, the board may assess costs and attorneys fees
1434 related to the investigation and prosecution of the case.

1435 (b) In any case where the board or the department imposes a
1436 fine or assessment and the fine or assessment is not paid within
1437 a reasonable time, such reasonable time to be prescribed in the
1438 rules of the board or in the order assessing such fines or
1439 costs, the department or the Department of Legal Affairs may
1440 contract for the collection of, or bring a civil action to
1441 recover, the fine or assessment.

1442 (5) In addition to, or in lieu of, any other remedy or
1443 criminal prosecution, the department may file a proceeding in
1444 the name of the state seeking issuance of an injunction or a
1445 writ of mandamus against any person who violates any of the
1446 provisions of this chapter, or any provision of law with respect
1447 to professions regulated by the department, or any board
1448 therein, or the rules adopted pursuant thereto.

1449 (6) If the board determines that revocation of a license is
1450 the appropriate penalty, the revocation shall be permanent.
1451 However, the board may establish, by rule, requirements for
1452 reapplication by applicants whose licenses have been permanently
1453 revoked. Such requirements may include, but shall not be limited
1454 to, satisfying current requirements for an initial license.

1455 Section 27. Section 472.0355, Florida Statutes, is created
1456 to read:

1457 472.0355 Disciplinary guidelines.-

1458 (1) The board by rule shall adopt and periodically review
1459 the disciplinary guidelines applicable to each ground for
1460 disciplinary action which may be imposed by the board pursuant
1461 to this chapter and any rule of the board or department.



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1462 (2) The disciplinary guidelines shall specify a meaningful
1463 range of designated penalties based upon the severity and
1464 repetition of specific offenses, it being the legislative intent
1465 that minor violations be distinguished from those which endanger
1466 the public health, safety, or welfare; that such guidelines
1467 provide reasonable and meaningful notice to the public of likely
1468 penalties which may be imposed for proscribed conduct; and that
1469 such penalties be consistently applied by the board.

1470 (3) A specific finding of mitigating or aggravating
1471 circumstances shall allow the board to impose a penalty other
1472 than that provided for in such guidelines. If applicable, the
1473 board shall adopt by rule disciplinary guidelines to designate
1474 possible mitigating and aggravating circumstances and the
1475 variation and range of penalties permitted for such
1476 circumstances.

1477 (4) The department must review such disciplinary guidelines
1478 for compliance with the legislative intent as set forth herein
1479 to determine whether the guidelines establish a meaningful range
1480 of penalties and may also challenge such rules pursuant to s.
1481 120.56.

1482 (5) The administrative law judge, in recommending penalties
1483 in any recommended order, must follow the penalty guidelines
1484 established by the board or department and must state in writing
1485 the mitigating or aggravating circumstances upon which the
1486 recommended penalty is based.

1487 Section 28. Section 472.036, Florida Statutes, is created
1488 to read:

1489 472.036 Unlicensed practice of professional surveying and
1490 mapping; cease and desist notice; civil penalty; enforcement;



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1491 citations; allocation of moneys collected.-

1492 (1) When the department has probable cause to believe that
1493 any person not licensed by the department or the board has
1494 violated any provision of this chapter, or any rule adopted
1495 pursuant this chapter, the department may issue and deliver to
1496 such person a notice to cease and desist from such violation. In
1497 addition, the department may issue and deliver a notice to cease
1498 and desist to any person who aids and abets the unlicensed
1499 practice of surveying and mapping by employing such unlicensed
1500 person. The issuance of a notice to cease and desist shall not
1501 constitute agency action for which a hearing under ss. 120.569
1502 and 120.57 may be sought. For the purpose of enforcing a cease
1503 and desist order, the department may file a proceeding in the
1504 name of the state seeking issuance of an injunction or a writ of
1505 mandamus against any person who violates any provisions of such
1506 order. In addition to the foregoing remedies, the department may
1507 impose an administrative penalty not to exceed \$5,000 per
1508 incident pursuant to the provisions of chapter 120 or may issue
1509 a citation pursuant to the provisions of subsection (3). If the
1510 department is required to seek enforcement of the order for a
1511 penalty pursuant to s. 120.569, it shall be entitled to collect
1512 its attorney's fees and costs, together with any cost of
1513 collection.

1514 (2) In addition to or in lieu of any remedy provided in
1515 subsection (1), the department may seek the imposition of a
1516 civil penalty through the circuit court for any violation for
1517 which the department may issue a notice to cease and desist
1518 under subsection (1). The civil penalty shall be no less than
1519 \$500 and no more than \$5,000 for each offense. The court may



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1520 also award to the prevailing party court costs and reasonable
1521 attorney fees and, in the event the department prevails, may
1522 also award reasonable costs of investigation.

1523 (3) (a) Notwithstanding the provisions of s. 472.033, the
1524 department shall adopt rules to permit the issuance of citations
1525 for unlicensed practice of a profession. The citation shall be
1526 issued to the subject and shall contain the subject's name and
1527 any other information the department determines to be necessary
1528 to identify the subject, a brief factual statement, the sections
1529 of the law allegedly violated, and the penalty imposed. The
1530 citation must clearly state that the subject may choose, in lieu
1531 of accepting the citation, to follow the procedure under s.
1532 472.033. If the subject disputes the matter in the citation, the
1533 procedures set forth in s. 472.033 must be followed. However, if
1534 the subject does not dispute the matter in the citation with the
1535 department within 30 days after the citation is served, the
1536 citation shall become a final order of the department upon
1537 filing with the agency clerk. The penalty shall be a fine of not
1538 less than \$500 or more than \$5,000 or other conditions as
1539 established by rule.

1540 (b) Each day that the unlicensed practice continues after
1541 issuance of a citation constitutes a separate violation.

1542 (c) The department shall be entitled to recover the costs
1543 of investigation, in addition to any penalty provided according
1544 to department rule as part of the penalty levied pursuant to the
1545 citation.

1546 (d) Service of a citation may be made by personal service
1547 or certified mail, restricted delivery, to the subject at the
1548 subject's last known address.



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1549 (4) All fines, fees, and costs collected through the
1550 procedures set forth in this section shall be deposited in the
1551 General Inspection Trust Fund.

1552 (5) The provisions of this section apply only to the
1553 provisions of this chapter.

1554 Section 29. Section 472.0365, Florida Statutes, is created
1555 to read:

1556 472.0365 Unlicensed activities; fees; disposition.—In order
1557 to protect the public and to ensure a consumer-oriented
1558 department, it is the intent of the Legislature that vigorous
1559 enforcement of regulation for professional surveying and mapping
1560 activities is a state priority. All enforcement costs under this
1561 chapter should be covered by the profession. Therefore, the
1562 department shall impose, upon initial licensure and each renewal
1563 thereof, a special fee of \$5 per licensee. Such fee shall be in
1564 addition to all other fees collected from each licensee and
1565 shall fund efforts to combat unlicensed activity. The board with
1566 concurrence of the department may earmark \$5 of the current
1567 licensure fee for this purpose, if the board is not in a deficit
1568 and has a reasonable cash balance. The board with the
1569 concurrence of the department may authorize the transfer of
1570 funds from the operating fund account to the unlicensed activity
1571 account if the operating fund account is not in a deficit and
1572 has a reasonable cash balance. The department shall include all
1573 financial and statistical data resulting from unlicensed
1574 activity enforcement as a separate category in the quarterly
1575 management report provided for in s. 472.011. For the unlicensed
1576 activity account, a balance which remains at the end of a
1577 renewal cycle may, with concurrence of the board and the



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1578 department, be transferred to the operating fund account of the
1579 profession.

1580 Section 30. The following provisions are adopted to
1581 minimize any interruption of service or function which may
1582 result from implementing the type two transfer provided in this
1583 act:

1584 (1) The Department of Agriculture and Consumer Services and
1585 Department of Business and Professional Regulation shall
1586 cooperate fully to complete this type two transfer not later
1587 than October 1, 2009.

1588 (2) The Department of Business and Professional Regulation
1589 shall transfer to the Department of Agriculture and Consumer
1590 Services the unexpended balances of appropriations, allocations,
1591 and all other funds applicable to the licensing and regulation
1592 of Professional Surveyors and Mappers outstanding as of October
1593 1, 2009.

1594 (3) This type two transfer will require a full transfer of
1595 all data and processing information necessary for complete
1596 operation of the licensing and regulatory program under chapter
1597 472, Florida Statutes, from the data processing system operated
1598 by the Department of Business and Professional Regulation to the
1599 data processing system operated by the Department of Agriculture
1600 and Consumer Services. This transfer must be completed without
1601 loss of relevant data or functionality required for the program.
1602 In the event this necessary transfer of data processing
1603 functionality cannot be completed before October 1, 2009, the
1604 Department of Agriculture and Consumer Services may continue
1605 operating some or all data processing functions required under
1606 chapter 472, Florida Statutes, through the data processing



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1607 system operated by the Department of Business and Professional
1608 Regulation. For this continued use of its data processing
1609 system, the Department of Business and Professional Regulation
1610 shall be reimbursed by the Department of Agriculture and
1611 Consumer Services at the rate of \$2,000 per month; the monthly
1612 fee shall be prorated by day for each partial month of continued
1613 use. This authority for use and compensation shall terminate
1614 upon the complete transfer of all data processing functions to
1615 the separate data processing system operated by the Department
1616 of Agriculture and Consumer Services.

1617 (4) The transfer of regulatory authority under chapter 472,
1618 Florida Statutes, provided by this act shall not affect the
1619 validity of any judicial or administrative action pending as of
1620 11:59 p.m. on the day before October 1, 2009, to which action
1621 the Board of Professional Surveyors and Mappers, or the
1622 Department of Business and Professional Regulation in relation
1623 to the Board of Professional Surveyors and Mappers, are at that
1624 time parties, and the Board of Professional Surveyors and
1625 Mappers or the Department of Agriculture and Consumer Services,
1626 as appropriate, shall be substituted as a party in interest in
1627 any such action.

1628 (5) All lawful orders issued by the Board of Professional
1629 Surveyors and Mappers, or by the Department of Business and
1630 Professional Regulation, implementing or enforcing or otherwise
1631 in regard to any provision of chapter 472, Florida Statutes,
1632 issued prior to October 1, 2009, shall remain in effect and be
1633 enforceable after October 1, 2009, unless thereafter modified in
1634 accordance with law.

1635 (6) The rules of the Board of Professional Surveyors and



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1636 Mappers and of the Department of Business and Professional
1637 Regulation relating to the Board of Professional Surveyors and
1638 Mappers or implementation of chapter 472, Florida Statutes,
1639 which were in effect at 11:59 p.m. on the day prior to October
1640 1, 2009, shall become rules of the Department of Agriculture and
1641 Consumer Services and the Board of Professional Surveyors and
1642 Mappers and shall remain in effect until amended or repealed in
1643 the manner provided by law.

1644 (7) (a) Notwithstanding the transfer of regulatory authority
1645 over chapter 472, Florida Statutes, provided by this act,
1646 persons and entities holding in good standing any license under
1647 chapter 472, Florida Statutes, as of 11:59 p.m. on the day prior
1648 to October 1, 2009, shall be deemed to hold in good standing a
1649 license in the same capacity under chapter 472, Florida
1650 Statutes, as of October 1, 2009.

1651 (b) Notwithstanding the transfer of regulatory authority
1652 over chapter 472, Florida Statutes, provided by this act,
1653 persons and entities holding in good standing any registration
1654 under chapter 472, Florida Statutes, as of 11:59 p.m. on the day
1655 prior to October 1, 2009, shall as of October 1, 2009, be deemed
1656 to be licensed in the same capacity in which they were formerly
1657 registered, and their registration shall thereafter be deemed a
1658 license for purposes of chapter 472, Florida Statutes.

1659 (8) No later than July 1, 2009, the Department of
1660 Agriculture and Consumer Services and the Department of Business
1661 and Professional Regulation shall cooperate in making available
1662 all personnel and information necessary for a prompt and
1663 complete transition of pending disciplinary matters, including
1664 coordinating meetings of attorneys and investigators.



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1665 (9) The Department of Agriculture and Consumer Services may
1666 contract with the Department of Business and Professional
1667 Regulation for the development, preparation, administration,
1668 scoring, score reporting, and evaluation of examinations
1669 currently scheduled to be conducted after October 1, 2009. Any
1670 such contract shall be entered into only with the prior advice
1671 and approval of the Board of Professional Surveyors and Mappers
1672 and shall become effective on or after October 1, 2009. The
1673 Department of Agriculture and Consumer Services and the
1674 Department of Business and Professional Regulation shall confer
1675 promptly with the board to determine at the earliest possible
1676 time the need for the services described in this subsection.

1677 Section 31. Subsection (3) of section 482.2401, Florida
1678 Statutes, is amended to read:

1679 482.2401 Disposition and use of revenues from fees and
1680 fines.—

1681 (3) The department may use All revenues from administrative
1682 finances shall be used to support contract research or education in
1683 pest control. If revenues are available to support such research
1684 or education, the department shall appoint a committee composed
1685 of pest control industry members which shall assist the
1686 department in establishing research or education priorities, in
1687 developing requests for proposals for bids, and in selecting
1688 research or education contractors from qualified bidders.

1689 Section 32. Effective upon this act becoming a law and
1690 retroactive to January 1, 2009, subsections (1) and (2) of
1691 section 487.041, Florida Statutes, as amended by section 14 of
1692 chapter 2009-20, Laws of Florida, are amended to read:

1693 487.041 Registration.—



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1694 (1) (a) Effective January 1, 2009, each brand of pesticide,
1695 as defined in s. 487.021, which is distributed, sold, or offered
1696 for sale, except as provided in this section, within this state
1697 or delivered for transportation or transported in intrastate
1698 commerce or between points within this state through any point
1699 outside this state must be registered in the office of the
1700 department, and such registration shall be renewed biennially.
1701 Emergency exemptions from registration may be authorized in
1702 accordance with the rules of the department. The registrant
1703 shall file with the department a statement including:

1704 1. The name, business mailing address, and street address
1705 of the registrant.

1706 2. The name of the brand of pesticide.

1707 3. An ingredient statement and a complete copy of the
1708 labeling accompanying the brand of the pesticide, which must
1709 conform to the registration, and a statement of all claims to be
1710 made for it, including directions for use and a guaranteed
1711 analysis showing the names and percentages by weight of each
1712 active ingredient, the total percentage of inert ingredients,
1713 and the names and percentages by weight of each "added
1714 ingredient."

1715 (b) Effective January 1, 2009, for the purpose of defraying
1716 expenses of the department in connection with carrying out the
1717 provisions of this part, each registrant ~~person~~ shall pay a
1718 biennial registration fee for each registered brand of
1719 pesticide. The registration of each brand of pesticide shall
1720 cover a designated 2-year period beginning on January 1 of each
1721 odd-numbered year and expiring on December 31 of the following
1722 year.



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1723 (c) Each registration issued by the department to a
1724 registrant for a period beginning in an odd-numbered year shall
1725 be assessed a fee of \$700 per brand of pesticide and a fee of
1726 \$200 for each special local need label and experimental use
1727 permit, and the registration shall expire on December 31 of the
1728 following year. Each registration issued by the department to a
1729 registrant for a period beginning in an even-numbered year shall
1730 be assessed a fee of \$350 per brand of pesticide and fee of \$100
1731 for each special local need label and experimental use permit,
1732 and the registration shall expire on December 31 of that year.

1733 (d)1. Effective January 1, 2009, in addition to the fees
1734 assessed pursuant to paragraphs (b) and (c), for the purpose of
1735 defraying the expenses of the department for testing pesticides
1736 for food safety, each registrant shall pay a supplemental
1737 biennial registration fee for each registered brand of pesticide
1738 that contains an active ingredient for which the United States
1739 Environmental Protection Agency has established a food tolerance
1740 limit in 40 C.F.R. part 180. The department shall biennially
1741 publish by rule a list of the pesticide active ingredients for
1742 which a brand of pesticide is subject to the supplemental
1743 registration fee.

1744 2. Each registration issued by the department to a
1745 registrant for a period beginning in an odd-numbered year shall
1746 be assessed a supplemental registration fee of \$630 per brand of
1747 pesticide that is subject to the fee pursuant to subparagraph 1.
1748 Each registration issued by the department to a registrant for a
1749 period beginning in an even-numbered year shall be assessed a
1750 supplemental registration fee of \$315 per brand of pesticide
1751 that is subject to the fee pursuant to subparagraph 1. The



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1752 department shall retroactively assess the supplemental
1753 registration fee for each brand of pesticide that registered on
1754 or after January 1, 2009, and that is subject to the fee
1755 pursuant to subparagraph 1.

1756 (e)~~(d)~~ All revenues collected, less those costs determined
1757 by the department to be nonrecurring or one-time costs, shall be
1758 deferred over the 2-year registration period, deposited in the
1759 General Inspection Trust Fund, and used by the department in
1760 carrying out the provisions of this chapter. Revenues collected
1761 from the supplemental registration fee may also be used by the
1762 department for testing pesticides for food safety.

1763 (f)~~(e)~~ If the renewal of a brand of pesticide, including
1764 the special local need label and experimental use permit, is not
1765 filed by January 31 of the renewal year, an additional fee of
1766 \$25 per brand of pesticide shall be assessed per month and added
1767 to the original fee. This additional fee may not exceed \$250 per
1768 brand of pesticide. The additional fee must be paid by the
1769 registrant before the renewal certificate for the registration
1770 of the brand of pesticide is issued. The additional fee shall be
1771 deposited into the General Inspection Trust Fund.

1772 (g)~~(f)~~ This subsection does not apply to distributors or
1773 retail dealers selling brands of pesticide if such brands of
1774 pesticide are registered by another person.

1775 (2) The department shall adopt rules governing the
1776 procedures for the registration of a brand of pesticide, ~~and~~ for
1777 the review of data submitted by an applicant for registration of
1778 the brand of pesticide, and for biennially publishing the list
1779 of active ingredients for which a brand of pesticide is subject
1780 to the supplemental registration fee pursuant to subparagraph



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1781 (1) (d) 1. The department shall determine whether the brand of
1782 pesticide should be registered, registered with conditions, or
1783 tested under field conditions in this state. The department
1784 shall determine whether each request for registration of a brand
1785 of pesticide meets the requirements of current state and federal
1786 law. The department, whenever it deems it necessary in the
1787 administration of this part, may require the manufacturer or
1788 registrant to submit the complete formula, quantities shipped
1789 into or manufactured in the state for distribution and sale,
1790 evidence of the efficacy and the safety of any pesticide, and
1791 other relevant data. The department may review and evaluate a
1792 registered pesticide if new information is made available that
1793 indicates that use of the pesticide has caused an unreasonable
1794 adverse effect on public health or the environment. Such review
1795 shall be conducted upon the request of the State Surgeon General
1796 in the event of an unreasonable adverse effect on public health
1797 or the Secretary of Environmental Protection in the event of an
1798 unreasonable adverse effect on the environment. Such review may
1799 result in modifications, revocation, cancellation, or suspension
1800 of the registration of a brand of pesticide. The department, for
1801 reasons of adulteration, misbranding, or other good cause, may
1802 refuse or revoke the registration of the brand of any pesticide
1803 after notice to the applicant or registrant giving the reason
1804 for the decision. The applicant may then request a hearing,
1805 pursuant to chapter 120, on the intention of the department to
1806 refuse or revoke registration, and, upon his or her failure to
1807 do so, the refusal or revocation shall become final without
1808 further procedure. The registration of a brand of pesticide may
1809 not be construed as a defense for the commission of any offense



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1810 prohibited under this part.

1811 Section 33. Section 531.60, Florida Statutes, is created to
1812 read:

1813 531.60 Permit for commercially operated or tested weights
1814 or measures instrument or devices.-

1815 (1) A weights and measures instrument or device may not
1816 operate or be used for commercial purposes, as defined by
1817 department rule, within this state without a valid commercial
1818 use permit issued by the department, unless exempted as provided
1819 in s. 531.61. Such permit applies only to the specific
1820 instrument or device for which the permit was issued. However,
1821 the department may allow such permit to be applicable to a
1822 replacement for the original instrument or device.

1823 (2) If ownership of an instrument or device for which a
1824 permit has been issued changes and the instrument or device:

1825 (a) Remains in the same location, the permit transfers to
1826 the new owner and remains in effect until its original
1827 expiration date. Within 30 days after the change in ownership,
1828 the new owner shall notify the department of the change and
1829 provide the pertinent information regarding the change in
1830 ownership and an updated replacement permit shall be issued if
1831 needed.

1832 (b) Moves to a new location, the permit automatically
1833 expires and a new permit must be issued which will expire 1 year
1834 following the date of issuance.

1835 (3) Weights and measures instruments or devices that are
1836 not used commercially may be tested by the department under this
1837 chapter only if they are permitted and appropriate fees paid as
1838 prescribed by this section and adopted rules.



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1839 Section 34. Section 531.61, Florida Statutes, is created to
1840 read:

1841 531.61 Exemptions from permit requirement.—Commercial
1842 weights or measures instruments or devices are exempt from the
1843 permit requirements of ss. 531.60-531.66 if:

1844 (1) The device is a taximeter that is licensed, permitted,
1845 or registered by a municipality, county, or other local
1846 government and is tested for accuracy and compliance with state
1847 standards by the local government in cooperation with the state
1848 as authorized in s. 531.421.

1849 (2) The device is used exclusively for weighing railroad
1850 cars and is tested for accuracy and compliance with state
1851 standards by a private testing agency.

1852 (3) The device is used exclusively for measuring petroleum
1853 products taxed under s. 525.09.

1854 Section 35. Section 531.62, Florida Statutes, is created to
1855 read:

1856 531.62 Permit application and renewal.—

1857 (1) An application for a weights and measures commercial
1858 use permit shall be submitted to the department on a form
1859 prescribed and furnished by the department and must contain such
1860 information as the department may require by rule.

1861 (2) The application must be accompanied by a fee in an
1862 amount determined by department rule. However, the fee for each
1863 instrument or device may not exceed the maximum limits set forth
1864 in s. 531.63.

1865 (3) The department shall issue a permit and such other
1866 identification tags or stickers as necessary to provide evidence
1867 of compliance with ss. 531.60-531.66.



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1868 (4) A permit expires 1 year following its date of issue and
1869 must be renewed annually. If an application for renewal is not
1870 received by the department within 30 days after its due date, a
1871 late fee of up to \$100 must be paid in addition to the annual
1872 commercial use permit fee.

1873 (5) All permit fees shall be deposited into the General
1874 Inspection Trust Fund and used to carry out and enforce the
1875 provisions of this chapter relating to testing, inspection,
1876 licensing, and regulation of commercial weights and measures
1877 instruments or devices and practices in the state.

1878 Section 36. Section 531.63, Florida Statutes, is created to
1879 read:

1880 531.63 Maximum permit fees.—The commercial use permit fees
1881 established for weights or measures instruments or devices shall
1882 be in an amount necessary to administer this chapter but may not
1883 exceed the amounts provided in this section.

1884 (1) For weighing devices, the fees must be based on the
1885 manufacturer's rated capacity or the device's design and use and
1886 whether measuring by inch or pounds or the metric equivalent:

1887 (a) For weighing devices of up to and including the 100-
1888 pound capacity which are used during any portion of the period
1889 covered by the permit, the maximum annual fees per retail
1890 establishment may not exceed the following:

<u>Number of devices</u>	<u>Maximum Fee</u>
<u>in a single retail</u>	
<u>establishment</u>	
<u>1 to 5</u>	<u>\$60</u>
<u>6 to 10</u>	<u>\$150</u>



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1897	<u>11 to 30</u>	<u>\$200</u>
1898	<u>More than 30</u>	<u>\$300</u>

1899

1900 (b) For weighing devices of greater than the 100-pound
1901 capacity, the maximum annual registration fees may not exceed
1902 the following amounts per device:

1903

1904	<u>Manufacturer's rated capacity</u>	<u>Maximum Fee Per Device</u>
1905	<u>100-5,000 pounds</u>	<u>\$200</u>
1906	<u>5,000-20,000 pounds</u>	<u>\$300</u>
1907	<u>20,000 pounds or more</u>	<u>\$400</u>
1908	<u>Wheel load weighers</u>	<u>\$35</u>
1909	<u>Static railroad track scales</u>	<u>\$1,000</u>
1910	<u>Belt-conveyor scales</u>	<u>\$500</u>
1911	<u>In-motion railroad track scales</u>	<u>\$1,000</u>

1912

1913 (2) For other measuring devices, the annual permit fees per
1914 device may not exceed the following:

1915 (a) Mass flow meters having a maximum flow rate of up to
1916 150 pounds per minute \$100.

1917 (b) Mass flow meters having a maximum flow rate greater
1918 than 150 pounds per minute \$500.

1919 (c) Volumetric flow meters having a maximum flow rate of up
1920 to 20 gallons per minute \$50.

1921 (d) Volumetric flow meters having a maximum flow rate
1922 greater than 20 gallons per minute \$100.

1923 (e) Tanks, under 500 gallons capacity, used as measure
1924 containers, with or without gage rods or markers \$100.

1925 (f) Tanks, 500 or more gallons capacity, used as measure



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1926 containers, with or without gage rods or markers \$200.
1927 (g) Taximeters \$50.
1928 (h) Grain moisture meters \$25.
1929 (i) Multiple-dimension measuring devices \$100.
1930 (3) The owner or person in possession of a weight or
1931 measures instrument or device for which the permit fees have not
1932 been paid in accordance with this section may not use such
1933 instrument or device for commercial purposes.
1934 Section 37. Section 531.64, Florida Statutes, is created to
1935 read:
1936 531.64 Suspension and revocation of permits.—Any permit
1937 issued under s. 531.62 may be suspended or revoked by the
1938 department if the devices or instruments for which the permit is
1939 issued are operated or used contrary to this chapter or adopted
1940 rules.
1941 Section 38. Section 531.65, Florida Statutes, is created to
1942 read:
1943 531.65 Unauthorized use; penalties.—If a weights or
1944 measures instrument or device is used commercially without a
1945 valid commercial use permit, the department may:
1946 (1) Prohibit the further commercial use of the unpermitted
1947 instrument or device until the proper permit has been issued;
1948 (2) Employ and attach to the instrument or device such
1949 form, notice, tag, or seal to prevent the continued unauthorized
1950 use of the instrument or device;
1951 (3) In addition to the permit fees prescribed by rule for
1952 the commercial use of a weights and measures instrument or
1953 device, assess the late fee authorized under s. 531.62; or
1954 (4) Impose penalties as prescribed in s. 531.50 in addition



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1955 to the payment of appropriate permit fees for the commercial use
1956 of a weights and measures instrument or device.

1957 Section 39. Section 531.66, Florida Statutes, is created to
1958 read:

1959 531.66 Forms; rules.-

1960 (1) The department shall prescribe such forms, permits,
1961 certificates, and identification tags or stickers it considers
1962 necessary to carry out the permitting provisions of ss. 531.60-
1963 531.66.

1964 (2) The department shall adopt rules necessary to
1965 administer ss. 531.60-531.66.

1966 Section 40. Sections 531.60, 531.61, 531.62, 531.63,
1967 531.64, 531.65, and 531.66, Florida Statutes, as created by this
1968 act, shall expire July 1, 2014.

1969 Section 41. Paragraph (a) of subsection (2) of section
1970 576.021, Florida Statutes, is amended to read:

1971 576.021 Registration and licensing.-

1972 (2) (a) A person may not distribute a specialty fertilizer
1973 in this state until it is registered with the department by the
1974 licensee whose name appears on the label. An application for
1975 registration of each grade of specialty fertilizer shall be made
1976 on a form furnished by the department and shall be accompanied
1977 by an annual fee of \$100 for each specialty fertilizer that is
1978 registered ~~for the first five registrations for each grade of~~
1979 ~~each brand. If more than five grades of specialty fertilizer are~~
1980 ~~to be registered by a licensee, the registration fee for the~~
1981 ~~sixth grade registered and for each subsequent grade registered~~
1982 ~~shall be \$25 for each grade of each brand. All specialty~~
1983 fertilizer registrations expire June 30 each year. All licensing



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1984 and registration fees paid to the department under this section
1985 shall be deposited into the State Treasury to be placed in the
1986 General Inspection Trust Fund to be used for the sole purpose of
1987 funding the fertilizer inspection program.

1988 Section 42. Paragraph (a) of subsection (2) of section
1989 576.045, Florida Statutes, is amended to read:

1990 576.045 Nitrogen and phosphorus; findings and intent; fees;
1991 purpose; best-management practices; waiver of liability;
1992 compliance; rules; exclusions; expiration.—

1993 (2) FEES.—

1994 (a) In addition to the fees imposed under ss. 576.021 and
1995 576.041, the following supplemental fees shall be collected and
1996 paid by licensees for the sole purpose of implementing this
1997 section:

1998 1. One hundred dollars for each license to distribute
1999 fertilizer.

2000 2. One hundred dollars for each ~~of the first five~~ specialty
2001 fertilizer ~~registrations and \$25 for each~~ registration ~~after the~~
2002 ~~first five~~.

2003 3. Fifty cents per ton for all fertilizer that contains
2004 nitrogen or phosphorus and that is sold in this state.

2005 Section 43. Subsection (1) of section 578.08, Florida
2006 Statutes, is amended to read:

2007 578.08 Registrations.—

2008 (1) Every person, except as provided in subsection (4) and
2009 s. 578.14, before selling, distributing for sale, offering for
2010 sale, exposing for sale, handling for sale, or soliciting orders
2011 for the purchase of any agricultural, vegetable, flower, or
2012 forest tree seed or mixture thereof, shall first register with



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2013 the department as a seed dealer. The application for
2014 registration shall include the name and location of each place
2015 of business at which the seed is sold, distributed for sale,
2016 offered for sale, exposed for sale, or handled for sale. The
2017 application for registration shall be accompanied by an annual
2018 registration fee for each such place of business based on the
2019 gross receipts from the sale of such seed for the last preceding
2020 license year as follows:

2021 (a)1. Receipts less than \$2,500.01, fee of.....\$100 ~~\$50~~

2022 2. Receipts more than \$2,500 and less than
2023 \$5,000.01, fee of.....\$200 ~~\$100~~

2024 3. Receipts more than \$5,000 and less than
2025 \$10,000.01, fee of.....\$350 ~~\$175~~

2026 4. Receipts more than \$10,000 and less than
2027 \$20,000.01, fee of\$800 ~~\$400~~

2028 5. Receipts more than \$20,000 and less than
2029 \$40,000.01, fee of.....\$1,000 ~~\$500~~

2030 6. Receipts more than \$40,000 and less than
2031 \$70,000.01, fee of.....\$1,200 ~~\$600~~

2032 7. Receipts more than \$70,000 and less than
2033 \$150,000.01, fee of.....\$1,600 ~~\$800~~

2034 8. Receipts more than \$150,000 and less than
2035 \$400,000.01, fee of.....\$2,400 ~~\$1,200~~

2036 9. Receipts more than \$400,000, fee of.....\$4,600 ~~\$2,300~~

2037 (b) For places of business not previously in operation, the
2038 fee shall be based on anticipated receipts for the first license
2039 year.

2040 Section 44. Subsection (2) of section 589.08, Florida
2041 Statutes, is amended to read:



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2042 589.08 Land acquisition restrictions.-

2043 (2) The division may receive, hold the custody of, and
2044 exercise the control of any lands, and set aside into a
2045 separate, distinct and inviolable fund, any ~~the~~ proceeds ~~which~~
2046 ~~may be~~ derived from the sales of the products of such lands, the
2047 use thereof in any manner, or the sale of such lands save the 25
2048 percent of the proceeds ~~thereof~~ to be paid into the State School
2049 Fund as provided by law. The division may use and apply such
2050 funds for the acquisition, use, custody, management,
2051 development, or improvement of any lands vested in or subject to
2052 the control of the ~~such~~ division. After full payment has been
2053 made for the purchase of a state forest, ~~to~~ the Federal
2054 Government or other grantor, ~~then~~ 15 percent of the gross
2055 receipts from a state forest shall be paid to the fiscally
2056 constrained county or counties, as described in s. 218.67(1), in
2057 which it is located in proportion to the acreage located in each
2058 county for use by the county or counties for school purposes.

2059 Section 45. Section 589.081, Florida Statutes, is amended
2060 to read:

2061 589.081 Withlacoochee State Forest and Goethe State Forest;
2062 payment ~~to counties~~ of portion of gross receipts.-The Division
2063 of Forestry shall pay 15 percent of the gross receipts from
2064 Withlacoochee State Forest and the Goethe State Forest to each
2065 fiscally constrained county, as described in s. 218.67(1), in
2066 which a portion of the respective forest is located in
2067 proportion to the forest acreage located in such ~~each~~ county.
2068 The funds must be equally divided between the board of county
2069 commissioners and the school board of each fiscally constrained
2070 county.



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2071 Section 46. This act shall take effect July 1, 2009, except
2072 that sections 1 through 30 of this act shall take effect October
2073 1, 2009.

2074
2075 ===== T I T L E A M E N D M E N T =====

2076 And the title is amended as follows:

2077 Delete everything before the enacting clause
2078 and insert:

2079 A bill to be entitled
2080 An act relating to the Department of Agriculture and
2081 Consumer Services; providing for a type two transfer
2082 of the licensing and regulation of Professional
2083 Surveyors and Mappers from the Division of Professions
2084 within the Department of Business and Professional
2085 Regulation to the Department of Agriculture and
2086 Consumer Services; amending s. 20.165, F.S.;
2087 conforming provisions to changes made by the act;
2088 amending s. 472.005, F.S.; revising a definition;
2089 creating s. 472.006, F.S.; setting forth the powers
2090 and duties of the Department of Agriculture and
2091 Consumer Services relating to surveyors and mappers;
2092 amending s. 472.007, F.S.; providing for the Board of
2093 Professional Surveyors and Mappers to be located
2094 within the Department of Agriculture and Consumer
2095 Services; providing for the appointment of members to
2096 the board; requiring each board member to be
2097 accountable to the Commissioner of Agriculture;
2098 creating s. 472.0075, F.S.; providing that the board
2099 may be contacted through the department; amending s.



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2100 472.008, F.S.; authorizing the board to adopt rules;
2101 authorizing the department to challenge any rule of
2102 the board; creating s. 472.0101, F.S.; authorizing the
2103 participation of foreign-trained professionals under
2104 certain specified circumstances; amending s. 472.011,
2105 F.S.; requiring that fees collected pursuant to ch.
2106 472, F.S., be deposited into a specified trust fund;
2107 authorizing the board to assess and collect certain
2108 fees; creating s. 472.0131, F.S.; requiring the
2109 department to prepare for professional examinations;
2110 creating s. 472.0132, F.S.; declaring that the
2111 wrongful taking or copying of an examination is a
2112 felony of the third degree; creating s. 472.0135,
2113 F.S.; providing for educational competencies; amending
2114 s. 472.015, F.S.; requiring any person desiring to be
2115 licensed to apply to the department in writing on a
2116 form prepared and furnished by the department;
2117 authorizing the department to collect a license fee;
2118 creating s. 472.016, F.S.; requiring that members of
2119 the Armed Forces be kept in good standing and not be
2120 charged dues and fees while on active duty; creating
2121 s. 472.0165, F.S.; providing qualifications and
2122 standards for immigrants who desire to be licensed as
2123 a surveyor or mapper; amending s. 472.018, F.S.;
2124 providing for continuing education; requiring the
2125 board to establish the criteria and course content for
2126 continuing education courses; creating s. 472.0201,
2127 F.S.; providing for access to public records;
2128 providing for certain specified exceptions; creating



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2129 s. 472.02011, F.S.; prohibiting persons from
2130 disseminating confidential information; creating s.
2131 472.0202, F.S.; prohibiting a person from practicing
2132 the profession without an active status license;
2133 setting forth the permissible activities of an
2134 inactive licensee; creating s. 472.0203, F.S.;
2135 requiring the department to send a notice of renewal
2136 to the licensee; creating s. 472.0204, F.S.; requiring
2137 each licensee to notify the department in writing of
2138 the licensee's current mailing address and place of
2139 practice; amending s. 472.033, F.S.; providing for
2140 disciplinary proceedings; providing for
2141 investigations; creating s. 472.0335, F.S.; providing
2142 for the classification of disciplinary actions;
2143 classifying actions as minor violations; creating s.
2144 472.034, F.S.; providing for mediation of disciplinary
2145 actions; providing procedures; creating s. 472.0345,
2146 F.S.; authorizing the department and the board the
2147 authority to issue citations; providing mediation
2148 procedures; creating s. 472.0351, F.S.; setting forth
2149 the grounds for disciplinary proceedings; listing the
2150 acts that are grounds for disciplinary actions;
2151 creating s. 472.0355, F.S.; providing disciplinary
2152 guidelines; creating s. 472.036, F.S.; providing
2153 penalties for the unlicensed practice of surveying and
2154 mapping; authorizing the department to issue a
2155 citation; providing for a civil penalty; creating s.
2156 472.0365, F.S.; authorizing the department to collect
2157 a fee to support enforcement activities; providing



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2158 requirements for the Department of Agriculture and
2159 Consumer Services and the Department of business and
2160 Professional Regulation to minimize any interruption
2161 of service or function resulting from the transfer of
2162 duties; amending s. 482.2401, F.S.; replacing a
2163 requirement that the department use all revenues from
2164 certain administrative fines to support research or
2165 education in pest control with an authorization to use
2166 such available revenues for those purposes; amending
2167 s. 487.041, F.S.; establishing supplemental biennial
2168 registration fees for certain brands of pesticide;
2169 requiring the department to adopt rules publishing a
2170 list of active ingredients contained in pesticides for
2171 which the supplemental fee is required; providing for
2172 retroactive assessment of the supplemental fees;
2173 providing for use of the revenues collected from the
2174 fees; providing for retroactive application; creating
2175 s. 531.60, F.S.; requiring a permit for weights and
2176 measures instruments or devices used commercially or
2177 tested by the department; creating s. 531.61, F.S.;
2178 providing exemptions from permit requirements;
2179 creating s. 531.62, F.S.; providing for permit
2180 application and annual renewal; creating s. 531.63,
2181 F.S.; providing for maximum permit fees based on the
2182 number and capacity of such instruments or devices;
2183 creating s. 531.64, F.S.; providing for the suspension
2184 or revocation of permits; creating s. 531.65, F.S.;
2185 authorizing the department to take certain actions and
2186 impose penalties for unpermitted use; creating s.



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2187 531.66, F.S.; directing the department to develop
2188 forms and adopt rules; providing for future expiration
2189 of such provisions requiring a permit for a weights
2190 and measures instrument or device and providing for
2191 permit fees and enforcement; amending ss. 576.021 and
2192 576.045, F.S.; revising fees for the registration of
2193 specialty fertilizers; amending s. 578.08, F.S.;
2194 revising fees for the registration of seed dealers;
2195 amending s. 589.08, F.S.; limiting the payment of a
2196 certain percentage of the gross receipts from a state
2197 forest to fiscally constrained counties; amending s.
2198 589.081, F.S.; limiting the payment of a certain
2199 percentage of the gross receipts from specified state
2200 forests to the board of county commissioners and the
2201 school board of certain fiscally constrained counties;
2202 providing effective dates.