

## Committee Substitute for House Bill No. 489

An act relating to land surveying and mapping; amending s. 472.003, F.S.; exempting certain subordinate employees from provisions relating to regulation of land surveying and mapping; amending s. 472.005, F.S.; providing definitions; amending s. 472.008, F.S.; providing rulemaking authority to the Board of Professional Surveyors and Mappers relating to the use of professional titles by retirees; amending s. 472.013, F.S.; deleting an obsolete prerequisite to take the licensure examination to practice as a surveyor and mapper; deleting rulemaking authority for the review and approval of military schools and federal training and apprenticeship programs; amending s. 472.015, F.S.; revising requirements for licensure by endorsement; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; providing for liability and duty of care on agricultural land; amending s. 472.031, F.S.; prohibiting persons who are not registered to practice surveying and mapping from offering to practice such profession or from using certain related professional titles; providing penalties; amending s. 472.033, F.S.; providing grounds for disciplinary action; providing an effective date.

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

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

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

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

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

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

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

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

(9) “Employee” means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

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

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

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

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

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

472.008 Rules of the board.—

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

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

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

472.013 Examinations, prerequisites.—

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

(a) The applicant is a graduate of an approved course of study in surveying and mapping from a college or university recognized by the board and has a specific experience record of 4 or more years as a subordinate to a professional surveyor and mapper in the active practice of surveying and mapping, which experience is of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The course of study in surveying and mapping

must have included not fewer than 32 semester hours of study, or its academic equivalent, in the science of surveying and mapping or in board-approved surveying-and-mapping-related courses. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge.

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

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

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

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

472.015 Licensure.—

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

1.(a) Holds a valid license to practice surveying and mapping issued prior to July 1, 1999, by another state or territory of the United States; Qualifies to take the examination as set forth in s. 472.013, who has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 472.013; and who has a specific

experience record of at least 8 years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 6 years of which must be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed ~~satisfied the experience requirements set forth in s. 472.013; or~~

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

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

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

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

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

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

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

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

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

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

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

472.031 Prohibitions; penalties.—

(1) No person shall:

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

(b) Use the name or title “registered surveyor and mapper,” “surveyor and mapper,” “professional surveyor and mapper,” “land surveyor,” “surveyor,” or any combination thereof when such person has not registered pursuant to ss. 472.001-472.037;

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

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

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

(2) Any person who is found to be in violation of ~~violates~~ any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

472.033 Disciplinary proceedings.—

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

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

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

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

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

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

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

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

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

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

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

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

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

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

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

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

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

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.