

# BOARD OF PROFESSIONAL SURVEYORS & MAPPERS



Volume I Number 1

July 1999

## Board Functions Clarified by Assistant AG

Licenseses sometimes inquire, what is the function of the Board of Professional Surveyors and Mappers?

It is important to remember Boards are not professional associations advocating for the interests of the profession. The Board of Professional Surveyors and Mappers, as well as other professional Boards, are regulatory entities whose primary purpose is to protect the health, safety, and welfare of the public. Each appointed Board has as its authority a section or chapter of the Florida Statutes usually referred to as a "practice act." While each practice act is unique to its profession there are certain characteristics common to all: purpose, definitions, rulemaking authority, and composition of Board membership.

The nine member Board of Professional Surveyors and Mappers has the responsibility to administer Chapter 472 on behalf of the public. This includes assurance that only persons who meet the legislatively established requirements for licensure are granted licenses; establishment of criteria and procedures for maintenance of competency through continuing education; and imposition of appropriate disciplinary penalties for violation of the practice act.

The legislature determines the scope of practice and the requirements for minimum safe practice. In order to administer those general provisions, the Board has rulemaking authority to implement and interpret the practice act. It cannot, however, exceed the authority specifically granted by the legislature. No Board is permitted to make rules that impose additional conditions or waive mandated requirements for licensure; expand the definitions or scope of practice; or impose disciplinary action not specified by law, such as restitution.

The Board of Professional Surveyors and Mappers is subject to the open meeting or Government-In-The-Sunshine Law. Under the Sunshine Law, all actions must be carried out in public view at a noticed meeting accessible to the general public. This means that not only must final decisions be made in the public forum, but also that the entire process, including informal discussions, must be carried out in full public view. Such discussions are recorded. Any documents or agenda materials used for review in reaching a decision are public records, unless the law specifies confidentiality of certain matters. These laws apply to the full Board, as well as to any discussions between two or more members on matters about which foreseeable action will be taken. Therefore Board members are required to refrain from informal discussions, telephone conversations, and written communication among themselves in which Board matters would be discussed. The Sunshine Law also applies to a single member when the member has been delegated authority to act on behalf of the Board.

Often Board members may be contacted by persons who have business that is or may likely come before the Board. Such discussion known as *ex parte* communications should not be initiated to Board members as they may result in recusal of the Board member. Whenever a board member recognizes that a particular matter cannot be judged in an unbiased manner because the member has personal knowledge of disputed facts in the proceeding; the member must be recused. The member then shall not participate in the proceeding. This outside knowledge includes both verbal and written communications. Any documents received by Board

members by virtue of their position as public officials are probably public records.

When a board member participates in a disciplinary proceeding or licensing action, the member is bound by the Code of Judicial Conduct adopted by the Florida Supreme Court to the extent that this Code can be applied in an administrative context. The Code requires the member to avoid impropriety and the appearance of impropriety in all activities. The Code admonishes the member that personal relationships should not influence official conduct or judgement nor should official conduct be dictated by partisan interests or fear of criticism. An *ex parte* communication may also be a Sunshine Law violation.

Any licensees or other interested parties with issues to be considered by the Board should direct those written inquiries to the Board office not individual Board members. That way the full Board can properly discuss the matters in public.

Hopefully this summary of the Board's responsibilities and obligations under the Sunshine Law will help licensees understand why Board members may choose not to discuss certain issues with licensees, "off the record." It should also clarify the arm's length relationship, which must exist between the Board and the professional associations.

*Inside this issue . . .*  
**Chairman's Message**  
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**Meeting Dates &**  
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# Message from the Chair

By: Gail Oliver

It is my pleasure to write this article as your Board Chair. It has been some time since your last newsletter, and there have been some changes at the Board office. We were assigned a new Executive Director, she is Dee O'Connor, who also directs related boards such as Landscape Architects, Geologists, and Architect and Interior Designers. Ed Broyles and Jim Rimes, our former Executive Directors, served the Board and profession well, and we express our thanks to them. We also have a Program Administrator again, Christa Patterson. We now have more staff members assigned to the Board than I can ever remember. Feel free to contact them for any questions you may have.

The GIS/GPS issue is still being discussed. Last year a group made up of representatives from the Board, the Florida Surveying and Mapping Society, the Florida League of Cities, and the Geographic Information Advisory Council participated in negotiated rulemaking. While some very good dialogue occurred, there was no final position taken. We anticipate the final outcome will be a rule to address supervision for any direct measurements which take place for use in a GIS. Until such time this issue is resolved it is the Board's belief that these types of direct measurement and data collection can be made as a "specific purpose survey." A typical situation might occur in local government where it is necessary to locate fire hydrants for inclusion on a GIS map to be used by the local fire department. This can be done using resource grade GPS equipment operated by members of the fire department, provided they are trained and supervised by a licensed Professional Surveyor and Mapper. A brief report is then written and attached to a disk which may contain a shape file or standard ASCII file. The report would meet MTS requirements and would generally outline the methods used to collect the data, the equipment, its accuracy, and any other pertinent information the Professional Surveyor and Mapper felt was necessary to protect the end user from misusing the information.

All of us in the licensed surveying and mapping profession must remember that our primary goal is to protect the public. Until the GIS/GPS issue is resolved, we must monitor closely those who may be practicing surveying and mapping without a license and file a complaint with the Department when you believe this to be happening.

The Board office is being inundated with applications for individual licenses since the final implementation of the 4-year degree requirement will be effective July 1, 1999. At our Board meeting in January, over eighty applications were reviewed. It was the consensus of the application committee that most of the applicants far exceeded the minimum experience requirements. Please remind anyone you know who is interested that they must submit their complete application and fees to the Board office by July 1, 1999. The person will be allowed to sit for exam if (1) the full application is submitted prior to July 1, and (2) the Board subsequently determines that all statutory requirements were met before July 1, 1999. Any experience obtained after July 1, 1999, cannot be counted regardless of when the application was submitted.

Board elections were held for Chair and Vice Chair for 1999 at the close of the January Board meeting. I was honored to have been elected Chair for a second year. We are very fortunate to have Henry Echezabal as Vice Chair. We are all looking forward to serving you and the public in the upcoming year.

DEPARTMENT OF BUSINESS  
AND  
PROFESSIONAL  
REGULATION  
DIVISION OF PROFESSIONS  
BOARD OF  
PROFESSIONAL SURVEYORS  
& MAPPERS

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SECRETARY  
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DIVISION DIRECTOR  
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EXECUTIVE DIRECTOR  
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Plantation

Beih E. Antrim-Berger  
Bradenton

Ralph Armstead  
Orlando

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Gainesville

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Meritt Island

Vacant  
Member

Vacant  
Member

BOARD OFFICE  
(850) 413-7480

Published by the Department of Business and Professional Regulation, Division of Professions, for the Board of Professional Surveyors and Mappers. Call (850) 413-7480 with questions, or comments.

Board of Professional Surveyors and Mappers  
1940 North Monroe Street  
Tallahassee, Florida 32399-0756

# Disciplinary Actions Taken by the Board

The Board of Professional Surveyors and Mappers has taken disciplinary action against the following licensees. Although every effort is made to ensure that this information is correct, check with the Board office before making any specific decision based upon this information. This listing may not reflect disciplinary actions occurring near or following the publication date. Further, this listing does not reflect pending appeals or requests for rehearings. Each order is listed as follows, with the name, the case number, the license number, and the violated section of the Florida Statutes.

## SEPTEMBER 1998 BOARD MEETING ACTIONS

Vincente Santos Villa - Case # 97-15023 - LS 0004042 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G17-5.0032(2), F.A.C., for failing to simultaneously submit proof of completion of the continuing education requirements with his response to the Board of Professional Surveyors and Mappers' audit. PENALTY — The Board issued an administrative fine of \$250, costs in the amount of \$478.97, suspension, stay of suspension to allow for probation, reprimand, completion of 24 hours of continuing education to be credited toward the 1995-1997 biennium, completion of an MTS course, and completion of a Professionalism & Ethics course by August 1, 1999.

BILLY R. DAVIS - CASE # 97-07384 - LS 0005099 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards, and Section 472.033(1)(g), F.S., by being guilty of negligence in the practice of land surveying. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$2,000 fine, investigative costs of \$1,879.35, MTS course, and survey review.

JOHN HENRY DILLINGHAM - CASE # 95-00915 - LS 0004141 — Violated Section

472.033(1)(h), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards, and Section 472.033(1)(g), F.S., by being guilty of negligence in the practice of land surveying. Violated Rule 61G17-2.003, F.A.C., by simultaneously serving as the surveyor and mapper in residence at more than one surveying and mapping office providing surveying and mapping services to the public. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$3,000 fine, investigative costs of \$883.87, MTS course, and survey review.

WOFFORD F. DUNCAN, JR. - CASE # 95-07199 - LS 0002364 — Violated Section 472.033(1)(g), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$1,000 fine, investigative costs of \$687.61, MTS course, and survey review.

THURMAN B. KING - CASE # 97-06738 - LS 0004424 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$2,000 fine, investigative costs of \$625.07, MTS course, and survey review.

LEONARD LAWRENCE GARDNER - CASE # 96-00812 - LS 0004294 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G167-6, F.A.C., Minimum Technical Standards. PENALTY — The Board accepted the settlement stipulation for a reprimand, and completion of a MTS course.

## JANUARY 1999 BOARD MEETING ACTIONS

RICHARD M. JACKSON - CASE # 97-15152 - LS 0004550 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards, by being guilty of negligence in the practice of land surveying. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$2,000 fine, investigative costs of \$585.59, MTS course, and survey review.

CARL MICHAEL SMITH - CASE # 97-17334 - LS 0003762 — Violated Section 472.033(1)(h), F.S., by violating Rule 61G17-6, F.A.C., Minimum Technical Standards. PENALTY — The Board accepted the settlement stipulation for a reprimand, suspension, stay of suspension to allow for probation, \$1,000 fine, investigative cost of \$189.29, MTS course, and survey review.

*No disciplinary cases were heard at the May 1999 Board meeting*

## Damaging Land of Others is Forbidden

By Edward A. Tellechea, Assistant Attorney General

As you will recall, a few months ago my predecessor, Leland McCharen, published an article in this newsletter on entry on the lands of others. In it he discussed the measure of damages the courts have used to determine the amount of damages when the property found on the other's lands is damaged or destroyed by a surveyor or his or her agents. Mr. McCharen closed the article with a comment that the damage should always be held to the minimum possible. This is certainly true, but it has been brought to both my and Mr. McCharen's attention that the article did not completely explain the operation of Section 472.029, Florida Statutes which reads:

**472.029 SURVEYORS AND MAPPERS AUTHORIZED TO ENTER LANDS OF THIRD PARTIES UNDER**

### CERTAIN CONDITIONS. -

Surveyors and mappers may go on, over, and upon the lands of others when necessary to make surveys and maps, and in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted 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 section does not give the authority to registrants, agents, or employees to destroy, injure, damage, or move anything on lands of another without the written permission of the landowner.

Two important points that were previously left out should be noted. First, the law does not give a registrant or his agents and employees the authority to destroy, injure, damage, or move anything on the land of another without

the written permission of the landowner. Second, section 472.029 gives surveyors and mappers the authority to enter the lands of others. It does not give a surveyor and mapper's agents or employees the authority to enter the lands of others unless the agent or employee is accompanying the surveyor and mapper.

### License Duplication

*To obtain a duplicate license, you must send a notarized statement that your license was lost, damaged, etc., along with a \$25 check.*

# Staffing Changes Occur in Board Office

The Board of Professional Surveyors and Mappers has a new Executive Director, Deirdre "Dee" O'Connor.

Additionally, she will serve as director for the Boards of Architecture and Interior Design, Professional Geologists, and Landscape Architecture. Dee is returning to DBPR after serving the past five years as executive director for a statewide professional association.

Dee attended Florida State University and her professional history in addition to her regulatory and association experience, includes work with the Florida Legislature and, in the private sector, commercial real estate and development.

Dee will be attending board meetings and association meetings around the state and looks forward to meeting many of you during the coming months.

#### NEW SUPERVISOR/ADMINISTRATOR

Elise Rice, is the new Regulation Supervisor to the Board of Professional Surveyors and Mappers. She is also the supervisor to the Board of Professional Geologists.

Christa Patterson is the new Admin-

istrator to the Board of Professional Surveyors and Mappers.

She worked for the Division of Medical Quality Assurance at the Department of Health for 13 years prior to moving to the Department of Business and Professional Regulation. During that time, Ms. Patterson supervised programs and staff for the Boards of Speech-Language Pathology and Audiology, Opticianry, Psychological Examiners, Massage Therapy, and Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

Christa will be attending all board

meetings and looks forward to meeting you.

#### OFFICE STAFF

Renese Jones will handle all application processing for surveying and mapping businesses, and will also be responsible for renewal and reactivation of surveyors and mappers licenses.

Debi Dulak is responsible for the application process for examination and endorsement.

During the next few months, the board office will be evaluating work load distributions, ways to streamline the application process, and revise the application packets.

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## Frequently Asked Questions of Board Office Staff

**Q: Can I request a current copy of Florida Chapter 177 and 472, Florida Statutes; and Chapter 61G17, Florida Administrative Code?**

**A:** *Yes, you can make a request at any time by calling the Board office at (850) 413-7480 or by writing the Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754, or [www.dbpr.state.fl.us](http://www.dbpr.state.fl.us). There is no charge.*

**Q: When is the next renewal period for my professional surveyors and mappers license?**

**A:** *Your license expiration date should be February 28, 2001. A notice of renewal will be mailed November of 2000 for the biennium of 1999-2001.*

**Q: How many continuing education credits do I need to renew my license?**

**A:** *You are required to complete 24 continuing education credits per biennium. For more details please refer to Rule Chapter 61G17-5, Florida Administrative Code.*

**Q: Can I accumulate more than the continuing education credits necessary to renew my license and use the additional credits towards the next biennium?**

**A:** *No, continuing education credits must be completed within the renewal period and can only be used for that period.*

**Q: Who should I contact when I believe a person is in violation of Florida Chapter 177 and 472, Florida Statutes?**

**A:** *Contact the Department of Business and Professional Regulation, Bureau of Complaints and Investigative Services at (805) 488-6602 or [www.dbpr.state.fl.us](http://www.dbpr.state.fl.us)*

**Note:** Chapter 455.275, Florida Statutes, establishes the responsibility of a licensee to notify the department in writing of a change of address. A licensee's failure to make said notification constitutes a violation and subjects the licensee to discipline. If you have a change of address complete the form printed in this newsletter and return it to the Department.

## IMPORTANT REMINDER

Please note effective July 1, 1999, Chapter 472.013(2)(d), Florida Statutes, will be repealed.

This means that a high school education will no longer be sufficient for licensure.

Any person who desired to be licensed as a surveyor and mapper under this provision of 472.013(2)(d), Florida Statutes, and did not apply before July 1, 1999, will be denied.

If you applied before July 1, 1999, the Board will process your application. Contact the Board office at (850) 413-7480 for answers to your questions..

All applications received after June 30, 1999 will have to meet the current licensure requirements.

# F Y I

## General Information for all Professional Surveyors and Mappers

### Next Board Meeting

September 22 - 24, 1999  
 Double Tree Oceanfront Hotel  
 440 Seabreeze Blvd.  
 Ft. Lauderdale, FL 33316

### Licensure Status

Active Surveyors and Mappers - 2,592  
 Inactive Surveyors and Mappers - 162  
 Delinquent Surveyors and Mappers - 158  
 Active Certificates of Authorization - 806  
 Delinquent Certificates of Authorization - 335

Licensing information can be obtained on the Internet at:  
<http://www.state.fl.us/dbpr/>

### 1999 Committee Appointments

The following Board members have been appointed to the committee(s) indicated for 1999 by Gail Oliver, Board Chair.

#### Application Committee

Gail Oliver, *Chair*  
 Maggie Weidener  
 Dave Gibson  
 Gene Stoner

#### Continuing Education Committee

Henry Echezabal, *Chair*  
 Gene Stoner  
 Chuck Woodward

#### Exam Committee

Maggie Weidener

#### NCEES Committee

Gail Oliver, *Chair*  
 Maggie Weidener  
 Dave Gibson

#### Probable Cause Panel

Gene Stoner, *Chair*  
 Oscar Pittman  
 Jim Shiskin  
 Dave Gibson, *Alternate*

#### Probation Committee

Dave Gibson, *Chair*  
 Maggie Weidener  
 Henry Echezabal  
 Gail Oliver

#### Rules Committee

Beth Antrim-Berger, *Chair*  
 Ralph Armstead

#### ADHOC Committee GIS/GPS

Dave Gibson, *Chair*  
 Chuck Woodward  
 Gail Oliver  
 Maggie Weidener  
 Gene Stoner

#### ACSM Committee

Dave Gibson

### Signature and Seal Requirements

We have received questions regarding signature and seal requirements. The following is clarification regarding the

requirements.

A signature does not have to be an original signature, it can be placed on the tracing so that the delivered signature is actually a blue line copy of the original or an original signature can be placed on each delivered map. The seal must be an original crimping of each delivered map. When you place the seal on a document, this authenticates the map-content, date, signature, etc.

According to rule 61G17-6.003, Florida Administrative Code, the SURVEY DATE is the date of the field survey or the date of the image acquisition for photogrammetric surveys. If dates other than the SURVEY DATE, according to the rule, are shown on the survey, then those dates must be clearly labeled. Examples of other dates would be date signed, date drawn, etc. The Board prefers to see only one date on the survey, however, the rules are minimum standards and do not prohibit additional dates so long as they are clearly labeled as to not confuse the public.

The rules also states that "If graphics of a map are revised, but the SURVEY DATE stays the same, the map must list the dates for revisions." The revision date and the revisions should be clearly labeled or tabulated as to not confuse the public. If new field work is done resulting in map revisions, then the entire survey must be brought current to the date of the last field work and the SURVEY DATE is the new date.

For further information regarding general survey map, and report content refer to rule 61G17-6.003, F.A.C.

### Current CE Provider List

- Academic Services Corporation - CEP 001  
 Douglas C. Gilmore  
 (813) 978-1350 or (800) 776-6146
- Computer Science Technology, Inc. - CEP 002  
 Paul O'Hargan  
 (407) 682-3325
- Florida Surveying & Mapping Society - CEP 003  
 Marilyn Evers  
 (850) 942-1900
- Land Surveyor's, Workshops - CEP 004  
 John E. Keen  
 (704) 765-1717
- National Business Institute, Inc. - CEP 005  
 Jo Frenette  
 (715) 835-8525
- Advanced Surveying Technology, Inc. - CEP 007  
 Cesar H. Bradham  
 (407) 365-1595
- aga Computer Services, Inc. - CEP 008  
 Mathews Mathai  
 (813) 620-1444
- LSS Seminar & Publishing Company - CEP 009  
 T. S. Madson, II  
 (912) 384-8114
- Florida Chamber of Commerce - CEP 010  
 Colleen Barton  
 (850) 681-2550

- Tampa Bay Survey & Mapping Scholarship Fund, Inc. - CEP 011  
 Robert S. Weston  
 (813) 272-5912
- CADD Centers of Florida - CEP 013  
 Sheryl Kass  
 (305) 775-7300
- Florida Department of Transportation - CEP 018  
 Leland Burton  
 (850) 488-8911
- Alabama Society of Professional Land Surveyors - CEP 020  
 Ann M. Galloway  
 (334) 279-7040
- FDEP/Bureau of Survey and Mapping - CEP 022  
 Scott Woolam  
 (850) 488-2427
- Atlantic Professional Development - CEP 023  
 Douglas A. Thompson  
 (850) 893-4380
- Florida Level and Transit - CEP 024  
 Robert A. Asher, III  
 (800) 327-0775
- Edison Community College/DBA/Institute of Management Development - CEP 026  
 William R. Roshon  
 (941) 489-9200
- Harley C. Gilmore - CEP 027  
 Harley C. Gilmore  
 (813) 978-1350
- Geopak Corporation - CEP 029  
 Frank McDerment  
 (305) 944-5151
- GAG Computer Software - CEP 031  
 William Dees  
 (813) 963-3494
- The American Congress on Surveying and Mapping - CEP 032  
 Denise Calvert  
 (301) 493-0200
- International Development Advisory Services, Inc. - CEP 033  
 Bernard Spinrad  
 (305) 665-8303
- Vernon F. Meyer/DBA/3001, Inc., A Spatial Data Company - CEP 034  
 Milton Denny  
 (205) 562-8994
- Trimble Navigation Ltd. - CEP 035  
 Sue Mansfield  
 (408) 481-2277
- Pennsylvania Society of Land Surveyors - CEP 036  
 Lori Krouse  
 (717) 540-6811
- Technical Management Consultants, Inc. - CEP 037  
 W. F. Peck  
 (404) 321-4852
- Gulf Continuing Education Services - CEP 038  
 Rob L. Working  
 (850) 932-6475
- Auburn University Engineering Extension Service - CEP 039  
 Richard Ruff  
 (334) 844-4370
- Halfmoon LLC - CEP 040  
 Elizabeth Feil  
 9715) 835-5900
- Chitester Management Systems, Inc. - CEP 041  
 Migiel A. Rivera-Sanchez  
 (813) 288-0531
- Innovative Dynamics, Inc. - CEP 042  
 Marke E. Meade  
 (606) 296-2741

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONS  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS  
1940 NORTH MONROE STREET  
TALLAHASSEE, FL 32399-0756

PAID  
Tallahassee, FL  
Permit No. 323  
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## CHANGE OF ADDRESS FORM

PLEASE PRINT OR TYPE ALL INFORMATION

Date: \_\_\_\_\_

Name of Licensee: \_\_\_\_\_  
(Last) (First) (Middle) (Maids)

License #: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Old Address: \_\_\_\_\_ New Address: \_\_\_\_\_  
(Delete) \_\_\_\_\_ (Add) \_\_\_\_\_  
\_\_\_\_\_

Phone ( ) \_\_\_\_\_ Phone ( ) \_\_\_\_\_

PLEASE SEND CHANGE OF ADDRESS TO:  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS  
1940 NORTH MONROE STREET  
TALLAHASSEE, FL 32399-0756