

# Board of PROFESSIONAL LAND SURVEYORS



NEWSLETTER

Vol. 4, No. 2

June, 1986

## Board Proposes Increase In Renewal Fees

The Board of Professional Land Surveyors recently proposed changes to Rule 21HH-8.001 increasing the biennium renewal fee from \$100 to \$150 and to Rule 21HH-6.006(5) requiring surveying agents to comply with more stringent survey standards.

The full text of the proposed rules is printed below. Changes in the rules are printed in **bold face** type while deletions in the rules are printed in *italic* type. You are encouraged to read these rules and direct all comments and questions to the Board office.

### 21HH-8.001

### Fees

(1) Pursuant to Section 472.011, F.S., the Board hereby establishes the following fees for applications, examinations, reexaminations, licensing, and renewal, temporary registration, late renewal, reactivation, registration by endorsement, and replacement of certificate.

- (2) Land Surveying Fees (individuals and firms)  
(a) Initial Application and Examination—\$150.00  
(b) Initial Licensure—50.00

- (c) Renewal—~~\$100~~ **\$150.00** biennium  
(d) Reactivation—\$50.00  
(e) Registration by Endorsement—\$100.00  
(f) Temporary Registration (individual)—\$25.00  
(g) Temporary Registration (firm)—\$50.00  
(h) Registration for a Certificate of Authorization (firm)—\$100.00  
(i) Biennial Renewal of Certificate of Authorization (firm)—\$100.00  
(j) Reexamination—\$100.00 per part  
(k) Duplicate Certificate—\$5.00  
(l) Late Renewal Penalty—\$20.00  
(3) Land Surveyors Intern Fees  
(a) Registration—\$30.00  
(b) Reexamination—\$30.00 per examination

SPECIFIC AUTHORITY: Section 472.011, 455.213(2), F.S.  
LAW IMPLEMENTED: Section 472.011, 472.019(2), F.S.  
HISTORY: New 12/14/79, Amended 8/81, 7/82, 3/84, 3/85, 4/86

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## How To Get What You Want From Your Board—In Writing

Frequently, the Board office receives requests from registered land surveyors for interpretations of either Chapter 472 or the board rules. Rule 21HH-6, Minimum Technical Standards, more commonly referred to as "the standards", is the subject of most of these requests. Although these letters have been discussed at Board meetings and responded to by either the executive director or board counsel at the direction of the Board, the Board's present intent, as stated in its meeting of March, 1986, is to decline to answer letters on an informal basis in order to address petitions for declaratory statements.

A Board interprets its statute by rule or order. A rule is a statement of general applicability which implements or interprets a statutory provision; an order is the Board's decision in a case which may contain expressions of the

Board's opinions or policy on a particular matter. An order is issued after a disciplinary case, a license denial, or a declaratory statement. For purposes of this article, only the order issued upon a declaratory statement will be addressed.

It is important to note that a letter requesting an interpretation from the Board is not automatically a petition for a declaratory statement. Petitions for declaratory statements must follow a certain form. The declaratory statement itself is the order issued after a surveyor properly petitions the Board. It is a formal procedure, the mechanism for which is found in Section 120.565, Florida

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**Department of  
Professional Regulation  
Board of Professional  
Land Surveyors**

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Term: 1/84 to 12/87

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Term: 3/17/86 to 12/6/89

**Broward Davis**  
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Term: 12/82 to 12/86

**James Shiskin**  
18800 N.W. 2nd Avenue  
Miami, FL 33169  
Term: 1/84 to 12/87

**Leonard Wood**  
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Term: 5/18/86 to 5/17/90

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Licensing Laws & Rules  
You Must Follow ..... 1-(904)-488-9912  
License Renewal ..... 1-(800)-342-2837  
Information ..... 1-(904)-487-1395  
Complaints Against  
A Licensee ..... 1-(800)-342-7940  
Other Questions/  
Board Office ..... 1-(904)-488-9912

**Panel Reviews 17 Cases**

The results of Probable Cause Panel meetings, where it is determined whether or not charges against licensees are warranted, are as follows:

**April 23, 1986  
Cases Reviewed**

Probable Cause found with Administrative Complaint .....	3
Probable Cause found with Letter of Guidance .....	3
No Probable Cause found .....	7
Referred for further investigation .....	4
When Probable Cause is found against a licensee, charges are filed.	

**Governor Appoints Board Members**

Mr. Leonard P. Wood and Mr. Bruce Durden were recently appointed as Board members of the Board of Professional Land Surveyors by Governor Bob Graham.

**Leonard P. Wood**

Born in Bradenton, Florida in 1927, Mr. Wood has lived in the state his entire life, leaving only briefly for military service in the U.S. Army where he served as a Crypto Analyst. Mr. Wood attended the University of Florida, College of Engineering from 1947 to 1949 and from 1957 to 1959. He and his wife Jean have three children.

Mr. Wood is a member of the American Congress of Surveying and Mapping, American Society of Photogrammetrists, and the Florida Society of Professional Land Surveyors. He has also served as President of the Florida Society of Professional Land Surveyors. Mr. Wood's appointment to the Board is for four years.

**H. Bruce Durden**

Mr. Bruce Durden was born in Starke, Florida in 1936. He moved to Jacksonville Beach in 1943, and attended local schools until graduation from high school in 1954. He graduated from The Citadel in 1959 with a BS degree in Civil Engineering.

Upon the death of his father in 1961, Bruce took over his father's land surveying practice and has been the owner and president since that time. Mr. Durden obtained his land surveying registration in 1963.

A member of the Florida Society of Professional Land Surveyors since 1961, Mr. Durden has served fourteen years as either an officer or a director of that society. He is also the immediate Past President of the Society as well. He is also a member and Past President of the Florida Crown Chapter.

Mr. Durden is a member of the J. Wendell Fargis Masonic Lodge, the Scottish Rite and Morocco Temple. His hobbies include boating, hunting, and fishing. His appointment is for four years.

# Disciplinary Actions Taken by Board

The Board has taken disciplinary action concerning the following licensees. Although every effort is made to ensure that the information is correct, before making any specific decision based upon this information, you should check with the Board office to assure accuracy. The listing may not reflect a change occurring near or following the publication date. Further, the listing does not reflect pending appeals or requests for rehearings. Each order is listed as follows, with the name, license number, violation and action taken.

## March 7, 1986

**DuBose, John (LS #2896)**—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine of \$500; 27 months probation; 25 surveys submitted during probation on designated schedule; continuing education on the Minimum Technical Standards.

**Overbeck, Harold (LS #2912)**—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine of \$275; 27 months probation; 25 surveys submitted during probation on designated schedule; continuing education on the Minimum Technical Standards.

**Diaz, Jose A. (LS #2798)**—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine of \$500; 15 months probation; 15 surveys submitted during probation on designated schedule; continuing education on the Minimum Technical Standards.

## April 24, 1986

**Stephenson, George A. (LS #2379)**—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. License **SUSPENDED** for 6 months; however, suspension to be stayed for 60 days to allow Respondent to make restitution to Donald L. Gebert in the amount of \$250. Administrative fine of \$750 and 27 months probation following either 60 days if restitution is made or 6 months suspension period. 25 surveys to be submitted during probation on designated schedule; and continuing education on the Minimum Technical Standards within 12 months of the filing of the Final Order.

**South, Robert (LS #2668)**—472.021, 472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-6, 21HH-2.01(3) & (5). Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine of \$250; written reprimand.

**Campbell, Thomas J. (LS #2701)**—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Written Reprimand and hereby advised to be more cautious in the future.

**Tucker, Joseph M. (LS #3285)**—472.033(1)(a), (g) & (h), 472.027, 455.227(1)(b), 21HH-2.01(3) & (5), 21HH-6. Failure to comply with the Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine of \$750; 27 months probation and 25 surveys submitted during probation on designated schedule; Continuing education (formal and informal) as directed by the Board.

**Mella, John (LS #1988)**—472.033(1)(g) & (h), 21HH-2.01(3) & (5). For issuing certification of floor elevation not determined in accordance with generally accepted and prevailing standards of land surveying practice in Florida. **DISMISSED**. Respondent admonished to in the future exercise due care and diligence in providing certifications of floor elevations and in performing other land surveying functions to as to comply with all ethical and legal duties of licensed land surveyors in Florida.

## Rule Changes

(from page 1)

### 21HH-6.006(5)

### Miscellaneous

(5) When more stringent survey standards than those set forth herein are required by federal, state, or local governmental agencies, the survey shall comply with those standards. When more stringent survey standards or requirements than those set forth herein are mandated by the client and agreed to by the surveyor, the survey shall comply with those survey standards, providing said survey requirements are within the scope of the surveyor's expertise. Where a survey order indicates requirements which are more stringent than those set forth herein, the surveyor shall comply with those standards as mandated by his client, or by federal, state, or local requirements.

RULEMAKING AUTHORITY:

472.027, F.S.

LAW IMPLEMENTED:

472.027, F.S.

HISTORY:

New, 9/1/81, Amended 12/30/81, 7/85, 4/30/86

# In Writing

(from page 1)

Statutes, and Rule 28-4, Florida Administrative Code. As defined within Chapter 120:

**A declaratory statement shall set out the agency's opinion as to the applicability of a specified statutory provision or of any rule or order of the agency as it applies to the petitioner in his particular set of circumstances only.**

## (Section 120.565)

The purpose of the declaratory statement procedure is to allow persons substantially affected by a statutory provision, rule, or order to ask the Board's opinion of the statute, rule, or order. A declaratory statement affords an affected individual the opportunity to know the Board's perception of one of its statutory provisions, rules, or orders before the individual engages in a particular activity. The declaratory statement is addressed to the individual in his particular set of circumstances only; however, the Board may rely upon the statement in deciding other matters.

The procedure followed in obtaining a declaratory statement is fairly simple: the individual prepares a peti-

tion in accordance with Rule 28-4, FAC and submits the petition to the Board office; the Board office upon receipt of the petition files a notice in the Florida Administrative Weekly (FAW) indicating its receipt of the petition and the question posed; the petition is scheduled for discussion at a Board meeting. During discussion of the petition, the Board determines whether the petition is in the proper form and whether it can answer the question; the individual may present information regarding the question posed to aid the Board. Because the statute provides no time frame within which the statement must be issued, the discussions may continue through one or more Board meetings. The end result of the process is the declaratory statement—a final order which may be appealed to one of Florida's five district courts of appeal. Upon issuance of its Final Order, the Board files another notice in the FAW indicating disposition of the petition.

Copies of petitions for declaratory statements and the Final Orders issued may be obtained from the Board office.

## Proposed Schedule for Board Meetings Calendar Year 1986

July 10 & 11 ..... Board Meeting, Tallahassee  
August 9, 10, 11 & 12 ..... NCEE Annual Meeting, St. Louis, MO  
August 29 ..... Board Meeting (1 day meeting), Tallahassee  
October 2 & 3 ..... Board Meeting, Tallahassee  
October 23 & 24 ..... **Examinations are Administered**  
November 20 & 21 ..... Board Meeting, Tallahassee

This newsletter was promulgated at a cost of \$710.50 or \$.25 per copy to inform licensees about the licensing laws and rules of the Engineering profession.

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Board of Professional Land Surveyors  
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