



**March 2009**

## **In This Issue:**

- [Message From The Secretary](#)
- [Message From The Board Chair](#)
- [Message From the Executive Director](#)
- [Helpful Reminders](#)
- [Top Five Violations](#)
- [eNewsroom](#)

---

## **Message From The Secretary**

With this economic downturn, many of us find ourselves struggling to use existing resources more frugally and to cut costs wherever possible. This renewed focus on fiscal responsibility is happening across the board—at state agencies, in Florida's business and professional community and even in our own homes. At DBPR, we are focusing on cutting costs through increased efficiency.

Recently, we have targeted areas where we can increase efficiency for the department and for our licensees. I would like to share some examples of our efforts with you.



- We have reduced the time required to process exam scores for CPAs by more than half. The National Association of State Boards of Accountancy is now transmitting scores as frequently as eight times per exam window, which is a three-month period. DBPR will now be able to provide eligible applicants with licensure packages more quickly, in approximately 30 days.

- We have removed the requirement that applicants submit corporate documents. Before this change, documents from the Department of State had to be submitted by the licensee. Now, DBPR mines the documents directly from the Department of State system, thus reducing deficiencies and processing licenses faster.
- We have implemented computer-based testing for Farm Labor. The Farm Labor Contractor registration examination, previously administered through the pencil and paper, is now offered via computer at multiple sites throughout the state.

A few months ago I sent a letter to all of our board chairs asking them to be mindful of the current budget times and to help us look for ways to save our licensees money and increase efficiency. Many of our boards and licensees have risen to this challenge.

Recently, the chair of the Board of Veterinary Medicine, Dr. Bob O'Neil, suggested that the board decline their statutorily authorized \$50 daily board compensation. The board agreed, and I would like to commend them on their dedication to public service. In addition, our licensees, the Biscayne Bay Pilots Association, withdrew their application for a rate increase citing the distressed state of the economy and the possible impact to fellow stakeholders at the Port of Miami.

It is inspiring to see what we can accomplish when we join together with a common purpose. As we work through these tough times, I am confident we will be able to weather the storm with the support of one another. I will continue to keep you informed about what the department and our partners are doing to support you. You can find more information about our efforts by visiting [MyFloridaLicense.com/dbpr/Accelerate\\_Florida](http://MyFloridaLicense.com/dbpr/Accelerate_Florida). I look forward to sharing our successes with you.

Sincerely,  
**Charles W. Drago**  
Secretary

[Back To Top](#)

---

## Message from the Board Chairman Jeff Cooner

**UNLICENSED PRACTICE OF SURVEYING AND MAPPING** – In the last newsletter, I included an article about a specific area within the regulated practice of surveying and mapping that had been the topic of discussion for some time. The specific area of concern was digital terrain modeling (DTM) creation for the application of automated machine control.

Since that time, additional unlicensed issues have become apparent. I wanted to cover an overview of unlicensed practice in this article. Basically, try to answer the following questions: What is unlicensed practice? What is the department's/board's role in unlicensed practice? What types of areas does unlicensed practice manifest itself? What can you do about unlicensed practice?

***What is unlicensed practice?*** In Florida, the definition of the practice of

surveying and mapping is somewhat general. Florida Statute 472, has never focused on the use of a technology as the test of whether or not someone is practicing surveying and mapping. Rather, the practice of surveying and mapping within the statute is better understood in the context of the activities that are engaged in, within a broad practice definition.

Section 472.005 4(a), F.S., paraphrased states: "The practice of surveying and mapping" ***means, among other things***, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating...for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property...."

Section 472.005 4(b), F.S., paraphrased, goes on to state: "The practice of surveying and mapping also ***includes, but is not limited to***, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements...the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps...."

There are legal statutory exceptions to being licensed that are covered in the initial paragraphs of Chapter 472, F.S. Everyone should review these exceptions and understand them. Basically, anyone providing or performing work as defined or included above who is not exempted by law or licensed by the Florida Board of Professional Surveyors and Mappers may be guilty of unlicensed practice and breaking the law. In fact, Section 472.031 (1)(a), F.S., states: "No person shall practice or ***offer to practice*** surveying and mapping unless such person is registered pursuant to ss. 472.001-472.037." This means that marketing, etc. of professional services without being licensed is illegal. In addition to the above, Section 455.228 (1), F.S., states that it is illegal for any person to "aid and abet the unlicensed practice of surveying by employing such unlicensed person." This means that to help someone commit unlicensed practice is also illegal.

***What is the department's/board's role in unlicensed practice?*** The prosecution of unlicensed activities is the responsibility of the Florida Department of Business and Professional Regulation. The department has the legal responsibility to take actions to eliminate unlicensed practice. The Florida Board of Professional Surveyors and Mappers has no legal authority to prosecute or take any actions relative to unlicensed practice or other activities.

***What types of areas does unlicensed practice manifest itself?*** There are two main areas where unlicensed activity occurs. The first area is where emerging technologies are present.

Unlicensed activity has been seen in photogrammetric mapping where unlicensed county/municipal property information companies seek to crossover into surveying and mapping for other government entities. Unlicensed activity has also been seen in the area of construction, where unlicensed technical computer-aided design (CAD) operators seek to provide digital maps to contractors for use in

machine control. The latest known case is the marketing of a sonic/GPS technology for “bathymetric” data collection.

The common element of these examples is the applications of new technology or software to activities that fall within the statutory definition of surveying and mapping. The new/sophisticated technologies or software can often confuse and enamor unsuspecting consumers and government staff. This technology is often very expensive and requires sophisticated operators to use the equipment/software. Marketing brochures can often be very upscale and attractive.

The second area where unlicensed activity is seen is relatively simple to understand. That is, field crews offering surveying and mapping data collection services without a license. As previously stated, to hire these unlicensed field crews is a violation of the law.

***What can you do about unlicensed activity?*** Be informed about the law. Be aware of activities in your area that may be illegal, unlicensed practice of surveying and mapping. I had breakfast recently with the Department of Business and Professional Regulation Secretary, Charles Drago when he visited our board meeting. At that meeting, the Secretary emphasized the department’s interest and commitment to prosecuting unlicensed activity. If you suspect an individual or company may be practicing surveying and mapping without a license, call the department at the toll-free unlicensed complaint hotline 1-866-532-1440.

[Back To Top](#)

---

## Message from the Executive Director Richard “Rick” Morrison

Unlicensed Activity (ULA) is a very important topic for the board and the department. Secretary Charles W. Drago addressed ULA in his September 26, 2008 weekly newsletter, *The Bottom Line*, and the Chairman of the Board of Professional Surveyors and Mappers, Jeff Cooner, addressed it in our last board newsletter. This issue has been of particular interest to the board and the industry as a whole due to technological advances (Global Positioning Systems, Digital Terrain Modeling, and Pictometry). I am asked from time to time, most recently at our October 2008 meeting, “What do I do when I find out someone is working and is unlicensed?” My answer is to report, report, report, until it is stopped. Professional surveyors should also encourage others to report ULA when they know it is happening. As Secretary Drago pointed out in his newsletter message, “Licensees are frustrated with ULA,” and the current economic times magnify the issue. In response, the Department has enhanced its annual ULA plan. The Board has directed that all legally sufficient ULA cases be prosecuted, and the department’s Division of Regulation has assigned one of their more experienced investigators to handle unlicensed surveying cases.

However, the Department of Business and Professional Regulation cannot do it alone. It is the responsibility of all licensees to report, report, and report. ULA in surveying and mapping is not something that is easily spotted, and the best person to identify someone practicing surveying without a license is a professional surveyor. I believe that is why our rule on discipline, 61G17-2.001(6) (k), F.A.C.,

requires licensees to report businesses or entities that they know are violating the surveyor and mapper practice act. The department has received only eight ULA complaints for the first quarter of this year. With so many questions on what to do about ULA but so few actual complaints filed suggests to me that there may be a lot of ULA that goes unreported. I work closely with our ULA investigator. I have seen some success stories. Some individuals have become licensed and others have stopped their ULA practices when contacted by the department. I encourage all licensed professionals to help in the battle of ULA by reporting it to the department through the complaint process.

[Back To Top](#)

---

## Helpful Reminders

### Reminder to Continuing Education Providers

- Please be sure to use current forms when renewing your continuing education courses. If old forms are used, the application will be considered deficient, and you will be asked to resubmit the application on the appropriate forms. You may access these forms online at <https://www.myfloridalicense.com/default.asp?SID> > direct to our division > surveyors and mappers > forms > continuing education course approval application package.

### Helpful Reminders for Licensees

- Avoid problems when renewing your license by making sure that your renewal fees are paid and you have earned all 24 continuing education for the 2008 / 2009 biennium renewal period. Continuing education credits and renewal fees must be submitted to the Department of Business and Professional Regulation on or before February 28th in order to keep your license current. Your license will be placed in a delinquent status until both of these requirements are satisfied
- Please check the department's online services to ensure your mailing address is current. You can access this information by logging on to the department web site at <https://www.myfloridalicense.com/default.asp?SID> > direct to our division > contact us > update an account...More>change my address.
- A list of all continuing education providers and the courses they offer is now available online at <https://www.myfloridalicense.com/default.asp?SID> > direct to our division > surveyors and mappers > list of continuing education providers and courses, and hours required > surveyors and mappers.

[Back To Top](#)

---

## TOP FIVE (5) VIOLATIONS

Violations of Florida Minimum Technical Standards (MTS) Rule 61G17-6, F.A.C, and Florida Statutes relating to the practice of surveying and mapping, were discovered during recent probable cause and disciplinary processes. The Probable Cause Panel, together with department and board legal council and experts review complaints. Those cases where the facts indicate that probable cause exists are filed as complaints by the department. The board then reviews the complaints for disciplinary or other action(s). The table below is a summary of the top five MTS violations that were present in disciplinary cases from July 2008 to September 2008. We encourage you to review these violations and be proactive in your practice to avoid these problem areas.

VIOLATIONS	Description	TOTAL
61G17-6.004(2)(c)(2)(d)	<p>Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:</p> <p>Doubt as to the location on the ground of survey lines or property rights.</p>	6
61G17-6.004(2)(b)(2)	<p>The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.</p>	5

61G17-6.003(1)(b)	Records of measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.	4
61G17-6.003(1)(c)	Measurements and computation records must be dated and must contain sufficient data to substantiate the survey map and insure that the accuracy portion of these standards has been met.	4
61G17-6.004(2)(a)9(c)	Surveys of parcels described by metes and bounds shall show the following upon the map:  A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary	4

[Back To Top](#)

---

## e Newsroom



Check out DBPR's [eNewsroom](#), your source for important Department news and information. Here, you can watch public service announcements, read news releases, and subscribe to and flip through our publications.

[Back To Top](#)

---

Visit us on the Web at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

# Board of Professional Surveyors and Mappers

## **Governor**

**Charlie Crist**

## **Secretary**

**Charles W. Drago**

## **Board Members**

**Dennis E. Blankenship**  
Orlando

**Lou G. Bush**  
Riverview

**Jeffery C. Cooner**, Chair  
Fort Myers

**Mary Hanna Clodfelter**  
West Palm Beach

**Sidney Greer**  
Vero Beach

**Louis Lebron**  
Miami

**Arthur Mastronicola**  
Jacksonville

**Frances Poppell**  
Tallahassee

**Beverly J. Sutphin**, Vice Chair  
Monticello

## **Board Staff**

**Richard "Rick " Morrison**  
Executive Director

**Stacey Merchant**  
Government Analyst

## Upcoming Board Meetings

**April 8 -10, 2009**  
Kissimmee, Florida

All meeting dates and locations are subject to change. Please verify meeting information on the department's [Board Meeting Calendar](#).

## Board Appointments

### **Are you interested in serving on a professional board or council?**

Interested applicants may obtain a Gubernatorial Questionnaire by [downloading the application](#).

Once your application is complete, mail the questionnaire for consideration to:  
Governor's Appointments' Office, PL01  
The Capitol, Tallahassee, Florida,  
32399-0001

## Disciplinary Actions

Please refer to the Board's web site at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) for the most up-to-date information regarding disciplinary actions. This action may be found in the minutes of the board meetings. Although we make every effort to ensure information is correct, before making any specific decision based on this information, you may choose to request a copy of the administrative

complaint and final order to ensure accuracy.

Contact the Department's Agency Clerk at [sarah.wachman@dbpr.state.fl.us](mailto:sarah.wachman@dbpr.state.fl.us) for this information.

[Past Board Meeting Information](#)

## Report Unlicensed Activity

To report unlicensed activity, please call the Department's Unlicensed Activity Hotline at 1.866.532.1440, Monday–Friday, 8 a.m. to 6 p.m. (Eastern Time) or e-mail the information to [ULA@dbpr.state.fl.us](mailto:ULA@dbpr.state.fl.us).

## Subscribe to DBPR Newsletters

You can now subscribe on line at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) to receive your profession's newsletter as well as other Department publications via e-mail. Subscribing is very quick and easy.

1. Go to [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)
2. Select "Subscribe to Department Newsletters" located under The Bottom Line
3. Type in your name and e-mail
4. Choose which newsletters or publications you would like to receive via e-mail
5. Select "Subscribe"

When the newsletters you have subscribed to are available, you will

receive an e-mail from the Department with a link to your newsletter.

## **Contact Information Updates**

Please help us by notifying the Department when your address, telephone number, and/or e-mail changes. Service by regular mail to a licensee's last known address of record constitutes adequate and sufficient notice to the licensee for any official communication, so it is important that your contact information is correct.

You may change your mailing address using our online services at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com). If you have any questions regarding this requirement, or need assistance using the online services menu, please telephone the Customer Contact Center at 850.487.1395 or send an e-mail to [Call.Center@dbpr.state.fl.us](mailto:Call.Center@dbpr.state.fl.us).

## **The Correct Zip Code Makes a Difference!**

The Department's Bureau of Central Intake and Licensure, located within the Division of Service Operations, receives and processes your license applications. To ensure your application and required documentation is sent directly to the Bureau of Central Intake and Licensure section for processing, always use the correct zip code, "plus-4" on all correspondence you send to us. The "plus-4" refers to the unique four-digit code that identifies the divisions and offices within the Department.

The proper zip code, plus-4 for the

Bureau of Central Intake and Licensure is  
32399-0783.

Thanks for helping us serve you better!