

CHAPTER 5J-17
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

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5J-17.001 Probable Cause Panel.

(1) The probable cause panel is the committee designated by law to determine whether the Department of Agriculture and Consumer Services has sufficient evidence to proceed in the prosecution of a violation of Chapter 472, Part I of Chapter 177, F.S., or any rules of the Board or the Department promulgated pursuant to those chapters of Florida Law. The panel makes its decision in a confidential meeting based on evidence provided by the Department as a result of the Department's investigation of a complaint which the Department has already determined to be legally sufficient.

(2) The chair shall appoint two members to serve on the probable cause panel, one of which must be either a present or former surveyor and mapper member of the Board. The other member shall be a present or former consumer member of the Board if one is available and willing to serve. However, the probable cause panel must, at all times, contain a present board member. Nothing herein shall be construed to limit to one the number of surveyor and mapper past Board members that the chair may appoint to the probable cause panel if there are more than two members appointed to that panel by the chair.

(3) A majority vote of the probable cause panel shall determine whether probable cause exists to believe that a violation has occurred of Chapter 472, F.S., the applicable provisions of Chapter 177, F.S., or 5J-17, F.A.C. In the event the two members of the probable cause panel fail to agree on any particular case, the chair of the Board shall assign a third person to the probable cause panel solely for the purpose of casting the decisive vote in that case. The third person shall be a member of the Board.

Rulemaking Authority 120.53(1), 472.008 FS. Law Implemented 120.53(1)(c), 472.033(4) FS. History—New 2-7-91, Amended 3-23-93, Formerly 21HH-1.0051, Amended 5-31-95, 7-27-00, Formerly 61G17-1.0051.

5J-17.002 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, or illness of the Board member, or illness of the member's immediate family.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. An absence for any reason other than the reasons stated in subsection (1) constitutes an unexcused absence for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Board itself excuses after the absence has occurred.

(3) “Family” consists of immediate family, nieces, nephews, cousins, and in-laws.

(4) “Immediate family” consists of spouse, child, parents, parents-in-law, siblings, grandchildren, and grandparents.

Rulemaking Authority 472.007 FS. Law Implemented 472.007 FS. History—New 3-23-93, Formerly 21HH-1.0071, Formerly 61G17-1.0071.

5J-17.003 Applications for Licensure: Approved Schools and Colleges.

(1) For purposes of Section 472.013(2), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the United States Department of Education are deemed approved by the Board.

(2) Foreign colleges and universities accredited or approved by the national government of the country where the college or university is located, or by any national or regional entity approved or recognized by said government, are deemed approved by the Board.

(3) Foreign colleges and universities which offer a course of study in surveying and mapping that meets or is substantially equivalent to that set forth by the Accreditation Board for Engineering and Technology (ABET) are deemed approved by the Board.

(4) In order to demonstrate “substantial equivalency” to an ABET accredited surveying and mapping program, the applicant must demonstrate that the applicant is a graduate of a surveying and mapping degree program that includes not fewer than 32 semester hours of study or its academic equivalent in any of the following surveying and mapping courses: boundary and/or land surveying, geographic and/or land information systems, photogrammetry, mapping and geodesy, remote sensing, civil engineering,

surveying, mapping, advanced mathematics, forestry, land law, or other substantially related physical sciences.

(5) The Board shall make the final decision regarding equivalency of programs and shall determine whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(6) The applicant must request an evaluation of the substantial equivalency of his or her credentials to ABET standards through the Engineering Credentials Evaluation International, P.O. Box 13084, Baltimore, Maryland 21203-3084; or through Joseph Silny & Associates, Inc., P.O. Box 248233, Coral Gables, Florida 33124.

Rulemaking Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History—New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, 12-31-00, 2-23-05, Formerly 61G17-1.010.

5J-17.004 Board Member Compensation.

(1) Board members shall be eligible to receive compensation of fifty dollars (\$50.00) per day for attendance at regularly scheduled board meetings and also for attendance and participation in official board-related business. Examples of official board-related business include: meetings scheduled at the direction of the Board; committee meetings; committee or board workshops; meetings or conferences with Department staff or consultants; meetings or conferences attended at the request of the Commissioner or the Commissioner's designee; judicial or administrative proceedings at which the board member appears as a witness or representative of the Board at the request of counsel to the Board; legislative meetings where discussion will be held concerning Chapter 472, F.S.; and legislative committee meetings where discussion will be held concerning Chapter 472, F.S.

(2) In the event a board member is present for a particular official meeting which is cancelled without prior notice, the board member shall be eligible for compensation provided the member was present at the scheduled time.

Rulemaking Authority 472.007(5) FS. Law Implemented 472.007(5) FS. History—New 5-23-82, Formerly 21HH-1.11, 21HH-1.011, Amended 5-31-95, Formerly 61G17-1.011.

5J-17.005 Security and Monitoring Procedures for Licensure Examination.

The Board adopts by reference Rule 61-11.014, F.A.C., of the Department of Business and Professional Regulation as its rule governing licensing examinations.

Rulemaking Authority 120.54(8), 472.0131 FS. Law Implemented 472.0131 FS. History—New 4-15-82, Formerly 21HH-1.13, 21HH-1.013, 61G17-1.013.

5J-17.006 Notice of Mailing Address and Places of Practice.

(1) It shall be the duty and sole responsibility of each licensee and each corporation or partnership holding a certificate of authorization issued pursuant to Section 472.021, F.S., to provide written notification to the Department of the licensee's or certificate of authorization holder's current mailing address and place of practice. Each licensee and certificate of authorization holder shall also provide written notification to the Department of any changes to the mailing address or any additions to or deletion from the reported place of practice within thirty (30) days after the occurrence of the change, addition, or deletion. It is requested that all licensees and corporation or partnership holding a certificate of authorization issued pursuant Section 472.021, F.S., provide the Department with their e-mail address when possible.

(2) The term "mailing address" shall mean the address at which the licensee and certificate of authorization holder wishes to receive all official communications, notifications, and correspondence from the Board or the Department through United States Postal Service delivery or for service of process.

(3) For licensees, the term "place of practice" shall mean the address of the primary location at which the licensee holds himself or herself out as qualified to engage in the practice of professional surveying and mapping.

(4) For each certificate of authorization holder, the term "place of practice" shall mean the address of the primary location where the certificate of authorization holder offers professional surveying and mapping services.

Rulemaking Authority 455.275 FS. Law Implemented 455.275 FS. History—New 8-3-00, Formerly 61G17-1.019.

5J-17.007 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in

duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in Rule 5J-17.070, F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in Rule 5J-17.070, F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in Rule 5J-17.070, F.A.C.

Rulemaking Authority 472.016(2) FS. Law Implemented 472.016(2) FS. History--New 6-17-04, Formerly 61G17-1.020.

5J-17.010 Grounds for Discipline.

Discipline follows an adjudication of guilt by the Board.

(1) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for false, fraudulent, deceptive or misleading advertising.

(a) Advertising is false, fraudulent, deceptive or misleading if it: contains a material misrepresentation of fact; omits the statement of any material fact that is necessary to form a complete and accurate understanding of the advertisement; or is intended or is likely to create an unjustified expectation.

(b) Examples of false, fraudulent, deceptive or misleading advertisements include: a statement that a licensee is a certified specialist in any area outside the licensee's field of expertise; a statement that the licensee's education or experience in surveying and mapping is greater than it actually is; a statement that the licensee's involvement with a surveying and mapping project will be greater than it actually will be.

(2) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for surveying and mapping which is negligently or incompetently performed. Surveying and mapping is negligently performed if the licensee's violation of professional standards of practice or minimum technical standards causes harm to the licensee's client or to the public. A final civil judgment against a licensee for negligence in the practice of surveying and mapping constitutes probable cause for the issuance of an administrative complaint against the licensee for a violation of this rule, except that nothing in this rule shall be construed to require such a final civil judgment for the purpose of finding probable cause.

(3) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for failing to abide by the minimum technical standards set out in Rule 5J-17.050 through 5J-17.052, F.A.C.

(4) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for violating Chapters 177, 472, F.S., or rules promulgated pursuant to any of those chapters by either the Department of Agriculture and Consumer Services or the Board.

(5) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for failing to pay any final judgment entered against the licensee in any civil proceeding against the licensee involving the licensee's practice of surveying and mapping;

(6) Licensees, whether individual people or business entities holding certificates of authorization, shall be disciplined for misconduct in the practice of surveying and mapping. Violations of paragraphs (a) through (l) of this subsection constitute misconduct.

(a) Licensees, whether individual people or business entities holding certificates of authorization shall act as faithful agents or trustees of their clients and employers in all professional matters, and their failure to do so shall constitute cause for discipline.

(b) Licensees, whether individual people or business entities holding certificates of authorization, may not be untruthful, deceptive or misleading in any professional report, statement, or testimony whether or not under oath.

1. A professional report, statement or testimony is false, fraudulent, deceptive or misleading if it: contains a material misrepresentation of fact; omits the statement of any material fact that is necessary to form a complete and accurate understanding of the communication; or is intended or is likely to create an unjustified expectation.

2. Examples of false, fraudulent, deceptive or misleading statements include: a statement that a licensee is a certified specialist in any area outside the licensee's field of expertise; a statement that the licensee's education or experience in surveying and mapping

is greater than it actually is; a statement that the licensee's involvement with a surveying and mapping project will be greater than it actually will be.

(c) Licensees, whether individual people or business entities holding certificates of authorization, may not perform a surveying and mapping assignment unless they are qualified by education or experience to perform the type of surveying and mapping which is the subject of the assignment.

(d) Licensees, whether individual people or business entities holding certificates of authorization, may not affix a signature and seal to any document depicting an area over which the licensee has insufficient knowledge, education, experience, or familiarity.

(e) Licensees, whether individual people or business entities holding certificates of authorization, may not offer any bribe, commission or gift, either directly or indirectly, to obtain selection or preferment for surveying and mapping employment.

1. An example of prohibited activity under this part is a practice known as the "washout" survey, wherein a licensee agrees to accept payment for a surveying and mapping service only upon the contingency of a future event other than the completion of the survey and map.

2. The activity prohibited by this part does not pertain to the payment of a fee to a licensed employment agency for securing salaried employment as a surveyor and mapper.

(f) Licensees, whether individual people or business entities holding certificates of authorization, may not solicit or accept gifts or gratuities directly or indirectly from contractors, their agents or other parties dealing with the licensee's client or employer in connection with work for which the licensee is responsible.

(g) Licensees whether individual people or business entities holding certificates of authorization, may not engage in any professional conflict of interest. An example of a professional conflict of interest would be a situation in which a county employee engages in the private practice of surveying and mapping on a project over which that person, as a county employee, has approval authority.

(h) Licensees, whether individual people or business entities holding certificates of authorization, may not use their surveying and mapping expertise or their professional surveying and mapping status to commit a crime.

(i) Licensees, whether individual people or business entities holding certificates of authorization, may not affix their seals or signatures to survey and mapping documents or other documents required to be signed and sealed by a licensed surveyor and mapper unless the document has been personally prepared by the licensee or prepared under the licensee's supervision, direction and control.

(j) Licensees, whether individual people or business entities holding certificates of authorization, may not knowingly associate with or permit the use of their names in a business venture with any person or business entity which the licensee knows or should know is engaging in unlawful, fraudulent or dishonest business or professional practices.

(k) Licensees, whether individual people or business entities holding certificates of authorization, shall report to the Department of Agriculture and Consumer Services any person or business entity which the licensee knows is violating Chapters 177, 472, F.S., or any of the rules promulgated pursuant to those chapters by the Department of Agriculture and Consumer Services or the Board.

(l) Licensees, whether individual people or business entities holding certificates of authorization, may not practice surveying and mapping unless they maintain financial responsibility for the surveying and mapping projects they perform.

(7) As used in this rule, the term "surveying and mapping" includes platting pursuant to Part I of Chapter 177, F.S.

Rulemaking Authority 472.008 FS. Law Implemented 472.015, 472.025, 472.02, 472.0351(1)(f), (g), (h), (2) FS. History--New 1-3-80, Formerly 21HH-2.01, Amended 9-1-88, Formerly 21HH-2.001, Amended 6-1-95, 10-13-97, 9-19-06, Formerly 61G17-2.001.

5J-17.011 Disciplinary Guidelines.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapter 472, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 472, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 472, F.S., or the rules promulgated thereto, or other unrelated violations will be grounds for enhancement of penalties as outlined below. All penalties set forth in the guidelines include lesser penalties, i.e., reprimand and or course work which may be included in the final penalty at the Board's discretion.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty

within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(a) Violation of any provision of Section 472.031, F.S.;
(472.0351(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	reprimand, \$250 fine	denial or probation and \$500 fine
SECOND OFFENSE	probation and \$500 fine	denial or suspension followed by a term of probation and \$750 fine
THIRD OFFENSE	suspension followed by a term of probation and \$750 fine	revocation and \$1000 fine

(b) Attempting to obtain, obtaining, or renewing a license to practice surveying and mapping by bribery, by fraudulent misrepresentation, or through an error of the department or the board;
(472.0351(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	reprimand, \$250 fine	denial or suspension followed by a term of probation and \$750 fine
SECOND OFFENSE	denial or suspension followed by a term of probation and \$750 fine	revocation and \$1000 fine

(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;
(472.0351 (1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
SECOND OFFENSE	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation
THIRD OFFENSE	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of surveying and mapping or the ability to practice surveying and mapping;
(472.0351 (1)(d), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation

SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation
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(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;
(472.0351(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension to be followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and suspension to be followed by probation	\$1000 fine and revocation

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content;
(472.0351 (1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and probation
SECOND OFFENSE	\$500 fine	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and probation	\$1000 fine and suspension to be followed by probation

(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;
(472.0351 (1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$750 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$750 fine and suspension to be followed by a term of probation	\$1000 fine and revocation

(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;
(472.0351(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, probation, and compliance with legal obligation	\$500 fine and probation or suspension until compliance with legal obligation
SECOND OFFENSE	\$500 fine and probation or suspension until	\$750 fine and probation or suspension until

	compliance with legal obligation	compliance with legal obligation plus extended probation
THIRD OFFENSE	\$750 fine and probation or suspension until compliance with legal obligation plus extended probation	\$1000 fine and revocation

(i) Practicing on a revoked, suspended, inactive, or delinquent license;
(472.0351(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$1,000 fine and probation	\$1,000 fine, denial or suspension followed by probation or if already suspended an extended suspension followed by probation
SECOND OFFENSE	\$1,000 fine, denial or suspension followed by probation or if already suspended an extended suspension followed by probation	\$1000 fine and revocation

(j) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession;
(472.0351(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(k) Intentionally violating any rule adopted by the board or the department, as appropriate;
(472.0351(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and compliance with rule	\$500 fine and suspension until compliance with rule
SECOND OFFENSE	\$500 fine and suspension until compliance with rule	\$750 fine and suspension until compliance with rule followed by probation
THIRD OFFENSE	\$750 fine and suspension until compliance with rule followed by probation	\$1000 fine and revocation

(l) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law;
(472.0351(1)(l), F.S.)

	MINIMUM	MAXIMUM

FIRST OFFENSE	\$100 and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
SECOND OFFENSE	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation
THIRD OFFENSE	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation

(m) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee;
(472.0351(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and probation	\$750 fine, denial or suspension to be followed by a term of probation
SECOND OFFENSE	\$750 fine, denial or suspension to be followed by a term of probation	\$1000 fine and denial or revocation

(n) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board;
(472.0351(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension to be followed by a term of probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension to be followed by a term of probation

(o) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board;
(472.0351(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(p) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession;
(472.0351(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension to be followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and suspension to be followed by probation	\$1000 fine and revocation

(q) Exercising influence on the client for the purpose of financial gain of the licensee or a third party;
(472.0351(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(r) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform;
(472.0351(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(s) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them;
(472.0351(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(t) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department;
(472.0351(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and compliance with rule or terms of prior order	\$500 fine and suspension until compliance with rule or terms of prior order
SECOND OFFENSE	\$500 fine and suspension until compliance with rule or terms of prior order	\$750 and suspension until compliance with rule or terms of prior order plus extended probation
THIRD OFFENSE	\$750 fine and suspension until compliance with rule or terms of prior order plus extended probation	\$1000 fine and revocation

(u) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding;
(472.0351(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(3) 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.

(4) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board, the

board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the administrative law judge prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. The Board shall consider as mitigating or aggravating circumstances the following:

- (a) The degree of harm to the consumer or public;
- (b) The number of counts in the administrative complaint;
- (c) The disciplinary history of the applicant or licensee;
- (d) The status of the applicant or licensee at the time the offense was committed;
- (e) The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice;
- (f) The length of time the licensee has practiced;
- (g) The deterrent effect of the discipline imposed;
- (h) Any efforts at rehabilitation;
- (i) Actual knowledge of the licensee pertaining to the violation; and
- (j) Any other mitigating or aggravating circumstances.

Rulemaking Authority 472.008, 472.0351 FS. Law Implemented 472.031, 472.0351 FS. History—New 3-13-03, Amended 3-17-04, 9-19-06, Formerly 61G17-2.0015.

5J-17.012 Payment of Fine.

All fines imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Rulemaking Authority 472.008, 472.0351(4)(b) FS. Law Implemented 472.0351(2)(c), (4)(b) FS. History—New 10-29-80, Formerly 21HH-2.02, 21HH-2.002, Amended 6-1-95, Formerly 61G17-2.002.

5J-17.013 Unauthorized Practice of Surveying and Mapping by or as Part of a Business Entity.

(1) Definitions.

(a) “Business entity.” A business entity is a corporation, partnership, professional association, firm, or individual practicing under a fictitious name, engaged in the practice of surveying and mapping for public use.

(b) “Principal.” A principal of a business entity is a principal officer of a corporation, a partner in a partnership, or a person who has a financial interest in the professional association or firm. An individual practicing under a fictitious name is also a principal.

(2) A business entity may not provide surveying and mapping services to the public nor engage in the practice of surveying and mapping for public use unless the business entity first secures a certificate of authorization from the Board.

(3) Business entities may not provide surveying and mapping services to the public unless:

(a) One or more of the principal officers of the corporation is a registered surveyor and mapper, or

(b) One or more of the partners of the partnership is a registered surveyor and mapper, or

(c) One or more of the principals of a business entity which is not a corporation or a partnership is a registered surveyor and mapper.

(4) Surveyors and mappers may not practice surveying and mapping as part of a business entity unless:

(a) At least one of the principals of the business entity is a registered surveyor and mapper, and

(b) All of the personnel of the business entity who act as surveyors and mappers either display current certificates of registration as surveyors and mappers licensed by the Board or are acting under the direct supervision of such a surveyor and mapper as surveyor and mapper trainees, and

(c) The business entity displays a current Certificate of Authorization from the Board of Professional Surveyors and Mappers at its principal office.

(5) A business entity may be disciplined for any violation for which an individual surveyor and mapper may be disciplined.

Rulemaking Authority 472.008 FS. Law Implemented 472.021, 472.0351 FS. History—New 3-12-92, Formerly 21HH-2.003, Amended 6-1-95, 5-17-00, Formerly 61G17-2.003.

5J-17.014 Reapplication by Persons Whose Licenses Have Been Revoked by the Board.

(1) Applicants whose licenses have been revoked by the Board may not reapply for licensure until at least seven (7) years have elapsed since the latter of the Board's final order of revocation or the issuance of the final mandate from an appellate court affirming the revocation of licensure by the Board.

(2) The Board will not entertain any application for relicensure until and unless the applicant whose license has been revoked by the Board has complied with any order of the Board which imposed a fine or set conditions to be met by the applicant.

(3) Applicants whose licenses have been revoked by the Board must meet all the requirements for licensure that exist at the time of reapplication, including examination. In addition, applicants whose licenses have been revoked by the Board must appear before the Board. At that appearance and after discussion with the applicant, the Board may impose additional conditions on the applicant to satisfy the Board that the applicant is, through education obtained subsequent to the revocation of the applicant's licensure, capable of adequately providing services to the public as a professional surveyor and mapper.

(4) The Board may place the applicant on probation as a condition of relicensure. The Board may also require education or therapy as a condition of relicensure. The Board may not, however, impose a fine as a condition of relicensure unless a previously imposed fine was not paid by the applicant within the time-frame which the applicant was to have paid the previous fine.

Rulemaking Authority 472.0351 FS. Law Implemented 472.0351 FS. History—New 3-23-93, Formerly 21HH-2.004, Amended 6-1-95, Formerly 61G17-2.004.

5J-17.015 Statement Regarding Lack of Insurance.

In addition to the office sign required by Section 472.015, F.S., if neither the business entity nor the individual licensee has professional liability insurance, the map and the report, if there is a report, must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

Rulemaking Authority 472.015 FS. Law Implemented 472.015 FS. History—New 2-20-96, Amended 12-6-06, Formerly 61G17-2.005.

5J-17.016 Time for Compliance With Final Order; Probation.

(1) In cases where the Board imposes a civil penalty for a violation of Chapter 472, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's Order.

(2) Failure to pay the civil penalty within the time specified in this rule or in the Board's Order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term civil penalty shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(4) In cases where the Board imposes probation and/or suspension for violation of Chapter 472, F.S., or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Probation Committee of the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide a list of all surveys performed including type of survey, since the entry of the Final Order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of probation, it shall be considered a violation of Section 472.0351(1)(h), F.S., and shall result in further disciplinary action by the Board.

(d) Should the licensee's license to practice surveying and mapping be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of surveying and mapping for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of surveying and mapping, and the licensee shall then serve the time remaining in the term of probation.

(e) If a licensee's license is suspended by the Board, and the suspension is stayed pending successful completion of the terms of

the Final Order, then if the licensee successfully completes probation, then the suspension shall terminate. However, if the licensee fails to comply with the requirements set forth in this rule or in the Final Order, then the stay shall be lifted. Once the stay is lifted, the licensee's license shall remain in suspended status until the licensee appears before the Board to demonstrate compliance with the Final Order.

Rulemaking Authority 472.008 FS. Law Implemented 472.0351 (2) FS. History—New 2-23-05, Formerly 61G17-2.006.

5J-17.020 Applications for Licensure: Experience.

(1) To verify an applicant's experience the Board will accept evidence as to employment from employers or supervisors who are registered surveyors and mappers, and if such evidence is unavailable, the Board will consider written documentation from a registered surveyor and mapper who has personal knowledge of the applicant's experience. Such evidence shall set forth the quality and character of the applicant's duties and responsibilities.

(2) The term "year" as appears in Section 472.013, F.S., when referring to an applicants' experience record, is defined as twelve (12) months of full time employment as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping. Full time employment is at least 32 hours per week.

Rulemaking Authority 472.008 FS. Law Implemented 472.013 FS. History—New 1-3-80, Amended 6-9-80, 1-11-84, Formerly 21HH-3.01, Amended 1-16-92, Formerly 21HH-3.001, Amended 5-30-95, 10-1-97, 5-17-00, 3-25-01, 7-7-09, Formerly 61G17-3.001.

5J-17.021 Applications for Licensure: Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 5J-17.003, F.A.C.; and

(b) Completed a specific course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping or completed a course of study in surveying and mapping accredited in surveying by the Accreditation Board for Engineering and Technology (ABET).

(2) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(b), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 5J-17.003, F.A.C.; and

(b) Completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours or thirty-seven (37) quarter hours in courses labeled by the college or university as courses in surveying and mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

Rulemaking Authority 472.013 FS. Law Implemented 472.005, 472.013 FS. History—New 9-7-93, Amended 5-30-95, 10-1-97, 5-17-00, 11-2-00, 2-5-01, Formerly 61G17-3.0021.

5J-17.025 Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs.

In order to satisfy the licensure requirements of Section 472.013(2)(a), F.S., a surveyor and mapper applicant who received a surveying and mapping degree from a non-ABET accredited United States college or university must have received the surveying and mapping degree after completing a surveying and mapping degree program of 4 years or more that meets the following criteria:

(1) Twenty-one (21) minimum semester credits in communications, social science, and humanities;

(2) Fifteen (15) minimum semester credits in basic science;

(3) Fifteen (15) minimum semester credits in mathematics;

(4) Forty-five (45) minimum semester credits of surveying and mapping courses with at least 15 semester credits in surveying and mapping sciences including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, and at least 15 semester credits in surveying and mapping practice specialties including but not limited to legal principles, survey

practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, and GIS applications;

(5) Coverage of at least five (5) of six (6) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) photogrammetric mapping and image interpretation and remote sensing, (3) surveying calculation and data adjustments, (4) geodetic coordinates and astronomy, (5) cartographic representation, projections, and map production, and (6) computer-based multi-purpose cadastre, geographic information systems;

(6) Coverage of land boundaries in the surveying and mapping practice specialties; and

(7) A minimum of 120 semester credits in the degree program.

Rulemaking Authority 472.013 FS. Law Implemented 472.008, 472.013 FS. History–New 1-29-07, Formerly 61G17-3.0025.

5J-17.026 Foreign Degree Evaluation.

To determine whether an applicant for licensure with a foreign degree has met the educational requirements of Section 472.013(2)(a) or (b), F.S., the applicant must provide the Board with a foreign degree evaluation conducted either by Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

Rulemaking Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History–New 1-12-03, Formerly 61G17-3.003.

5J-17.027 Documentation of Substantially Equivalent Licensing Examination.

In order for the Board to determine whether an applicant by endorsement has passed a substantially equivalent licensing examination in another jurisdiction, the endorsement applicant shall provide the Board with documentation which demonstrates that the exam taken in another state is substantially equal in essential and material elements to the licensure examinations required in Rules 5J-17.030 and 5J-17.031, F.A.C. Essential and material elements shall include, but are not limited to:

- (1) Name and publisher of the exam;
- (2) Time allotted for taking the exam;
- (3) Subject content domains covered by the exam;
- (4) Conditions under which the exam was taken;
- (5) Grading criteria;
- (6) Raw score and scaled passing score;
- (7) Exam administration date;
- (8) Exam format (multiple choice/essay?); and
- (9) Exam security procedures.

Rulemaking Authority 472.008 FS., Section 5, Ch. 2002-41, Laws of Florida. Law Implemented 472.008 FS., Section 5, Ch. 2002-41, Laws of Florida. History–New 10-23-02, Formerly 61G17-3.0031.

5J-17.028 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The application entitled “Surveyor and Mapper Retired Status Application,” SM-4757, are incorporated by reference, effective 9-25-03. Copies of the form may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Professional Surveyors and Mappers on Retired Status may use the term “Professional Surveyor and Mapper Retired or PLS Retired”; however, such surveyor or mapper shall refrain from any practice of surveying and mapping and the use of his or her seal. Any Professional Surveyor and Mapper in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

Rulemaking Authority 472.008, 472.019 FS. Law Implemented 472.005(13), 472.019 FS. History–New 9-25-03, formerly 61G17-3.004.

5J-17.031 Written Examination Designated; General Requirements.

(1) The examination shall consist of the following:

(a) National:

1. Principles and Practice Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

2. Fundamentals Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

(b) Florida:

Florida Jurisdictional Multiple Choice Examination prepared by the Department or Board designee.

(2) Re-examination in the Principles and Practice Examination and the Fundamentals Examination will not be required for licensure if the applicant has successfully completed those NCEES portions previously; however, the Florida Jurisdictional Examinations will be required of all applicants.

(3) Only a non-annotated copy of Chapters 95, 161, 177, 472 and 718, F.S., Section 287.055, F.S. and Chapters 62B-33 and 5J-17, F.A.C., are permitted at the Florida examination testing site. Programmable and non-programmable calculators are permitted so long as they are: hand-held, silent, battery-operated or solar powered, non-printing, self-contained, and without auxiliary memory capabilities, video screens, or peripheral equipment. All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments.

(4) National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the NCEES Principles and Practice Examination and the NCEES Fundamentals Examination. Examination security requirements as set forth by the Department.

Rulemaking Authority 472.008, 472.0131 FS. Law Implemented 472.013, 472.015, 472.0131 FS. History--New 1-3-80, Amended 6-9-80, 1-25-84, 5-22-85, Formerly 21HH-4.01, Amended 9-16-87, 8-30-92, Formerly 21HH-4.001, Amended 5-30-95, 11-15-95, 4-16-96, 8-10-97, 7-27-00, 10-31-08, 7-7-09, Formerly 61G17-4.001.

5J-17.032 Content of Examination.

(1) The Fundamentals Examination shall be on surveying and mapping fundamentals and will include questions taken from subjects normally connected with requirements for basic fundamentals in the practice of surveying and mapping. The examination problems selection is made by the NCEES.

(2) The Principles and Practice Examination shall be based on professional practice and principles in surveying and mapping and will involve the applicant's finding solutions to problems designed to test the applicant's ability to apply acceptable surveying and mapping practice to problems which are representative of those commonly encountered in the profession of surveying and mapping. The examination problem selection is made by the NCEES.

(3) The Florida Jurisdictional Multiple Choice Examination shall be based on Florida's laws and rules regarding the practice of surveying and mapping. The following areas shall be tested on the examination and will be weighted approximately as designated:

Statute/Rule	Area Tested	Assigned Weight
Chapter 177, Part I, F.S.	Platting	
Chapter 177, Part II, F.S.	Coastal Mapping	30%
Chapter 161, F.S.		
Chapter 62B-33, F.A.C.		
Chapter 177, Part III, F.S.	Restoration of Corners	
Chapter 472, F.S.	Land Surveying	15%
Chapter 718, F.S.	Condominiums	5%
Chapter 95, F.S.	Adverse Possession	5%
5J-17.001 to 5J-17.007, F.A.C.	Organization & Purpose	
5J-17.010 to 5J-17.016, F.A.C.	Grounds for Discipline	
5J-17.040 to 5J-17.047, F.A.C.	Continuing Education	40%
5J-17.050 to 5J-17.052, F.A.C.	Minimum Technical Standards	

5J-17.060 to 5J-17.062, F.A.C.	Seals, Signatures and Certificates of Authorization	
5J-17.080 to 5J-17.085, F.A.C.	Penalties	
Chapter 472, F.S., and	Department of Agriculture and Consumer Services – General provisions	5%
Section 287.055, F.S.	Consultants' Competitive Negotiation Act	

Rulemaking Authority 472.0131 FS. Law Implemented 472.0131 FS. History—New 1-3-80, Amended 1-25-84, Formerly 21HH-4.02, Amended 9-16-87, 12-13-88, 8-30-92, Formerly 21HH-4.002, Amended 5-30-95, 5-17-99, 7-9-00, 10-31-08, Formerly 61G17-4.002.

5J-17.033 Grading Criteria and Procedures.

(1) The Principles and Practice Examination contains machine graded, multiple choice questions developed by the NCEES based upon the results of National Task Analysis Surveys performed periodically. Grades shall be determined by the applicant's ability to choose the correct answer from several given choices.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 100 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 70 questions must be answered correctly in order to receive a passing score.

Rulemaking Authority 472.0131 FS. Law Implemented 472.0131 FS. History—New 1-3-80, Amended 10-29-80, 4-19-82, 1-25-84, Formerly 21HH-4.03, Amended 9-16-87, 8-30-92, Formerly 21HH-4.003, Amended 9-7-93, 4-6-94, 5-30-95, 11-10-08, Formerly 61G17-4.003.

5J-17.034 Grading.

(1) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, multiple choice questions developed by the NCEES. The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination. The passing score shall be established by NCEES.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 100 multiple choice questions developed by the Department, or the Board's designee. The multiple choice questions will be weighted equally and machine graded. A passing grade on the Florida Jurisdictional Multiple Choice Examination is defined as 70% of the total possible points.

(3) Scores on the examination will be reported as follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional Multiple Choice Examination shall have separate scores. Three passing scores must be received in order to successfully pass the examination; however these three passing scores need not be obtained in one sitting.

Rulemaking Authority 472.0131 FS. Law Implemented 472.0131 FS. History—New 1-3-80, Amended 6-9-80, 8-27-81, 1-25-84, Formerly 21HH-4.04, Amended 8-30-92, Formerly 21HH-4.004, Amended 5-30-95, 11-15-95, 7-27-00, 10-31-08, Formerly 61G17-4.004.

5J-17.036 Grades Review Procedure.

Any applicant who takes the Florida Jurisdictional Multiple Choice Examination may examine the applicant's own answers and questions, papers, grades and grading key, upon such terms and conditions as set forth by the Department. The applicant shall bear the actual cost incurred by the Department in providing the examination review.

Rulemaking Authority 472.008, 472.013, 472.0131(3) FS. Law Implemented 472.013, 472.0131(3) FS. History—New 1-3-80, Formerly 21HH-4.06, 21HH-4.006, Amended 5-30-95, 5-17-00, 10-31-08, Formerly 61G17-4.006.

5J-17.037 Re-examination.

An individual who fails to pass or take the examination as scheduled may re-take the examination upon payment of the proper fee at the next regularly scheduled examination.

Rulemaking Authority 472.013, 472.0131 FS. Law Implemented 472.013, 472.0131 FS. History—New 1-3-80, Formerly 21HH-4.07, 21HH-4.007, Amended 5-30-95, 9-26-01, Formerly 61G17-4.007.

5J-17.040 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed one (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of forty-eight (48) continuing education credits which must be completed within one year prior to the date of application for reactivation. This education for licensure reactivation shall be related to the licensee's field of practice and shall include a minimum of six (6) hours of Minimum Technical Standards (MTS) continuing education credits and six (6) hours of laws and rules continuing education credits. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with subsection 5J-17.0044(2), F.A.C.

Rulemaking Authority 472.019(2) FS. Law Implemented 472.019(2) FS. History—New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00, 6-22-03, 6-20-06, 1-29-07, Formerly 61G17-5.001.

5J-17.041 Continuing Education Credit for Biennial Renewal.

Every person licensed pursuant to Chapter 472, F.S., must obtain at least twenty-four (24) continuing education credits per biennium. At least six (6) credits must be obtained by completing an approved provider's course or seminar on Florida's minimum technical standards, an approved provider's course or seminar on Florida's laws affecting the practice of surveying and mapping, or an approved provider's course combining the aforementioned subject matters.

(1) Continuing education credits may be obtained for:

(a) The completion of courses in surveying and mapping subjects at universities and colleges which are regionally accredited by an accrediting agency that is recognized by the United States Department of Education. Six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions and cartography. An official transcript from the registrar of the academic institution shall be submitted to the Board office as documentation of course completion at least 45 days prior to the end of the biennium;

(b)1. The completion of courses or seminars offered by continuing education providers approved by the Board for the provision of continuing education credit hours. A list of such providers is available from the Board office upon request.

2. A licensee may obtain continuing education credits in the amount of the credits allowed for that course or seminar for his/her first presentation of such course or seminar presentation of such course or seminar;

(c) A licensee's attendance at a regularly scheduled meeting of the Board of Professional Surveyors and Mappers. Only two (2) continuing education credits will be allowed for each day of such attendance during the biennium. Licensees shall sign in with a Board designee immediately prior to each day of the Board meeting. Upon adjournment of each meeting day, licensees shall sign out and be provided with a certificate of completion from the Board.

(d)1. No more than six (6) continuing education credits shall be awarded to a licensee who has researched, written, and published a book, paper, article, or other scholarly work related to surveying and mapping. Continuing education credits shall be awarded only for the biennium in which the work is initially published and approved for credit.

2. The licensee shall submit the published work along with proof of publication to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(e)1. A licensee's attendance at a local chapter, state or national professional association meeting whose primary purpose is to promote the profession of surveying and mapping. One-half (1/2) credit shall be awarded for attendance at a local chapter meeting and two (2) credits shall be awarded for attendance at a state or national professional association meeting during each biennium. No more than six (6) continuing education credits shall be awarded in one biennium for attendance at local chapter, state or national professional association meetings.

2. Licensees who attend national professional association meetings shall submit a dated letter on official stationery from the national association confirming the dates of the licensee's attendance to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

3. Licensees who attend local chapter and state professional association meetings shall submit a certificate of completion confirming the dates of the licensee's attendance to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(2) No licensee may claim credit until after the credit has been earned by that licensee.

(3) Licensees need not comply with continuing education requirements prior to the licensee's first licensure renewal.

(4) Licensees shall retain, and make available to the Department, the Board or their designees, upon request, continuing education course certificates of completion that comply with subsection 5J-17.044(2), F.A.C., for four (4) years following course completion.

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 9-21-98, 7-27-00, 6-22-03, 6-23-05, 6-20-06, Formerly 61G17-5.0031.

5J-17.042 Proof of Continuing Education Credit Earned.

The following documentation shall constitute proof of continuing education credit:

(1) An official transcript from the registrar of a university, college, junior college or community college documenting that the licensee has completed a course in a surveying and mapping subject. A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions, and cartography;

(2) A certificate of completion or the transcript of a course or seminar offered by a continuing education provider approved by the Board;

(3) A program from the licensee's first presentation of a continuing education course or seminar offered by a provider approved by the Board;

(4) A written statement from the Board office documenting the licensee's attendance at a meeting of the Board. Minutes of meetings may be used by Board members to document their attendance;

(5) A copy of the initial publication of a surveying and mapping book, paper, or article that is published under the name of the licensee;

(6) A dated certificate or letter acknowledging membership on official stationery from a national or state professional association to the licensee specifying the dates of the licensee's membership;

(7) A dated certificate or letter of recognition on official stationery from a state or national professional association to the licensee confirming the licensee's office or chairmanship and the dates thereof;

(8) A dated letter on official stationery from a chapter of a state or national association confirming the dates of the licensee's attendance at a chapter meeting;

(9) A dated letter on official stationery from a state or national association to the licensee confirming the licensee's registration for attendance at a state or national meeting and the dates thereof, or a paid registration receipt from the state or national association.

Rulemaking Authority 472.008, 472.018, 472.033 FS. Law Implemented 472.018, 472.033, 472.0351 FS. History—New 3-28-94, Amended 5-30-95, 10-13-97, 5-31-00, Formerly 61G17-5.0032.

5J-17.043 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice, and they must renew and be approved under this rule by May 31 st. of every odd-numbered year.

(2) To demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be either a vendor of equipment or software used in the practice of surveying and mapping, a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of surveying and mapping, or a surveyor and mapper with a Florida license to practice surveying and mapping who is not under disciplinary restrictions pursuant to any order of the Board. In addition, the applicant must demonstrate particular education, experience or skill which sets the applicant apart from the surveyors and mappers whom the applicant proposes to instruct.

(3) To allow the Board to evaluate an initial application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the type of courses or seminars the provider expects to conduct for credit;

(c) The particular qualifications of the prospective provider to conduct the proposed courses or seminars, which qualifications

set the applicant apart from the surveyors and mappers whom the applicant proposes to instruct;

(d) A sample certificate of completion for the course or seminar to be conducted by the applicant which certificate shall state the provider number and the course or seminar number assigned to the provider by the Board office for that course or seminar;

(e) A nonrefundable application fee of \$450;

(f) A renewal fee of \$250, which, upon request, will be refunded if the applicant is denied provider status.

(4) No surveyor and mapper may conduct continuing education courses or seminars for credit upon the surveyor and mapper's receipt of any disciplinary order from any professional regulatory board in any jurisdiction. Rather, the surveyor and mapper must notify the Board office within ten (10) days of the surveyor and mapper's receipt of any such order.

(5) No provider may conduct a continuing education course or seminar for credit upon written notice that the Board, through its Executive Director, objects to the course or seminar. Rather, upon receipt of the objection, the provider may request to appear before the Continuing Education Committee of the Board to resolve the objection.

(6) No provider may allow a surveyor and mapper to conduct any course or seminar offered by the provider if that surveyor and mapper has been disciplined and has not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the surveyor and mapper is no longer conducting any course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(7) The Board and the Department retain the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Department shall rescind the provider status or reject individual programs given by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board.

Rulemaking Authority 472.008, 472.011, 472.018, 472.033 FS. Law Implemented 472.011, 472.018, 472.033 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00, 8-18-03, Formerly 61G17-5.0041.

5J-17.044 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion for the course or seminar.

(2) Furnish each participant with an individual certificate of attendance that contains the licensee's name, the licensee's license number, the provider name, the provider number, the course name, the course number, date of course completion, and the continuing education category fulfilled by the course.

(3) Continuing education providers must provide their Department of Agriculture and Consumer Services continuing education provider number on all course advertisements.

(4) Continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(5) An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee.

(6) Providers must electronically provide to the Department a list of attendees taking a course within thirty (30) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed.

(7) If the instructor is receiving credit as set forth in paragraph 5J-17.041(1)(b), (2), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(8) Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(9) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the course number and the provider number.

(10) Allow only one continuing education credit for each hour of classroom, audio or video instruction, an “hour of classroom, audio or video instruction” being no less or no more than sixty (60) minutes of instruction.

(11) Allow only one (1) continuing education credit for each “hour of correspondence study.” The “hour of correspondence study” must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.

(12) Notify the Board within fourteen (14) days of any change in the address or telephone number of the provider.

(13) Allow the Department’s and the Board’s designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

(14) Provide courses or seminars designed to enhance the education of surveyors and mappers in the practice of surveying and mapping.

(15) Discontinue any course or seminar objected to under subsection 5J-17.043(5), F.A.C.

(16) Discontinue allowing an instructor to conduct a course or seminar upon receipt of notice pursuant to subsection 5J-17.043(6), F.A.C., and provide timely confirmation of same as required by that rule.

(17) A course or seminar on minimum technical standards must focus on each minimum technical standard in Board rules and give examples of the practical application of each standard in the performance of a survey. A course or seminar on minimum technical standards does not focus on case law.

(18) All information or documentation, including electronic course rosters, submitted to the Department shall be submitted in a format acceptable to the Department. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider.

(19) On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection (11) above.

Rulemaking Authority 472.008, 472.011, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, 12-28-05, 1-29-07, Formerly 61G17-5.0043.

5J-17.045 Evaluations of Continuing Education Providers.

(1) The Board shall evaluate continuing education courses or seminars offered to professional surveyors and mappers for credit by:

(a) Observing such courses or seminars; and

(b) Reviewing the files of the provider to gain information about any course or seminar offered to professional surveyors and mappers for credit.

(2) The Board will not revoke the continuing education credit given to any professional surveyor and mapper for completion of any continuing education course or seminar about which the professional surveyor and mapper registers a complaint with the Board.

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00, 8-18-03, Formerly 61G17-5.0044.

5J-17.046 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must renew their provider status at the beginning of each biennium. The biennium for continuing education providers ends on May 31st of each odd-numbered year.

(2) Providers seeking renewal may continue to offer programs to licensees of the Board for credit until such time as expiration of provider status occurs or an order denying renewal of continuing education provider status is filed with the Agency clerk.

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 455.2179(1), 472.018 FS. History—New 3-28-94, Amended 5-30-95, 5-31-00, 6-22-03, Formerly 61G17-5.0045.

5J-17.047 Approval of Classes.

(1) Continuing education courses shall be valid for purposes of the continuing education requirement only if such courses have

received prior approval from the Board. The Board shall approve a course as a continuing education course for the purpose of this rule when the following requirements are met:

(a) Written application for course approval shall be received by the Board prior to the date the course is offered, on BPR form SM-4758, entitled "Course Approval Application Form" incorporated herein by reference and effective 8-18-03, which copies may be obtained from the Board.

(b) The course provider shall submit to the Board the following: an application, a course outline which describes the course's content and subject matter, and a written statement that explains in detail how the course relates to the practice of surveying and mapping. If a proposed laws and rules continuing education course does not specifically cover Chapters 177 and 472, F.S., or Chapter 5J-17, F.A.C., then the continuing education provider must provide the Board with a detailed written explanation as to how the proposed laws and rules continuing education course rationally relates to the practice of surveying and mapping.

(c) Continuing education courses must address surveying and mapping subjects. Such subjects shall include but are not limited to civil engineering, forestry mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions, cartography, managing surveying businesses and operations and any other subject matter that directly enhances the surveying and mapping profession.

(d) The course provider shall submit to the Board a sample continuing education course certificate of completion that complies with subsection 5J-17.044(2), F.A.C., that is given to each course participant if the participant completes the course.

(e) Instructor curriculum vitae demonstrating particular education, knowledge, experience or skill which sets the applicant apart from those he or she will instruct.

(2) Course approvals are valid for 24 months from the date of issuance. Providers must reapply for course approval within 90 days prior to the expiration of the 24 month period. Written application and course approval shall be in the same form as set forth in subsection (1) above.

(3) The Board shall be notified of any substantive changes made to approved courses during this period, which shall include instructor changes. Course approval shall be rescinded by the Board if such notification is not made or the changes fail to otherwise conform to this rule.

(4) Course approvals shall be automatically rescinded if the provider status expires or is rescinded by disciplinary action or otherwise.

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 8-18-03, Amended 6-23-05, 12-28-05, 6-20-06, Formerly 61G17-5.0051.

5J-17.048 Reinstatement of Null and Void License.

(1) Submit a Florida DBPR Surveyor and Mapper application for reinstatement of a null and void surveyor and mapper license in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement of when the applicant's surveyor and mapper license was last active and in good standing with the Board;

(c) Submit a written statement regarding whether or not the applicant has completed one (1) continuing education credit in surveying and mapping related courses or seminars, which shall include completion of Minimum Technical Standards (MTS) and Florida Laws and Rules courses, for each month that the applicant's license was delinquent in accordance with the continuing education requirements of Rule 5J-17.041, F.A.C., within twenty-four (24) months prior to the applicant's submission of his or her application for reinstatement of a null and void license;

(d) Submit evidence of completion of all continuing education requirements for twenty-four (24) months prior to the applicant's application for reinstatement of his or her null and void license in accordance with Rule 5J-17.042, F.A.C., to demonstrate that the applicant has satisfied all continuing education requirements;

(e) Submit a written statement as to whether or not the applicant has engaged in the practice of surveying and mapping during the time period the applicant's surveying and mapping license was null and void;

(f) Submit a written statement of the applicant's good faith effort to comply with Chapter 472, F.S., and also the applicant's failure to comply due to illness or unusual hardship;

(g) Submit a written statement of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her surveyor and mapper license;

- (h) Submit documents that verify the applicant's illness or unusual hardship; and
- (i) Submit a written time-line that chronologically documents when the applicant's surveyor and mapper license was last active, when the applicant's surveyor and mapper license became null and void, when the applicant suffered his or her illness, and/ or when the applicant experienced an unusual hardship that prevented the renewal of the surveyor and mapper license.
- (2) Pay a non-refundable application fee of \$125.00.
- (3) Pay a \$255.00 fee for every licensure biennium that the applicant failed to renew his or her surveyor and mapper license.

Rulemaking Authority 472.0202 FS. Law Implemented 472.0202 FS. History--New 6-20-06, Formerly 61G17-10.001.

5J-17.050 Minimum Technical Standards: Definitions.

As used in this chapter, the following terms have the following meanings:

- (1) Benchmark: a relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below an adopted datum plane is known.
- (2) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.
- (3) Geodetic: a survey or mapping process that takes into account the curvature of the earth and astronomic observations, and which results in positions expressed on a recognized datum.
- (4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."
- (5) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.
- (6) Ortho-Images/Photos: a synthetically produced image in which positions of features are properly located in the specific map projection. Generally, this involves correction of a perspective image for relief displacement and scale variation so that the resulting scale is uniform throughout.
- (7) Photogrammetric Methods: a means of surveying and mapping that involves: making precise measurements from a combination of ground control, photographs and other sources of imagery, to document, within pre-ordained accuracies, the existence, the identity, the location and the size of selected features.
- (8) Raster Images: a two-dimensional matrix of digital picture elements whose values represent levels of energy reflected or emitted by the surface being photographed, scanned, or otherwise sensed.
- (9) Reference Point: any defined position that is or can be established in relation to another defined position.
- (10) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; defined as follows according to the type of data obtained, the methods used, and the purpose(s) to be served:
 - (a) As-Built Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as a Record Survey.
 - (b) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.
 - (c) Condominium Survey: a survey performed pursuant to Chapter 718, F.S.; includes a Boundary Survey.
 - (d) Construction Layout Survey: the measurements made, prior to or while construction is in progress, to control elevation, configuration, and horizontal position and dimensions.
 - (e) Control Survey: a survey which provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.
 - (f) Hydrographic Survey: a survey having as its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom; directions and force of current; heights and times of water stages; and location of fixed objects for survey and navigation purposes.
 - (g) Mean High Water Line Survey: a survey to document the mean high water line as defined in Part II, Chapter 177, F.S.
 - (h) Quantity Survey: a survey to obtain measurements of quantity.

(i) Record Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

(j) Specific or Special Purpose Survey: a survey performed for a purpose other than the purposes detailed in paragraphs (10)(a)-(i) or (k) of this rule.

(k) Topographic Survey: a survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

(11) Survey and Map Report: a written document, sometimes referred to as "a report" or "the report," detailing methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques.

(12) Surveying and Mapping: a process of direct measurement and analysis specifically designed to document the existence, the identity, the location, and the dimension or size of natural or artificial features on land or in the air, space or water for the purpose of producing accurate and reliable maps, suitable for visualization if needed, of such documentation.

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History--New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, 3-13-03, 4-4-06, Formerly 61G17-6.002.

5J-17.051 Minimum Technical Standards: General Survey, Map, and Report Content Requirements.

(1) Nothing in these rules shall preclude a surveyor and mapper from entering into a contract with a client which requires more stringent surveying standards than those set forth in this rule.

(2) Survey Data:

(a) REGULATORY OBJECTIVE: The public must be able to rely on the accuracy of measurements and maps produced by a surveyor and mapper.

(b) Surveyors and mappers must achieve the following minimum standards of accuracy, completeness, and quality:

1. The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. All measurements must be in accordance with the United States standard, using either feet or meters.

2. Records of these measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.

3. Measurement 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.

(3) Surveys, Maps, and/or Survey Products Content.

(a) REGULATORY OBJECTIVE: In order to avoid misuse of a survey and map, the surveyor and mapper must adequately communicate the survey results to the public through a map, report, or report with an attached map. Any survey map or report must identify the responsible surveyor and mapper and contain standard content.

(b) Surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

1. Each survey map and report shall state the type of survey it depicts consistent with the types of surveys defined in paragraphs 5J-17.050(10)(a)-(k), F.A.C. The purpose of a survey, as set out in paragraphs 5J-17.050(10)(a)-(k), F.A.C., dictates the type of survey to be performed and depicted, and a licensee may not avoid the minimum standards required by rule of a particular survey type merely by changing the name of the survey type to conform with what standards or lack of them the licensee chooses to follow.

2. All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

3. All survey maps must reflect a survey date, which is the date of data acquisition. When the graphics of a map are revised, but the survey date stays the same, the map must list dates for all revisions.

4. The survey map and report and the copies of the survey map and report, except those with electronic signature and electronic seal, must contain a statement indicating that the survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

5. If either the business entity or the individual licensee does not possess professional liability insurance, then the map, report, and/or survey must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

6. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

7. All computed data or plotted features shown on survey maps must be supported by accurate survey measurements unless clearly stated otherwise.

8. Bearings, distances, coordinates, and elevations shown on a survey map shall be substantiated by survey measurements unless clearly stated otherwise.

9. A reference to all bearings shown on a survey map or report must be clearly stated, i.e., whether to "True North"; "Grid North as established by the NOS"; "Assumed North based on a bearing for a well defined line, such as the center line of a road or right of way, etc."; "a Deed Call for a particular line"; or "the bearing of a particular line shown upon a plat." References to Magnetic North should be avoided except in the cases where a comparison is necessitated by a Deed Call. In all cases, the bearings used shall be referenced to some well-established and monumented line.

10. A designated "north arrow" and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

11. Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirement.

a. Acceptable abbreviations on the face of survey maps are:

N = North

S = South

E = East

W = West

or any combination such as NE, SW, etc.

° = Degrees

' = Minutes when used in a bearing

" = Seconds when used in a bearing

' = Feet when used in a distance

" = Inches when used in a distance

AC = Acres

+/- = More or less (or Plus or Minus)

metric notation

b. Any other abbreviations relating to survey matters must be clearly shown within a legend or notes appearing on the face of the map or report.

12. When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the map or report.

13. The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report.

14. Report Items:

a. Report items are information, as required by other parts of this rule, such as: abbreviations, legends, accuracy statements, feature lists, datums used, and things done or not done as part of the survey and mapping process. In addition, the map or report shall contain other items necessary for an adequate communication of survey methods and results as judged by the surveyor and mapper such as: data sources, measurement methods, history and lineage of data, and limitations pertaining to the information presented.

b. Text Report items shall be displayed either through notes on the map, report, or in a text report delivered with the map. When the report is produced as a text document and a map is attached, the report shall be signed and sealed. When the map is delivered in digital form only, then a report is required. An attached map must clearly reference the report by title, date and subject; and the report must likewise clearly refer to the map by title, date, and subject. Statements must be made on the map and in the report that neither is full and complete without the other.

15. Map Accuracy.

a. Vertical Feature Accuracy:

Vertical Control: Field-measured control for elevation information shown upon survey maps or reports shall be based on a level loop

or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus .05 ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.

b. Horizontal Feature Accuracy:

i. Horizontal Control: All surveys and maps or reports expressing or displaying features in a publicly published coordinate system shall indicate the coordinate datum and a description of the control points upon which the survey is based. Minor coordinate data may be obtained and used on an assumed datum provided the numerical basis of the datum is obviously different than a publicly published datum.

ii. The accuracy of control survey data shall be verified by redundant measurements or traverse closures. All control measurements shall achieve the following closures:

Commercial/High Risk Linear: 1 foot in 10,000 feet;

Suburban: Linear: 1 foot in 7,500 feet;

Rural: Linear: 1 foot in 5,000 feet;

iii. When statistical procedures are used to calculate survey accuracies, the maximum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in sub-sub-subparagraphs 5J-17.051(3)(b)15.b.ii., F.A.C.

iv. Intended Display Scale: All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/ __ or smaller".

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99, 4-4-06, 8-31-06, 8-18-08, Formerly 61G17-6.003.

5J-17.052 Minimum Technical Standards: Specific Survey, Map, and Report Requirements.

(1) As-Built/Record Survey:

(a) When performing as-built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements so that the constructed facility can be delineated in such a way that the location of the construction may be compared with the construction plans.

(b) When the surveyor and mapper prepare as-built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey.

(c) All maps prepared shall meet applicable minimum technical standards.

(d) The vertical and horizontal accuracy of the measurements made shall be such that it may be determined whether the improvements were constructed consistent with planned locations.

(2) Boundary Survey, Map, and Report:

(a) Boundaries of Real Property:

1. The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.

2. All boundary surveys shall result in a map.

3. Any discrepancies between the survey map and the real property description must be shown.

4. All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

5. Curved lines with circular curves shall show the radii, arc distances and central angles, or radii, arc distances, chord distances and chord bearings.

6. When intersecting lines are non-radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

7. Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the following upon the map:

a. The lot(s) and block numbers or other designations, including those of adjoining lots.

b. A comparison between recorded directions and distances with field measured directions and distances when they vary.

c. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

- d. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.
- 8. Surveys of parcels described by metes and bounds shall show the following upon the map:
 - a. The relationship of the parcel(s) to at least one established identifiable real property corner;
 - b. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;
 - c. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;
 - d. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

(b) Boundary Monuments:

1. 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.

2. Every boundary monument set shall:

- a. Be composed of a durable material;
- b. Have a minimal length of 18 inches;
- c. Have a minimum cross-section area of material of 0.2 square inches;
- d. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;
- e. Be detectable with conventional instruments for finding ferrous or magnetic objects.
- f. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

3. All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set.

4. When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature.

5. For other irregular boundaries such as a river, lake, beach, marsh or stream, not identified as in subparagraph 5J-17.052(2)(a)1., F.A.C., a dimensioned meander or survey line may be used. When a meander or survey line is used, monuments shall be set at the meander or survey line's terminus points on real property boundary lines and dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.

6. A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

7. Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

(c) Boundary Inconsistencies:

1. 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:

- a. Overlapping descriptions or hiatuses;
- b. Excess or deficiency;
- c. Conflicting boundary lines or monuments; or
- d. Doubt as to the location on the ground of survey lines or property rights.

2. Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

3. All apparent physical use onto or from adjoining property must be indicated, with the extent of such use shown or noted upon the map.

4. In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

(d) Rights-of-Way, Easements, and Other Real Property Concerns:

1. All recorded public and private rights-of-way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.
2. Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.
3. When streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.
4. When location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.
5. Human cemeteries and burial grounds located within the premises shall be located and shown upon the map when open and notorious, or when knowledge of their existence and location is furnished to the surveyor and mapper.

(e) Real Property Improvements:

1. Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.
2. When fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.
3. Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing.
4. When a boundary survey updating a previous boundary survey is made by the same surveyor or survey firm for purpose of locating non-completed new improvements, then property corners need not be reset; however, when a boundary survey is updating a previous survey made by the same surveyor or survey firm and is performed for purpose of locating completed new improvements then property corners must be recovered or reset. When a boundary survey updates a previous boundary survey made by a different surveyor or survey firm for the purpose of locating either non-completed or completed new improvements, then property corners must be recovered or reset.

(3) Construction Layout Survey:

(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in Rules 5J-17.051 and 5J-17.052, F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(b) Horizontal and Vertical Controls for Public and Private Construction Layout:

1. Section 472.003(3), F.S., provides an exemption from licensing for certain classes of individuals performing construction layout from boundary, horizontal and vertical controls that have been established by a licensed professional surveyor and mapper. This rule is designed to set out what constitutes horizontal and vertical controls.

a. Horizontal control monumentation for the purpose of this rule includes:

- (I) Points of Curve, Points of Tangency, Points of Tangent Intersections, Points on Line and Points on Curve.
- (II) Points of Intersection of other streets or roads.
- (III) Angle points or changes in direction.

b. Horizontal control monumentation for road center-lines, right-of-way lines, reference lines or base lines shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

c. Horizontal control monumentation for main utility lines (such as water, sewer, storm drainage, electric, telephone, television, gas, etc.) when not constructed within or along a road right-of-way control in accordance with sub-subparagraph 5J-17.052(3)(b)1.b., F.A.C., shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

d. Horizontal control monumentation for buildings and/or primary constructions shall be at least:

- (I) Boundaries, or
- (II) Control or base lines (minimum of 2 points), or
- (III) A minimum of a four-corner envelope for non-residential construction improvement layout.

e. Horizontal control monumentation required by plans as a control for horizontal location not included in sub-subparagraph 5J-17.052(3)(b)1.b., c., or d., F.A.C., shall meet the requirements of sub-subparagraph 5J-17.052(3)(b)2., F.A.C.

(c) All construction requiring benchmarks shall have a minimum of two (2) existent or established benchmarks for vertical control.

(d) Vertical control for linear type construction sites such as roads and sewer lines shall have a maximum of 1,100 feet between existent or established benchmarks.

(e) Vertical control for acreage construction sites shall have two (2) existent or established benchmarks on the first ten (10) acres plus an additional benchmark for each additional ten (10) acres.

(f) The only required documentation for this type of survey product shall be field notes.

(4) Control Survey:

(a) Geodetic Control Surveys: When applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC-STD-007.3-1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the internet web site (http://fgdc.gov/standards_publications/). No use of the terminology of these standards may be made without completely adopting and following all the standards in their entirety. When these standards are not employed, then a survey, map, or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(b) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of subsection 5J-17.051, F.A.C.

(5) Descriptions/Sketch to Accompany Description:

(a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.

(b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

(6) Digital Data:

(a) When survey information is provided in digital form only, the surveyor and mapper shall provide a signed and sealed report as set forth in paragraph 5J-17.051(3)(b)14.b., F.A.C.

(b) The digital file will reference the report and that the digital file is not full and complete without the report.

(7) Ortho-Images/Photos:

(a) The survey, map, and/or report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.

(b) Positional Accuracy: Feature accuracies shall be stated.

(c) The Ortho-Image/Photo shall comply with the December 1996 US Department of the Interior, US Geological Survey National Mapping Divisions, "National Mapping Program Technical Instructions Part 2 Specifications Standards for Digital Orthophotos," which are incorporated herein by reference.

(8) Quantity Survey: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.

(9) Raster Imagery:

(a) The survey and report must contain a list of control points employed in geo-referencing the image along with the source of control positions used. The survey and report must contain a statement clearly stating that "This is not an ortho-image or ortho-photo."

(b) Feature accuracies shall be stated.

(10) Subdivision Record Plat: This rule shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, F.S.; however, this rule shall apply to any boundary survey performed during the preparation of the plat.

(11) Specific Purpose Survey:

(a) Surveys which are performed for a purpose other than the purposes encompassed by the definitions in paragraphs 5J-17.050(10)(a)-(i) or (k), F.A.C., shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in paragraphs 5J-17.050(10)(a)-(i) or (k), F.A.C.

(b) Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.

(c) Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as Specific Purpose Surveys. Additionally, surveys performed for the purpose of monumenting official right-of-way lines may be performed as Specific Purpose Surveys.

(12) Topographic Survey:

(a) Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 5J-17.051, F.A.C. A minimum of two site benchmarks on or near the survey shall be indicated upon the survey map.

(b) Topographic Features.

1. Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. As with abbreviations, any symbols, line types, etc. shown on the survey map shall be explained and/or defined in a legend.

2. Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as “interpolated” or “estimated” through the use of notes and shall be depicted graphically clearly different from other surveyed features.

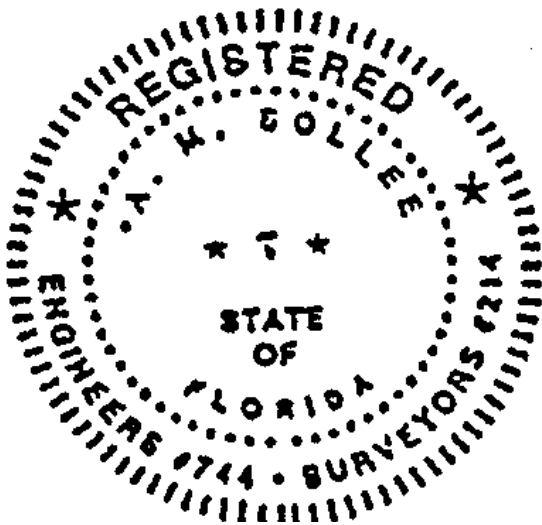
3. Scale of Map. The scale of the map that is selected when provided in hard copy shall be sufficient to accurately and clearly show the results of the survey.

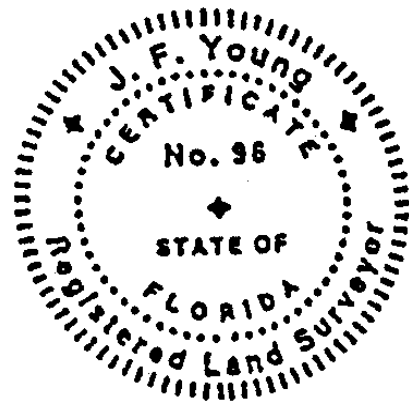
4. Property Lines. Any depiction of property lines on a topographic map shall be accompanied with a statement as to the source of the property lines shown.

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.04, Amended 12-18-88, Formerly 21HH-6.004, Amended 12-25-95, 5-13-96, 5-25-99, 4-4-06, 8-31-06, 8-18-08, Formerly 61G17-6.004.

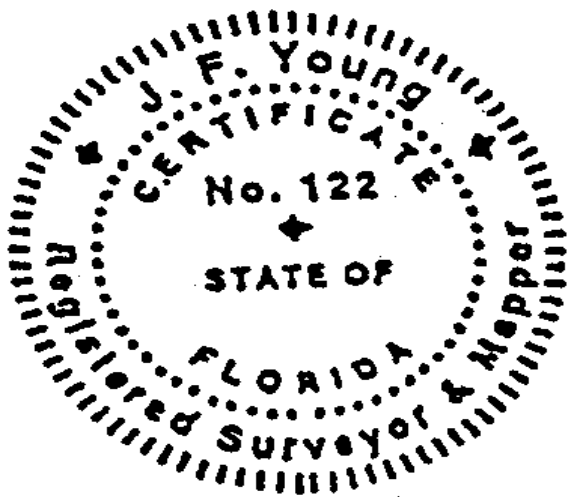
5J-17.060 Seals Acceptable to the Board.

(1) The Board hereby establishes the acceptable forms of metal-type impression seals:

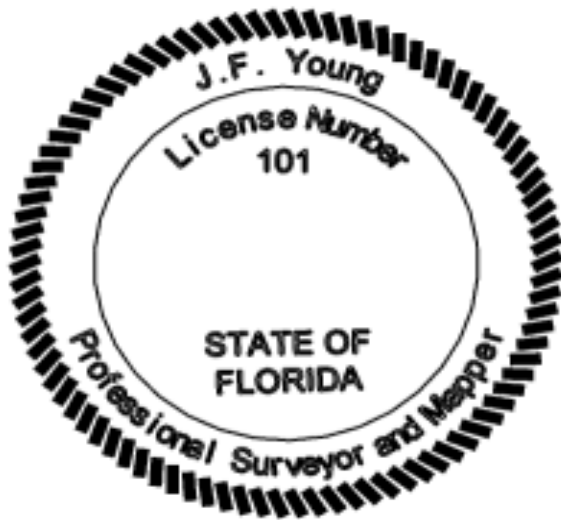




II



III



IV

(2) Seal I may be used only by registrants who are registrants in good standing under both Chapters 471 and 472, F.S., as of June 30, 1995.

(3) Seal II may be used only by registrants who are licensed as of June 30, 1995.

(4) Seal III shall be used only by registrants who are initially licensed on or after July 1, 1995, and before October 1, 2002.

(5) Registrants who are initially licensed on or after June 30, 2002 shall use only Seal IV.

(6) All registrants may use Seal IV.

(7) Surveyors and mappers who wish to sign and seal electronically transmitted plats, reports, or other documents shall follow the procedures set forth in Rule 5J-17.062, F.A.C.

Rulemaking Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History--New 1-3-80, Amended 6-9-80, Formerly 21HH-7.01, 21HH-7.001, Amended 5-30-95, 10-25-95, 12-13-99, 11-18-01, 10-23-02, Formerly 61G17-7.001.

5J-17.061 Seal and Signature.

(1) All maps, except those with electronic signature and electronic seal, must contain a statement indicating that the map is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

(2) A licensee who allows another person to sign a map prepared or issued by or under the supervision of the licensee is guilty of misconduct.

(3) A licensee who signs another licensee's name on a map is guilty of misconduct.

(4) For the purpose of this rule, the word "map" shall also mean drawing, sketch or plat.

Rulemaking Authority 472.025 FS. Law Implemented 472.025 FS. History--New 1-3-80, Amended 9-13-83, Formerly 21HH-7.02, 21HH-7.002,

Amended 5-30-95, 5-13-96, 11-3-97, Formerly 61G17-7.002.

5J-17.062 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Information stored in electronic files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 472, F.S., shall be signed, dated and sealed by the professional surveyor and mapper in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such surveying or mapping work must contain an original signature and raised seal of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature and raised seal or electronic signature. Surveying or mapping work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature and raised seal. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such manner that the electronic signature is invalidated if any data in the document are changed.

(4) Alternatively, electronic files may be signed and sealed by creating a "signature" file that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveying and mapping documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/fipspubs/fip180-1.htm>. A report shall be created that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveyor and mapper documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional surveyor and mapper in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Rulemaking Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History—New 2-1-00, Amended 12-16-07, Formerly 61G17-7.0025.

5J-17.063 Certificates of Authorization.

(1) Except as provided in subsection (10) of this rule, certificates of authorization are required of all corporations, partnerships, professional associations, firms, or persons practicing under a fictitious name, who provide surveying and mapping services to the public. For the purpose of this rule, those corporations, partnerships, associations, firms, and persons shall be referred to as "business entities."

(2) Individuals practicing surveying and mapping under their given name are not required to obtain a certificate of authorization. For the purposes of this rule, "given name" is defined as the individual's name as it appears on the individual's birth certificate, state issued driver's license, or Florida surveyor and mapper license.

(3) Individuals practicing surveying and mapping under the first initials of their first and/or middle names and their entire last name are not required to obtain a certificate of authorization.

(4) Individuals practicing surveying and mapping under their given name or the first initials of their first and/or middle names and their entire last name are permitted to use the following titles and abbreviations in their surveying and mapping business name without being required to obtain a certificate of authorization: licensed surveyor and mapper, registered surveyor and mapper,

registered land surveyor, professional land surveyor, professional surveyor and mapper, professional surveyor, RLS, PLS, PSM, or PS.

(5) Individuals practicing surveying and mapping pursuant to subsections (2), (3), and (4) of this rule must obtain a certificate of authorization once the individual adds Incorporated, Inc., Limited Liability Company, LLC, Partnership Association, P.A., or any other business association or business entity name, title or abbreviation to the individual's name or business name.

(6) Individuals operating a surveying and mapping business, which is incorporated, is a limited liability corporation, is a partnership association, or is operating as any other business entity, but does not include the business entity title or abbreviation in the surveying and mapping business's name, must obtain a certificate of authorization.

(7) Upon application to the Board, certificates of authorization shall be issued only to those business entities which:

(a) List the street address of each of its Florida offices from which surveying and mapping services are provided;

(b) Specify the name or names of its principals who are licensed surveyors and mappers as the term "principal" is defined in paragraph 5J-17.013(1)(b), F.A.C.;

(c) Provide proof to show that the applicant is a partnership, corporation, or person practicing under a fictitious name at the time of application and that the person identified pursuant to paragraph (7)(b) of this rule is a principal of the business entity.

(8) The Board shall penalize, deny, suspend or revoke the certificate of authorization of any business entity which fails to meet the requirements of laws or rules pertaining to the practice of surveying and mapping.

(9) Business entities shall notify the Board within one (1) month of any changes in the business entity's location of offices, its licensed surveyors and mappers in residence, and the names of its principals, along with proof to demonstrate the change in principals.

(10) Paragraphs (7)(a) and (b) of this rule do not apply to construction offices or temporary field offices set up to serve a specific survey site.

Rulemaking Authority 472.021 FS. Law Implemented 472.021 FS. History--New 3-22-84, Formerly 21HH-7.03, Amended 3-12-92, Formerly 21HH-7.003, Amended 5-30-95, 5-21-00, 3-25-01, 5-24-06, Formerly 61G17-7.003.

5J-17.070 Fees.

(1) The application fee is \$125 for Application for Certificate of Authorization, Application for Temporary or Permanent Licensure as a Surveyor and Mapper, whether by examination or endorsement, and Application for Reactivation of Inactive Licensure. Applicants for examination for internship or Surveyor-in-Training who are currently enrolled in and are in the final year of or who are graduates of an approved surveying and mapping curriculum pursuant to Section 472.013(2)(a), F.S., shall not be required to submit an application fee with their applications.

(2) The examination fee is \$120 each for each part of the examination.

(3) The fee for permanent licensure or permanent certificate of authorization is \$125.

(4) The renewal fee for licensure as a surveyor and mapper is \$250 per biennium.

(5) The renewal fee for certificate of authorization is \$350 per biennium.

(6) The fee to place an active license on inactive status is \$100.

(7) The fee to reactivate an inactive license is \$50.

(8) The fee for temporary certificate as a surveyor and mapper is \$25.

(9) The fee for temporary certificate of authorization is \$50.

(10) The fee for reexamination is \$120 each for each part.

(11) The fee for duplicate license or certificate of authorization is \$20.

(12) The late renewal penalty for licensure or certificate of authorization is \$150.

(13) The examination review fee shall be based on the actual cost incurred by the Department to provide examination review.

(14) The fee to renew an inactive license on inactive status is \$50.

(15) The fee to change status at any time other than at the time of biennial renewal is \$25.

(16) An individual applying to reinstate his or her null and void survey and mapper license pursuant to Section 72.0202(6)(b), F.S., must pay a non-refundable application fee of \$125 and also must pay \$255 for every licensure biennium that the individual failed to renew his or her surveyor and mapper license.

Rulemaking Authority 472.011, 472.013(2)(a) FS. Law Implemented 472.015, 472.011, 472.013(2)(a), 472.019(2), 472.023 FS. History--New 1-5-95, Amended 4-2-98, 7-27-00, 6-20-06, Formerly 61G17-8.0011.

5J-17.071 Fee to Enforce Prohibition Against Unlicensed Activity.

(1) The Legislature requires each Board to adopt a rule requiring each initial and each renewing licensee to pay an additional \$5.00 fee to fund the efforts of the Department to combat unlicensed activity.

(2) Effective July 1, 1993, each initial licensee and each renewing licensee shall pay \$5.00 in addition to the fee for initial licensure and licensure renewal to fund the efforts of the Department to combat unlicensed activity.

Rulemaking Authority 472.0365 FS. Law Implemented 472.0365 FS. History—New 3-23-93, Formerly 21HH-8.002, 61G17-8.002.

5J-17.080 Citations.

The offenses enumerated in this rule may be disciplined by the issuance of a citation by the Department of Agriculture and Consumer Services. The citation shall impose the prescribed fine, and the Department may impose the costs of the investigation. If the citation option is accepted by the licensee, the offense will not be brought to the attention of the probable cause panel of the Board.

(1) A licensee's first time violation of the prohibition against false, fraudulent, deceptive or misleading advertising may result in a citation. If a citation is issued, the licensee must pay a fine of \$500.00.

(2) A licensee's first time violation of the prohibition against practicing on a delinquent or inactive license shall result in a citation. If a citation is issued, the licensee must pay a fine of \$1,000.00.

(3) A business entity's first time failure to notify the Board within one (1) month of any changes in the business entity's location of offices, its licensed surveyor and mapper in residence, or the names of its principal, along with proof to demonstrate the change in principal, may result in a citation if the licensee fails to correct the violation in response to a notice of noncompliance. If a citation is issued, the business entity must pay a fine of \$500.00.

Rulemaking Authority 472.008, 472.036 FS. Law Implemented 472.0351, 472.036 FS. History—New 1-16-92, Formerly 21HH-9.004, Amended 2-20-96, 10-29-06, 6-11-07, Formerly 61G17-9.004.

5J-17.081 Notices of Noncompliance.

The offenses enumerated in this rule shall be the subject of a notice of noncompliance before disciplinary action is taken:

(1) A business entity's first time failure to notify the Board within one (1) month of any changes in the business entity's location of offices, its licensed surveyor and mapper in residence, or the names of its principal, along with proof to demonstrate the change in principal.

(2) A licensee's first time failure to submit proof of continuing education upon response to an audit of continuing education; provided that such proof is submitted within fifteen (15) days of receipt of the Notice of Noncompliance. Failure to submit such proof within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

(3) A licensee's first time failure to comply with an order of the Board; provided that the licensee complies with the order within fifteen (15) days of receipt of the notice of noncompliance or begins substantial efforts to comply with the order. Failure to comply or make substantial efforts to comply within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

(4) A licensee's first time failure to pay any final judgement entered against a licensee in any civil proceeding involving the licensee's practice of surveying and mapping; provided that the judgement is paid within fifteen (15) days of receipt of the notice of noncompliance. Failure to pay the judgement within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

(5) A licensee's first time failure to respond to an audit of continuing education; provided that the response is made within fifteen (15) days of receipt of the notice of noncompliance. Failure to respond within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

(6) A licensee's first time failure to comply with a subpoena authorized by the probable cause panel of the Board; provided that compliance is made within fifteen (15) days of receipt of the notice of noncompliance. Failure to comply with the subpoena within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

(7) A business entity's first time unauthorized practice of surveying and mapping, if the business entity has been in operation for less than one year; provided that the business entity applies for authorization within fifteen (15) days of the receipt of the notice of noncompliance. Failure to make application within the fifteen (15) day period shall result in the institution of regular disciplinary proceedings.

Rulemaking Authority 455.225(3) FS. Law Implemented 455.225(3) FS. History—New 12-25-95, Amended 10-1-97, 4-8-07, Formerly 61G17-9.0045.

5J-17.082 Mediation.

(1) Violations of paragraph 5J-17.010(6)(f) and Rule 5J-17.010(6)(g), F.A.C., concerning conflicts of interest, can be mediated pursuant to Section 472.034, F.S.

(2) Violations of the minimum technical standards of Rule Chapter 5J-17.050 through 5J-17.052, F.A.C., can be mediated if those violations result in economic harm either:

- (a) To the person who paid for the survey or map, or
- (b) To the person who is the owner of the property which was the subject matter of the survey or map.

Rulemaking Authority 472.034 FS. Law Implemented 472.034 FS. History—New 5-30-95, Formerly 61G17-9.005.

5J-17.083 Probation.

(1) A licensee on probation shall:

- (a) Timely pay any fine imposed;
- (b) Timely attend and submit proof of attendance at any continuing education course or program required by the terms of the probation;
- (c) Timely submit required surveys for review by the Probation Committee of the Board;
- (d) Attend the Probation Committee meetings where the surveys are reviewed;
- (e) Make corrections on surveys as required by the Probation Committee;
- (f) Provide clients with corrected surveys at no cost, and submit documentation to demonstrate compliance with this provision within fourteen days of the date on which the corrections are ordered by the Probation Committee.

(2) A probationer's failure to comply with probation, or a probationer's failure to comply with probation on time, shall result in the lifting of the stay on the suspension imposed in the underlying disciplinary action.

(3) Should a probationer's license become suspended, the suspended probationer shall file a written petition for reinstatement of licensure with the board. The suspended probationer's written petition for reinstatement shall include the suspended probationer's grounds for reinstatement and also must demonstrate the suspended probationer's compliance with the board's final order, which resulted in the suspension of the probationer's license.

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018, 472.0351 FS. History—New 12-25-95, Amended 10-27-05, Formerly 61G17-9.006.

5J-17.084 Surrender of Seal and Cancellation of Digital Signature.

(1) When a licensed surveyor and mapper's license has been revoked or suspended by the board, the licensee must surrender his or her seal to the executive director of the board and also provide a sworn, written affidavit to the executive director of the board confirming that the licensee's digital signature has been cancelled within thirty (30) days of the suspension or revocation of the licensee's license.

(2) The licensee must send his or her seal and the sworn, written affidavit confirming the cancellation of his or her digital signature to the executive director of the board at the following address: Florida Board of Professional Surveyors and Mappers, c/o Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399.

(3) A suspended licensee's seal shall be returned to him or her upon the expiration of the suspension period or reinstatement of licensure. A suspended licensee may also obtain another digital signature upon expiration of the suspension period or reinstatement of licensure.

Rulemaking Authority 472.025 FS. Law Implemented 472.025 FS. History—New 10-27-05, Formerly 61G17-9.0065.

5J-17.085 Survey Review.

(1) A probationer required to submit surveys for review shall:

- (a) Provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of six (6) surveys, that have been performed by the probationer, for or without compensation, within 120 days of completing any and all continuing education

courses required by the Board in its final order. The survey list submitted by the probationer shall contain each survey's project name and/or number, the client name (if available), the date of the survey and the type of survey performed.

(b) The Board's Probation Chair will randomly select six (6) of the probationer's signed and sealed surveys for review from the survey list submitted by the probationer. Within five (5) calendar days of being notified by the Board of the surveys that have been selected for review, the probationer shall have post-marked and submitted to the Board office signed and sealed surveys for the surveyed properties selected for review, along with copies of the relevant field notes, the relevant full size record plats, all measurement and computational records, and all other documents necessary for a full and complete review of the surveys. If the probationer does not submit the surveys which have been post-marked within five (5) calendar days of being notified of what surveys have been selected for review, then the probationer will be referred to DBPR for non-compliance with a final order of the Board and the Board may lift the stay of suspension.

(c) Attend the Probation Committee meeting at which the surveys are to be reviewed;

(d) Repeat paragraphs (a)-(c) once if required by the Probation Committee at the meeting where the surveys are reviewed and discussed.

(2) Upon receipt of the signed and sealed surveys and other documents by the Board, either a surveying and mapping consultant selected by the Board or a member of the Board shall conduct a review of the surveys supplied by the licensee and provide an evaluation report to the Board for review, with all costs associated with said review and report paid to the consultant or the Board by the licensee.

(3) After the first survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet or exceed minimum levels of competency; or

(b) Require a second set of surveys for review as contemplated by paragraph (1)(d); or

(c) If the Board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

(4) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the licensee shall remain in suspended status until the probationer takes and passes the Florida jurisdictional examinations.

Rulemaking Authority 472.008 FS. Law Implemented 472.0351 FS. History—New 12-25-95, Amended 10-1-97, 5-17-99, 2-23-05, 6-20-06, formerly 61G17-9.007.