

# **Chapter 5J-17 Of the Florida Administrative Code**



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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, F.S., as applicable provision 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 Chapters 472, 177, F.S. or Chapter 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 472.008, 472.033(4) FS. Law Implemented 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, Amended 5-11-15.*

## 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 within 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, Amended 11-13-17.*

### **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.

*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, Amended 11-13-17.*

### 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.

*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, Repealed 12-15-14.*

### 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 email 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 United States Armed Forces are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses’ duties with the United States 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 472.019, 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, Amended 7-11-19.*

## 5J-17.010 Grounds for Discipline.

(1) Persons who wish to file a complaint alleging grounds for discipline may file the complaint by obtaining “Board of Professional Surveyors and Mappers Complaint Form,” FDACS-10065, Rev. 02/17, hereby incorporated by reference. The form may be obtained by mail by writing to: Executive Director of the Florida Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500 or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08759>.

(2) Discipline follows an adjudication of guilt by the Board. In addition to violations of provisions set forth elsewhere in these rules, the following are grounds for discipline of any licensee.

(3) Licensees 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.

(4) Licensees 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 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.

(5) Licensees shall be disciplined for failing to abide by the Standards of Practice set out in Rule 5J-17.051 through 5J-17.053, F.A.C.

(6) Licensees shall be disciplined for violating Chapters 177 and 472, F.S., or rules promulgated pursuant to any of those chapters by either the Department of Agriculture and Consumer Services or the Board.

(7) Licensees 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;

(8) Licensees shall be disciplined for misconduct in the practice of surveying and mapping, including violations of paragraphs (a) through (c) hereof. Violations of Rule 5J-17.053, F.A.C., also constitute misconduct.

(a) Licensees 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.

(b) Licensees 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.

(c) Licensees may not practice surveying and mapping unless they maintain financial responsibility for the surveying and mapping projects they perform.

*Rulemaking Authority 472.008, 472.027 FS. Law Implemented*

*472.025, 472.027, 472.033, 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, Amended 5-11-15, 11-13-17.*

### 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.; (Section 472.0351(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250 fine.	Denial or probation and \$500.00 fine.
SECOND OFFENSE	Probation and \$500 fine.	Denial or suspension followed by a term of probation and \$750.00

fine.

THIRD OFFENSE	Suspension followed by a term of probation and \$750.00 fine.	Revocation and \$1,000.00 fine.
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(b) Attempting to obtain, obtaining, or renewing a license to practice surveying and mapping by bribery or by fraudulent misrepresentation;  
(Section 472.0351(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	Reprimand, \$250.00 fine.	Denial or suspension followed by a term of probation and \$750.00 fine.
SECOND OFFENSE	denial or suspension followed by a term of probation and \$750.00 fine.	Revocation and \$1,000.00 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;  
(Section 472.0351 (1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100.00 fine and same penalty imposed by the other jurisdiction.	Denial of licensure or \$250.00 fine and suspension followed by probation.
SECOND OFFENSE	\$250.00 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	\$500.00 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.
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(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; (Section 472.0351 (1)(d), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine.	Denial of licensure or \$500.00 fine and suspension to be followed by a term of probation.
SECOND OFFENSE	\$500.00 fine and probation.	Denial of licensure or \$1,000.00 fine and revocation.

(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; (Section 472.0351(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine.	\$500.00 fine and suspension to be followed by probation.
SECOND OFFENSE	\$500.00 fine and probation.	\$750.00 fine and suspension to be followed by probation.

THIRD OFFENSE	\$750.00 fine and suspension to be followed by probation.	\$1,000.00 fine and revocation.
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(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content;  
(Section 472.0351 (1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine.	\$500.00 fine and probation.
SECOND OFFENSE	\$500.00 fine.	\$750.00 fine and suspension to be followed by probation.
THIRD OFFENSE	\$750.00 fine and probation.	\$1,000.00 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;  
(Section 472.0351 (1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine and probation.	\$750.00 fine and suspension to be followed by a term of probation.
SECOND OFFENSE	\$750.00 fine and suspension to be followed by a term of probation.	\$1,000.00 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;

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine, probation, and compliance with legal obligation.	\$500.00 fine and probation or suspension.
SECOND OFFENSE	\$500.00 fine and probation or suspension until compliance with legal obligation.	\$750.00 fine and probation or suspension plus extended probation.
THIRD OFFENSE	\$750.00 fine and probation or suspension until compliance with legal obligation plus extended probation.	\$1,000.00 fine and revocation.

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$1,000.00 fine and probation.	\$1,000.00 fine, denial or suspension followed by probation or if already suspended an extended suspension followed by probation.
SECOND OFFENSE	\$1,000.00 fine, denial or suspension followed by probation or if already suspended an extended suspension followed by probation.	\$1,000.00 fine and revocation.

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine.	Denial of licensure or \$500.00 fine and suspension to be followed by a term of probation.
SECOND OFFENSE	\$500.00 fine and probation.	Denial of licensure or \$1,000.00 fine and revocation.

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine and compliance with rule.	\$500.00 fine and suspension.
SECOND OFFENSE	\$500.00 fine and suspension until compliance with rule.	\$750.00 fine and suspension followed by probation.
THIRD OFFENSE	\$750.00 fine and suspension until compliance with rule followed by probation.	\$1,000.00 fine and revocation

(l) 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; (Section 472.0351(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100.00 fine and same penalty imposed by the other jurisdiction.	Denial of licensure or \$250.00 fine and suspension followed by



		probation.
SECOND OFFENSE	\$250.00 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation.	Denial of licensure or \$500.00 fine and revocation.
THIRD OFFENSE	\$500.00 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension.	Denial of licensure or \$750.00 fine and permanent revocation.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of the professional surveying or mapping or employing a trick or scheme in or related to the practice of professional surveying or mapping; (Section 472.0351(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500.00 fine and probation.	\$750.00 fine, denial or suspension to be followed by a term of probation.
SECOND OFFENSE	\$750.00 fine, denial or suspension to be followed by a term of probation.	\$1,000.00 fine and denial or revocation.

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

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100.00 fine.	\$250.00 fine and probation.
SECOND OFFENSE	\$250.00 fine.	\$500.00 fine and suspension to be

followed by a term of probation.

THIRD OFFENSE	\$500.00 fine and probation.	\$750.00 fine and suspension to be followed by a term of probation
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(o) 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; (Section 472.0351(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine	Denial of licensure or \$500.00 fine and suspension to be followed by a term of probation.
SECOND OFFENSE	\$500.00 fine and probation	Denial of licensure or \$1,000.00 fine and revocation.

(p) 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; (Section 472.0351(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine.	\$500.00 fine and suspension to be followed by probation.
SECOND OFFENSE	\$500.00 fine and probation.	\$750.00 fine and suspension to be followed by probation.

THIRD OFFENSE	\$750.00 fine and suspension to be followed by probation.	\$1,000.00 fine and revocation.
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(q) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding; (Section 472.0351(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine and probation.	\$500.00 fine and denial or suspension followed by probation.
SECOND OFFENSE	\$750.00 fine and probation.	\$1,000.00 fine and denial or permanent revocation.

(r) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper pursuant to Chapter 177, F.S.; (Chapter 177 F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250.00 fine, probation, and compliance with legal obligation.	\$500.00 fine and probation or suspension until compliance with legal obligation.
SECOND OFFENSE	\$500.00 fine and probation or suspension until compliance with legal obligation.	\$750.00 fine and probation or suspension until compliance with legal obligation plus extended probation.
THIRD OFFENSE	\$750.00 fine and probation or suspension until compliance with legal obligation plus extended probation.	\$1,000.00 fine and revocation.

(3) 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 FS. Law Implemented 472.031, 472.0351 FS. History-New 3-13-03, Amended 3-17-04, 9-19-06, Formerly 61G17-2.0015, Amended 11-13-17, 7-15-18.*

### **5J-17.012 Payment of Fine.**

All fines imposed by the Board shall be paid within ninety (90) 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, Amended 11-13-17.*

## **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, a written notification shall be provided directly to the client prior to commencement of any work, in the form of a written statement that clearly and conspicuously states to the client that neither the business entity nor the individual licensee has professional liability insurance. The notice shall be retained for a period of six years from the date of creation pursuant to paragraph 5J-17.053(5)(a), F.A.C.

*Rulemaking Authority 472.015 FS. Law Implemented 472.015 FS. History-New 2-20-96, Amended 12-6-06, Formerly 61G17-2.005, Amended 11-13-17.*

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

(1) In cases where the Board imposes an administrative fine for a violation of Chapter 472, F.S., or of the rules promulgated thereunder, the penalty shall be paid within ninety (90) 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 an administrative fine 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 "administrative fine" civil penalty shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, including attorney's fees, if applicable, 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.

(b) At each probation appearance, in connection with the submission of surveys as required by the licensee being placed on probation, 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.

(c) 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.

(d) 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.

(e) 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.

*Rulemaking Authority 472.008 FS. Law Implemented 472.0202, 472.0351 FS. History-New 2-23-05, Formerly 61G17-2.006, Amended 10-17-12, 11-13-17.*

### **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. A National Council of Examiners for Engineering and Surveying (NCEES) Record will be acceptable as evidence.

(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.

(3) Experience while in "responsible charge" gained through full time employment before an applicant has reached the age of eighteen (18) may not be used to meet the experience record requirements of Section 472.013, F.S., exceptions to said rule shall be made on a case by case basis subject to Board approval.

*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, Amended 11-13-17, 7-15-18.*

### **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 bachelor's degree, its equivalent, or higher in surveying and mapping or a similar titled program, including geomatics, geomatics engineering, and land surveying from a college or university recognized by the board and accredited by the Accreditation Board for Engineering and Technology (ABET).

(2) To meet the educational requirements, an applicant who completed a non-ABET accredited program must have:

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

(b) Completed a bachelor's degree, its equivalent, or higher in surveying and mapping or a similar titled program, including, but not limited to, geomatics, geomatics engineering, and land surveying that meets the following criteria:

1. Eighteen (18) minimum semester credits in communications, social science, and humanities;
2. Eight (8) minimum semester credits in physical and/or biological science;
3. Six (6) minimum semester credits in mathematics;
4. Thirty (30) minimum semester credits of surveying and mapping courses including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, legal principles, survey practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, and GIS applications; and,
5. Coverage of at least five (5) of seven (7) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) land boundary principles, (3) photogrammetric mapping and image interpretation and remote sensing, (4) surveying calculation and data

adjustments, (5) geodetic coordinates, (6) cartographic representation, projections, and map production, and (7) geographic information systems;

(3) To determine that 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 bachelor's degree, its equivalent, or higher, at an accredited college or university that does not conform to paragraph (1)(b) or subsection (2) of this section. The applicant must have completed a minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

(4) To verify the applicant's education the applicant shall provide the Board an official transcript submitted directly from the college or university, or a National Council of Examiners for Engineering and Surveying (NCEES) Record submitted directly from NCEES.

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

*Rulemaking Authority 472.008, 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, Amended 11-13-17, 7-15-18, 7-11-19.*

## **5J-17.022 Applications for Surveyor and Mapper Intern/Surveyor in Training.**

(1) To meet the educational requirements of Section 472.013(3) F.S., the applicant must:

(a) Obtain the required semester hours pursuant to Section 472.013(3)(a) or

(b), F.S., in a college or university approved by the Board; and must:

(b) Provide an official transcript from the college or university, or a Letter of Good Standing as supplied in “Board of Professional Surveyors and Mappers Application for Surveyor in Training,” FDACS-10055, Rev. 11/22, incorporated by reference in paragraph 5J-17.029(1)(c), F.A.C., which was completed by the college or university, and if pursuing licensure under Section 472.013(3)(b), F.S., must:

(c) Provide evidence of specific surveying and mapping experience pursuant to Rule 5J-17.020, F.A.C.

(2) Approval of the Application for Surveyor in Training by the Board will allow the person to take the Fundamentals of Surveying (FS) examination.

*Rulemaking Authority 472.013 FS. Law Implemented 472.013 FS. History-New 11-13-17, Amended 7-15-18, 12-27-22.*

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

*Rulemaking Authority 472.013 FS. Law Implemented 472.008, 472.013 FS. History-New 1-29-07, Formerly 61G17-3.0025, Amended 11-13-17, Repealed 7-15-18.*

### **5J-17.026 Foreign Degree Evaluation.**

(1) To assist in determining 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 Josef Silny & Associates, Inc., 7101 S.W. 102 Avenue, Miami, Florida 33173, or through the National Council of Examiners for Engineers and Surveyors (NCEES), 280 Seneca Creek Road, Seneca, South Carolina 29678, or any other nationally accepted organization offering equivalent services.

(2) The Board shall make the final decision regarding whether an applicant is approved for admittance to the licensure examination based upon the requirements set forth in Section 472.013, F.S.

*Rulemaking Authority 472.008, 472.013(4) FS. Law Implemented 472.013(4) FS. History-New 1-12-03, Formerly 61G17-3.003, Amended 11-13-17.*

## **5J-17.027 Documentation of Substantially Equivalent Licensing Examination.**

*Rulemaking Authority 472.008 FS., Section 5, Chapter 2002-41, Laws of Florida. Law Implemented 472.008 FS., Section 5, Chapter 2002-41, Laws of Florida. History-New 10-23-02, Formerly 61G17-3.0031, Repealed 11-13-17.*

## **5J-17.028 Application for Retired Status.**

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board by applying online at:

<https://csapp.800helpfla.com/csrep/>.

In lieu of completing an application online, an applicant shall obtain and complete the application entitled “Board of Professional Surveyors and Mappers Application For Retired Status,” FDACS-10053, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08761>.

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, Amended 11-13-17.*

## **5J-17.029 Application Deadlines.**

(1)

(a) Applicants applying for a professional surveyors and mappers examination shall submit their completed application no less than 45 days prior to a scheduled meeting of the Board. It is the affirmative obligation of the applicant to submit an application deemed complete by the Board prior to the aforementioned deadline.

(b) A person wishing to apply for licensure by examination or licensure by endorsement shall submit a completed application to the Board by applying online at: [www.FDACS.gov](http://www.FDACS.gov). In lieu of completing an application online, an applicant shall obtain the application entitled "Board of Professional Surveyors and Mappers Application For Licensure By Examination or Endorsement," FDACS-10050, Rev. 11/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14952>.

Applications deemed complete by the Board will be reviewed by the board or contracted vendor to determine eligibility at a date and time scheduled by the Board.

(c) A person wishing to apply for designation as a surveyor in training (SIT) shall submit a completed application to the Board by applying online at: [www.FDACS.gov](http://www.FDACS.gov). In lieu of completing an application online, an applicant shall obtain the application entitled "Board of Professional Surveyors and Mappers Application For Surveyor In Training," FDACS-10055, Rev. 11/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14954>.

Applicants shall submit their completed application or no less than 45 days prior to a scheduled meeting.

(d) Applicants for reexamination shall submit their completed applications no less than 21 days prior to the scheduled examination deadline set by the Department or contracted vendor.

(2)

(a) An applicant will be rescheduled by the Department or contracted vendor for the next available examination if the applicant is unable to sit for the originally scheduled examination by reason of military service and submits to the Board a copy of the applicant's military orders or a letter from the applicant's commanding officer.

(b) An applicant's examination will be rescheduled by the Department or contracted vendor, if the applicant demonstrates that there was a death in the immediate family, serious injury, illness, or other physical impairment which prevented the candidate from taking the examination. Any such request to reschedule an examination shall include a copy of a death notice or death certificate or a statement from the applicant's treating physician which attests that such injury, illness or physical impairment prevented the applicant from taking the examination.

(c) Any requests for rescheduling of an examination shall be submitted to the Department, in writing no later than 21 days following the last day of the applicable examination.

*Rulemaking Authority 472.006, 472.008 FS. Law Implemented 472.011, 472.0131, 472.015, 472.0365 FS. History-New 10-17-12, Amended 11-13-17, 12-27-22.*

### **5J-17.030 Certification of Eligibility for Examination and Notification to Applicants.**

(1) The Department, or its designee, will review all applications for licensure by examination to determine completeness of the application.

(2) The Department shall make a determination whether an application is complete within thirty (30) days after receipt. The Board shall determine whether the applicant is qualified to take the licensure examination at the next available meeting of the Board. Applicants may attend the Board meeting when their application is considered, briefly address the Board, and submit evidence on their

behalf. This eligibility determination shall be made within the time requirements of Section 120.60(1), F.S.

(3) If the Department or board determines that the applicant is not qualified to take the examination the applicant may petition for a hearing before an administrative law judge under Sections 120.569 and 120.57, F.S.

(4) After a decision is made by the Board that an applicant meets the lawful requirements for the licensure examination, the Department will submit the name of the applicant to the testing vendor for the next examination for which space is available.

(5) If all certified candidates cannot be scheduled for the next examination due to space, time, or other limitations beyond the control of the Department, the candidates will be scheduled chronologically according to the date each applicant submitted their application.

(6) The Department or vendor, if applicable, will notify applicants of the time, place, and date of the examination and provide the applicant with an official admission card or confirmation number, which will be required for admission to the examination. The Department or vendor shall inform the candidate of the length of the examination, subject content of the examination, and any special equipment or materials needed for the examination.

*Rulemaking Authority 472.008 FS. Law Implemented 120.60, 472.0131(1), 472.015 FS. History-New 10-17-12.*

## **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 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, 718 and Section 287.055, F.S., and Chapters 62B-33 and 5J-17, F.A.C., are permitted at the Florida Jurisdictional Examination testing site.

(4) 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 or its contracted vendor shall be followed throughout the administration of the Florida Jurisdictional Examination.

*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, Amended 11-13-17.*

## **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 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	30%
Chapter 177, Part II, F.S.	Coastal Mapping	
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 and Mapping	15%
Chapter 718, F.S.	Condominiums	5%
Chapter 95, F.S.	Adverse Possession	5%
Rules 5J-17.001 to 5J-17.007, F.A.C.	Organization & Purpose	40%
Rules 5J-17.010 to 5J-17.016, F.A.C.	Grounds for Discipline	
Rules 5J-17.040 to 5J-17.047, F.A.C.	Continuing Education	
Rules 5J-17.050 to 5J-17.053, F.A.C.	Standards of Practice	
Rules 5J-17.060 to 5J-17.062, F.A.C.	Seals, Signatures	
Rules 5J-17.080 to 5J-17.085, F.A.C.	and Certificates of Authorization Penalties	
Chapter 472, F.S.,  and  Section 287.055, F.S.	Department of Agriculture and Consumer Services – General Provisions Consultants’ Competitive Negotiation Act	5%

*Rulemaking Authority 472.0131, 472.027 FS. Law Implemented 472.0131, 472.027 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, Amended 5-11-15, 11-13-17.*

### **5J-17.0321 Examination Administration.**

(1) During the examination, the candidates will follow the instructions of the examination supervisor. The candidates will be permitted to ask reasonable questions of the Department's or testing vendor's examination supervisor and proctors relating to the instructions.

(2) The valid admission slip for the specified examination and a government-issued, signature bearing, photo I.D. such as driver's license, must be presented in order to gain admission to the examination. The first and last name on an examinee's I.D. and examination admission slip must match. Student I.D.s are not acceptable identification.

(3) If the candidate arrives at the designated testing location after the designated starting time for an examination administered by the Department, the candidate will be permitted to take the examination only after the candidate has signed a statement clearly indicating the candidate's late arrival time, and agreeing that the candidate will have only the remaining designated time in the examination to complete the examination. Any candidate who refuses to sign such a statement will be disqualified from the examination and may apply to the Department for scheduling for the next available examination. If, when the late candidate arrives, any other candidate has already finished the examination and left the examination room, the late candidate will not be permitted to sit for the examination and must apply to the Department for scheduling for the next available examination. For examinations administered by a vendor and national examinations, late candidates shall comply with the vendor's or the national examination organization's policies and procedures.

(4) Administration requirements set forth by any national board and council will be complied with in the administration of the specific examination.

(5) All examination items, answer sheets, other examination papers, computer files, and materials are the sole property of the Department of Agriculture and Consumer Services or the national provider. No candidate shall take any of the examination questions, answer sheets, other examination papers, computer files, and materials from the examination room or retain, reproduce, or compromise

the materials in whole or in part by any means or method whatsoever.

(6) For vendor administered examinations, candidates are permitted to test out of state, subject to fees charged by the vendor to the candidates for this service.

(7) The examination supervisor, proctors, and testing vendor are the Department's designated agents in maintaining a secure and proper examination administration.

(8) The Department and its designated agents may use any technology to protect the integrity and security of any license examination.

(9) Any individual found by the Department or the Board to have engaged in conduct which subverts or attempts to subvert the examination process shall have his or her scores on the examination withheld and/or declared invalid, be disqualified from the practice of the profession, and/or be subject to the imposition of penalties authorized under Chapter 472, F.S., including but not limited to, criminal penalties under Section 472.0132 or 472.031, F.S., as well as the administrative penalties set forth at Section 472.0351(2), F.S.

(10) Conduct which subverts or attempts to subvert the examination process includes, but is not limited to:

(a) Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a future or current licensing examination.

(b) Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any book, notes, written or printed materials or data of

any kind, other than the examination materials distributed or specifically listed as approved materials for the examination room in the information provided to the examinee in advance of the examination date by the Department and/or the national supplier of the examination.

(c) Conduct which violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination; impersonating an examinee or having an impersonator take the licensing examination on one's own behalf.

(11) Any violation of the conduct rules or other irregularities will be documented in writing by the Department's agent(s) and the documentation of the violation or irregularity will be presented to the Board for consideration and action. The Department's agent(s) shall exercise extreme care in their documentation to ensure that the violation or irregularities are precisely recorded as they were witnessed.

(12) The Department or its designated agents shall take steps reasonably necessary to prevent or investigate any conduct which subverts or attempts to subvert the examination process.

*Rulemaking Authority 472.0131 FS. Law Implemented 472.0131 FS. History-New 10-17-12.*

## **5J-17.0322 Licensure Examination Format and Procedures for Candidates with Disabilities.**

(1) The Department of Agriculture and Consumer Services will provide reasonable and appropriate accommodations to candidates with physical, mental, or specific learning disabilities to the extent permitted by cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the impairment. Each case will be dealt with on an individual basis within the limits prescribed herein. In the instances where an exam is developed or administered by a vendor, approval must be obtained from the vendor.

(2) A candidate requesting special accommodation must file the request in addition to his or her completed application for licensure examination by the final

application deadline of the assigned examination. The candidate must provide documentation of his or her disability completed by an appropriate professional. The candidate's documentation shall include:

- (a) The diagnosis and length of time with the condition;
- (b) The name and the results of the test(s) used for diagnosis; and,
- (c) Recommended accommodations and testing environment.

(3) Reasonable and appropriate accommodations will be made for qualifying candidates. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

- (a) Flexible Time. Candidates requiring extra time for the examination must submit a recommendation of such from an appropriate professional. The Department recognizes that reading Braille or using a live reader takes longer than reading regular print. Untimed examinations will not be provided.
- (b) Flexible Setting. Individual and small group setting examination administrations shall be available to candidates when such a service is recommended by an appropriate professional.
- (c) Flexible Recording of Responses. The candidate's responses can be recorded by a proctor, a tape recorder, a typewriter, a Braille writer, marked on the test booklet, or other method approved by the Department. The proctor may transcribe the candidate's responses onto a machine scannable answer sheet. In these instances, the candidate will verify that the answers he or she indicated were marked.
- (d) Flexible Format. The test booklet may be produced in large print, high quality regular print, Braille, or the test may be tape recorded, read aloud, or signed by an interpreter.
- (e) Assistive Devices. The candidate, upon approval of the department, will be allowed to use appropriate assistive devices, such as lights, magnifiers, or

special computer screens.

(4) The Department shall request further evidence on the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Department shall request that the applicant submit to another professional evaluation to verify the disability or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(5) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the examination.

(6) Definition of Terms.

(a) A person with disabilities means any person who:

1. Has a physical, mental, or specific learning disability which presently substantially limits one or more major life activities,
2. Has a record of such a disability, or
3. Is regarded as having such a disability. An individual meets the requirement of “being regarded as having such a disability” if the individual establishes that he or she has an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(b) Major life activities are activities that an average person can perform with little or no difficulty including walking, talking, hearing, breathing, learning, working, caring for one’s self, and performing manual tasks.

(c) A person with a physical disability means any person who has a permanent or temporary physical or psychomotor disability. Examples of a disability under this section include those disabilities that require the use of a wheelchair, braces, or crutches. It also includes candidates with a hearing or sight

disability, or those who may need special accommodation to move about.

(d) A person with a learning disability means any person who has a permanent or temporary mental disability such as brain damage, brain dysfunction, dyslexia, or a perceptual disorder.

(e) For purposes of this rule, “an appropriate professional” means a physician licensed pursuant to Chapters 458 (Medical Practice) or 459 (Osteopathic Medicine), F.S.; a professional licensed pursuant to Chapters 460 (Chiropractic), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services), F.S.; or appropriately licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to a candidate’s disability provided by an appropriate professional pursuant to the requirements of this rule must not be beyond the scope permitted by law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

*Rulemaking Authority 472.008 FS. Law Implemented 472.0131 FS. History-New 10-17-12.*

### **5J-17.033 Grading Criteria and Procedures.**

*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, Repealed 12-15-14.*

### **5J-17.034 Grading.**

(1) The Department shall use any national examination which is available and approved by the Board.

(2) A national examination is an examination developed by or for a national or multi-state professional association, board, council, or society (hereinafter referred to as organization) and administered for the purpose of assessing entry level skills necessary to protect the health, safety, and welfare of the public from the incompetent practice of surveying and mapping and meets the following standards:



(a) The purpose of the examination shall be to establish entry level standards of practice that shall be common to all practitioners of surveying and mapping;

(b) The practice of the profession at the national level must be defined through an occupational survey with a representative sample of all practitioners and professional practices; and,

(c) The examination for licensure must assess the scope of practice and the entry skills defined by the national survey.

(3) The organization must be generally recognized by practitioners across the nation in the form of representatives from the State Boards or shall have membership representing a majority of the nation's or states' practitioners who have been licensed through the national examination.

(4) The organization shall be the responsible body for overseeing the development and scoring of the national examination.

(5) The organization shall provide security guidelines for the development and grading of the national examination and shall oversee the enforcement of these guidelines.

(6) Grading Criteria and Passing Scores:

(a) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, questions developed by the National Council of Examiners for Engineering and Surveying (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. The passing score shall be established by NCEES.

(b) The Florida Jurisdictional Examination consists of 100 questions developed by the Department, or the Department's contracted vendor. The questions will be weighted equally and machine graded. A passing grade on the Florida Jurisdictional Examination is defined as 70% of the total possible points.

(c) Scores on each examination shall be reported in a pass/fail format as

follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional Examination shall have separate scores. A passing score must be achieved on each examination in order to obtain licensure, however the three passing scores need not be obtained in one sitting.

(7) Examinations shall be graded solely and exclusively by the Department or the Department's designee, national examination provider or its designee.

(8) Departmentally developed objective, examinations shall be graded by the Department or contracted vendor. The Department or the Department's contracted vendor shall review the item analysis and any statistically questionable items after the examination has been administered. Based upon this review, the Department or the Department's contracted vendor shall adjust the scoring key by totally disregarding the questionable items for grading purposes or by multi-keying, giving credit for more than one correct answer per item. All items which do not adequately and reliably measure the applicant's ability to practice the profession shall be rejected. The Department or its contracted vendor shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate with a grade report. The only paper that shall be graded is the official answer sheet. No credit shall be given for answers written in a candidate's examination booklet.

(9) If after the distribution of grades for a particular administration there are adjustments to the scoring, amended grade reports shall be mailed to all failing candidates whose scores are increased and to all candidates whose pass/fail status changes due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(10) The Department shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date, except when the grades, or portions thereof, are computed by the national board, council, association, or society responsible for a national examination in Florida. The grades for an examination containing a national portion shall be sent to the candidate no later than thirty (30) days after the receipt of the grades by the Department from the national board, council, association, or society responsible for the national examination in Florida.

(11) The Department or contracted vendor shall inform each passing candidate of the candidate's status and provide necessary instructions for obtaining a license.

(12) Any candidate who does not receive a passing score on a licensure or certification examination will be notified of the test(s) failed, the requirements for re-examination, and review and appeal rights and procedures.

*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, Amended 10-17-12, 11-13-17.*

### **5J-17.035 Use of Pilot Test Items in Examinations.**

Written examinations developed by or for the Department may include pilot test or experimental questions for the purpose of evaluating the statistical and/or psychometric qualities of new or revised questions prior to their use in an examination. Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

(1) The maximum number of pilot test questions included in a single examination shall not exceed 20 percent of the number of questions on the examination which are not pilot test questions, or ten (10) questions, whichever is greater.

(2) Pilot test questions shall not be counted toward the candidate's score on the examination. Answers to pilot test questions shall not be subject to review by the candidate during the review process.

*Rulemaking Authority 472.008 FS. Law Implemented 472.0131 FS. History-New 10-17-12.*

### **5J-17.036 Grades Review Procedure.**

(1) A candidate who has taken and failed a Department-developed objective multiple choice examination or an examination developed for the Department by a professional testing company or other state agency shall have the right to review the examination items, answers, papers, grades, and grading keys for the parts of the examination failed or the questions the candidate answered

incorrectly only. Review of examinations developed by or for a national council, association, or society (herein after referred to as national organization) shall be conducted in accordance with national examination security guidelines and timeframes.

(2) Those candidates who elect to exercise their right to review must submit a request in writing to the Department or the testing vendor. An examinee shall submit a completed form known as “Board of Professional Surveyors and Mappers Post Examination Review Request,” FDACS-10063, Rev. 12/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14980>.

(a) Written requests must be received by the Department or vendor no later than twenty-one (21) days after the release date of the original grade notification. The issuance of an amended grade notice, if applicable, will not extend the deadline for a candidate to request a post-examination review, unless the amended grade notice affects the pass/fail status of the candidate.

(b) No request received past the specified deadline in paragraph (2)(a), will be accepted.

(3) Examination reviews shall be conducted in the presence of a representative of the Department or vendor at a location designated by the Department.

(a) All examination reviews shall be conducted in accordance with that examination’s administration procedures to the extent possible and feasible.

(b) All security rules defined in this chapter, shall apply to all review sessions. Any candidate violating any provision of said rules shall be dismissed from the review session.

(c) Unless specified otherwise in this chapter, all examination reviews by candidates shall be scheduled and completed no later than ninety (90) days after the release date on the original grade notification. However, a candidate

may not participate in a review during the twenty-one (21) day period immediately prior to his or her next examination attempt.

(d) A representative of the Department or the vendor shall remain with all candidates throughout all examination reviews. Candidates shall be informed that the representative cannot defend the examination or attempt to answer any examination questions during the review.

(e) Candidates will be given an examination review time of one-half the time provided for the examination administration of the part failed.

(f) Test booklets used by the candidate during the examination are not retained. Candidates reviewing the examination will be provided with a clean, exact copy of the original test questions. They will not be given the actual test booklets they used during the examination. Consequently, any marks or notes made by candidates during the examination will not be available during the review.

(g) Unless prohibited by national guidelines, candidates have the right to challenge any question which they believe may be ambiguous or any solution which they believe may be incorrect and to request a hearing if the challenge is found to be without merit. The challenges must be submitted in writing during the review. Any challenges or supporting documentation submitted after the candidate has left the review room shall not be accepted.

(h) Upon completion of reviews, candidates shall acknowledge in writing the review start time, the review end time, all materials reviewed, and other relevant review information.

(4) In addition to the provisions of subsection (3), examination candidates shall be prohibited from leaving the review with any written challenges, grade sheets, or any other examination materials.

(5) For a practical examination, unless examination security is involved, a candidate may obtain by mail a copy of his or her grade sheets resulting from a practical examination. The request must be made in writing to the Department, adhere to provisions set forth in subsection (2), be signed by the candidate, and

state the address to which the grade sheets are to be mailed. This shall constitute a review of the practical examination.

(6) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge.

*Rulemaking Authority 472.0131(3) FS. Law Implemented 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, Amended 10-17-12, 1-16-23.*

### 5J-17.037 Re-examination.

An individual who fails to pass or take the examination as scheduled may re-take the examination. To obtain approval to re-take the examination, an individual must obtain and complete an application for re-examination entitled “Board of Professional Surveyors and Mappers Application for Reexamination,” FDACS-10051, Rev. 11/22, hereby incorporated by reference. Copies of the form may be obtained from the Board Office or accessed online at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14953>.

Applicants must also submit payment of the proper fee.

*Rulemaking Authority 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, Amended 11-13-17, 12-27-22.*

5J-17.038 Guidelines for Sharing Department-Developed Examinations With Other States’ Licensing Authorities.

(1) The Department shall, under conditions listed below and for a fee which recovers costs associated with such an action, with the concurrence of the Board, share Department-developed examinations with other state licensing authorities.

(2) Upon receipt of an expressed interest from another state’s licensing authority that a department-developed examination be shared, the Department shall require completion of a questionnaire that will gather specific and pertinent information concerning the other state’s need for an examination and the

resources available to the other state for sharing the department examination.

(3) An agreement shall be entered into that will require the state licensing authority to adhere to the requirements listed in this Chapter, and any other applicable laws and rules.

(4) Absent a Board and Department agreed-upon exception, the other state's licensing authority may not be permitted to use security procedure and operating procedures that are less stringent or specific than those required and utilized by the Department.

*Rulemaking Authority 472.008 FS. Law Implemented 472.0131 FS. History-New 10-17-12.*

### **5J-17.0381 Translations.**

In authorizing the translation of licensure examinations to an applicant's native language, the Legislature has determined that translated licensure examinations pose no inherent threat to the public health, safety, and welfare.

(1) To allow the Department sufficient time to translate an examination, an applicant for licensure wishing to take the examination in a language other than English or Spanish shall:

(a) File a written request with the Department at least six months prior to the date of the scheduled examination.

(b) Submit, in addition to all other applicable fees, the required translation fee as defined in subsection (2) of this rule, on or before the 60th day prior to the date of the scheduled examination.

(2) The Department shall notify the applicant of the amount of the translation fee on or before the 75th day prior to the scheduled examination. The amount of the fee for each applicant for the translated examination shall be a pro rata share for all applicants applying to take the scheduled translated examination to cover the Department's full direct and indirect costs of the development, preparation, administration, grading and evaluation of the translated examination.

(3) Unless otherwise specified in board rule or prohibited by national guidelines, in lieu of a translated examination, candidates may elect to use a translation dictionary. This dictionary must consist of only word or phrase translations and must remain as published. Dictionaries containing definitions of words, explanations of words or handwritten notes will not be permitted. Testing center staff will inspect and approve the dictionary before it can be used during the examination. Any dictionary that does not meet these criteria will be rejected.

*Rulemaking Authority 472.008 FS. Law Implemented 472.0131 FS. History-New 10-17-12.*

### **5J-17.039 Licensure, Inactive Status, Delinquent Status, Reactivation.**

(1) Biennial Licensing: Licensees, except as may be provided in Chapter 472, F.S., must renew their license each biennial period. Biennial period shall mean a period of time consisting of two 12 month calendar years. The biennial period for the purposes of the Board shall commence and continue on March 1 of each odd numbered year. A person wishing to apply for licensure renewal shall submit a completed application by applying online at: [www.FDACS.gov](http://www.FDACS.gov). In lieu of completing an application online, an applicant shall obtain the application entitled "Board of Surveyors and Mappers Renewal Application", FDACS-10068, 11/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14956>.

The application for renewal shall be considered timely filed if the payment received in the form of a money order, sufficiently funded check, or electronic draft in the correct amount is postmarked prior to midnight on the date of expiration of the license or has been delivered by the close of business on the date of expiration of the license or the licensee has submitted an electronic renewal through the Department's website. If that date falls on a Saturday, Sunday, or legal holiday, the day of expiration shall be the first working day after the expiration date on the license. The licensee must meet all continuing education requirements as specified in this chapter.

(2) Inactive Status:



(a) A licensee may choose inactive licensure status at the time of renewal by filing a notice with the Department through the Department's website accompanied by the appropriate fee as set forth in Rule 5J-17.070, F.A.C. Such notice and fee must be received in accordance with this chapter to be timely.

(b) An inactive status licensee may change to active status at any time, provided the licensee meets all the requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the Board, pays any outstanding fines or costs, and meets all continuing education requirements as specified in this chapter.

(c) Failure to renew an inactive license prior to the applicable renewal deadline shall cause the license to become delinquent.

### (3) Delinquent Status:

(a) If a licensee fails to complete all license renewal requirements and submit a timely and complete application, the license shall revert to delinquent status.

(b) A delinquent status licensee may apply for active or inactive status any time during the biennial licensure cycle. A complete application, the renewal fee, and a delinquent fee shall be required. The license of a delinquent licensee that does not achieve active or inactive status before the end of the current biennial licensure period shall become null and void by operation of law and without further action by the Department or the Board. Subsequent licensure will require meeting all the requirements for initial licensure or complying with the procedure set forth in Rule 5J-17.048, F.A.C.

*Rulemaking Authority 472.006, 472.0202 FS. Law Implemented 472.006, 472.0202 FS. History-New 10-17-12, Amended 11-13-17, 12-27-22.*

## **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 Standards of Practice 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-17.044(2), F.A.C.

*Rulemaking Authority 472.019(2), 472.027 FS. Law Implemented 472.019(2), 472.027 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, Amended 5-11-15, 11-13-17, 7-15-18.*

### **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. Up to twelve (12) continuing education credits earned beyond the required twenty-four (24) may be carried forward to the following renewal period. One continuing education credit hour shall be awarded for each classroom hour of instruction. For the purposes of this rule, a classroom hour shall be defined as no less than fifty (50) minutes of classroom instruction.

(1) Continuing education credits may be obtained for:

(a) 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.

(b) 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.

(c) A licensee's attendance, unrelated to disciplinary action against them, 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. Licensees shall sign in with a Board designee immediately prior to each day of the Board meeting.

(d)

1. No more than ten (10) 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) 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.

(f) Completion of courses or seminars offered as part of a state or national professional association meeting whose primary purpose is to promote the profession of surveying and mapping.

(g) A licensee's completion of courses or seminars that have led to advanced professional certification in a surveying and mapping related discipline are eligible for a maximum of twelve (12) continuing education credits in one biennium.

(2) For preparation of continuing education course materials and teaching the course for credit, the licensee shall be awarded double the course credit hours for the first time teaching.

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

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

(5) 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, 472.027 FS. Law Implemented 472.018, 472.027 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, Amended 10-17-12, 5-11-15, 11-13-17, 7-15-18.*

### **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 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;

(7) 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.

(8) A certificate of completion or the transcript of a course or seminar taken in leading to an advanced professional certification in a surveying and mapping related discipline, along with documentation from the association or organization issuing the advanced professional certification.

(9) A certificate of completion of a course or seminar taken in a surveying and mapping related discipline at a state or national professional association meeting, along with documentation from the association or organization issuing the certificate.

*Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018, 472.033 FS. History-New 3-28-94, Amended 5-30-95, 10-13-97, 5-31-00, Formerly 61G17-5.0032, Amended 11-13-17, 7-15-18.*

### **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 provide continuing education instructional courses and seminars to professional surveyors and mappers in the conduct of their practice, and they must renew and be approved under this rule by May 31st

of every odd-numbered year.

(2) To demonstrate the education and/or the experience necessary to provide continuing education instructional courses and seminars to 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 that promotes any aspect of the profession of surveying and mapping as defined in Chapter 472 F.S., 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 an electronic application located at:

<https://csapp.800helpfla.com/csrep/>.

In lieu of an electronic application, the applicant shall complete the application entitled "Board of Professional Surveyors and Mappers Continuing Education Provider Approval Application," FDACS-10056, Rev. 08/17, hereby incorporated by reference. Copies of the form may be obtained by contacting the Board Office or accessed online at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08763>.

The applicant shall provide the following:

(a) A nonrefundable application fee of \$200.00, in addition to a \$250.00 fee for continuing education provider status;

(b) 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 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."

(6) 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 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 FS. Law Implemented 472.011, 472.018 FS. History-New 3-28-94, Amended 5-30-95, 5-31-00, 8-18-03, Formerly 61G17-5.0041, Amended 11-13-17, 7-15-18.*

## **5J-17.044 Obligations of Continuing Education Providers.**

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

(1) Furnish the Board with a list of courses being offered, which shall include each course name, instruction method, and total number of credit hours to be awarded for each course successfully completed. If courses are removed, or no longer offered at any point during the biennium, the continuing education provider shall notify the Board in writing within thirty (30) days.

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

(3) Furnish each participant with an individual certificate of completion 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 total number of credit hours fulfilled by the course.

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

(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 subsection 5J-17.041(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 (1) continuing education credit for no less than fifty (50) minutes of classroom, audio or video 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) Provide courses or seminars designed to enhance the education of surveyors and mappers in the practice of surveying and mapping.

(14) 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.

(15) 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. After a licensee’s completion of a course, the information must be submitted to the department electronically no later than thirty calendar days thereafter. However, the continuing education provider shall electronically report to the department completion of a licensee’s course within ten days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs first. 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.

(16) Online/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, 472.027 FS. Law Implemented 472.018, 472.027 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, Amended 10-17-12, 5-11-15, 11-13-17, 7-15-18.*

## 5J-17.045 Evaluations of Continuing Education Providers.

(1) The Board shall evaluate continuing education providers 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, Amended 7-15-18.*

## 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 Continuing Education Courses.

*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, Amended 10-17-12, Repealed 7-15-18.*

## 5J-17.048 Reinstatement of Null and Void License.

(1) An applicant seeking reinstatement of a license which has become null and void shall submit to the Board a “Board of Professional Surveyors and Mappers Request for Determination of Eligibility to Apply for a Reinstatement of Null and Void License”, FDACS-10067, Rev. 12/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14981>;

in which the applicant shall:

- (a) Pay a non refundable application fee of \$125.00;
- (b) Answer questions regarding the applicant’s education and background information;
- (c) Submit a written statement of when the applicant’s surveyor and mapper license was last active and in good standing with the Board;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) Submit documents that verify the applicant’s illness or unusual hardship; and,
- (h) 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) If the Board determines the applicant is eligible to apply for a reinstatement of licensure the applicant shall submit to the Board a “Board of Professional Surveyors and Mappers Application For Reinstatement of Null and Void License,” FDACS-10052, Rev 12/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14979>.

(a) Pay a \$255.00 fee for every licensure biennium that the applicant failed to renew his or her surveyor and mapper license.

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

(c) Answer questions regarding the applicant’s background information;

(d) Submit a copy of the final order from the Board approving the applicant’s eligibility to apply for a reinstatement of a null and void license;

(e) Submit evidence in accordance with Rule 5J-17.042, F.A.C. of completion of one (1) continuing education credit in surveying and mapping related courses or seminars for each month that the applicant’s license was delinquent.

(3) The applicant’s license shall not be reinstated until the requirements of subsection (2) have been satisfied and the Board issues a final order reinstating the applicant’s license.

*Rulemaking Authority 472.008, 472.0202(6)(b), 472.027 FS. Law Implemented 472.0202(6)(b), 472.027 FS. History—New 6-20-06, Formerly 61G17-10.001, Amended 5-11-15, 7-15-18, 8-15-19, 1-16-23.*

## 5J-17.050 Definitions.

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

(1) Benchmark: a point, natural or artificial, bearing a marked position whose elevation above or below an adopted datum plane is known.

(2) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any portion thereof, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines, such as for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(3) Computation records: Calculations and/or numerical values that are derived from measurements. These records include coordinate geometry data, coordinate list, computer aided drafting files, horizontal and vertical traverse closure, and adjustment computations.

(4) Conflict of Interest: a conflict between one's duty to act for the benefit of the public or a specific individual or entity, and the interests of self or others; which conflict has the potential of influencing, or the appearance of influencing, the exercise of one's professional judgment in carrying out that duty.

(5) 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.

(6) Faithful Agent: a licensee acting in professional surveying matters who safeguards as confidential any information obtained by the licensee as to the business affairs, technical methods or processes of a client or employer, and who avoids or discloses a conflict of interest that might influence the licensee's actions or judgment.

(7) 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."

(8) Measurement records: Sufficient data that can be used to reconstruct the measurements, including but not limited to angles and distances to determine

locations of fixed improvements, property corners and other points on a survey. These records include field notes, angle and distance measurements and raw data files.

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

(10) Remote Sensing: The process of acquiring knowledge about physical features by analyzing data obtained from instrumentation located at a distance from the features being examined.

(11) Survey: The result of any professional service or work resulting from the practice of Surveying and Mapping as defined in Chapter 472, F.S., which includes, As-built/Record Surveys, Boundary Surveys, Construction Layout Surveys, Condominium Surveys, Construction Control Surveys, Control Surveys, Elevation Surveys, Hydrographic/Bathymetric Surveys, Tidal or non-tidal Water Boundary Surveys, Photogrammetric Surveys (including Orthorectified Imagery), Quantity Surveys, and Topographic Surveys, whether it is measured by direct or remote sensing methods.

(12) Survey and Map Report: a written or digital document, that adequately communicates the survey results to the public through a map, (written or digital), or in a report form with an attached map and details methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques. The map and report shall identify the responsible surveyor and mapper.

(13) Work Product: the drawings, plans, specifications, plats, reports, and all related calculations and field notes, either hard copy or digital, of the professional surveyor and mapper in responsible charge or made under his/her supervision.

*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, Amended 5-11-15, 11-13-17, 7-15-18.*

## 5J-17.051 Standards of Practice – General Survey, Map, and Report Content Requirements.

The following rules shall apply to all work products regardless of the method of data acquisition:

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

(2) The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. The accuracy of data shall be independently verified.

(a) Vertical Accuracy:

All surveying and mapping products with elevation data shall state the datum and a description of the control upon which the surveying and mapping products are based. The data shall be supported with documentation describing the vertical accuracy and the methodology used to determine accuracy. Elevation data may be obtained on an assumed datum provided the base elevation of the assumed datum is obviously different than a publicly published datum and clearly noted.

(b) Horizontal Accuracy:

All surveying and mapping products expressing or displaying mapped features shall state the datum and a detailed description of the control upon which the surveying and mapping products are based. The data shall be supported with documentation describing the horizontal accuracy and the methodology used to determine accuracy. Mapped features may be obtained on an assumed datum provided the numerical basis of the datum is obviously different than a publicly published datum.

(c) Assumed datum:

If data is collected on an assumed datum, then adequate control points shall be established and communicated in the surveying and mapping product in order that the survey may be independently reproduced and verified.

(d) Measurement and computation records shall be dated as of the date of

acquisition and must contain sufficient data to substantiate the surveying and mapping products.

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

(a) The licensee must adequately communicate the survey results to the public through a map or report with an attached map.

(b) Each survey map and report shall state the type and/or purpose of the survey it depicts.

(c) 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.

(d) All survey maps must reflect a survey date, which is the last 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.

(e) 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 original signature and seal of a Florida licensed surveyor and mapper.

(f) Abbreviations related to surveying matters shall be defined on the work product.

(g) 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.

(h) A designated “north arrow” and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

(i) 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.

*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, Amended 5-11-15, 11-13-17.*

## **5J-17.052 Standards of Practice – Boundary Survey Requirements.**

### **(1) Boundaries of Real Property:**

(a) 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 the survey map or report and map. In order to ensure adequate and defensible real property boundary locations:

1. Every parcel of land whose boundaries are surveyed shall be made to conform with the record boundaries of such land, taking into account relevant requirements of law concerning whether the survey is original or a resurvey.
2. Prior to making the survey, the licensee shall perform research of records with sufficient scope and depth to identify with reasonable certainty:
  - a. The location of the record boundaries,
  - b. Conflicting record and ownership boundary locations within, abutting

or affecting the property or access to same,

c. None of the above is intended to require the surveyor to perform a title search.

3. A field survey shall be made locating monuments and evidence of occupation, appropriate or necessary and coordinate the facts of said survey with the analysis of the record boundaries.

(b) Monuments shall be set or held as marking the corners after a well-reasoned analysis by the licensee.

(c) All boundary surveys shall result in a map (hardcopy and/or digital) and it shall be stated on the map that the survey is a "Boundary Survey."

(d) Any discrepancies between the survey map and the real property description shall be shown.

(e) Survey data shall be shown to positively describe the boundaries of the surveyed property. For portions of the property bounded by an irregular line, distances and directions to the irregular boundary shall be shown with as much certainty as can be determined or as "more or less," if variable.

(f) Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the lot(s) and block numbers or other designations, including those of adjoining lots.

(g) Surveys of parcels described by metes and bounds shall show all information called for in the property description, including point of commencement, course bearings and distances, and point of beginning.

(h) When the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.

(i) Surveys of parcels with water boundaries shall describe the feature located

including, top of bank, edge of water, mean high water line, ordinary high water line and the method used to locate the water boundary. Water boundaries may be located in their approximate position as long as this is adequately depicted and explained with notes on the face of the plat or map.

(2) Boundary Monuments:

(a) The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at corners.

(b) Every boundary monument set shall:

1. Be composed of a durable material,
2. Have a minimal length of 18 inches,
3. Have a minimum cross-section area of material of 0.20 square inches,
4. 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,
5. Be detectable with conventional instruments for finding ferrous or magnetic objects,
6. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable,
7. When conditions require setting a monument on an offset, whenever possible, the location should be selected so the monument lies on a boundary line.

(c) 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. Offset

monuments shall be noted as such on the survey map along with the offset distance to the true corner. Building corners are acceptable as monuments so long as use of the building corners as monumentation is clearly noted on the map.

(d) For irregular boundaries such as a water body or maintained right of way, a dimensioned meander or survey closure line shall be used and monuments shall be set at the meander or survey closure line's terminus points on real property boundary lines.

(e) 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.

(f) Side ties to locate or set monuments shall be substantiated by multiple measurements.

### (3) Boundary Inconsistencies:

(a) Potential boundary inconsistencies shall be addressed and 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:

1. Overlapping descriptions or hiatuses,
2. Excess or deficiency,
3. Conflicting boundary lines or monuments, or
4. Doubt as to the location on the ground of survey lines or property rights.

(b) 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).

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

(d) 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.

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

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(5) Real Property Improvements:

(a) 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.

(b) When fixed improvements are not located or do not exist, a note to this

effect shall be shown upon the map.

(c) 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.

(6) 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.

*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, Amended 5-11-15, 11-13-17, 7-15-18.*

## **5J-17.053 Standards of Practice – Professional Matters in Surveying and Mapping.**

In order to safeguard the health, safety and welfare of the public and to maintain integrity and high standards of skill and practice in the surveying and mapping profession, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms which offer or perform surveying and mapping services in Florida. Licensees shall at all times be cognizant of the public that they serve and shall govern themselves accordingly in the following

professional matters:

(1) Fair Dealing in Professional Relationships.

(a) Licensees shall act as faithful agents of their clients in all professional matters.

(b) Licensees, whether or not under oath, shall not be untruthful, deceptive, or misleading, including by omission, in any professional report, oral or written statement, or testimony.

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 is intended to be.

(c) The licensee shall not make, publish or cause to be made or published, any representation or statement concerning the professional qualifications of the licensee, or those of any partner, associate, firm or organization of the licensee, which is in any way misleading, or which tends to mislead the recipient thereof, or the public, concerning education, experience, specializations or other surveying and mapping qualifications.

(d) A licensee shall not, in the practice of surveying and mapping or in any professional dealings, make, publish, or cause to be made or published, any representation or statement about any competitor or any other licensee which the licensee knows or should know is false and which has or is intended to have the effect of injuring the reputation or business of such other licensee.

(e) A licensee shall not express a professional opinion that is factually insupportable or that is not based on accepted surveying and mapping principles, or that misrepresents data and/or its relative significance in any professional report, oral or written statement, or testimony.

(f) A licensee shall not violate any provisions of state or federal statutes requiring qualifications-based selection of professional surveying and mapping services; shall not knowingly aid or abet any other licensee in violating such statutes; shall not participate in a qualifications-based selection process that the licensee knows is not in compliance with federal or state statutes; and shall not respond to or solicit requests that the licensee knows are in violation of state or federal statutes.

(g) A licensee shall not knowingly permit the publication or use of the licensee's data, reports, maps, or other professional documents for unlawful purposes.

(h) Licensees may not use their surveying and mapping expertise or their professional surveying and mapping status to commit a crime.

(i) Licensees 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.

(2) Conflicts of Interest: Licensees shall avoid any professional conflicts of interest.

(a) When conflicts cannot be avoided, licensees shall disclose to their employers and clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their professional judgment or the quality of their professional services provided.

(b) Unless the circumstances are fully disclosed and agreed to in writing by all interested parties, a licensee shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project.



(c) Examples of professional conflicts of interest include, but are not limited to:

1. A government employee engaging in the private practice of surveying and mapping on a project over which that person, as a government employee, has approval authority.
2. A licensee soliciting or accepting a professional contract from a governmental body on which that licensee or a principal or officer of his/her business organization serves as a member.
3. A licensee, serving as a member, advisor, or employee of a governmental entity, who participates in its decision to contract for professional services from a private business in which that licensee is a principal or employee.

(d) Licensees 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 subsection 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 subsection does not pertain to the payment of a fee to a licensed employment agency for securing salaried employment as a surveyor and mapper.

(e) Licensees 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.

(3) Confidentiality: Whether or not a licensee and a client establish requirements of confidentiality contractually, the licensee shall safeguard and preserve the confidences and private information of the client and shall exercise reasonable care to prevent unauthorized disclosure or use thereof by the licensee’s employees and associates, except:

(a) When disclosure is made as a necessary part of performing the services for which the client is employing or engaging the licensee.

(b) When licensee has obtained the consent of the affected client or clients, employer or employers, current or former, but only after full disclosure to them;

(c) When required by law or court order;

(d) When necessary to establish legal proof of licensee's relationship with such client or employer, current or former, in a court action to recover salaries, fees or other compensation due to the licensee as a result of the licensee's employment or association with the client or employer, current or former;

(e) When necessary to defend the licensee or the licensee's employees or associates in a legal action alleging wrongful conduct;

(f) When there is potential danger to the public's safety and well being and disclosure is reasonably necessary to prevent harm to the public;

(g) When the disclosures were made to the Board regarding other licensees or unlicensed individuals who may have violated laws or rules relating to the practice of surveying and mapping;

(h) When the disclosures relate to illegal conduct.

(4) Use of Another Licensee's Product.

(a) Work completed by one licensee (original licensee) cannot be adopted or reused by a different licensee (successor licensee), except under the following circumstances:

1. With written consent of the original licensee, or;

2. When the graphics or data depicted on the survey are attributed to the licensee that was in responsible charge of its production, or;

3. When the original licensee's field notes, supporting documents and/or final product(s) are rightfully in the possession of the successor licensee.

(b) Use of another licensee's work under any circumstances does not exempt the user from compliance with the survey requirements in Chapter 5J-17, F.A.C.

(5) Retention of Work Products.

(a) For each survey produced, all licensees, except for those who do not have an ownership right to the work product, shall maintain for a minimum of six years from the date of creation at least one copy of all signed and sealed drawings, plans, specifications, plats, and reports as well as one copy of all related calculations and field notes. Additionally, the documented research of records and written notification regarding lack of insurance shall be retained for a minimum of six years from the date of creation. These records may be kept in hard copy or electronic or digital format. Licensees shall provide these records to the Department and Board upon request. The failure to do so shall constitute cause for discipline.

(b) Upon the discontinuance of the practice of surveying and mapping, licensees shall ensure the safe storage and reasonable accessibility to clients of all files and file materials for a period of six years. The failure to do so shall constitute cause for discipline.

(6) Signing and Sealing.

(a) Licensees shall sign, date and seal those final drawings, plans, specifications, plats or reports that have been prepared or issued by the licensee and conform to the Standards of Practice for professional surveyors and mappers as outlined in Chapter 5J-17, F.A.C.

(b) Licensees shall not affix their signatures or seals to any final drawings, plans, specifications, plats or reports not prepared under their responsible charge.

(c) Licensees shall not affix a signature and seal to any document depicting an

area over which the licensee has insufficient knowledge, education, experience, or familiarity.

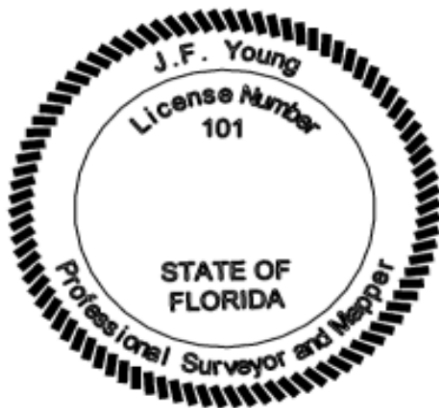
(d) A licensee who allows another person to forge a signature on a map or surveyor's report purported to be prepared under the supervision of the licensee is guilty of misconduct.

*Rulemaking Authority 472.006(5), 472.027 FS. Law Implemented 472.027, 472.033, 472.0337, 472.0351 FS. History-New 5-11-15, Amended 11-13-17, 7-15-18.*

### 5J-17.060 Seals Acceptable to the Board.

(1) The Board hereby establishes the following acceptable forms of seals, whether impression or ink stamp:

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 have been granted a temporary certificate to practice in Florida are required to use Seal V.

(8) Surveyors and mappers who electronically sign and seal 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, Amended 7-15-18.*

### **5J-17.061 Seal and Signature.**

*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, Repealed 11-13-17.*

### **5J-17.062 Procedures for Signing and Sealing Electronically Transmitted Surveys 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 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 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.S.M. 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 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 and secure authentication code computed by a cryptographic hash function. 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 secure 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 secure authentication code matches the secure 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 secure authentication code matches the file’s computed secure 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, Amended 11-13-17, 7-15-18.*

### **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) Business entities that wish to obtain a Certificate of Authorization must

complete an application at <https://csapp.800helpfla.com/csrep/> and pay fees totaling \$255.00 for permanent licensure or fees totaling \$180.00 for a temporary certificate. In lieu of completing an electronic application, applicants are permitted to complete “Board of Professional Surveyors and Mappers Application for Certificate of Authorization” FDACS-10054, Rev. 08/17, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08766>.

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 472.011 FS. Law Implemented 472.011, 472.021, 472.0365 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, Amended 11-13-17.*

## **5J-17.070 Fees.**

- (1) The application fee is \$125.00 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 \$120.00 each for each part of the examination.
- (3) The fee for permanent licensure or permanent certificate of authorization is \$125.00.
- (4) The nonrefundable application fee for continuing education provider status is \$200.00.
- (5) The fee for continuing education provider status is \$250.00.
- (6) The renewal fee for licensure as a surveyor and mapper and for continuing education providers is \$250.00 per biennium.
- (7) The renewal fee for certificate of authorization is \$350.00 per biennium.
- (8) The fee to place an active license on inactive status is \$100.00.
- (9) The fee to reactivate an inactive license is \$50.00.
- (10) The fee for temporary certificate as a surveyor and mapper is \$25.00.
- (11) The fee for temporary certificate of authorization is \$50.00.

(12) The fee for reexamination shall be the actual cost incurred by the Department for the administration and scoring of each part of the examination or the amount charged by the Department's designee or vendor to administer and score the examination. If the examination is administered by a designee of the Department or a vendor, applicants shall pay the examination fee directly to the designee or vendor.

(13) The fee for duplicate license or certificate of authorization is \$20.00.

(14) The late renewal penalty for licensure or certificate of authorization is \$150.00.

(15) The examination review fee for the Florida Jurisdictional Examination shall be \$75.00.

(16) The fee to renew an inactive license on inactive status is \$50.00.

(17) The fee to change from inactive status to active status at any time other than at the time of biennial renewal is \$25.00, in addition to any additional licensure fees necessary to equal those imposed on an active status licensee.

(18) An individual applying to reinstate his or her null and void survey and mapper license pursuant to Section 472.0202(6)(b), F.S., must pay a non-refundable application fee of \$125.00 and also must pay \$255.00 for every licensure biennium that the individual failed to renew his or her surveyor and mapper license.

(19) The fee for the certification of a public record is \$25.00, in addition to any applicable fees or costs for the duplication of the public record.

(20) Pursuant to Section 472.015(3)(b), F.S., the following persons are eligible for a waiver of the initial registration fee: an honorably discharged veteran of the United States Armed Forces, the spouse or surviving spouse of such a veteran, a current member of the United States Armed Forces who has served on active duty, the spouse of such a member, the surviving spouse of a member if the member died while serving on active duty, or a business entity that has a majority ownership held by such a veteran or spouse or surviving spouse. Persons seeking

a fee waiver shall submit FDACS-10991, Military Fee Waiver Request, 10/18, incorporated by reference in Rule 5J-26.001, F.A.C., and provide all required documentation at the time the applicant submits their initial applications referenced in subsection (1).

(21) Eligible persons seeking a waiver of renewal fee pursuant to Section 472.016, F.S., shall submit FDACS-10991, Military Fee Waiver Request, Rev. 10/18, incorporated by reference in Rule 5J-26.001, F.A.C., and provide all required supporting documentation at the time of renewal.

*Rulemaking Authority 472.011, 472.019 FS. Law Implemented 472.011, 472.015, 472.016, 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, Amended 11-13-17, 8-15-19.*

### **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) Citations shall be issued pursuant to Sections 472.0345 and 472.036, F.S. The Department shall only issue citations on “Professional Surveyors and Mappers Uniform Disciplinary Citation” FDACS-10060, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed

online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08764>.

(2) Citations shall be issued by the Department in accordance with the following procedures:

(a) In lieu of an administrative complaint, the Department may issue a citation based upon a violation of Chapter 472, F.S., which has been designated by rule or statute as an offense for which a citation may be issued.

(b) The citation shall be served on the subject by personal service or by U.S. Mail, certified with return receipt. If the investigation and issuance of a citation was initiated by a consumer complaint, the complainant shall be notified by letter that a complaint has been opened and the citation has been issued.

(c) Citations shall be issued to the subject and shall contain the subject's name and address, the subject's license number if licensed, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure set forth in Section 472.033, F.S.

(3) Once a citation has become a Final Order, it shall be filed in accordance with procedures established for the filing of final orders.

(4) All fines and costs assessed pursuant to a citation shall be due and payable in accordance with the procedures established for payment of fines and costs within thirty (30) days of the date the citation becomes a Final Order.

(5) Citations which have become final orders shall be admissible in any subsequent proceeding based on the violation of statute or rule referenced in the citation as evidence of prior knowledge, or intent, or scheme, or design.

(6) Citations imposing the following designated fines may be issued to licensed persons or entities for the violations listed below under the following conditions:

(a) 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.

(b) 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.

(c) 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.

(7) Citations imposing a designated fine may be issued to persons or entities unlicensed by the Department for the violations listed below, under the following conditions:

(a) There has been no prior citation, final order, or Notice and Order to Cease and Desist issued to the subject;

(b) There is no evidence of consumer harm in the current case; and

(c) The subject has not previously held a license to practice the activity at issue.

(8) The Department may issue citations in lieu of administrative complaints for the following unlicensed activities and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice the profession of surveying and mapping, or otherwise provide a service, or engage in any activity that requires licensure. If a citation is issued, the subject must be assessed a fine of \$500.00, plus costs of investigation and attorney's fees, if any.

(b) Contracting to perform or performing a service, or offering a bid to engage

or engaging in any act or practice, that requires licensure. If a citation is issued, the subject must be assessed a fine of \$1,000.00, plus costs of investigation and attorney's fees, if any.

(9) All citations issued to unlicensed persons under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by Section 472.036(1), F.S. The Department shall only issue Notice and Orders to Cease and Desist on "Notice to Cease And Desist Unlicensed Professional Surveying and Mapping," FDACS-10061, Rev. 02/12, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01347>.

*Rulemaking Authority 472.008, 472.0345, 472.036 FS. Law Implemented 472.0345, 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, Amended 10-17-12, 11-13-17.*

## **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 472.0351 FS. Law Implemented 472.033(3) FS. History-New 12-25-95, Amended 10-1-97, 4-8-07, Formerly 61G17-9.0045.*

## **5J-17.082 Mediation.**

(1) For the purposes of this chapter, the following definitions shall apply:

(a) "Mediation" means a process whereby a third person acts to encourage and facilitate the resolution of a dispute between a complainant and licensee without prescribing what the resolution should be. The resolution is an informal and nonadversarial process with the objective of helping the disputants reach a mutually acceptable agreement.

(b) “Mediator” means the employee or agent of the department assigned to conduct the mediation (defined in paragraph (a)) according to the procedures set forth in Section 472.034, F.S., and this rule. No person shall both conduct mediation and investigate the same complaint.

(c) “Disputant” means the complainant or the licensee.

(2) A department investigator shall determine the suitability of a complaint for mediation, employing the criteria set forth in Section 472.034, F.S., and the rules governing eligibility for mediation.

(3) Mediation will be conducted in person or via electronic media or telecommunications, or any combination of the two, as warranted by the circumstances of the mediation.

(4) The mediator shall meet with the complainant and licensee together or separately, as warranted by the circumstances of the mediation.

(5) The mediator shall provide a written report to the department of the mediation results within 14 days of the conclusion of the mediation. The report shall include a completed mediation agreement or a statement that the complaint was not resolved in mediation.

(6) If mediation is rejected by either the complainant or licensee, or should the disputants fail to reach agreement of the mediated solution within the 60-day period, the department shall proceed on the complaint in the manner required by Chapters 120 and 472, F.S.

(7) To determine whether the department will approve a licensee’s participation in the mediation process more than three times, the department shall consider factors including the subject, date, disposition, and number of complaints against the licensee, and the licensee’s history of compliance with board or department orders.

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

*Rulemaking Authority 472.034 FS. Law Implemented 472.034 FS.*



*History-New 5-30-95, Formerly 61G17-9.005, Amended 10-17-12.*

### **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;

(2) A probationer's failure to comply with probation, or a probationer's failure to comply with probation on time, shall result in the case being referred to the Department for non-compliance with a final order of the Board and further disciplinary action.

*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, Amended 11-13-17.*

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

*Rulemaking Authority 472.025 FS. Law Implemented 472.025 FS. History-New 10-27-05, Formerly 61G17-9.0065, Repealed 11-13-17.*

### **5J-17.085 Survey Review.**

(1) A probationer submitting surveys for review shall:

(a) Provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of three (3) surveys, that have been performed by the probationer, for or without compensation, within 90 days of the date of the

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 three (3) 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 the Department for non-compliance with a final order of the Board.

(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 Probation Review Committee 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 the standards of practice, or

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

(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 the standards of practice, or

(b) If the reviewed and discussed surveys do not meet or exceed the standards of practice then the probationer will be referred to the Department for non-compliance with a final order of the Board and further disciplinary action.

*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, Amended 10-17-12, 11-13-17, 7-11-19.*

## 5J-17.086 Appointment to the Board.

Persons wishing to apply for appointment to serve as a member of the Board of Professional Surveyors and Mappers must complete “Board of Professional Surveyors and Mappers Appointment Questionnaire” FDACS-10059, Rev. 11/22, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-14955>.

*Rulemaking Authority 472.006(6) FS. Law Implemented 472.007(2) FS. History-New 11-13-17, Amended 12-27-22.*

## 5J-17.102 Financial Integrity of the Board.

(1) For the purposes of this chapter, the following definitions shall apply:

(a) “Anticipated costs” means the projected direct and indirect costs and administrative overhead of the Board based upon the current fiscal year’s legislative appropriation enactment and other anticipated initiatives.

(b) “Reasonable cash balance” means a positive cash balance which must exist at the end of each fiscal year, plus and minus the Department’s projections of revenue and expenditures of the Board for the next 24-month period.

(c) “Projection” means the Department’s projected cash balance for the Board based upon the Board’s projected revenues including license fees, application fees, examination fees, and fines, and the Department’s projected anticipated costs for the Board.

(2) The Department shall notify the Board when the Board’s license fees are inadequate to maintain a reasonable cash balance based upon the Department’s projection.

(3) When sufficient action is not taken by the Board within one calendar year of notification as required in subsection (1), the Department shall set license fees on behalf of the board to cover all anticipated costs and to maintain a reasonable cash balance.

(4) The Department is authorized to permit a temporary loan of funds to the Board, if the Board is operating at a deficit. Any request for a loan shall be made to the Director of the Division of Consumer Services and shall state:

(a) That the Board is currently operating at a deficit; and,

(b) That the Board has already assessed a one-time fee to eliminate the cash deficit or to maintain the financial integrity of the Board within the last fiscal year.

(5) Upon verification of the information stated in the request, the Department shall loan funds sufficient to maintain a reasonable cash balance.

(6) No action taken under this section will extend beyond two years. All loans authorized under this section will be repaid by the Board within two years from the date of the loan. All loans authorized under this section will be repaid with interest calculated at the then prevailing rates paid for investments in the State Treasury to the credit of the General Inspection Trust Fund of the Department of Agriculture and Consumer Services.

*Rulemaking Authority 472.008, 472.011 FS. Law Implemented 472.011 FS. History-New 10-17-12.*

## 5J-17.200 Definitions.

When used in rule Chapter 5J-17, F.A.C., the following terms shall have the meanings provided:

- (1) “Country” shall mean any independent or dependent governmental unit with established boundaries within the Western Hemisphere.
- (2) “A country in the Western Hemisphere which lacks diplomatic relations with the United States” shall mean any country which the Secretary of State of the State of Florida confirms lacks diplomatic relations with the United States.
- (3) “Western Hemisphere” shall mean the land masses known as North America, Central America and South America and the islands which are geographically related to such masses.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History-New 10-17-12, Amended 11-13-17.*

## 5J-17.203 Examinations for Licensure of Foreign-Trained Exiled Professionals.

- (1) The examination for licensure of foreign-trained exiled professionals shall be a written practical examination which tests the current ability of the applicant to practice the profession of professional surveying and mapping. The examination shall not test the academic and preprofessional fundamental knowledge of the applicant.
- (2) The examination for applicants to be licensed to practice professional surveying and mapping shall be the Practice and Principles examination as prepared by the Department, or an examination equivalent to it. The examination will test the applicant’s ability to apply acceptable practice of professional surveying and mapping to problems in the following areas:

- (a) Sectionalized Land;

- (b) Metes and Bounds;
- (c) Lot and Block;
- (d) Water Boundary;
- (e) Condominium;
- (f) Right-of-Way;
- (g) Topographic;
- (h) Construction Layout;
- (i) Legal Responsibilities and Records Research;
- (j) Legal Description and Report Preparation, and,
- (k) Record Plat Computations.

(3) Translation of Examinations. Whether a translated examination will be provided will be determined by the Department by the availability of a translated examination and the applicant's ability to bear the cost of translation before a translation is prepared.

(4) An applicant may sit for the examination the number of times and under such conditions as provided in Chapter 472, F.S.

(5) The passing score for the Professional Surveying and Mapping examination shall be 70% of the total possible points on the examination.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History-New 10-17-12.*

## **5J-17.204 Graduation Documentation; Verification by Professional Association in Exile.**

(1) Documentation of graduation shall include copies of any document which

properly identifies:

- (a) The applicant by name;
- (b) Completion of academic requirements;
- (c) The name and location of the college, university or school from which the document was received;
- (d) The signature(s) of person(s) responsible for awarding such document, and,
- (e) The date on which the document was awarded.

(2) Verification by professional association in exile; signature of officer or executive officer.

(a) The professional association in exile shall verify the documentation of graduation presented in support of an application for licensure by attaching a statement to the documentation which statement includes the following text: The document attached hereto is, to the best knowledge of the (name of association in exile) and to the best knowledge of the undersigned officer(s) of said association, a true representation of the facts contained therein, and the person named on said document is known to be the same person seeking licensure for the practice of surveying and mapping by submission of the application for which said document is submitted as partial satisfaction of requirements for licensure.

(b) The signature affixed to the verification shall be that of one of the duly elected officers of the association, identified as such below the signature. However, an executive officer may sign the verification if meeting minutes are attached wherein the association or its board of directors authorizes specifically such officer employed by the association to act in its behalf in this matter.

(3) Translation. When the documentation of graduation is in any language other than English, a translation shall be attached thereto, such translation prepared and signed by a college or university professor in foreign language or any other

person who is a generally accepted authority in translation activity.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History-New 10-17-12.*

## **5J-17.206 Three Years Lawful Practice for Foreign Trained Exiled Professionals.**

(1) Three years of lawful practice shall consist of experience by reason of practice in the practice of surveying and mapping. Such lawful practice shall include valid licensure in the jurisdiction wherein the practice occurred if such licensure was required. Three years practice shall include continuous and noncontinuous practice, provided the requirements described above were met during such practice.

(2) An applicant for licensure pursuant to Section 472.0101, F.S., shall submit proof of three years lawful practice in one of the following forms:

(a) Copies of licenses or renewals thereof for the years of practice when the applicant possesses such licenses or renewals or has reasonable access to same for submission.

(b) In lieu of copies of licenses, a letter of recommendation from three persons who are licensed Florida professional surveyors and mappers may be submitted. Such letters shall certify the dates the writer has known the applicant, the writer's association with the applicant, the writer's personal knowledge that the applicant has lawfully practiced, indicating the length of time and the place or places where he knows the applicant has practiced. The name, address and license number of the writer of such letters shall appear on the letters.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History-New 10-17-12.*

## **5J-17.208 Pre-examination Continuing Education Program for Foreign Trained Exiled Professionals.**

The term "program" when used in this rule means the pre-examination continuing education course of study provided in Section 472.0101, F.S.



(1) The content of the program shall be designed to prepare the applicant for examination for licensure. The program is to prepare the applicant for passage of a written practical examination which tests his ability to practice professional surveying and mapping.

(2) Providers of the program may be businesses in the private sector or entities within private or public vocational schools, community colleges or private or public universities provided the program is approved pursuant to these rules.

(3) Before a program is offered to an applicant as satisfying the requirements of this rule, such program shall be approved by the Department.

(a) Approval by the Department shall be based upon a finding by the Department that the program satisfies the following requirements:

1. Documentation of program content to demonstrate adequate training and coursework to prepare applicants for examination to practice the profession. Such training and coursework shall include a diagnostic evaluation of the applicant's completion of the program. Adequate training and coursework include attendance by applicant of no less than ninety (90) percent of the class sessions.

2. Description of the class hours, other time requirements and other requirements placed on applicants to satisfactorily complete the program.

3. Cost of program to applicants.

4. Dates program will be offered.

(b) The proposed program provider shall submit the request for program approval to the Department with the documentation required hereinabove.

(c) A program completed within 2 years prior to submission of an application shall be approved by the Department pursuant to receipt and approval of documentation which complies with the provisions of this rule.

(4) The following documents include, but are not limited to, the type of documentation which the Department will accept as demonstrating successful completion of a program:

(a) A copy of a certificate of completion, including the program title and date completed, signed by an officer of the approved provider company or institution.

(b) A letter or copy of a letter from an officer of the company or a letter or a copy of a letter from an officer of the institution. Said letters shall state that the named applicant successfully completed the named program and give the date of completion.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History-New 10-17-12.*

### **5J-17.210 Fees for Foreign Trained Exiled Professionals.**

(1) Applicants for licensure as foreign-trained exiled professionals shall submit an application fee of \$100 with their application.

(2) The fees for examination of foreign-trained exiled professionals shall be determined by the cost to the Department for acquisition, preparation, administration, grading and the review of examinations. The examination fees shall be assessed to each applicant by the Department and such fees shall be paid to the Department by the applicant when the Department requires. The examination fees shall be paid in two parts.

(a) The examination development fee shall be paid to the Department when the applicant is notified that his application is complete, that he is qualified for examination and that the examination development fee in the amount stated is due, including the date the fee is due.

(b) The examination administration fee shall be paid to the Department before the date due when the Department notifies the applicant that he is scheduled to sit for the examination and the time and place of the examination for which the applicant is scheduled.

(3) Upon notification of passage of the examination, the applicant shall pay to the

Department a licensing fee of \$200 prior to receipt of the license to practice.

*Rulemaking Authority 472.0101 FS. Law Implemented 472.0101  
FS. History-New 10-17-12.*

### **5J-17.400 Special Assessment Fee.**

*Rulemaking Authority 472.008, 472.011(12) FS. Law  
Implemented 472.011(12) FS. History-New 3-14-11, Repealed  
11-13-17.*