

Florida Department of Business Professional Regulation



A Publication from the **BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

SUMMER 2008



**FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION**

CHARLIE CRIST
Governor

CHUCK DRAGO
Interim Secretary

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www.MyFloridaLicense.com

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MESSAGE FROM THE INTERIM SECRETARY **Chuck Drago**

Dear Friend:

It has been a distinct pleasure serving you as the Interim Secretary of the Department of Business and Professional Regulation since February of this year. In my time at the Department, both as the Interim Secretary and Deputy Secretary of Business Regulation, I have participated in great changes that have resulted in enhanced customer service.

We've made tremendous progress over the past year, and I'm dedicated to maintaining this momentum. We know that serving you is the first step to providing great service to the people of Florida. That's why we've focused on changes that improve customer service, streamline processes, open communications with licensees and the public, and lead to better business practices.

One of the most crucial adjustments to business practices at the Department was the implementation of the Document Imaging System. The project is in its final phases, and it ultimately provides for a more streamlined and centralized application process that results in faster licensing and better service for you. I thank Governor Charlie Crist and the Legislature for providing \$2.5 million to complete this project in Fiscal Year 2008/2009, which helps take care of businesses and professionals throughout Florida.

Our quest to improve customer service is never over. In an effort to reach our licensees who are located throughout the state, I'm taking our business on the road in the "On the Road to Better Business" tour this summer. This tour will provide the opportunity for you to meet with me and my staff to ask questions and provide input and suggestions. I will hold office hours for customers to come and meet with me at a Department office in their communities. Please look forward to more information to come.

I continue to uphold our mission to "License Efficiently. Regulate Fairly." I understand and value that licensees have unique insight into how we do business and ways we can build upon existing practices, and I look forward to hearing your feedback.

Thank you for all that you do for the people and economy of our great state.

Sincerely,

Chuck Drago
Interim Secretary



Machine Control/Digital Terrain Models (DTM) for Construction Purposes

During the past year, there has been a significant amount of concern and discussion regarding emerging construction technology, specifically Global Positioning System (GPS) controlled construction machinery.

The Board of Professional Surveyors and Mappers has informally discussed Machine Control/Construction DTMs in the past, but because of continuing concerns decided to consider the subject and information in detail at the past January 2008 board meeting.

Prior to the January 2008 board meeting, the Board designated me to coordinate the discussion and collect data. Members of the Florida Surveying and Mapping Society, Florida Engineering Society, Florida Board of Professional Engineers, Florida Construction Licensing Board as well as practicing Surveyors, engineers and the construction industry were contacted and given the opportunity to give input.

At the Board of Professional Surveying and Mappers' January meeting a presentation was given by Mike Parsons, a training representative from the Computer Assisted Design and Drafting Center of Florida (CADD). Mike is a highly qualified technical trainer in the use of software that is used for the generation of DTMs for machine control use. It was clear from the presentation and discussion that in order to generate DTMs for use by construction equipment in any of the available software environments that digital or hard copy surveys and engineering plans must be used.

The discussion then turned to the regulatory aspect of the DTM generation and use by automated construction equipment. The focus area that was discussed was Florida Statutes 472.003 **Persons not affected by ss. 472.001-472.037**. In subsection (3) there is a list of exceptions to the licensing requirement by Chapter 472, F.S.

The following is the list of exceptions:

- Section 472.003 (3) (a) F.S., "Contractors performing work on bridges, roads, streets, highways, or

BOARD APPOINTMENTS

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

Interested applicants may obtain a Gubernatorial Questionnaire by downloading the application from http://www.flgov.com/pdfs/appoint_questionnaire.pdf Once your application is complete, return the questionnaire for consideration to:

Governor's Appointments' Office
PL01 The Capitol
Tallahassee, Florida, 32399-0001

railroads, or utilities...or employees who are subordinates to such contractors...."

- Section 472.003 (3) (b) F.S., "Certified or registered contractors licensed pursuant to part 1 of chapter 489 or employees that are subordinates of such contractors...."
- Section 472.003 (3) (c) F.S., "Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation or partnership who are subordinates of the registered engineer in responsible charge."
- The "practice of surveying and mapping" is defined in FS 472.005 (4)(a) and (4)(b). The "practice" as defined in (4)(b), includes, but is not limited to, "the layout of proposed improvements" (construction staking).
- The Board of Professional Surveyors and Mappers' consensus opinion was that the DTM generation for machine control constitutes digital construction staking which is the practice of surveying and mapping subject to the exceptions for persons as defined in FS 472.003 (3)(a) – (c).
- Unlicensed or other individuals that do not fall within the exceptions listed above are, therefore, in violation of the statute and subject to prosecution by the DBPR.

Jeff Cooner, Chair
Board of Professional Surveyors and Mappers

On average, the Board reviews between 20 and 25 applications for licensure each quarter. Applications are submitted either through examination or endorsement. Part of the review process for those applications is a review of work experience required by Section 472.013, F.S., and Rule 61G17-3001, Florida Administrative Code. The verification of work experience is one of the top reasons application processing is delayed. It can be frustrating to the applicant and the Board because they have to depend on people from the applicant's past to fill out the department's verification form. The Board has revised this form to make it as simple and easy as possible to complete. Past employers and others who have to complete this form should take care to read the questions, carefully signing, printing their names and attaching their seal and license number where appropriate. Applicants should tactfully motivate their previous employers to act on this part of the application process as soon as possible. It is also a great help if the applicant attends the meeting when his/her application is being reviewed. The Board has 90 days in which to approve or deny a completed application. If an unanswered question concerning an application is raised by a board member it could make all the difference as to whether an application is approved or denied. When all the questions are clearly answered on the application and verification form, it aids in a smooth approval process for the Board.

Richard "Rick" Morrison, Executive Director
Board of Professional Surveyors and Mappers

UPCOMING BOARD MEETING

July 8-10, 2008
Palm Beach, Florida

October 8-10, 2008
St. Augustine, Florida

All Board meeting dates and locations are subject to change. Please refer to the [Board Calendar](#) on our Web site, www.MyFloridaLicense.com, to confirm meeting dates and locations.

Board Changes



Out going chairman Dennis Blankenship (right) receives a plaque from incumbent chairman Jeff Cooner for his leadership and service to the Board of Professional Surveyors and Mappers.

The Board of Professional Surveyors and Mappers would like to acknowledge and express its gratitude and heartfelt appreciation to Dennis Blankenship for his service as Chairman. Dennis served as Chair for the past two years (January, 2006 to January, 2008) and has served the profession and the people of this state by ensuring that only qualified individuals are licensed and able to do business in Florida. Dennis is being replaced by Jeff Cooner who served as Vice-Chair alongside Dennis during his tenure.

Arthur A. (Art) Mastronicola Jr. was recently appointed to the Board as a Professional member. Art has over 32 years experience in land surveying. He has been licensed since 1985 and currently serves as the Survey Director for the Jacksonville office of CPH Engineering. In addition to those responsibilities, he also manages the field crew and office production operation of the Hartford, Connecticut CPH office. Art has experience in project management and production for development clients, civil engineers, roadway projects for municipalities and private clients. He is currently registered in Florida, Georgia, Alabama, and Connecticut. Art is a past State President of the Florida Surveying and Mapping Society and currently serves as the liaison from FSMS to the Florida Board of Professional Surveyors and Mappers. Art and his wife Joanne reside in Jacksonville, Florida.

Fran Poppell and Sidney Greer were recently re-appointed to the Board to their second terms.

Continuing Education – Provider Deficiencies

By **Mary Hanna Clodfelter**,
Continuing Education Committee Chairman

The Board approves continuing education providers (Rules 61G17-5.0041 and 61G17-5.0043 F.A.C.) and courses (Rule 61G17-5.0051). Applicants must meet rule requirements to instruct surveyors and mappers and they must renew and be approved every odd-numbered year. Department of Business and Professional Regulation (DBPR), SM 4757 is the current form for provider approval and DBPR SM 4758 is the current Continuing Education Course Approval Application Form for course approval. These forms can be downloaded from the DBPR Web site. All applicants must use the current forms. All criteria must be included in the application.

There are several recurring deficiencies that render a provider or a course application not acceptable. Provider applications need to include the particular qualifications of the prospective provider to conduct the proposed courses or seminars, which qualifications set the applicant apart from the surveyors and mappers whom the applicant proposes to instruct. Provider and course application forms must be submitted and approved by the Board prior to any licensee receiving the course continuing education credits.

The course outline must give a statement as to the course content and state how the course relates and enhances the practice of surveying and mapping. The timeline for a course can be shown as either an hourly timeline breakdown of the course or a summary of minutes for each subject that is included in the course outline. Generally, an all-day seminar will include breaks mid-morning, mid-afternoon and lunch. These break times will not be included in the approved course hours. The approved course hours are based on the course schedule and timeline included in the application.

The course provider is to submit a sample certificate of completion that includes those items identified in Rule 61G17-5.0043(2), F.A.C. In addition to the licensee's name, licensee's number, provider name, provider number, course name, course number and date of course completion, the "category" fulfilled by the course must be included on the certificate.

A multi-day conference and daily courses can be accepted if all the criteria have been met prior to the date of the conference. The individual course instructors, course outline and course timeline must be submitted for approval prior to the conference, and the provider must be an approved provider on file with the DBPR. It is the responsibility of the licensee to determine if the conference provider has obtained course approval with the DBPR for the licensee to include those hours for the required continuing education credit for biennial renewal. Refer to Rule 61G17-5, Continuing Education, for all requirements.

Continuing Education Provider Approval Application

http://www.myflorida.com/dbpr/pro/surv/documents/surveyors_mappers_provider_application_package_enterable.pdf

Continuing Education Course Approval Application

http://www.myflorida.com/dbpr/pro/surv/documents/surveyors_mapper_ce_course_application_package_enterable.pdf

Reminder to Continuing Education Providers

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

Helpful Reminders for Licensees

- Please check the department's online services to assure your mailing address is current. You can access this information by logging on to the department web site at <http://www.myfloridalicense.com> > direct to our division > contact us > update an account...More>change my address.
- A list of all continuing education providers and the courses that they offer is now available on line at <http://www.myfloridalicense.com> > direct to our division > surveyors and mappers > list of continuing education providers and courses, and hours required > surveyors and mappers.

The State of Florida Partners with Google

The Department of Business and Professional Regulation's Web site provides information to the public about licensees. Consumers turn to the Department for information about professionals, and many look to the Web site for information about results of restaurant inspections. Although the Web site has tremendously useful information for consumers, it has not always been easy for consumers to find the information.

On December 3, 2007, Governor Crist announced an important partnership between the state of Florida and Google. Google has been helping DBPR and several other agencies catalog the information on their Web sites in order to make them more user-friendly.

The partnership between Google and Florida developed as officials from both entities recognized that the public is increasingly turning to search engines to access government services. However, a significant share of information on state agency Web sites could not be found using standard search engines because the information was stored behind a database, hindering citizens from easily finding online state government services. Now, with improved technology, search engines will access and index the records in online databases, making them available to anyone using a search engine.

Under the old system, if a consumer went to Google, Yahoo or MSN to search for a contractor using the name and location, the search results would not include information from the Department's Web site. While that search might return many results from the search engine,



"This public-private partnership is an innovative way to improve the accessibility of state information for all Floridians. I am grateful for this chance to join with Google to further develop Florida's leadership in delivering open government services to the people of Florida. By empowering Floridians with the tools they need for easier access to state agency Web sites, we are allowing them to truly take ownership of state government."

—Governor Charlie Crist

useful information from the Department would not be included even though meaningful information on the contractor exists.

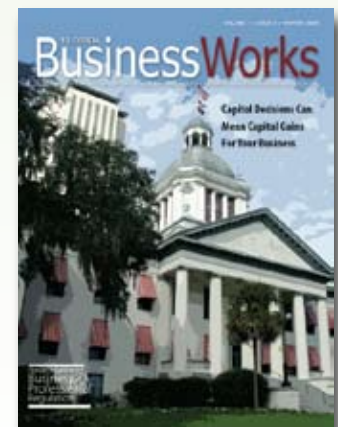
Under the new improved system, DBPR is working with Google to develop sitemaps that will allow search engines to more intelligently mine data from our Web site. Sitemaps are essentially spreadsheets for the Web site that prioritize the information on the DBPR Web site for the search engines. The Department is busy putting hundreds of thousands of records into sitemaps to make the information more useful.

Subscribe to DBPR Newsletters

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

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

When the newsletters you have subscribed to are available, you will receive an e-mail from the Department with a link to your newsletter.



TOP TEN VIOLATIONS

Violations of Florida Minimum Technical Standards (MTS) Rule 61G17-6, F.A.C., and Florida Statutes relating to the practice of surveying and mapping, come to light during the probable cause and disciplinary processes. The Probable Cause Panel, together with Department and Board legal council and experts review complaints. Those cases where the facts indicate that probable cause for discipline exists often end up in written complaints filed by the Department and probationary action by the Board. The table below is a summary of the top ten MTS violations that were present in disciplinary cases from November 2007 to March 2008. We encourage you to review these violations and be proactive in your practice to avoid these problem areas.

From: November, 2007 – March, 2008

VIOLATIONS	DESCRIPTION	TOTAL
Rule 61G17-6.004(2)(a)2, F.A.C.	Failure to make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.	9
Rule 61G17-6.004(2)(c)3, F.A.C.	Failure to show boundary lines, such as fences, walls, buildings, monuments or otherwise on a map, together with the dimensions sufficient to show their relationship to the boundary lines.	6
Rule 61G17-6.004(2)(a)8 b, F.A.C.	Failure to make a comparison between recorded directions and distances with field measured directions and distances when they vary.	5
Rule 61G17-6.003(1)(b), F.A.C.	Failure to maintain records of measurements by the individual or business entity.	5
Rule 61G17-6.003(3)(p)1, F.A.C.	Incorrect vertical feature accuracy	
Rule 61G17-6.004(2)(c)2a.c., F.A.C.	Overlapping descriptions or hiatuses and conflicting boundary lines or monuments not shown on the survey map or in report.	5
Rule 61G17-6.004(2)(a)9a, F.A.C.	Failure to show the relationship of the parcel to at least one established identifiable real property corner.	5
61G17-6.003(3)(h), F.A.C.	Failure to support all computed data or plotted features shown on survey maps by accurate survey measurements unless clearly stated otherwise.	3
Rule 61G17-6.004(2)(a)9b, F.A.C.	Failure to show on map all information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning.	3
Rule 61G17-6.004(2)(a)9c, F.A.C.	Failure to make a comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary.	3

DISCIPLINARY ACTIONS

The Board has taken disciplinary action against the following licensees. Although we make every effort to ensure information is correct before making any specific decision based on this information, you may choose to request a copy of the administrative complaint and final order to ensure accuracy. Contact the department's Agency Clerk at sarah.wachman@dbpr.state.fl.us for this information. The listing of disciplinary actions does not reflect pending appeals or requests for rehearing.

Horizon Land Surveying, Inc.
Port Orange, Florida
License Number: LB6553

Case Number: 2005-012376
Allegations were respondent violated 4 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,000.00 and costs of \$798.56.

Kenneth R. Jones
Port Orange, Florida
License Number: LS4914
Case Number: 2005-016720

Allegations were respondent violated 4 Minimum Technical Standards, and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,000.00, costs of \$685.45 and Probation.

Jon M. Shoemaker
Lake Mary, Florida
License Number: LS7371
Case Number: 2005-054428

Allegations were respondent violated 3 Minimum Technical Standards. A final order was entered imposing a fine of \$750.00, costs of \$617.47 and Probation.

Long Surveying, Inc.
Lake Mary, Florida
License Number: LB7371
Case Number: 2005-064021

Allegations were respondent violated 3 Minimum Technical Standards. A final order was entered imposing a fine of \$750.00 and costs of \$617.47.

REPORT UNLICENSED ACTIVITY

To report unlicensed activity, please call the Department's **UNLICENSED ACTIVITY HOTLINE** at **1.866.532.1440**, Monday–Friday, 8 a.m. to 6 p.m. (Eastern Time) or e-mail the information to ULA@dbpr.state.fl.us.

William Newton Kitchen
Lake City, Florida

License Number: LS5490
Case Number: 2006-003679

Allegations were respondent violated 6 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$3,500.00, costs of \$533.50 and Probation.

R.B. Brennan Surveying, Inc.
Juno Beach, Florida

License Number: LB6813
Case Number: 2006-012720

Allegations were respondent violated 6 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,750.00 and costs of \$665.90.

Accurate Land Surveying, Inc.
Pompano Beach, Florida

License Number: LB3635
Case Number: 2006-017102

Allegations were respondent violated 4 Minimum Technical Standards. A final order was entered imposing a fine of \$1,000.00 and costs of \$766.25.

PESI, LLC.
Wau Claire, WI

License Number: PVD 48
Case Number: 2006030776

Allegations were respondent violated 3 Minimum Technical Standards. A final order was entered imposing a fine of \$750.00 and costs of \$158.80

William B Zentz & Associates Inc.
Vero Beach, Florida

License Number: LB6840
Case Number: 2006-51166

Allegations were respondent violated 6 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,250.00 and costs of \$371.75.

J. Sherman Frier & Associates, Inc.
Live Oak, Florida

License Number: LB7170
Case Number: 2006-054568

Allegations were respondent violated 15 Minimum Technical Standards and made or filed a report or record that the licensee knew to be false. A final order was entered imposing a fine of \$4,000.00 and costs of \$642.75.

DISCIPLINARY ACTIONS

Miguel A. Cortes
Orlando, Florida

License Number: LS5820

Case Number: 2006-056073

Allegations were respondent violated 5 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,000.00, costs of \$661.57 and Probation.

Surveying and Mapping Services, Inc.

Casselberry, Florida

License Number: LB7439

Case Number: 2006-056908

Allegations were respondent violated 5 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,000.00, costs of \$661.57 and Reprimand of respondent's license.

Miguel Espinosa
Miami, Florida

License Number: LS5101

Case Number: 2006-069379

Allegations were respondent violated 11 Minimum Technical Standards. A final order was entered imposing a fine of \$2,500.00, costs of \$467.05 and Probation.

Miguel Espinosa Land Surveying, Inc.

Miami, Florida

License Number: LB6463

Case Number: 2007004832

Allegations were respondent violated 10 Minimum Technical Standards. A final order was entered imposing a fine of \$2,500.00, costs of \$495.55.

Grusenmeyer-Scott-Walker, Inc.
Rockledge, Florida

License Number: LS5362

Case Number: 2007-030054

Allegations were respondent violated 6 Minimum Technical Standards. A final order was entered imposing a fine of \$1,500.00, and costs of \$227.40.

Anthony Sanzone
Palm Coast, Florida

License Number: LS6309

Case Number: 2006-017128

Allegations were respondent violated 6 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,750.00, costs of \$496.25 and Probation.

East Coast Land Surveying, Inc.
Palm Coast, Florida

License Number: LB7382

Case Number: 2006017714

Allegations were respondent violated 6 Minimum Technical Standards and engaged in fraud or deceit, negligence, incompetence, or misconduct in the practice of surveying and mapping. A final order was entered imposing a fine of \$1,000.00.

W. Nelson Thaxton
Pensacola, Florida

License Number: LS4812

Case Number: 20063-007400

Allegations were respondent violated 6 Minimum Technical Standards. A final order was entered imposing a fine of \$1,500.00, costs of \$226.25 and probation.

William B. Zentz
Vero Beach, Florida

License Number: LS5276

Case Number: 2006-040603

Allegations were respondent violated 6 Minimum Technical Standards. A final order was entered imposing a fine of \$1,250.00, costs of \$479.00 and Probation.

Name; Ronald L. Schumann
Fort Myers, Florida

License Number: LS2239

Case Number: 2004-027883

Allegations were respondent violated 6 Minimum Technical Standards. A final order was entered imposing a fine of \$1,250.00, costs of \$1,147.80 and Probation.

Michael J. Aiello
Jacksonville, Florida

License Number: LS4879

Case Number: 2005-002465

Allegations were respondent violated 5 Minimum Technical Standards, and made misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession. A final order was entered imposing a fine of \$3,000.00, costs of \$742.20 and Probation.