

PROFESSIONAL LAND SURVEYORS



MESSAGE FROM THE CHAIR

Margarita Weidener

It is indeed an honor to serve as the Chair of the Florida State Board of Professional Land Surveyors. I wish to thank the members of the Board for placing their confidence in me for this important assignment. As you know, I was a member of the Board for only 15 months prior to being selected to lead, but I have gained a wealth of experience in that time and I bring a fresh outlook to the important matters that our profession must address. I commit to doing my very best to protect the public and to serve the professional needs of Florida's surveyors.

My first meeting as Chair was in June. The meeting had to be stretched out over a three day period because of the lengthy agenda. Thanks to a well-informed Board (there were three books, each two to three inches thick to read in preparation for the meeting), a hard working and

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Board conducts random audit of CE hours

The Board office audited 3% of the Professional Land Surveyors licensed in the State of Florida. The audit was performed in April 1993. As a result of the random audit five licensees were sent to complaints for deficiency problems and one for no response. The Board has asked staff to perform a random audit on 15 to 20 more licensees.

New rules take effect, second public hearing to be held in Aug.

21HH-1.0051 Probable Cause Determination

(4) The chairperson of the Board may appoint a former Board member as a member of the probable cause panel.

(5) Reconsideration of probable cause in any given case shall be performed by the current members of the Board who initially found probable cause in the first place.

The Chair appointed former Board members James Shiskin and Wilbur Christiansen to serve as alternates to the probable cause panel. Mr. Christiansen served at the April 27, 1993 meeting.

21HH-1.0071 Attendance at Board Meetings

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

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. An absence for any reason other than the reasons stated in section (2) 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.

21HH-2.004 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 land

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&
PROFESSIONAL REGULATION
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Complaints against a licensee
(800) 342-7940

MESSAGE FROM THE ACTING SECRETARY

Welcome to BPR: Florida's newest regulatory agency

By George Stuart, Secretary

On July 1, the official merger date of DPR and DBR, Governor Lawton Chiles asked me to take over as Acting Secretary of the new Department of Business and Professional Regulation (BPR). I want to extend a personal welcome to all of you. We have many exciting things planned for this new agency and you will be part of these changes.



George Stuart
BPR
Acting Secretary

Our first goal will be to update BPR's computer technology, which in turn will increase the efficiency of our regulatory and licensing functions.

The merger means we have a centralized focus for public service and policy development, which means we will be able to respond to inquiries from licensees, consumers and the news media more rapidly, efficiently and accurately.

We also have a single place for individuals to call for information regarding the regulation of professions and businesses. In the future, we expect to establish a call center where individuals can call and receive recorded information on everything from the

status of a license to whether there are any complaints against an individual, all at the push of a button.

This merging of the state's two regulatory agencies also means the combined staffs will be able to offer increased protection to the public and increased service, especially to our licensees. Rest assured that our commitment to service remains as strong as it was before the merger.

Our mission is one of genuine concern for the protection of the health, safety and welfare of the consumer. This consumer focus, combined with the expertise of both departments' highly trained and knowledgeable staffs utilizing the latest technology, will result in a more effective regulatory agency for Floridians.

I look to all of you for help in meeting this goal. Welcome to BPR!

Announcements

- The remaining meeting dates and location for the year are:
September 22 - 24 Miami
December 8 - 10 Gainesville
- An Ad Hoc Committee has been created to review Chapter 177.
- Plans are on the way to produce a roster of all registrants. The Board gave staff approval to proceed with the production.

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organized staff, and a very patient audience, we managed to complete the meeting ahead of schedule. Some of the highlights of the meeting have been included in this newsletter.

The Board is considering various revisions to its rules and the adoption of new ones. We do not do this in a vacuum, so please give us your input and make an attempt to attend the public hearings - the next is scheduled for 26 August 1993 in Orlando. I look forward to seeing you there.

New Rules, *continued from page 1*

surveyor.

(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 within which the applicant was to have paid the previous fine.

21HH-8.002 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 of Professional Regulation 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 of Professional Regulation to combat unlicensed activity.

PROPOSED RULES

The Board conducted a public hearing on June 4, 1993, on the following proposed rules:

- 21HH-5.002 Definitions - Repeal
- 21HH-5.003 Continuing Education for Biennial Renewal
- 21HH-5.0031 Continuing Education Credit for Biennial Renewal
- 21HH-5.0032 Audits and Proof of Continuing Education Credit Earned
- 21HH-5.004 Criteria for Approval - Repeal
- 21HH-5.0041 Board Approval of Continuing Education Providers
- 21HH-5.00411 Board Approval of Provider Status To Conduct Seminars On Minimum Technical Standards
- 21HH-5.0042 Obligations of Continuing Education Providers
- 21HH-5.0043 Evaluations of Providers
- 21HH-5.0044 Duration of Provider Status

A second public hearing on the above proposed rules will be held on August 26,

1993 at 1:00 p.m. in Orlando, Florida. You may contact the Board office to determine the cost involved in receiving a copy of the proposed rules.

The Board considered amendments to Rule 21HH-6.003 and 21HH-6.0051 which have been referred back to the Committee.

The Board acted on 15 Petitions for Rulemaking at their June 4, 1993, meeting. Twelve (12) were denied because of various reasons (i.e. already provisions in the law or in the rules, not under the jurisdictions of the Board, unconstitutional request, not applicable, etc.)

Three (3) were referred to rules workshop to determine whether a rule change is needed. A rules workshop has been scheduled for 8:30 a.m. on August 26, 1993 in Orlando, Florida, for the following:

- 1) Should a registered land surveyor physically participate in the field work in order for a land survey to be legally valid?
- 2) Illegal practice of "wash-our surveys."
- 3) Requirement of a drawing on all surveys.

Disciplinary actions taken by the Board

The Board has taken disciplinary action concerning the following licensees. This listing may not reflect a change occurring near or following the publication date. Before making any decisions based upon this information, check with the Board Office to ensure accuracy. Further, the listing does not reflect pending appeals or requests for a hearing. Each order is listed as follows with the name, the address, the charges, and the action taken.

Carl E. Cool, Sebring, License #LS 0003380, DPR Case No. 92-06373, Count I and Count II - Failure to evidence the required continuing education for license renewal. Action: Dismiss Count I and \$1,000 fine and suspension of license until such time as submits proof of attendance at a Board approved continuing education course for a total of six hours and appears before the Board for reinstatement for Count II.

John H. Dillingham, West Palm Beach, License #LS 0004141, DPR Case No. 91-14732 & 92-00432, Count I and Count II - Negligent in the practice of land surveying. Action: \$2,000 fine and suspension of license until such time as he appears before the Board.

James F. Nash, Cocoa, License #LS 0002264, DPR Case No. 91-04858, was charged with being negligent in the practice of land surveying. Action: Reaffirmed the previous suspension

of license and adopted the Motion for Default.

William Webster, Ontario, License #LS 0003148, DPR Case No. 91-13692, Count I and Count II - Failure to evidence the required continuing education for license renewal. Action: Revocation of license for Count I and \$1,000 fine and suspension of license until appears before the Board to respond to Count II.

Terms of final order met

The following individuals have met the terms of the Final Order and have been released from probation:

Dennis Leek
Juan D. Martinez
Earl N. Strom
Roxy Howse

The following have also met the terms of the Final Order:

Michael D. Avirom
William C. Keating
(d/b/a Allied Surveying)
Frederick H. Hildebrant

Change of address

Department of Business and Professional Regulation Rule 21-6.12 of the Florida Administrative Code requires licensees, active and inactive, to keep the department informed of their current mailing address. The form below has been prepared to assist licensees in keeping us informed of address changes.

If you change your address, please complete and clip out this form and return it to the board office c/o The Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

Mail completed form to:
Department of Business and Professional Regulation
Board of Professional Land Surveyors
1940 North Monroe Street
Tallahassee, FL 32399-0756

CHANGE OF ADDRESS FORM

Please print or type all information

Date: _____

Name of Licensee: _____

License Number: _____ Social Security Number _____

Old Address: _____ New Address: _____

(Delete) _____

(Add) _____

Phone: () _____

Board of Professional Land Surveyors

Keep this form handy

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