

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1457 w/CS Land Surveying and Mapping

SPONSOR(S): Representative Evers

TIED BILLS: **IDEN./SIM. BILLS:** SB 2248

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Trades, Professions, & Reg. Business (Sub)</u>	<u>9 Y, 0 N</u>	<u>Livingston</u>	<u>Liepshutz</u>
2) <u>Business Regulation</u>	<u>34 Y, 0 N w/CS</u>	<u>Livingston</u>	<u>Liepshutz</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Chapter 472, F.S., requires the Board of Professional Surveyors and Mappers, under the DBPR, to license, regulate and discipline surveyors and mappers. Requirements for licensure include good moral character, a degree in surveying and mapping, experience as a subordinate to a registered surveyor and mapper, successful passage of an examination, and payment of applicable fees.

The statutorily specified general powers of the DBPR allow a licensee to maintain a license in active or inactive status. If the licensee fails to renew the license as active or inactive before the expiration of the licensure cycle, the license becomes null by operation of law. A person whose license has been nullified is required to meet all prerequisites for an initial license if subsequent licensure is desired.

The bill provides the board reinstate the license of a surveyor or mapper when the license has become null if statutorily specified circumstances and qualifications are complied with. The applicant for reinstatement must pay an application fee in an amount equal to the fee paid by an applicant for new licensure.

The following statutory requirements must also be met:

the license of the individual was scheduled to be renewed during the biennium period beginning in 2001; the individual did not receive timely notice of upcoming renewal of the license; the license of the individual was in good standing at the time of the beginning of the renewal cycle; the individual properly petitioned the department for relief relating to the circumstances under which the license became null; the DBPR failed to grant or deny the license renewal petition within 90 days after receiving the petition, pursuant to the Administrative Procedure Act; and no felony or practice act or unlicensed activity penalties have been imposed upon the individual for violations occurring during the period the license was null.

The provisions of the bill require the DBPR to reissue the license before July 1, 2005. The provisions of the bill self expire on July 1, 2005.

A positive fiscal impact to the DBPR is anticipated in an amount not to exceed \$125 and the biennial payment of renewal fees.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1457b.br.doc

DATE: March 17, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present situation

Chapter 455, F.S., provides general powers for the regulation of the areas of jurisdiction under the Department of Business and Professional Regulation (DBPR). Section 455.271, F.S., allows a licensee to maintain a license in active or inactive status. A licensee is required to biennially renew an active license, as well as, an inactive license. Failure to renew before the expiration of the term of the license causes the licensee to be in delinquent status. If the licensee further fails to renew the status of the license as active or inactive before the expiration of the current licensure cycle, the license becomes null by operation of law. A person whose license has been nullified is required to meet all prerequisites for an initial license if subsequent licensure is desired. These provisions do not apply to real estate licensees or to harbor pilots pursuant to exemptions provided in this section.

Chapter 472, F.S., requires the Board of Professional Surveyors and Mappers, under the DBPR, to license, regulate and discipline surveyors and mappers. This program is designed for the primary purpose of eliminating, according to the statements of legislative intent, the significant threat (economic) to the public presented by improper surveying and mapping of land, water, and space.

Requirements for licensure include good moral character, a degree in surveying and mapping, experience as a subordinate to a registered surveyor and mapper, successful passage of an examination, and payment of applicable fees. Certain exemptions from licensure are specified in s. 472.003, F.S., to include certain government employees and certain contractors in specified lines of work, among others.

Section 472.019, F.S., authorizes a surveyor and mapper to maintain a license in inactive status if statutory requirements are satisfied. These requirements include making application, paying fees, and completing prescribed continuing education courses. The board is authorized to adopt rules for the renewal of an inactive license. By statute, fees may not exceed \$50 for reactivation of an inactive license or renewal of an inactive license.

Currently, section 473.313, F.S., gives the Board of Accountancy, the discretion, notwithstanding the provisions of s. 455.271, F.S., to reinstate the license of a person whose license has become null if the person has made a good-faith effort to comply with licensure renewal provisions but has failed to comply because of illness or unusual hardship. The board is authorized to establish by rule the procedure for applying for reinstatement and an application fee.

Effect of proposed changes

The bill provides, notwithstanding the provisions of s. 455.271, F.S., the board reinstate the license of a surveyor or mapper when the license has become null if statutorily specified circumstances and qualifications are complied with. The applicant for reinstatement must pay an application fee in an amount equal to the fee paid by an applicant for new licensure.

The following statutory requirements must also be met:

The license of the individual was scheduled to be renewed during the biennium period beginning in 2001;

The individual did not receive timely notice of upcoming renewal of the license;

The license of the individual was in good standing at the time of the beginning of the renewal cycle;

The individual properly petitioned the department for relief relating to the circumstances under which the license became null;

The DBPR failed to grant or deny the license renewal petition within 90 days after receiving the petition, pursuant to the Administrative Procedure Act; and

No felony or practice act or unlicensed activity penalties have been imposed upon the individual for violations occurring during the period the license was null.

The DBPR is required to reissue the license before July 1, 2005. The provisions of the bill self expire on July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Amends s. 472.019, F.S., to provide a system for the reinstatement of a null license and specifying compliance criteria.

Section 2. Effective date - July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

A positive fiscal impact to the DBPR is anticipated in an amount not to exceed \$125 and the biennial payment of renewal fees.

2. Expenditures:

Expenditures could be anticipated to reflect the costs of processing an application for reinstatement.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Economic impact on the private sector would be reflected in the authority to conduct business as a licensed surveyor or mapper.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

NA

2. Other:

None.

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

None noted.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The CS:

Requires the DBPR to reissue the license before July 1, 2005.

Specifies that the provisions of the bill self expire on July 1, 2005.