

THE FLORIDA SURVEYOR

June 2022
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67th



ANNUAL FSMS CONFERENCE



2022 CONFERENCE ISSUE

Knud's Thoughts on Professional Practice & Education
2022 Conference Schedule & Registration
SIT Prep Course & CST Exam Sign-Up
Exhibitor & Sponsorship Recognition



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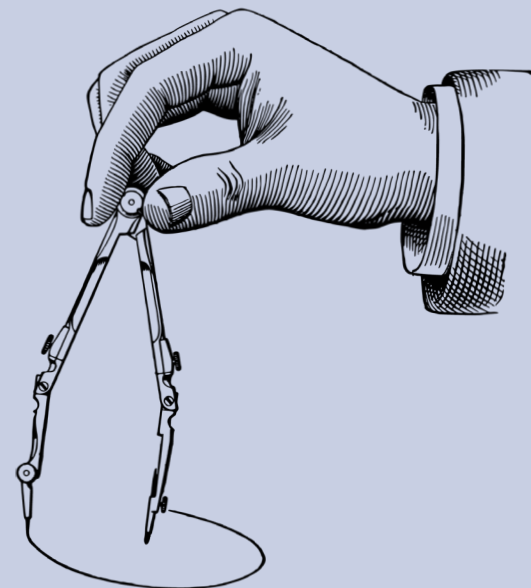
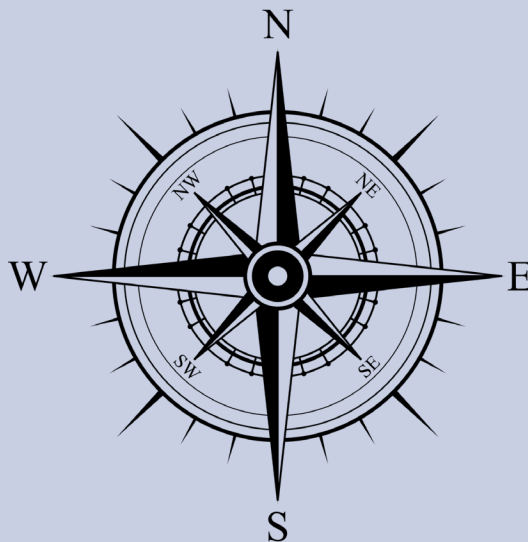
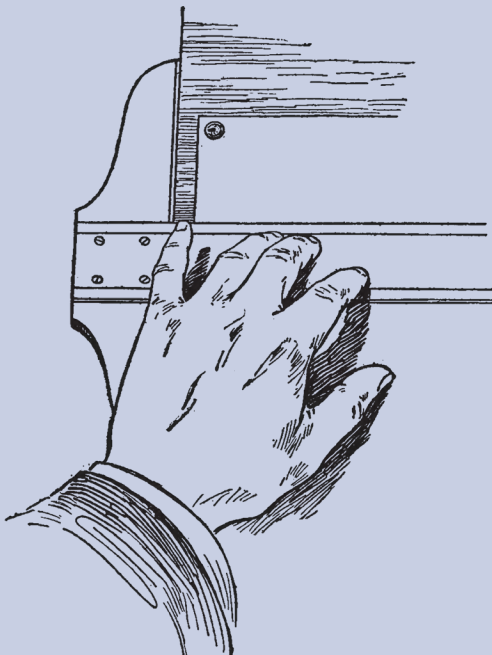
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PRESIDENT'S Message

Two pieces of great news for the profession came during the month of May, both legislative related; one due to the continued outstanding efforts of our Legislative Committee, our Legislative Consultant, and many of those reading this message. The other piece of great news was an unexpected shocker.

As many know, this year a prior budget cut to the Geomatics Program at UF/IFAS was reinstated in the State's budget and yesterday (June 2nd) Governor DeSantis signed off on the budget.

About this, IFAS Director Dr. Red Baker wrote:

"This is fantastic news and I just wanted to reach out and express our sincere appreciation for all of your hard work, coupled with the steadfast support of FSMS, to make this a reality. This initiative will ensure we are able to fully support the professional surveying community for many years to come and strengthen our Geomatics program as one of the top programs in the country."

And our Legislative Consultant David Daniel wrote:

"I am so happy for all that we were able to accomplish. We have come so far under great pressure. While I appreciate the notes of gratitude, in actuality our success is a product of the men and women who serve FSMS members both on the Board, the Legislative Committee and those who answer the call to action for special funding requests, PAC and Legislative Receptions, testimony in committee, meeting with their local legislators, etc."

The second piece of great news is that we learned that the State Representative who three years ago began the attempt to weaken the mandate for a four-year degree in order to become licensed has decided not to run for reelection. Yes, you read it right! While this is cause for a bit of celebration, there is always the



President
Lou Campanile, Jr.
(954) 980-8888
lou@campanile.net

possibility of some other legislator picking up where the retiring legislator left off; however, if this were to happen, the chances are that any new attempt would be brought by a legislator that is willing to listen, which was not the strong point of the retiring legislator. While the news is great, we must remain vigilant.

This year's convention July 20th-23rd in Palm Beach Gardens is shaping up to be a great one. We have a strong number of exhibitors, sponsors, and seminars to complement the camaraderie of spending time with friends and peers. I hope to see you there.

2022 FSMS Officers



President-Elect

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(772) 286-8083
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Vice President

Jim Sullivan
(561) 687-2220
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Secretary

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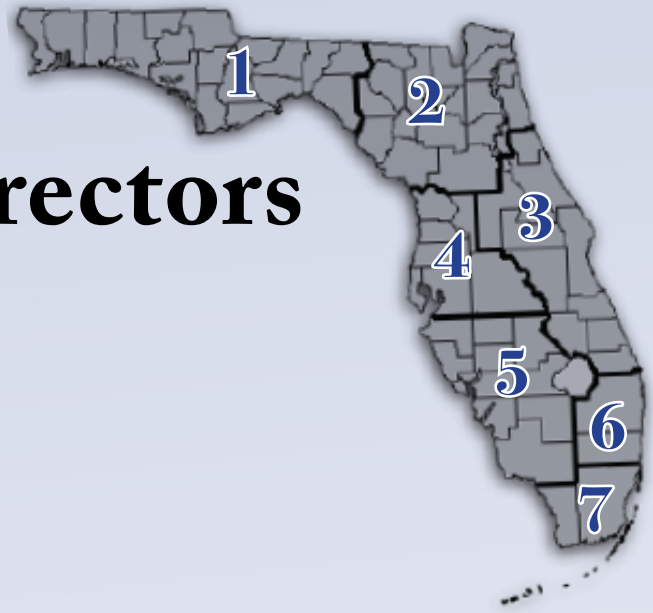
Bon Dewitt
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Immediate Past President

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hpeters@gpinet.com

2022 Districts & Directors



District 1 - Northwest

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Chad Thurner

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2022

Chapter Presidents

District 1

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District 7

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FLORIDA SURVEYING & MAPPING POLITICAL ACTION COMMITTEE

What is FSMPAC?

FSMPAC (Florida Surveying & Mapping Political Action Committee) is a non-partisan, non-profit Political Committee formed under Florida law by FSMS to support the profession in legislative and political activities.

Without regard to political party affiliation, contributions and support are made to candidates and political parties that understand issues and initiatives important to the profession.

How does FSMPAC work?

Our mission is accomplished through voluntary contributions by concerned Surveyors and Mappers interested in promoting and protecting our profession. Funds are used to research, select and support the election of candidates who are supportive of our concerns.

Why do I need to be involved?

Involvement in your PAC is essential to maintaining a dialogue with elected officials and candidates that understand the importance of our profession to the organized development of Florida's infrastructure, as well as the impacts of undue regulation on our practice.

There will always be interest groups that have agendas contrary to the interests of our profession, and given the opportunity will encroach on our practice.

This reality demands that we remain vigilant and maintain a well-funded PAC to support and defend our interests. Without your support and input, the PAC cannot effectively complete its mission.

**Click & Donate to FSMPAC Today!
We Thank You for Your Support!**

2022 Committees

Standing Committees

Nominating Committee	Howard Ehmke
Membership Committee	Nick DiGruttolo
Finance Committee	Bon Dewitt
Executive Committee	Lou Campanile, Jr.
Education Committee	Greg Prather
Annual Meeting Committee	Jim Sullivan
Legal Committee	Jack Breed
Strategic Planning Committee	Lou Campanile, Jr.
Ethics Committee	Shane Christy
Legislative Committee	Jack Breed
Surveying & Mapping Council	Randy Tompkins
Constitution & Resolution Advisory Committee	Eric Stuart

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Awards Committee	Hal Peters
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Professional Practice Committee	Lou Campanile, Jr.
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FDACS BPSM	Don Elder
Surveyors in Government	Richard Allen
Academic Advisory UF	Bon Dewitt
FES	Lou Campanile, Jr.

Practice Sections

Geospatial Users Group	Earl Soeder
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PGA

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PALM BEACH GARDENS



PGA *National*

20
July
2022

8:30 am

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\$790 per team (4 players)



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Palm Beach Gardens, FL 33418

Sponsored by: Florida Crown Chapter

Thoughts on Professional Practice and Education

Article 5: Removing Examination Pre-requisites

by Knud E. Hermansen P.L.S., P.E., Ph.D., Esq.

This is the fifth article I have prepared in the series offering thoughts on professional practice and education. In this article, I wish to discuss the timing of professional exams. In particular, I wish to advocate allowing an applicant to take their licensing exams before obtaining any required experience.

There are two common models of examination sequence found in the United States. The first model that appears to be most common at the present time, requires the applicant take the professional surveyor exam and state specific exam after the experience requirements have been met.

The second model is to permit an applicant to take all three exams at or near graduation and before meeting minimum qualifications.

There was a third model that may still be present in some states. The third model was to require the experience first then allow the applicant for licensing to take all the exams within a short window of time. When I was first licensed almost fifty years ago, I took the first exam one day and the second exam the very next day.

In this article, I would like to advocate that states allow an applicant to take the exams on sequential days at or near



graduation. I offer two reasons for my position.

For my first reason, I would suggest that taking the professional exams near graduation is the best time in life's journey to schedule and have time to take the exams. By the time the graduate achieves the pre-requisite experience for licensure, they are often married – perhaps with young children, involved in community activities, and have a full employment commitment. It is difficult to find time to study or even take time off from work for testing. College breaks are usually far less stressful and a less busy time than the hectic and stressful work schedule a graduate will encounter after graduation. To emphasize this, let me remind surveyors that as a full-time student in college, the student could count on two to three weeks

SIT PREP COURSE

The SIT Prep Course is a Two Day Seminar that will help attendees prepare for *The Fundamentals of Surveying (FS) Exam*, which is generally the first step in the process to becoming a professionally licensed surveyor (P.S.).

The course is designed for recent graduates and students who are close to finishing an undergraduate surveying degree from an ABET accredited program.

This Two Day Seminar will be taught by Dr. Stacey Lyle at our Annual Conference on July 20th and July 21st, from 8:00 am to 4:30 pm.

If you would like to attend, [CLICK ANYWHERE IN THIS AD](#) for a link to Conference Registration and Enroll in the SIT Prep Course.



SIGN-UP FOR THE CST EXAM

If you would like to Sign-Up and take the CST Exam at Annual Conference, Click This Link: <https://cstnsps.com/apply-online/>

Exam Date:

July 23, 2022

8:00 am - 3:30 pm

Test Center/Site:

FSMS 67th Annual Conference -

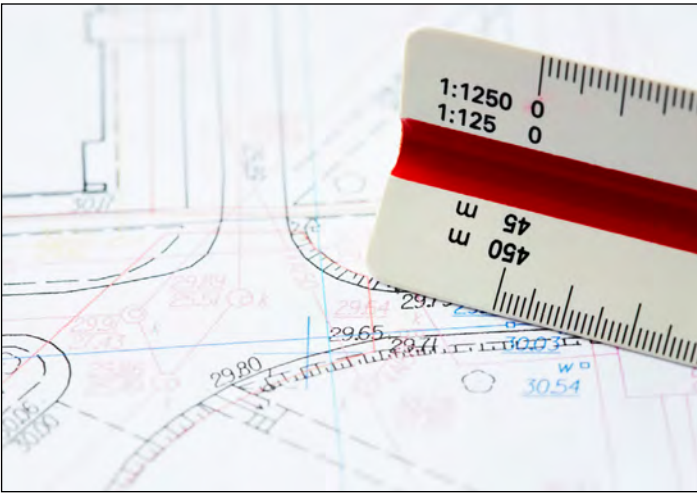
Palm Beach Gardens, FL

Exam Format: “Paper”

For Questions regarding CST Testing contact

ajenkins@southeasternsurveying.com

NSPS
CSTTM
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off at Christmas, one week off during Thanksgiving, and a one or two-week spring break. College breaks were known well in advance, allowing for professional test scheduling.

Once the graduate is employed, vacation time or personal days must often be used for testing. Time off from work must often be scheduled in advance and authorized only when work allows. While college can be stressful, the stress of college often pales in comparison to balancing family responsibility, home, and work commitments.

The second reason for allowing all tests while in college or shortly after

... taking the professional exams near graduation is the best time in life's journey to schedule and have time to take the exams.

”

graduation is the extent of retained surveying knowledge. Broad knowledge of surveying is usually at a maximum retention just before or soon after graduation. Therefore, the best chance to pass all three exams with minimum study is at or near graduation.

Some would argue that testing the graduate on knowledge retention after the graduate has some experience is a reasonable procedure to protect the public's safety. Perhaps this statement is true. Yet, on that basis, all licensed surveyors should be periodically tested from time to time to insure knowledge retention after the passage of time. I suspect there are very few licensed surveyors that would advocate that they be subject to periodic retesting to ensure knowledge retention.

Having given my opinion, I now offer advice by suggesting professional societies encourage statute or rule changes allowing all exams be taken soon or at graduation. Of course, the soon-to-be graduate has another option. The student can apply to test in a state that does allow all testing at or near graduation. The applicant does not need to journey to a particular state since NCEES offers the same exams at testing centers throughout the United States. Perhaps the applicant would have to delay taking the state specific exam until they are eligible for licensing within

that state. Of course, the one hurdle that may arise from this recommendation is a state that will not accept the NCEES test score for an exam taken before experience was achieved. I know of at least one state that will not accept the PE exam score if the PE exam was taken before experience was met. I know this does not make much sense but bureaucracies and their rules often do not make sense.

About the Author

Knud E. Hermansen

P.L.S., P.E., Ph.D., Esq.

Knud E. Hermansen began his surveying career in the United States Marine Corp. over 30 years ago. After completion of basic training, Knud was sent to surveying school and spent the next three years with the 2nd Topographic Platoon, 8th Engineer Battalion performing control surveys throughout the world. After his release from active duty as a sergeant, Knud worked for various consulting firms providing a wide range of services involving boundary surveys, site development, and engineering. During the last several years, Knud has provided consulting services in land surveying, civil engineering, and law. Much of Knud's present consulting activities involve boundary disputes, easements, land development, liability, title, and contract issues.

Knud taught at Penn State University for four years before teaching at the University of Maine. He teaches in

the Surveying Engineering Technology program, as well as the Construction Engineering Technology program. He currently teaches three to four courses a semester from basic surveying to construction law.

Courtesy of: [The University of Maine: Surveying and Engineering Technology](#)

† Other books and articles by Knud can be found at <https://umaine.edu/svt/faculty/hermansen-articles/>

67th



ANNUAL FSMS CONFERENCE



CLICK HERE FOR A LINK TO

- **CONFERENCE REGISTRATION**
- **PGA RESORT HOTEL RESERVATIONS**
- **EXHIBITOR OPPORTUNITIES**
- **SPONSORSHIP OPPORTUNITIES**

Conference Schedule 2022

Wednesday, July 20

7:00am - 5:00pm	Conference Registration Desk Open	<i>Atrium Registration</i>
7:30am - 8:00am	Seminar Sign In	<i>Each Room</i>
8:30am - 1:00pm	Golf PGA National	<i>Offsite</i>
8:00am - 5:00pm	BPSM Meeting	<i>Canterbury</i>
8:00am - 6:00pm	BBQ Teams Cooking	<i>Members Parking Lot</i>
8:00am - 2:30pm	Seminar 1 Retracing Public Land Surveys and the Restoration of Lost or Obliterated Corners Course #10296 - 6 CEC Hours Instructor: Corwyn "Corky" Rodine	<i>British A</i>
8:00am - 2:30pm	Seminar 2 Working in the New, Modernized National Spatial Reference System 2022 Course #10297 - 6 CEC Hours Instructor: Dave Zilkoski	<i>British B</i>
8:00am - 4:30pm	Seminar - 2 Day Course (Day 1) Fundamentals of Prof. Surveying Course #10116 - 16 CEC Hours Instructor: Dr. Stacey Lyle, RPLS	<i>Congressional</i>
10:00am - 10:15am	Seminar Break (All seminars)	<i>British BR Foyer</i>
11:30am - 1:00pm	Lunch on your own (All seminars)	
3:00pm - 3:15pm	Seminar Break (Stacey Lyle SIT course)	<i>British BR Foyer</i>
3:30pm - 4:30pm	Surveying & Mapping Council	<i>British A</i>
4:30pm - 5:00pm	Executive Committee Meeting	<i>Board Room</i>
6:00pm - 8:00pm	BBQ Dinner ("Wednesday" arm band <i>required</i>)	<i>PGA B&C</i>
8:00pm - 10:00pm	Cornhole Tournament (Sign up at Registration Desk)	<i>PGA A</i>

Thursday, July 21

7:00am - 5:00pm	Conference Registration Desk Open	<i>Atrium Registration</i>
7:30am - 8:00am	Seminar Sign In	<i>Each Room</i>
8:00am - 10:30am	Seminar 1 Hydrographic Surveys From Small Vessels Course #10303 - 3 CEC Hours Instructor: Greg Prather, PSM & Tom Whidden, PSM	<i>British A</i>
8:00am - 10:30am	Seminar 2 Changes in Date Delivery and Data Processing in the New, Modernized NSRS in 2025 Course #10298 - 3 CEC Hours Instructor: Dave Zilkoski	<i>British B</i>
8:00am - 4:30pm	Seminar - 2 Day Course (Day 2) Fundamentals of Prof. Surveying Course #10116 - 16 CEC Hours Instructor: Dr. Stacey Lyle, RPLS	<i>Congressional</i>
9:00am - 1:00pm	Clay Shoot (Green arm band)	<i>Off-Site Venue</i>
9:00am - 3:00pm	FAMILY Trip (Lion Country Safari)	<i>Off-Site Venue</i>
10:00am - 10:15am	Seminar Break (Stacey Lyle SIT course)	<i>British Foyer</i>
11:30am - 1:00pm	Lunch on your own	
1:00pm - 4:00pm	Exhibitor/Vendor Set-Up Booths	<i>PGA Ballroom ABC</i>
3:00pm - 3:15pm	Seminar Break (Stacey Lyle SIT course)	<i>British BR Foyer</i>
4:00pm - 4:30pm	Exhibit Hall Grand Opening/Ribbon Cutting	<i>PGA Ballroom ABC</i>
4:30pm - 6:00pm	Exhibitor Reception ("Attendee" name badge <i>required</i>)	<i>PGA Ballroom ABC</i>
6:00pm - 8:00pm	Legislative Reception (Flag Arm Band)	<i>Bella Lago</i>
8:00pm - 12:00am	Casino Night	<i>Vista A&B</i>

Conference Schedule 2022

Friday, July 22

7:00am - 5:00pm	Conference Registration Desk Open	Atrium Registration
7:00am - 8:00am	Breakfast (FSMS Members Only)	British ABC
8:00am - 8:30am	Keynote Speaker - Josh Liller	British ABC
8:30am - 4:00pm	Exhibit Hall Open	PGA Ballroom B&C
9:00am - 12:00pm	General Business Session	British ABC
12:00pm - 1:30pm	Exhibitor Luncheon ("Admit One" arm band <i>required</i>)	PGA Ballroom B&C
1:30pm - 2:30pm	FDOT - Town Hall (<i>Open to all</i>)	Canterbury A
2:30pm - 3:30pm	NSPS Meeting	Canterbury B
3:30pm - 4:30pm	Geospatial Users Group	Canterbury A
4:30pm - 5:00pm	Surveyors in Government (Working Session)	Canterbury B
5:00pm - 5:30pm	Surveyors in Government (Public Q & A)	Canterbury B
5:00pm - 6:00pm	Young Surveyors Network Scavenger Hunt	Congressional
6:30pm - 7:00pm	Cocktail Reception	British Ballroom-Foyer
7:00pm - 10:00pm	Recognition Banquet (VIP or Smiley Face (child) arm band <i>required</i>)	British Ballroom
10:00pm - 11:00pm	President's Reception	Vista A & B

Saturday, July 23

7:00am - 12:00pm	Conference Registration Desk Open	Atrium Registration
8:00am - 5:00pm	Certified Survey Technician (CST) Exam	Oakmont
8:00am - 8:30am	Seminar Sign-In	Each Classroom

Saturday Tech Sessions (*Registration Required*)

8:30am - 3:00pm	All Day Session Standards of Practice Course #10103 - 6 CEC Hours Panel Discussion	Canterbury A & B
8:30am - 10:10am	Morning Segments Monitoring 101. How surveyors can get into Monitoring as a business Model Course #10305 - 2 CEC Hours Instructors: Earl Soeder & Joe Priestner	British A
	Emerging Technologies Course #8664 - 2 CEC Hours Instructor: Allen Nobles, PSM	British B
	GNSS for the Technician Course #10304, 2 CEC Hours Instructor: Sam Hall, PSM	British C
10:10am - 10:30am	Morning Break (All Sessions)	British Ballroom-Foyer
10:30am - 12:10pm	Mid-Morning Segments Starting a Small Business in Today's Market Course #10299 - 2 CEC Hours Instructor: Dennis Ritzel, PSM & Clyde Mason, PSM	British A
	Best Practices in Drone Surveying Course #10306 - 2 CEC Hours Instructor: Logan Campbell	British B
	Is it Time to Invest in LiDAR Course #10300 - 2 CEC Hours Instructor: Sam Hall	British C



67TH ANNUAL FSMS CONFERENCE



CASINO NIGHT

THURSDAY
21
JULY
8:00 PM

Come join the fun and try your luck as we turn the conference into a casino with Blackjack, Poker, Roulette, and Craps tables. This event follows the Exhibitor Grand Opening & Reception and the Legislative Reception. Guests who pay the \$50 player fee at conference registration or at the door will be given a predetermined amount of chips at the door. Players will then attempt to outplay the others and increase their stack throughout the night.

Re-buys are offered throughout the night to ensure that the fun does not end.

CONTEST

- The player with the most chips at the end of the night brings home the prize.
- The group of talented Instrumental Surveyors you often see in random lobbies during each conference will be given center stage at this event. If you would like to join in, please contact FSMS staff.



SPONSORSHIP - \$1000

- Recognition and Signage at Event
- Logo in future flyer advertisements
- Recognition in Conference Program Book
- Recognition in the Conference edition of The Florida Surveyor
- Company logo with hyperlink to website displayed on FSMS.org

For further inquiries, contact **FSMS staff** at director@fsms.org

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Palm Beach Chapter










Conference Schedule 2022

Saturday, July 23 cont.

12:10pm – 1:30pm	Lunch (<i>On Your Own</i>)	
1:30pm - 3:00pm	Afternoon Segments	
	Tide Station Recovery and Maintenance	<i>British A</i>
	Course #10302- 2 CEC Hours	
	Instructor: Rod Maddox	
	Digital Signatures	<i>British B</i>
	Course #8489 - 2 CEC Hours	
	Instructor: Don Elder, PSM	
	Terrestrial & Mobile LiDAR Data Capture and Utilization	<i>British C</i>
	Course #10301 - 2 CEC Hours	
	Instructor: Anthony Paturzo	
3:15pm – 5:00pm	Board Meeting	<i>Vista A & B</i>



Event Armband & Ticket Guide

<u>Wednesday</u> -	Welcome BBQ:	Wednesday Armband	
		Yellow Drink Ticket	
<u>Thursday</u> -	Clay Shoot:	Green Armband	
	Exhibitor Reception:	Red or Green Name Badge <i>Required</i>	
	Legislative Reception:	Flag Armband	
<u>Friday</u> -	Exhibitor Luncheon:	Admit One Armband	
	Banquet - Adult:	VIP Armband	
	Banquet - Child:	Smiley Face Armband	



67th Annual FSMS Conference

Conference Registration

July 20th – July 23rd, 2022

PGA National Resort & Spa

400 Avenue of the Champions Palm Beach Gardens, FL 33418

Name _____ PSM # _____

Packet 1 – Full Registration/Best Value

Member \$340
 Licensed Non-Member \$450
 Non-licensed \$300
 (Includes one (1) Welcome Barbecue ticket (Wed.), one (1) Exhibitors' Lunch ticket (Fri.), one (1) Recognition Banquet ticket (Fri.), six (6) Saturday Seminar CECs/all course materials)

Packet 2 – Partial Registration

Member \$325
 Licensed Non-Member \$400
 Non-Licensed \$275
 (Includes one (1) Exhibitors' Lunch ticket (Fri.), one (1) Recognition Banquet ticket (Fri.), six (6) Saturday Seminar CECs/all course materials)

Packet 3 – Saturday Only

Member \$200
 Licensed Non-Member \$300
 Non-licensed \$150

(Includes six (6) Saturday Seminar CECs and all course materials)

Saturday Seminars

July 23, 2022

Course options are listed below, please mark the circle next to the course. Choose only ONE course per time segment.

6 Hour Course Option			
8:30 am – 3:00pm <i>(All day course)</i>	Course name: <input type="radio"/> Standard of Practice (6 CEC's - Course #10103) Instructor: Panel Discussion		
2 Hour Course Options			
8:30 am–10:10 am <i>(choose one from this row)</i>	Course name: <input type="radio"/> Monitoring 101. How surveyors can get into Monitoring as a business model (2 CEC – Course #10305) Instructor: Earl Soeder & Joe Priesner	Course name: <input type="radio"/> Emerging Technologies (2 CEC - Course #8664) Instructor: Allen Nobles	Course name: <input type="radio"/> GNSS for the Technician (2 CEC - Course #10304) Instructor: Sam Hall
10:30 am – 12:10 pm <i>(choose one from this row)</i>	Course name: <input type="radio"/> Starting a Small Business in Today's Market (2 CEC - Course #10299) Instructors: Dennis Ritzel & Clyde Mason	Course name: <input type="radio"/> Best Practices in Drone Surveying (2 CEC - Course #10306) Instructor: Logan Campbell	Course name: <input type="radio"/> Is it Time to Invest in LiDAR (2 CEC – Course #10300) Instructor: Sam Hall
1:30 pm – 3:00 pm <i>(choose one from this row)</i>	Course name: <input type="radio"/> Tide Station Recovery and Maintenance (2 CEC – Course#10302) Instructor: Rod Maddox	Course name: <input type="radio"/> Digital Signatures (2 CEC – Course #8489) Instructor: Don Elder	Course name: <input type="radio"/> Terrestrial & Mobile LiDAR Data Capture and Utilization (2 CEC – Course #10301) Instructor: Anthony Paturzo

Cancellation Policy:

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67th Annual FSMS Conference

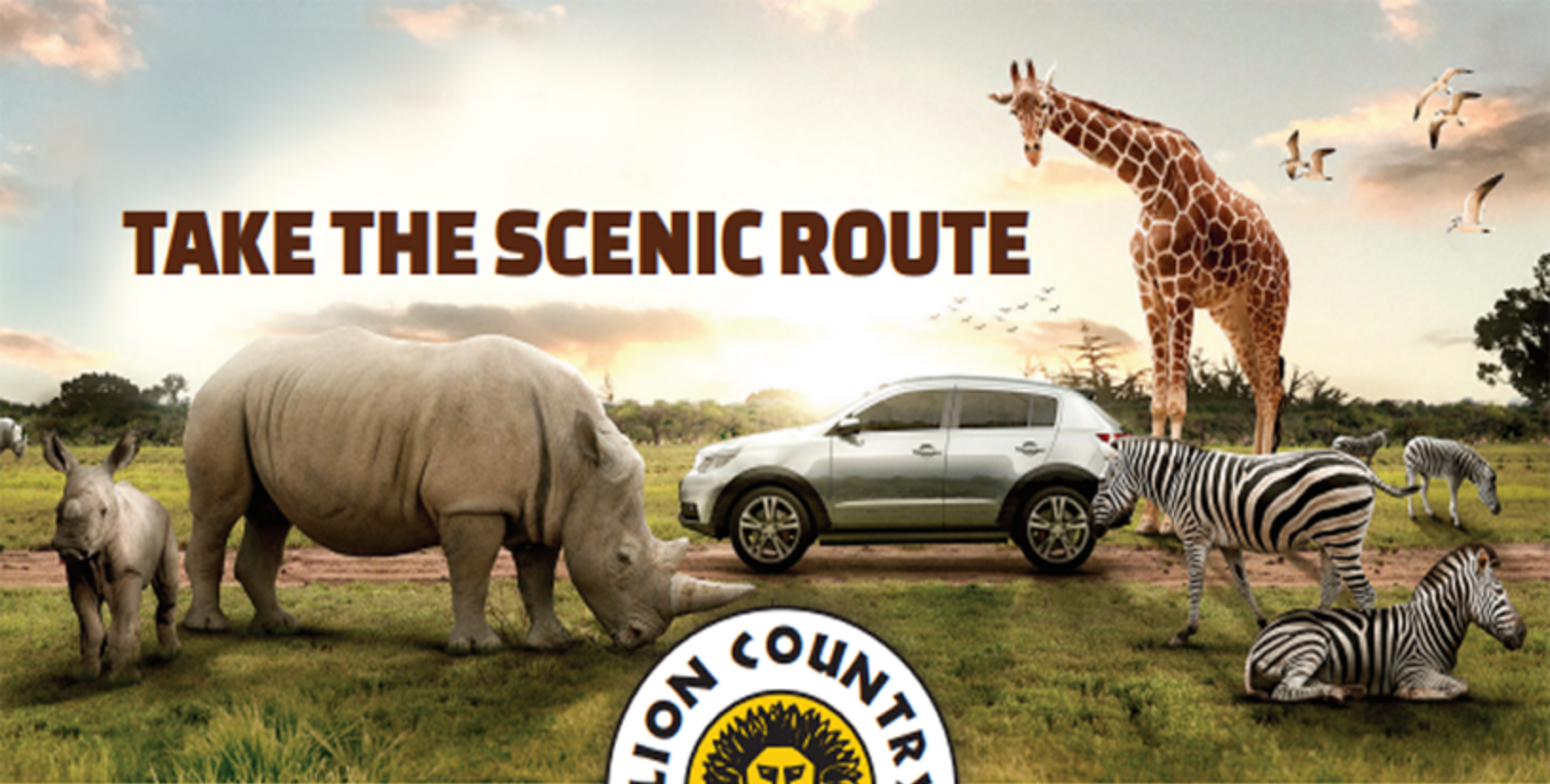
Additional Seminar Offerings

<p>2 DAY COURSE Wednesday & Thursday Seminar (Separate Registration Required) July 20th & 21st, 2022 8:00 am – 4:30 pm</p>
<p>Fundamentals of Professional Surveying - SIT Prep Course (16 CEC's - Course #10116)</p> <p>Instructor: Stacey Lyle</p>
<p>Wednesday Seminar (Separate Registration Required) July 20, 2022 8:00 am – 3:00 pm ONLY CHOOSE ONE</p>
<p>Seminar I: Retracing Public Land Surveys and the Restoration of Lost or Obliterated Corners (6 CEC's - Course #10296) Instructor: Corwyn "Corky" Rodine</p>
<p>Seminar II: Working in the New, Modernized National Spatial Reference System 2022 (6 CEC's - Course #10297)</p> <p>Instructor: Dave Zilkoski</p>
<p>Thursday Seminar (Separate Registration Required) July 21, 2022 8:00 am – 10:30 am ONLY CHOOSE ONE</p>
<p>Seminar I: Hydrographic Surveys From Small Vessels (3 CEC's - Course #10303) Instructor: Greg Prather & Tom Whidden</p>
<p>Seminar II: Changes in Data Delivery and Data Processing in the New, Modernized NSRS in 2025 (3 CEC's - Course #10298)</p> <p>Instructor: Dave Zilkoski</p>

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*Licensed Government employees receive a \$100 discount on Packet 1 price
 See pg. 1 to choose Saturday Seminars*

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Packet 1 (\$340 member, \$450 licensed non- member, \$300 non-licensed)	Includes one (1) Welcome Barbecue ticket (Wed.), one (1) Exhibitors' Lunch ticket (Fri.), one (1) Recognition Banquet ticket (Fri.), six (6) Saturday Seminar CECs	\$
Packet 2 (\$325 member, \$400 licensed non- member, \$275 non-licensed)	Includes one (1) Exhibitors' Lunch ticket (Fri.), one (1) Recognition Banquet ticket (Fri.), six (6) Saturday Seminar CECs	\$
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ADDITIONAL SEMINARS

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\$ Amount:

SIT Prep Course - 2 Days (Wed & Thur., 16 hrs.)	\$250	Fundamentals of Professional Surveying - SIT Prep Course/ Stacey Lyle	\$
Wednesday Seminar 1 (6 hrs.)	\$200	Retracing Public Land Surveys and the Restoration of Lost or Obliterated Corners/ Corwyn "Corky" Rodine	\$
Wednesday Seminar 2 (6 hrs.)	\$200	Working in the New, Modernized National Spatial Reference System 2022/ Dave Zilkoski	\$
Thursday Seminar 1 (3 hrs.)	\$100	Hydrographic Surveys From Small Vessels/ Greg Prather & Tom Whidden	\$
Thursday Seminar 2 (3 hrs.)	\$100	Changes in Data Delivery and Data Processing in the New, Modernized NSRS in 2025/ Dave Zilkoski	\$

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**Only Pay if Participating*

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Lion Country Safari (Thur.)	\$50 per person (Auxiliary)		\$
*Clay Shoot (Thur.):	\$175 per person		\$
	\$700 per team (4 players)	Players:	\$

FOOD TICKETS (Additional or Individual Tickets)

Individuals who bought a packet can purchase additional tickets at the lesser rate. Those that did not buy a packet pay the "At Conference" rate.

** no cancellations unless replacement found*

Number of Tickets:

\$ Amount:

Welcome BBQ (Wed.):	\$50		\$
	\$60 (at conference)		\$
*Legislative Reception (Thur.):	\$100		\$
Exhibitors' Lunch (Fri.):	\$50		\$
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Recognition Banquet (Fri.):	\$90		\$
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Payment must accompany all pages of registration form.

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Clay Shoot

21
July
2022

9:00 am



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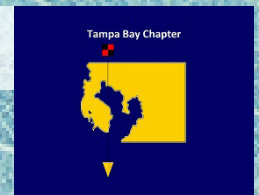
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Thank You to Everyone who came to support our FSMS - Manasota Chapter 4th Annual Orange Crush Classic Clay Shoot and BBQ.

Above from Left to Right:

Russell Hyatt, Bob Strayer, Jr., Bill Knight, Mark Bassett, and Ralph Rhodes.

Across From Left to Right:

Shane Christy and Mark Bassett.





From Left to Right:

Jared Johnson, Chris Whightsel, Brad Scott, and Brian Hooks.

From Left to Right:

Mark Hubbell, Boots Garner, Dylan Dixon, and Chris White.





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Dave Coughlin, Hal Noon, Bob Knight, and Darin Rushnell.

From Left to Right:

Skip Park, Travis Park, Carl Behm, and Jason Encke.





From Left to Right:
Bill Knight and Bob Strayer.

From Back Left to Back Right:
John Shremshock and Dave Shremshock

Front Left to Front Right:
Will Hawkins and Vlad "Wild Man" Kovaldin





From Left to Right:
Mike and Jen Wise with Chad and Cheryl Vogt.

4th Annual Orange Crush Classic

THANK YOU SO MUCH

We would like to send many thanks for all of our sponsors, teams, volunteers and donations to make this day possible. Many are looking forward to the next event. Again, we thank you.

FSMS SPRING CLAY SHOOT | MANASOTA CHAPTER



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**Successful
May 2022
MEETING**



On Thursday - May 26th, 2022, Broward Chapter hosted their May meeting at the [UF Geomatics FLREC](#). Thank you Dylan M. and David Moss from "[AccurateInverts.com](#)" for presenting your patented invention "VERT Rod" which was original, inspiring, and well crafted for the audience. And for sharing great tips on how to be and stay inspired through creative thinking and innovation.

Thank you to all that came out and we look forward to seeing you all at our June meeting!



As government surveyors dealing with more than just government surveying, we can often find keeping up with legislative changes can be taxing or leaving one to feel clueless. The more we are involved with professional societies or professional associations and groups that we become more informed. It is easy for one to bury themselves in their work and not devote time to associations and groups, but you often find you are the last to know when things have changed.

One such instance that many in government and those who do work with the state government and or state funds are finding out is the use of certain manufacturers of drones. Specifically those drones outside of the Defense Department's blue list. The lists are referred to as the Blue sUAS list and now there is a Blue sUAS2.0 list, which the 2.0 list has not even be addressed as possibly being adopted. I found out this issue late last year from my participation in a drone group. I am sure there was something mentioned by FSMS as well, but I missed that one in the legislative briefings, probably one of the times my head was buried in my work. The specific statute may be missed by some as it is in the section pertaining to search and seizure using a drone, but affects all drones funded by state funds. That statement alone affects pretty much all government surveyors in some form or fashion, and it affects many surveyors in the private industry.

Chapter 934.50 of Florida Statutes states:

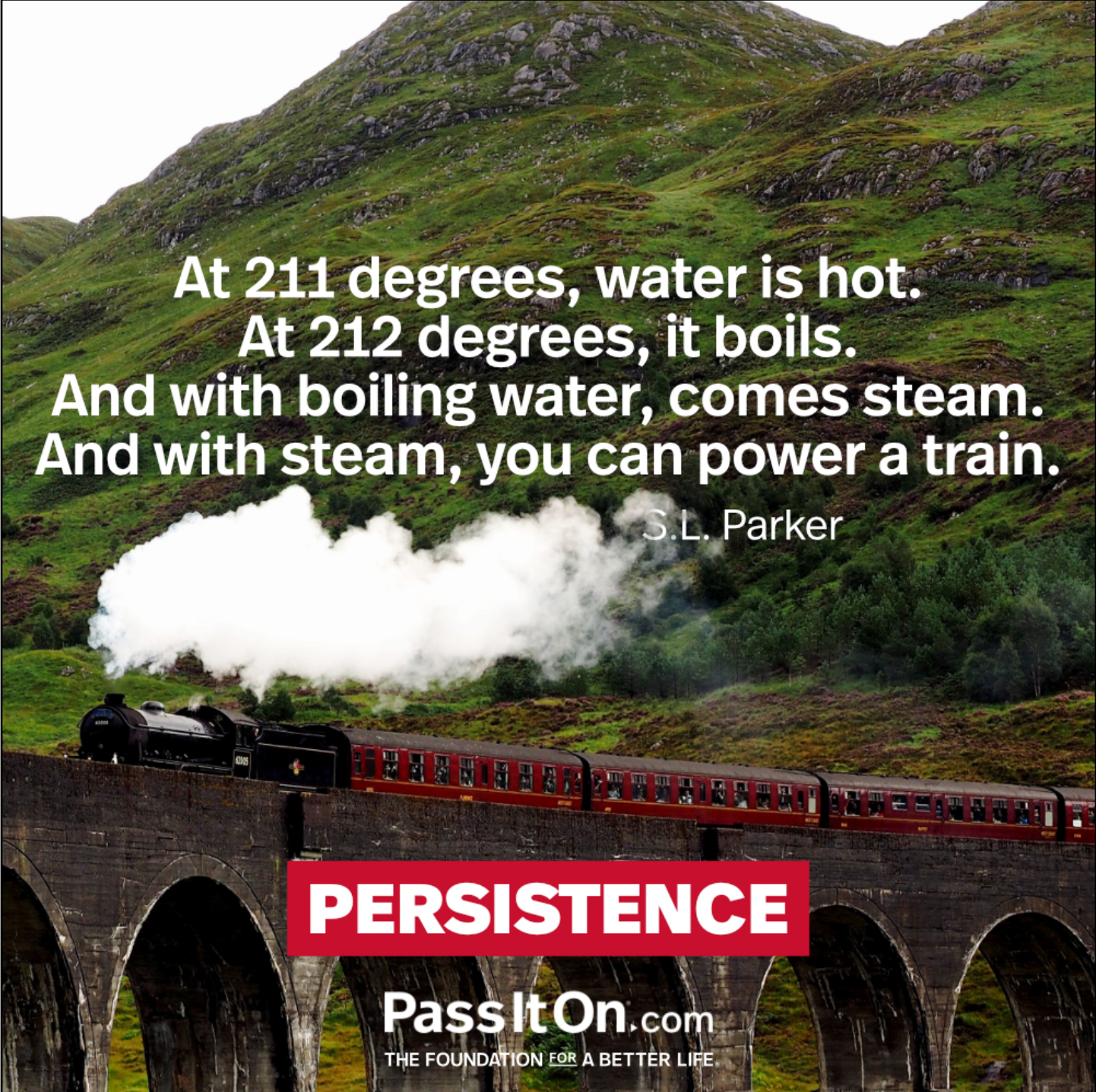
7) SECURITY STANDARDS FOR GOVERNMENTAL AGENCY DRONE USE.—

(a) As used in this subsection, the term:

1. "Department" means the Department of Management Services.
2. "Governmental agency" means any state, county, local, or municipal governmental entity or any unit of government created or established by law that uses a drone for any purpose.

(b) By January 1, 2022, the department, in consultation with the state chief information officer, shall publish on the department's website a list of approved manufacturers whose drones may be purchased or otherwise acquired and used by a governmental agency under this section. An approved manufacturer must provide appropriate safeguards to protect the confidentiality, integrity, and availability of data collected, transmitted, or

Tom's Tip of the Month

A black steam locomotive pulling a red passenger train across a stone viaduct. The train is emitting a large plume of white steam. The background consists of green, rocky mountains under a clear sky.

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S.L. Parker

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THE FLORIDA SURVEYOR is the official publication of the Florida Surveying and Mapping Society, also known as FSMS. It is published monthly for the purpose of communicating with the professional surveying community and related professions who are members of FSMS. Our award winning publication informs members eleven months out of the year about national, state, and district events and accomplishments, as well as articles relevant to the surveying profession. In addition, continuing educational courses are also available.

stored by a drone. The department may consult state and federal agencies and any relevant federal guidance in developing the list of approved manufacturers required under this paragraph.

(c) Beginning on the date the department publishes the list of approved drone manufacturers under paragraph (b), a governmental agency may only purchase or otherwise acquire a drone from an approved manufacturer.

(d) By July 1, 2022, a governmental agency that uses any drone not produced by an approved manufacturer shall submit to the department a comprehensive plan for discontinuing the use of such a drone.

The department shall adopt rules identifying the requirements of the comprehensive plan required under this paragraph.

(e) By January 1, 2023, all governmental agencies must discontinue the use of drones not produced by an approved manufacturer. The department shall establish by rule, consistent with any federal guidance on drone security, minimum security requirements for governmental agency drone use to protect the confidentiality, integrity, and availability of data collected, transmitted, or stored by a drone. The department may consult federal agencies in establishing the minimum security requirements required under this paragraph.

History.—s. 1, ch. 2013-33; s. 1, ch. 2015-26; s. 10, ch. 2017-150; s. 1, ch. 2020-131; s. 1, ch. 2021-165.

The screenshot shows a mobile browser view of the Florida Department of Management Services website. The page title is "Approved Drone Manufacturers". The breadcrumb trail is "Florida Department of Management Services > Business Operations > State Purchasing > Approved Drone Manufacturers". The main content area contains the following text:

In accordance with section 934.50, Florida Statutes, as of January 1, 2022, a governmental agency (as defined in section 934.50, Florida Statutes) may only purchase or otherwise acquire a drone from a manufacturer on the approved list. Governmental agencies may continue to utilize drones not on the department's approved list until January 1, 2023.

Pursuant to section 934.50(7)(b), Florida Statutes, the department hereby provides the following list of approved manufacturers whose drones may be purchased or otherwise acquired and used by a governmental agency under section 934.50, Florida Statutes:

- Skydio
- Parrot
- Altavian
- Teal Drones
- Vantage Robotics

This list provides approved manufacturers but does not guarantee that all models produced by these manufacturers meet an individual governmental agency's specific needs or security requirements. Beginning July 1, 2022, all governmental agencies using drones not on the department's approved list must submit a comprehensive plan for discontinuing their use to the department.

Please monitor this website and the [Florida Administrative Register](#) for updates related to the department's obligations under section 934.50(7), Florida Statutes.

The left sidebar contains a search bar and a list of navigation links: State Purchasing, State Contracts and Agreements, MyFloridaMarketPlace, Public Procurement, Professional Development, Office of Supplier Diversity, Approved Drone Manufacturers, State Agency Resources, Vendor Resources, Insurance Contracts, Florida Emergency Networks, Contact Us, and State Purchasing Website Feedback.

You may keep track of the approved drone manufactures by going to the Florida Department of Management Services page for the approved manufacturers. Currently that list includes Skydio, Parrot, Altavian, Teal Drones, and Vantage Robotics. Most agencies have become DJI shops and that will be changing very quickly. So take all this as you may, but you can see changes happen rapidly and this should motivate you to continue to be involved with associations and societies. We are more informed when we are more involved. Also we may also have more of an impact on changing some of these burdensome statutes when we have a larger and stronger voice. ■



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Fig. 25 N. 2.

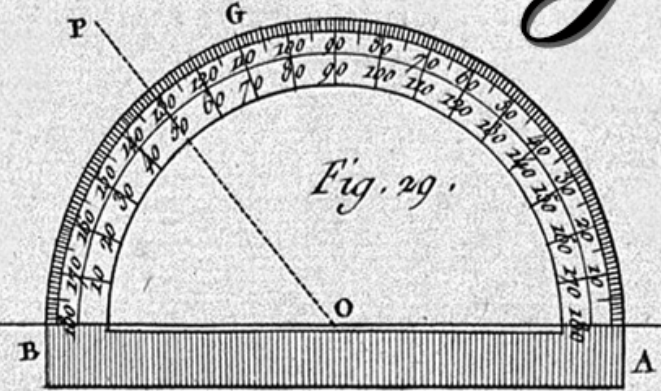


Fig. 29.



Fig. 16.

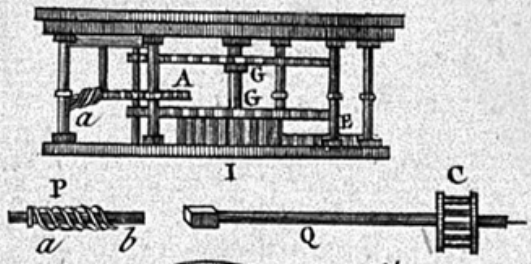


Fig. 23.

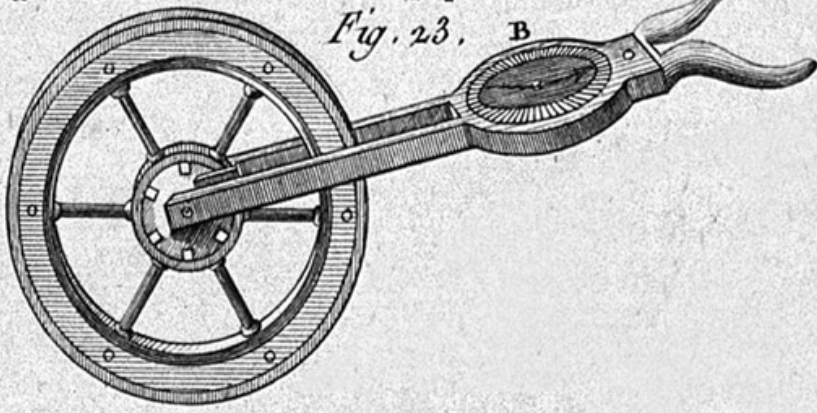


Fig. 25.

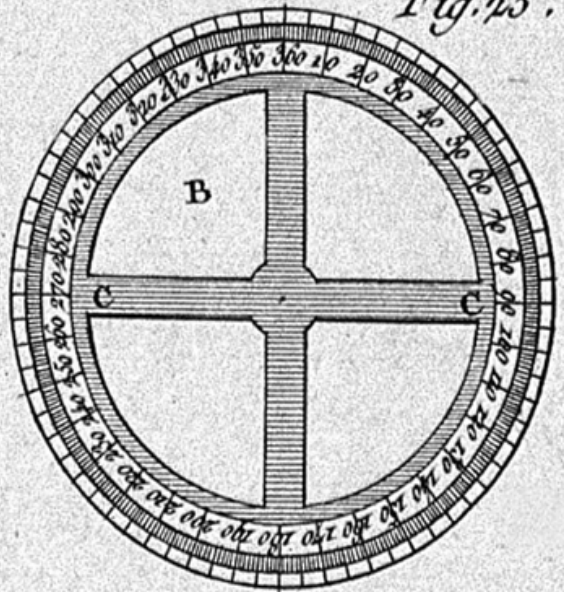


Fig. 16.



LAND SURVEYING PROBLEMS PECULIAR TO COASTAL FLORIDA

By

Russell DeGrove

“Under all is the land;” and in the case of the state of Florida, much of the land area is underwater. This may sound bad at first reading, and there is much that is bad; however, that part of the land that is above and adjacent to the submerged part has always been the most valuable, and will no doubt always be so. Ocean, River, Lagoon, or Lake frontage is selling at a premium in many areas.

Water frontage along Coastal Florida is largely Ocean, River, or Lagoon. The survey of recorded land boundaries along, across, and adjacent to these water bodies brings up problems to the Surveyor not encountered as often inland. The causes of some of these problems and some of the methods used in solving them are the purpose of this paper and will be outlined briefly hereafter.

My experiences and the problems cited spring mostly from the Atlantic Coast, but I suppose those along the Gulf Coast are similar. It is not thought worthwhile to dwell at any great length upon the many and very real problems of a physical nature that the surveyor meets along Coastal Florida, but it might be of some interest to mention a few of them in passing.

The problem of spanning bodies of water is encountered fairly often in Coastal Areas and, of course, is solved by triangulation

or stadia, depending upon the accuracy required. Much of the Northern portion of Coastal Florida is a boggy marsh area that presents difficult terrain to survey in that it is too soft to walk on or pass over with most land vehicles; while, at the same time, being too stiff for boats. Special wide tread vehicles have been designed to cover some of this marsh, and shallow draft, propeller-driven boats cover other areas. There is an “in-between” area, however, which defies any type of vehicle.

The cypress and gum swamps of North Florida, and the mangrove flats of Southern Coastal Florida, present problems in that they have not, to my knowledge, admitted any type of vehicle to penetrate them and they are too thick for ordinary triangulation. They can be spanned by towers or scaled from aerial photos, but if you want to know what is in them you must walk, crawl, and swim through with the tape tied to your belt and a stout rear chainman to pull you from the holes.

The scrub oak and palmetto can be overcome with a machete or a bulldozer. The bulldozer is gaining in popularity, but the machete, though slower, is much neater.

The mosquitoes along the coast, while not as bad as in years gone by, are still a great deterrent to good work in some areas. These

pests can greatly hamper the progress of a survey party at best, and may completely halt some types of work. The helmet, net, and spray gun are the only help.

As real as these problems are, they are not the primary object of this paper. In the following paragraphs, I would like to describe a few problems met in the re-survey of the U.S. Land Office meander lines; establishing lines of Riparian Rights, and the surveyor's relation to the Trustees of the Internal Improvement Fund.

MEANDER LINES

During the middle part of the Nineteenth Century, the U.S. Survey of the Public Lands progressed Easterly from Tallahassee to the East Coast and thence along the coast. Township and Section lines were run to the St. Johns River. The Basis Parallel was extended across the St. Johns marshes to the Ocean in 1831. Some years later, the surveys progressed Southerly along both sides of the River with an occasional connection across. The Township and Section lines were also extended to the Ocean Beach across Lagoons, Marshes, and Swamps. Further along the Coast, between Daytona Beach and Titusville, the old surveys ran into the mangrove swamps of the Halifax River. Still further South was the double-crossing of the Indian and Banana Rivers. And so the survey progresses south on the heels of the Seminole.

At points where the Section or Grant lines intersected a navigable stream, the surveyor was required to establish a meander corner.

To connect these meander corners, meander lines were run along the shore to delineate the shoreline, furnish a closed traverse, and compute areas.

These meander lines were not run as boundaries of the section, but rather as a rough location of the shore and for area calculation. It is my understanding that the Courts have ruled that in the case of open navigable water, such as a river, the actual edge of the upland is the boundary; provided, however, that the meander is reasonably close to the shore. If the meander is found to be at a considerable distance from the shore, leaving an appreciable area between the meander and the shoreline, the meander is often ruled to be the boundary. This seems, at first thought, to be paradoxical and unfair, but such a meander is considered fraudulent and giving away public lands.

From these lines connecting the Meander Corners from Section line to Section line, the Land Surveyor inherited problems. Foremost among these problems was the one of re-establishing these meanders because whereas such re-established line might be of minor importance along open waters, it becomes of paramount importance along marshes, swamps, and so-called marginal lands. The reason for this importance is that the Courts of Florida, without, to my knowledge, an exception, have ruled that the original meander is the boundary between the upland and such marginal lands.

In re-surveying these meanders, the present-day surveyor has to contend with the fact

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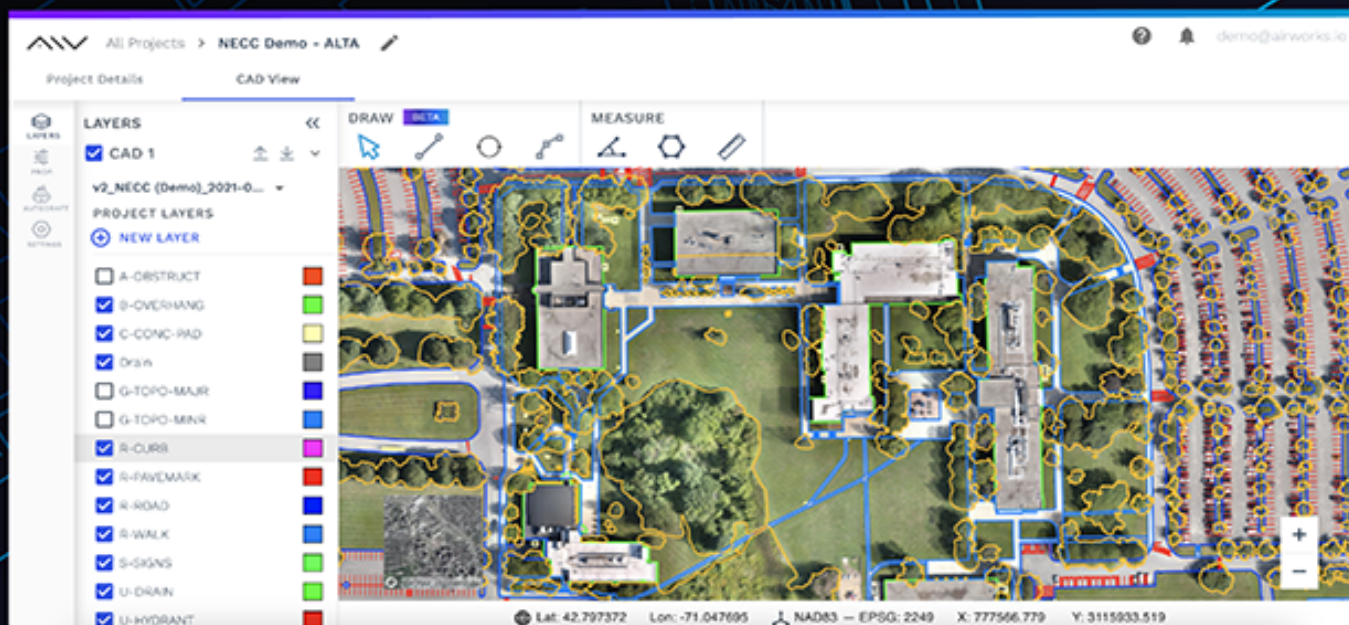
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that, at best, these meanders were very poorly run and, at worse, as is often the case, they were not run at all. The U.S. Deputies were not required to run these lines with any degree of accuracy and it is seldom that they will “close” from one meander corner to the next. If the error of closure is large, the adjustment may be difficult.

A worse situation than the above is the case where the meander will close perfectly, but the courses fail to follow anywhere near the shoreline. I have always contended that such meanders were indeed fraudulent and were never actually run, but were computed to close. In such cases, the best possible solution is to establish an “agreement” line if the parties concerned can be made to agree. It is not always possible, and seldom easy, to secure such an agreement due to the fact that there are often large discrepancies in the area or upland even though the meander reflects the correct area, and cannot be declared “fraudulent.” The ownership of small islands just offshore is often dependent upon the agreed-upon location for the meander.

The mention of off-shore islands brings up another problem peculiar to Coastal Florida, and that is the location of the boundaries of surveyed islands around which fill has been placed. The Intracoastal Waterway — Jacksonville to Miami, is full of these islands.

The U.S. Deputy Surveyors were instructed to establish auxiliary meander corners where the section lines intersected the shores of these islands, and to determine the location by triangulation. In cases where

the islands were not intersected by section lines, random lines were triangulated to the island. The islands were meandered for area determination.

It is seldom that the present-day surveyor finds these islands located exactly as called for in the field notes, and the meander seldom fits the actual shape of the island. In cases where the island has been used for dredge spoil, the problem is aggravated. The solution, as in most surveying problems, is to try to establish “equity.” That is, give the owner of the island as near the recorded area as possible as near the location as possible.

Almost without exception, the surveyor will find that the owner of the island will claim all of the “upland” outside the meander but will be reluctant to give up the bays and coves inside of the meander. The final arbiter will, of course, be the Courts.

RIPARIAN RIGHTS

A problem not entirely peculiar to Coastal Florida, but probably more frequently met there than inland, is that of the proper division of Riparian Rights among the several owners of a waterfront. These rights are usually transferred with the upland and are the traditional right of proprietorship over the water and bottom directly offshore. At times, the division of land left by the sudden or gradual shifting of shorelines is the problem. The dock line between two riparian owners on a navigable stream or lake must be decided by someone.

While the surveyor is not the final judge as to the equitable division of riparian rights,

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no one is as well qualified to suggest such a division. It is the surveyor who is most likely to be familiar with the physical conditions along the shore which govern such division.

The one basic rule for dividing riparian rights which have emerged from court decisions is that of equity. The riparian rights are to be divided as near as practicable among the upland owners in direct proportion to their shoreline frontage.

These rights belong to the owner by virtue of his ownership of the upland and are bought at quite a premium in many areas. Florida waterfront near the urban centers, which is limited in quantity, is rapidly becoming very costly.

In Florida, ownership of riparian rights does not mean absolute sovereignty over the water and the stream bed, but is subject to control by the U.S. Government where navigable waters are concerned, and subject to rights of the State by virtue of the Congressional Swamp Land Act, which gave the State over 20 million acres of land, or about two-thirds of the total area of Florida. The control of navigable waters is exercised by the U. S. Engineers Office. The disposal of the so-called "swamplands" has been handled by the Trustees of the Internal Improvement Fund since its creation in January 1855.

The problems confronting the surveyors in the division of riparian rights along Coastal Florida are usually those of fixing, describing, or establishing lines between the shoreline and the "channel," or to navigable water, or the division of marsh or

swampland between the edge of upland and the edge of the water. The property owner is assumed to have fee title to all the upland down to the water's edge. From the water's edge, he has the exclusive right to build a dock or pier, provided it does not obstruct navigation.

The upland owner should obtain a permit from the U.S. Engineer Office for structures in navigable waters. The upland owner has the right to purchase the submerged bottom from the Trustees of the Internal Improvement Fund if he desires to fill and/or bulkhead this bottomland. The upland owner, of course, has fishing and boating privileges in and over the waters in front of his upland, but so also does the general public. Establishing the bounds of these rights between adjacent owners of the upland is often a problem, and is one for the surveyor.

The direction in which a property line approaches the shore has absolutely no bearing on the direction of the line of riparian rights. This is a false assumption made by many upland owners. In rare instances, of course, where the watercourse is straight, and property lines have been established normal to such waterway, a prolongation of the property lines is the best location for lines of riparian rights.

Most of the shorelines of Coastal Florida are far from straight, and the property lines rarely approach the shore "normal to either the shore or the channel." The rule that lines of riparian rights should be "normal to the channel" is of little use, nor does it make much practical sense in coastal waters. The St. Johns River is a good case in point. The

upper portion runs like a snake through marshes and prairies. The lower portion is almost a series of connected lakes, it is that wide. The channel in the lower portion wanders from bank to bank. Certainly not a very practical or stable reference.

Keeping in mind the basic rule of equity, the surveyor should, as near as practicable, divide the riparian rights in direct proportion to the length of the “general” shoreline owned. By “general” it meant the average shore without each and every little sinuosity. I would like to quote from Clark, a rule which I have followed in several cases along the St. Johns to the satisfaction of the owners involved:

“Measure the whole shoreline of cove or bay, and measure also the line of navigable water in front of same, and apportion the latter among the owners according to the length of their respective holdings on the shoreline, drawing straight lines between the corresponding points of division on the two lines. Actual shore and not meander lines should be measured, but where there are deep indentations or sharp projections in the shore its general trend only should be followed and so also in the measurement of the navigable water line. The points between which the lines of navigable waters are to be measured should be determined by lines bisecting the angles made by the shoreline at the headlands to the line of navigable water.”

Navigable water has been defined as “that which can be navigated in fact.” In ancient times it was water of sufficient depth to support a canoe, rowboat, or a raft of logs. Most present-day navigation requires a little

more depth. The surveyor must decide what is navigable in each case. He does this by agreeing with the shoreline owners on what constitutes navigability. The jobs I have had at Jacksonville were cases where the upland owners wished to run docks out to a depth sufficient to navigate a small cabin cruiser. This often requires a dock five hundred feet or more in length.

In establishing lines of riparian rights outward from the shorelines of Florida's rivers, lagoons, lakes, bays, and caves, the surveyor doesn't have much of a problem where the shoreline is convex outward. In those places, such lines diverge outward and everyone is happy. Conversely, where the shoreline is concave outward the lines converge outward. It is here that the surveyor sometimes has a real problem making a satisfactory division. If the division is not satisfactory to all the upland owners, those not satisfied may resort to the courts for a decision. If the surveyor has used good judgment, and done equity to all concerned, he is more than likely to be sustained by the courts.

The surveyor along Coastal Florida is often called upon to establish boundaries over marshes, prairies, and swamps that lie between the meandered shoreline and open waters. This “land” between upland and open waters is the so-called “overflowed lands” over which the state has sovereign rights. This land must be purchased from the State. It is the surveyor's job not only to fix the bounds of the proposed purchase but to prepare a map, description, and application for purchase. In fixing the boundaries of the proposed purchase, the surveyor should follow practically the same

rule used in establishing lines of riparian rights. It is the policy of the State to sell this land only to the upland owner. The State requires that the map show a tie to a Section, Quarter-section, Government Lot, or meander corner since all their records are by Section, Township, and Range. This requirement is often very difficult in urban areas where the upland sections have been subdivided for many years and all nearby government corners lost and forgotten for half a century or more.

Very recently, we had a request to map and describe a portion of the St. Johns River in downtown Jacksonville. All of downtown Jacksonville was originally Spanish grants, and, of course, the Grant corners have long since disappeared. The area had been subdivided with more regard to natural than artificial boundaries. The nearest corner that could be identified at all as a Government corner was miles away. It would make little sense to attempt to prove a corner on the river downtown by running such a distance. Fortunately, there are old maps of record showing the approximate location of these Grant corners. These maps also show many points common with present-day maps of the City. Careful scaling of these old maps will give the approximate area where the old corner no doubt stood. We decided to use the location thus arrived at for a point of reference, and give an approximate bearing and distance to the point of beginning.

THE LAND SURVEYOR AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND

Mention has been made in earlier paragraphs of the necessity of surveying

and describing State-owned lands. It is considered proper, therefore, to say something about the agency of the State that controls the use and disposal of this land. The act creating Florida's permanent internal improvement agency was signed into law by Governor James E. Broome on January 6th, 1855.

The purpose of the law was to encourage a liberal system of internal improvements. The first assets of the fund consisted of some 500,000 acres of internal improvement land that came to the State from the National Government in 1845, and all the swamp and overflowed land that had been, or would be, patented to the State.

The Governor, Comptroller, Treasurer, Attorney General, and the Register of State Lands (now Secretary of Agriculture) were named the Trustees of the fund. The early activity of the fund had to do almost entirely with the encouragement of railroad construction in the state. This encouragement came by way of an outright grant of a 200-foot right of way, 3,840 acres of land per mile of road, and about \$10,000.00 per mile in guaranteed bonds.

It is the disposal of the State lands by the Trustees of the Fund that concerns the land surveyor. Private upland owners are applying for the purchase of the "swampland" adjacent to the upland. As stated before, to the surveyor will come the job of establishing proper boundaries, maps, and descriptions of this land.

The surveyor should deal with the Fund through the Secretary of the Fund who is himself a registered land surveyor as well as

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an engineer. From the Secretary will come helpful instructions as to the proper procedure for the survey of un-surveyed sections, the preparations of maps and descriptions, and the general requirements in making out the application for purchase.

The writer wishes to acknowledge help from the following sources:

John Goggin_ _ _ _ _ “Code of Ethics”

Clark_ _ _ _ _ “Surveying and Boundaries”

John M. DeGrove_ _ _ “The Administration of Internal Improvement Problems in Florida”

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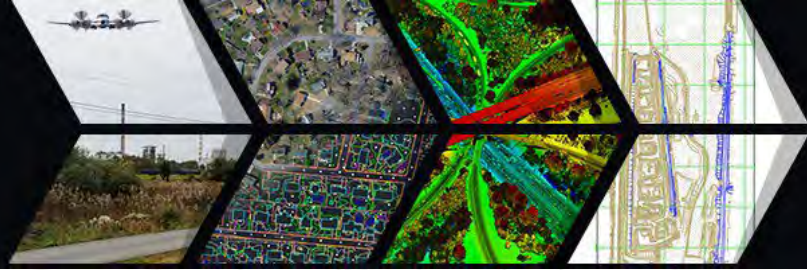
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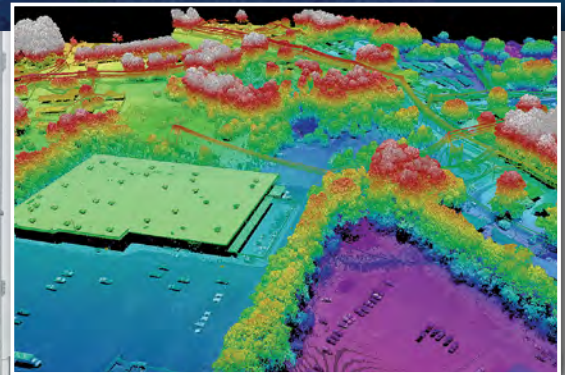
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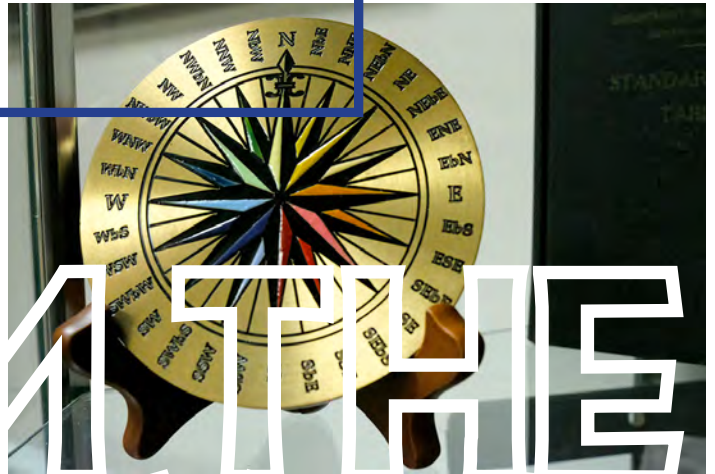
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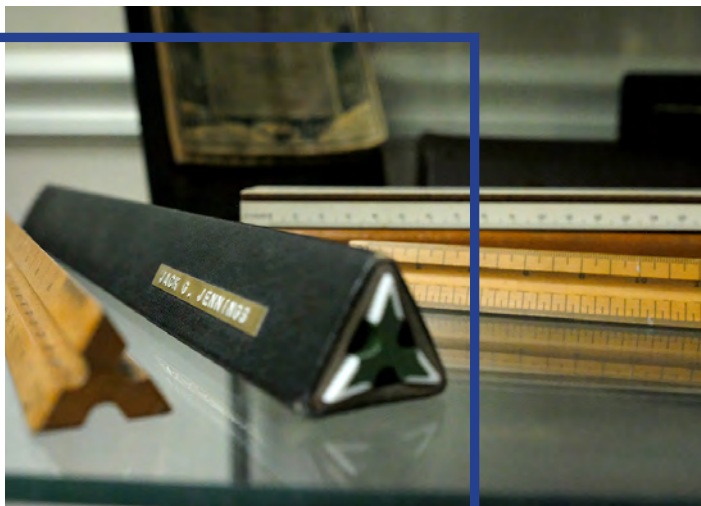


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FROM THE ARCHIVES



The Land Surveyor and the Attorney

By MANDELL GLICKSBERG

PROFESSOR OF LAW, UNIVERSITY OF FLORIDA



IN the relatively short time that I have been acquainted with the activities of The Florida Society of Professional Surveyors, I have been impressed with the efforts being made to upgrade and improve the standards of the land surveying profession in the state. These efforts are bearing fruit, and great strides have been made in the past ten years.

Land surveyors are members of an old and honorable profession, and can well be proud of a long and rich tradition. The profession currently appears to be undergoing what might be described as a renaissance. Land surveying originated principally as a science, being concerned primarily with mathematics. It then underwent a change, and the demands of the profession called upon land surveyors to expand their work beyond the utilization of purely scientific skills. Many of the great names out of the past are well-known for the contributions they made as land surveyors to the settling of this country. The next phase in this overly brief sketch is related to the growth of the

field of engineering, which rapidly assumed preeminence. Land surveying as such, was relegated to a secondary role, looked upon by many people as merely a technical skill, not worthy of the dignity accorded the so-called professions.

Today, however, and for quite a few years now, there appears to be an increased awareness of and emphasis on the role of the land surveyor as it is and truly ought to be—someone who is not merely a technician with a tape measure, but a professional person trained in mathematics, engineering, and to some extent, law, and called upon to make decisions based upon the exercise of professional judgment.

Clearly the land surveyor is concerned with both engineering and law. But the law schools in general neglect many of the legal principles that are of importance in the work of the land surveyor, and most of the formal education offered to land surveyors in the engineering schools reflect an absence of training in these areas of the law. The plain fact is that neither

the land surveyors nor the lawyers know enough about the work of the other. Accordingly, the theme of this discussion is that the two related professions of land surveying and law ought to know more about each other, and ought to work more closely together and communicate better on a professional level.

I am not talking about the admittedly good working relationship between the local land surveyor and the local attorney on a day-to-day basis. They get along pretty well for any number of reasons not the least of which is the economic necessity of the situation. What I have reference to is the relationship between the professions, as such; the interchange of ideas and information that will be of aid to the members of both callings and their clients. Undoubtedly, there is a good deal of misunderstanding on the part of both land surveyors and attorneys as to what the members of the other profession can and should properly be doing.

There are several distinct areas in which the lawyer and the surveyor work together. The most obvious, of course, is in the preparation of surveys in real estate transactions. In addition, the land surveyor acts as a source of information about local land, and can provide much useful knowledge not obtainable elsewhere that can be used by an attorney in many varied

situations. Also, the surveyor based on his experience and knowledge of local land, can provide invaluable aid in interpreting land descriptions. And in litigation involving land disputes, surveyors are frequently called upon as expert witnesses.

In all of these areas, the more insight land surveyors and attorneys have into the problems confronting each other in the performance of their professional tasks, the better able they are to understand and communicate with each other. As one lawyer recently remarked to me: "The lawyers think the land surveyors don't understand what lawyers are supposed to do, and the surveyors think the lawyers don't understand what the surveyors are supposed to do." Many lawyers think of land surveyors merely as measurers. They fail to comprehend why two competent surveyors will sometimes disagree in the results of a survey. They believe that any skilled technician ought to be able to measure the length of a line, and they do not recognize the many instances in which the measuring process is dependent upon problems requiring evaluation and judgment upon which competent surveyors may differ.

A rather pertinent observation was made by Mr. Curtis M. Brown, serving as a member of a panel discussion on "The Challenging Future of the Land Surveyor" at the 24th Annual

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THE LAND SURVEYOR AND THE ATTORNEY

Meeting of the American Congress on Surveying and Mapping:

“In the location of land boundaries, the surveyor also locates the boundaries of adjoining. He is in a quasi-judicial position, in that he is obligated to consider the rights of others, even though they do not pay him a fee.”

Most people, and lawyers are no exception, do not realize the full nature of the responsibilities involved in the duties of a surveyor. They just do not stop and think about the true role of the land surveyor.

Nevertheless, much progress is being made. Mr. Brown and Professor Winfield H. Eldridge at the University of Illinois are leaders in providing materials that emphasize the legal aspects of land surveying. Mr. Brown's book, *Boundary Control & Legal Principles* (1957), and the more recent book, *Evidence & Procedures for Boundary Location* (1962) by Mr. Brown and Professor Eldridge, are the leading texts in this area. And the excellent periodical *Surveying and Mapping* contains a wealth of material.

It occurred to me that a group of land surveyors might be interested in learning what lawyers throughout the state believe to be problem areas in their relations with surveyors. I therefore contacted a number of

attorneys who do extensive work in the field of real property law. By and large as might be expected, the response indicated that the problems were minimal, and that the relationship between the lawyers and surveyors was a very good one. Where problems did exist, the lawyers were as critical of their own shortcomings as they were of those of the surveyors.

The following quotes from letters written by some of these attorneys may be of interest. Each numbered quote is from a different attorney, and they represent merely a sample of those I received:

1. “I might say that in my experience the average lawyer, like myself, does not leave law school with any sufficient equipment to know when he has a good survey and the best or proper way in which property should be described.”
2. “As for my own experience in the field, I have found that lawyers are prone to attempt to prepare legal descriptions without the proper knowledge of the facts. I have found that lawyers generally are not familiar with the most simple rules of surveying and by and large should not try to describe land, excepting by reference to

Plat Book and page, or existing descriptions. I would think that the use of surveyors at legal institutes to explain the uses and purpose of legal descriptions might be of advantage to the Bar.”

3. “Surveyors are sometimes critical of attorneys (and probably rightly so) for drafting legal descriptions without consulting with surveyors. This provides later difficulty in locating lands according to the descriptions, particularly where they are prepared by inexperienced attorneys who aren't familiar with the general principles of surveying. An example of this that I have heard surveyors refer to is the description of a tract as the “East 40 acres” of a larger tract whose East and West boundaries do not run North and South. Another example is the preparation of descriptions upon the assumption of a section having exactly 640 acres, and perfect dimension of one mile square. As you know, very few sections are exactly one mile square. To meet these objections, I think it would be desirable for the Bar to continually emphasize the importance of using the assistance of surveyors in the preparation of most legal descriptions.”

4. “One practical problem which I have had in the past might be worthy of mention in the way of the following illustration:

A tract of land comes down through a chain involving a metes and bounds description originating at the northeast corner of the NW-¼ of the SE-¼ (or some other similar point). The land is then fenced in and located on the ground perhaps without the benefit of a survey. Thereafter, the landowner employs a surveyor and simply requests him to survey the tract of land which he points out on the ground. The surveyor, because of previous experience in the area, or because of some distinguishing markings, or other practical reasons, commences his survey with the point of beginning at the northwest corner of NW-¼ of the SE-¼. Thereafter, contracts are made upon the basis of the survey and the title examiner has the problem of ascertaining if it is the same tract of land.

“Generally assuming that the 40-acre tract were regular in all directions, the problem is not so great, but certainly it would simplify the matter if the descriptions used by the surveyor were also the descriptions used in the chain of title.

“I therefore suggest that surveyors

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concern themselves more with the chain of title, and that they in all instances where it is feasible and practical first contact the landowner's attorney to ascertain the descriptions used in the chain of title before a survey is made. This is not an extremely important or vexing problem, but I do believe that it would be helpful if generally the description used by the surveyor was cleared with the attorney."

5. "... I have personally found this profession to be the most cooperative group of men that I have had occasion to work with in my practice of the law. I have had occasion to do business with some engineers who were not as capable as others, however, in the main, I have found most of the surveyors doing business in the more populated areas to be most efficient.

"The few problems which I have encountered in dealing with a surveyor are primarily as a result of the failure of the party ordering the survey to adequately explain to the engineer the services needed. Most people will merely order a survey from an engineer and let it go at that.

"One possible cause for concern may be the time taken to obtain

a survey, however, establishing corners in rural areas can be both time consuming and dangerous, consequently, the placement of orders for surveys in remote regions should allow ample time for the work to be done.

"It may be of some benefit to the legal profession to know a little bit more about the services provided by the surveying profession. I also have some information to the effect that some of the surveyors doing business in the sparsely populated areas of the state could improve their service through better study and use of new scientific methods, publications and educational facilities, however, my information in this regard is most sketchy.

"... I feel that attorneys not well versed in the real property field (and even many of these) should utilize the surveying profession more in the development of the legal descriptions, particularly those involving metes and bounds. I have found the surveyors to be of great help to me in this area.

"I personally feel that the cooperative efforts of the members of the two professions have met with considerable success where some member or members of the Bar or the

surveying profession did take hold of the problem and attempt to do something with it. It is my opinion that there is no real lack of cooperation between the two professions but there is, on the other hand, a decided absence of initiative or effort to bring the two together.”

Also, one lawyer mentioned that attempts should be made to decrease the possibility of errors in legal descriptions. He suggested that consideration should be given to eliminating the use of symbols for such words as feet, minutes, seconds, degrees, etc. He recognized that this would increase the length of such descriptions, but felt that this was outweighed by the decrease in the possibility of mistakes due to typographical and proof-reading errors attributable to the use of these symbols.

It is not only the attorneys, of course, who are concerned with improving the preparation of legal descriptions. This is well illustrated by the following excerpt from a letter written by a land surveyor:

“Another significant area, where cooperation seems desirable is that having to do with the preparation and interpretation of descriptions. ... Land surveyors are not equally capable in this

matter. The preparation of an adequate description is an art in itself, and while, generally speaking, land surveyors are more likely to be well advised on this subject than other professionals, their abilities vary considerably. I would use extreme caution in making a selection of someone to write a legal description of real property, even though many descriptions would appear to be merely a routine matter. ... Too many writers of descriptions assume that every reader will have the same understanding of the intent that they have.”

Finally, in this attempt to set forth some of the thoughts and attitudes of practitioners. I would like to quote a comment from a title attorney for a leading title insuring organization:

“We find that too often the surveyor describes the property as he finds it on the land rather than locating the land according to the description in the deeds in the chain of title. It is my opinion that the surveyor should obtain the description from the lawyer and then should proceed to locate that description on the land. If he finds any encroachments, discrepancies, shortages, overage, etc. these would then appear on the

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sketch of the survey. We are experiencing considerable difficulty in such instances where surveyors have given the description in accordance with what they find on the property rather than locating the property according to the description and showing any discrepancies.”

These, then, are some of the comments that I received. They indicate, I believe, that a good relationship exists between the two professions, and that the troublesome areas that do exist can undoubtedly be remedied by a little effort and better lines of communication.

One step in the direction of improving the services rendered by land surveyors was taken in 1962 with the publication of a booklet entitled “Minimum Requirements for Land Surveys Made For Title Purposes in The State of Florida.” This pamphlet was developed and adopted by The Florida Society of Professional Land Surveyors and The Florida Land Title Association, and approved by the Mortgage Bankers Association of Florida. It is interesting to note that The Florida Bar is not included among the organizations adopting or approving the booklet.

This is a very useful and informative publication and should be on the desk of every lawyer and surveyor

concerned with the location and description of real property. Unfortunately, however, the majority of real property lawyers to whom I have mentioned the pamphlet were either unaware of its existence or remembered having seen a copy at one time but could not locate it at the moment. On the other hand, one attorney on his own initiative, specifically referred to the pamphlet and stated that in his opinion many problems would be overcome if more surveyors would follow all the minimum requirements set forth. He has an extensive real property practice with a large law firm in a metropolitan area and he stated that he could not recall ever having seen a local survey bearing the certificate of compliance set forth in paragraph 1 of the pamphlet.

Undoubtedly, many surveys that do not bear such a certificate nevertheless fully comply with the minimum requirements. Many, possibly even most surveyors as a matter of course prepare their work in accordance with the standards. But their importance cannot be over-emphasized, and they should continually be brought to the attention of all persons engaged in this type of work.

Possibly many surveyors, and perhaps even some attorneys, do not fully appreciate the significance

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of a complete and comprehensive inspection of the property. In many instances lawyers rely on the surveyor for their information about the physical characteristics of the land, and for any evidence of encroachments, easements, parties in possession, and the like. Factors of this type have great significance in the law from the standpoint of notice; that is, the law will imply notice of the rights of others stemming from knowledge that one has gained or should have gained from a complete inspection of the property, whether or not such an inspection was in fact made. The surveyor is probably the best qualified person to conduct such an inspection, and the attorney who relies on the surveyor is dependent upon him for a detailed, comprehensive, and accurate report.

The existence of errors in surveys and legal descriptions prepared by surveyors appears to be a common complaint of lawyers. Of course, the highly detailed nature of the work lends itself to the possibility of errors, but the very nature of the work itself demands the utmost precision and skill on the part of the surveyor.

The lawyer in many instances is not inclined to be overtly tolerant of errors of this nature because in most instances in which both a lawyer and a surveyor are involved, the surveyor has

little if any contact with the client. The lawyer frequently orders the survey, and the client looks to his attorney to handle the transaction. If something goes wrong, it is generally the attorney who has to deal with the parties to the transaction, and they are inclined to hold him responsible, regardless of where the blame actually may lie. This is equally true, for example, in instances in which surveyors cannot agree among themselves on the location of boundary lines. The property owners, or prospective purchasers, if they are working through an attorney, look to him, and the lawyer can easily find himself in the middle of a situation over which he has little control but for which he is being held responsible.

One further area is perhaps worth noting, and that concerns the legal principles applicable in the preparation of resurveys. One highly respected property lawyer stated that many of the criticisms of surveyors by attorneys are attributable to a lack of understanding of these principles by surveyors. He cited the leading Florida case of *Akin v. Godwin*, 49 So. 2d 604 (1950), and stated that its principles are not understood and properly applied by surveyors. Undoubtedly, the same can be said about many attorneys.

In a resurvey, as such, the question is not where an entirely accurate survey

would locate the lines, but where the original survey did in fact locate them. This rule has been applied by the Florida courts to private as well as government surveys, without any real attempt at defining what is meant by an original survey. In addition, on occasion judicial pronouncements in Florida have stressed the question of reliance on the prior survey without clearly defining the role that such reliance plays in the matter of resurveys.

The case of *Bishop v. Johnson*, decided in 1958, rather nicely illustrates the fact that these resurvey principles, even if understood, are not always easy to apply. Although the opinion of the court does not show this, the briefs and other documents filed by the defendant show that both the court and the defendant were in agreement on the law applicable to resurveys and both referred to the case of *Akin v. Godwin*. The defendant cited the case in support of his position while the court cited the case in support of its holding for the plaintiff. No wonder, therefore, that surveyors are sometimes confused on how to apply even those rules that are well-established. This sort of thing is familiar to most lawyers because the application of seemingly certain rules to varying factual situations is what comprises a large part of the practice of law. But it can be unsettling

to one who is used to dealing with set rules that produce set results much of the time, which I suspect is generally true of a large part of the work of a surveyor. In making a resurvey, however, as well as in certain other aspects of his work, the surveyor must deal with legal principles that cannot be applied with mathematical precision.

There is no doubt that the surveyor and the attorney must work closely together. The services of a surveyor should be utilized in most real estate transactions. When buying a piece of realty, the purchaser is not only concerned with obtaining a good title, but he wants to be assured that the land he buys is properly described and is located where he thinks it is. There is, in fact, a need to educate the public on the necessity and desirability of surveys. The average deposit receipt or form sales contract in use in most parts of the state usually makes no reference to a survey. This could and probably should be remedied to call to the attention of the parties the fact that a survey might be desirable, even if it is not imposed as a requirement.

At least three occurrences have taken place recently (1965) that point to an increased spirit of cooperation and communication between the legal and land surveying professions

in the state. The Continuing Legal Education Program of The Florida Bar has recently published a Florida Real Property Practice Manual dealing with various aspects of the practice of law relating to real property. It contains a comprehensive coverage of such topics as descriptions, plats, boundaries, etc., plus comments on the need for the services of land surveyors and a discussion of the minimum requirements for land surveys previously mentioned in this paper. It is to my knowledge, the first publication designed specifically for members of The Florida Bar that goes into detail on so many aspects of land surveying.

The second instance to which I have reference occurred at the University of Florida College of Law, when we devoted our Advanced Property Course to problems of land location and description. Fifteen senior law students were enrolled, and the reaction to the course was most favorable. Three distinguished land surveyors in the state appeared before the group to participate in an informal discussion along with a practicing attorney. In addition, they and other leaders in the land surveying and legal professions aided and consulted with many of the students during the course. I am grateful to all who devoted their time and effort to share their knowledge

and experience with the students, and I hope that in some measure the course served to improve the understanding between the two fields.

The last occurrence is still (1965) in the formative stages. The various committees of The Florida Bar are now being organized for the coming year, and for the first time in several years a subcommittee is being activated for the purpose of providing a means of cooperation and communication with the land surveyors of the state. The subcommittee is not yet organized, but a chairman was appointed, and the prospects look promising.

Possibly the Florida Society of Professional Land Surveyors may see fit to establish a similar committee and the two committees might provide a liaison between the professions that could result in improvements in their mutual endeavors. It is hoped that the spirit of cooperation will continue to grow, and that the result will be improved professional services to the public. ■

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1956

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John P. Goggin
R.H. Jones

1960

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Russell H. DeGrove
Perry C. McGriff
Carl E. Johnson
James A. Thigpenn, III
Harold A. Schuler, Jr.
Shields E. Clark
Maurice E. Berry II
William C. Hart
Frank R. Schilling, Jr.

1970

William V. Keith
James M. King
Broward P. Davis
E.R. (Ed) Brownell
E.W. (Gene) Stoner
Lewis H. Kent
Robert S. Harris
Paul T. O'Hargan
William G. Wallace, Jr.
Robert W. Wigglesworth

1980

Ben P. Blackburn
William B. Thompson, II
John R. Gargis
Robert A. Bannerman
H. Bruce Durden
Buell H. Harper
Jan L. Skipper
Steven M. Woods
Stephen G. Vrabel
W. Lamar Evers

1990

Joseph S. Boggs
Robert L. Graham
Nicholas D. Miller
Loren E. Mercer
Kent Green
Robert D. Cross
Thomas L. Conner
Gordon R. Niles, Jr.
Dennis E. Blankenship
W. Lanier Mathews, II
Jack Breed

2000

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Pablo Ferrari
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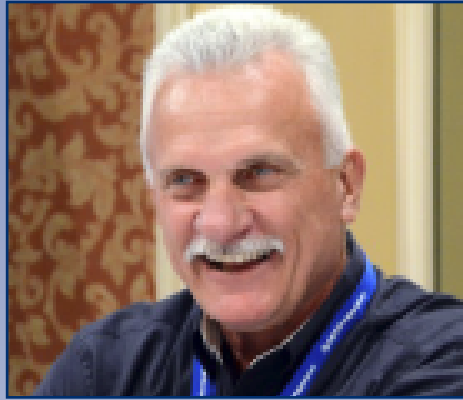
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