

## SELECTING A SURVEYOR AND MAPPER

Only a Professional Surveyor and Mapper (PSM) licensed by the Department of Agriculture and Consumer Services is legally permitted to offer and provide surveying and mapping services in the State of Florida.

When choosing a PSM you should consider the following information to help you choose the best candidate for the job.

Florida Surveying and Mapping Society (FSMS) members are among the most qualified, informed, dependable and dedicated Surveyors and Mappers available. A listing of members in your area can be obtained by calling the FSMS office at (800) 237-4384.

Make sure the PSM has the insurance to cover any requirements for the job.

Remember that cost is not the best way to pick a PSM. Qualifications, local knowledge, and experience should play a prominent role. The most qualified PSM may not be the least expensive.

Inquire whether the PSM has worked in the area or has other historical information that may help the PSM provide the service more efficiently and effectively.

Make sure the PSM uses qualified employees. Most crew chiefs should have several years of experience. CAD technicians should be employees, not contract laborers.

## ARE SURVEYORS AND MAPPERS ALLOWED TO TRESPASS?

Section 472.029 of the Florida Statutes allows the Professional Surveyor and Mapper and his/her employees the right to trespass when necessary for a Surveyor and Mapper to perform his/her duties. This does not give the Surveyor and Mapper the right to destroy or damage properties that he/she may enter. A Surveyor and Mapper will usually try to contact land owners but this is not always possible or expedient. Written notice to the landowner is required for some agricultural lands.

472.029 Authorization to enter lands of third parties; conditions.

(1) IN GENERAL.--Surveyors and Mappers or their subordinates may go on, over, and upon the lands of others when necessary to make surveys and maps or locate or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right granted by this subsection does not constitute trespass, and surveyors and mappers and their duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry; however, this subsection does not give authority to registrants, subordinates, agents, or employees to destroy, injure, damage, or move any physical improvements on lands of another without the written permission of the landowner.

(2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.--(a) Any person regulated by this chapter who enters agricultural land shall do so in compliance with all federal, state, and local laws, rules, and regulations pertaining to premises security, agricultural protections, and other health and safety requirements in place on such land. (b) A landowner is not liable to any third party for civil or criminal acts or damages that result from the negligent or intentional conduct of any person regulated by this chapter on agricultural land. (c) If written notice is not delivered to the landowner or landowner's registered agent at least 3 business days prior to entry on an agricultural parcel containing more than 160 acres, the duty of care owed by the landowner to those regulated by this chapter is that due an undiscovered trespasser. (d) The subsection applies only to land classified as agricultural pursuant to s. 193.461.

# Informational Guide for the General Public

## Land Surveying in the State of Florida



## WHEN DO YOU NEED A SURVEYOR AND MAPPER?

People occasionally need the services of a Professional Surveyor and Mapper (PSM) although many only require this service once or twice in their lifetimes. This is usually in connection with the acquisition of real estate, the purchase of a home or preparation of a FEMA Flood Certificate for flood insurance. PSM 's also perform many functions for the development, engineering and construction industries, including topographic surveys, land divisions, road and utility construction layout, quantity surveys, hydrographic and geodetic surveys, photogrammetric mapping, geographic information system development, and other types of surveying and mapping services.

## INSURANCE REQUIREMENTS

Surveying and mapping companies are required to carry worker's compensation insurance. Professional liability insurance is not required but a PSM is required to be personally responsible for any damages caused by his/her survey. Other insurance may be required for vehicles, planes or boats. It is advisable to get written proof of insurance before work commences. Be sure to take notice of the amount of insurance and deductible.

## OWNER SURVEY AFFIDAVITS

Owner Survey Affidavits are used to reduce closing costs by using an older, outdated survey. The owner signs an affidavit declaring that there have been no changes since the last survey and thus avoids the cost of a new survey. **IMPROPER USE OF OLDER OUTDATED SURVEYS MAY BE A VIOLATION OF COPYRIGHT LAWS!**

## SHOULD AN OWNER SIGN A SURVEY AFFIDAVIT?

An owner should not sign an Owner Survey Affidavit. By signing an incorrect Owner Survey Affidavit **the owner increases his/her liability which may result in costly litigation** and, if knowingly signing a false affidavit, **possible criminal prosecution**. An incorrect Owner Survey Affidavit could be the result of a defective survey or changes made to the property since the date of the last survey. These changes could be improvements made by the owner, adjacent owners or utility companies. In most transactions the buyer is responsible for the survey costs and by signing an Owner Survey Affidavit the owner unnecessarily **increases his/her liability without compensation**. Please note that an owner may need to sign other affidavits that are not survey related. These should not be confused with Owner Survey Affidavits.

## SHOULD A BUYER ACCEPT A SURVEY AFFIDAVIT?

A buyer should never accept an Owner Survey Affidavit. Because the survey was not certified to the buyer, the buyer does not have a contractual relationship with the surveyor. Therefore, If there are problems with the survey, the only legal recourse for the buyer would be to initiate litigation with the previous owner. **The seller (owner) has a conflict of interest** in the transaction since the disclosure of a title or boundary defect **may lower the sale price**. The buyer loses the protections and peace of mind afforded by a new survey that would depict these defects. When the owner is responsible for the cost of a new survey, an Owner Survey Affidavit may **increase the likelihood of fraud or deceit**.

## SURVEY COSTS

Most PSM 's have predetermined costs for certain types of surveys and may adjust the fee to account for factors like terrain, foliage and amount of improvements. Boundary surveys typically require general knowledge of the area, an investigation of previous work in the area, and establishment of dependable control points. Even though a parcel is small, the survey may require an extensive amount of work to determine the correct boundaries. Regardless of the size of the parcel the client and PSM should come to an agreement on the fee before work commences.