

# Indian River Chapter of the Florida Surveying and Mapping Society

## Third Quarter Report

The February meeting was held in Okeechobee City to honor Mr. John Wilson as he leaves for Gainesville. The Chapter approved starting a web page.

A work day was held to survey the historic cemetery at the intersection of Kanner highway and Monterey in Stuart. Mr. Pat Meeds donated crew time to finish the work.

Mr. Jack Breed spoke at the April meeting concerning:

FSMS Legal Committee history and objectives

Consultants Competitive Negotiation Act (CCNA), the largest issue and time consuming topic for the Committee with eleven complaints since the state conference last September. Mr. Breed wanted to educate the membership that CCNA only affects state and local agency contracts asking for bids involving surveying & mapping (or other professional design) services valued or expected to cost over \$25,000, and does not apply to federal or Indian tribe contracts. The federal government is restricted by the Brooks Act and Indian tribes (discussed in particular was a Seminole Tribe of Florida contract) are sovereign nations that do not have to abide by state laws. He went on to say that an estimated 90% of CCNA complaints are solved by communicating with the complainant (typically the surveyor), 9% solved by communication with the issuing agency, and the remaining 1% are passed on to FSMS' attorney Claire Duchemin for further investigation. Some agencies/local governments have been consistently hostile to the Act and continually try to test it.

Unlicensed Practice – Washout surveys, mortgage companies offering extremely cheap surveys, Aerials Express offering unlicensed products, all of these are a continuing menace to the profession. One municipality was able to be stopped from purchasing Aerial Express' products due to the fact that tax money can not be used to purchase unlicensed products.

Subcontracting field crews and other subordinates (office staff, drafting) is prohibited under Chapter 472. Members continually are ignorant to this law, so for more information check Chapter 472. Questions about some photogrammetric companies contracting pilots or owners of cameras to fly projects was raised. The processing of the data is still under the surveyor's supervision, but the costs of running a plane can be prohibitive.

Engineering Surveys were discussed as the term appears in the engineer's laws in Chapter 471 but has no definition. Certain forms such as elevation certificates allow a surveyor or engineer to fill them out and state "if allowed by law". Does Chapter 471 allow an engineer to fill out an elevation certificate?

Platting – some municipalities starting to require finished floor elevations, flood zone delineations, building plans, topographic information, etc. on plats. Should this be restricted? Isn't the intent of a plat to be a subdivision of boundary and title, not be a survey? Another issue is that an individual firm was interpreting Chapter 177.031(15) "PRM" to mean "encasement in concrete" as an optional requirement for corner monumentation, therefore only setting 5/8" rebar & caps and calling them "PRM"'s.

A member's question about whether it is legal for an unregistered surveyor to have a registered surveyor sign on as a principle of the firm, while the registered surveyor is in charge of another firm. There was discussion about what would happen if the firms were both involved in a boundary dispute against each other, etc.

House Bill 479 – trespassing and fences. This issue has three more days (by May 2<sup>nd</sup>) to be heard in the current session.

Hometown Democracy – it is believed this will pass in 2010 unless there is secondary action to limit referendum requirements, etc. The title of the amendment is too appealing to the average uneducated citizen. What is the next step if/when it does?

Machine Control – ACSM is working on national standards for control, base requirements, DTM parameters, etc. to try and get a surveyor in charge of providing and maintaining the DTM and control. Mr. Breed suggested contacting developers and getting surveyors' feet in the door now on Machine Control by offering these services in your areas.

City of Perry – the recent proposal to require the removal of utility paint on sidewalks, etc. after a design survey went nowhere. Mr. Steve Hyde and Mr. Pat Meeds are running for the Directors position.

Sincerely

Howard Ehmke, President Indian River Florida Chapter