

Indian River Chapter of the Florida Surveying and Mapping Society

Fourth Quarter Report

The May meeting was held in Stuart where Ms. Claire Duchemin PA spoke on the following topic:

- It might be good to also explain the Surveyor's statute of limitations.
"The future of surveying technology and what portions or practices our society will be letting go and what we want to protect, i.e. GPS equipment on earthmovers, trains, vehicles, also scanners for 3D mapping that do not involve boundaries or published elevations, etc.."
- With the advent of most governmental agencies requiring electronic files for their surveying projects; is that agency obligated to furnish copies of these electronic files to anyone requesting them? And if so, how does the originator of that file protect himself from modifications made by the second party who utilizes them for his project? I am presuming this file is a matter of public property."
and
- How long does a Surveyor remain liable for a mistake discovered? Is there a statute of limitation as there is in other instances?
And It might be good to also explain the Surveyor's statute of limitations.
What legal restrictions are there for an engineering firm performing surveying services, which does not have a licensed surveyor on staff?
- Right now, surveying is hurting and the clients have you over a barrel. In other words, if you want to eat and have a roof over your head, then the client expects you to make some concessions when they lose money on a job. Is there a way to make the law read more to the advantage of the surveyor? In other words, make it so the clients cannot pull work away from the surveyor just because the surveyor expects to be paid for work that fell through on the clients end.
1. An example of prohibited activity under this part is a practice known as the "washout" survey, wherein a licensee agrees to accept payment for a surveying and mapping service only upon the contingency of a future event other than the completion of the survey and map.
- We, (Surveyors) have been requested several times to prepare the actual Easement Documents which will be signed by the Parties to the Easement, then recorded. We have historically prepared the documents (Legal Description and Drawing Exhibit) which make up a part of the Document. I have a tremendous problem preparing the other parts to the Easement Doc. (preamble, signatory page, etc, etc.) simply because I'm not an Attorney and really don't understand all the ramifications that could be associated with these documents.
Other than simply saying, "Please have your Attorney prepare these documents" is there anything I can, or should do? I want to insure we are taking care of the client, on the other hand, I don't want the company put in jeopardy because of a mistake I may make in the document preparation.

Other issues:

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.

There is a seminar in September concerning the new NGS program for vertical control.

Sincerely

Howard Ehmke, President Indian River Florida Chapter