

STORAGE NAME: h3223.rpp
DATE: February 15, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
REAL PROPERTY & PROBATE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3223

RELATING TO: Land Platting

SPONSOR(S): Representative Dockery

COMPANION BILL(S): Identical SB 406, Compare 2ND ENG/HB 2011

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) REAL PROPERTY & PROBATE
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 3223 revises existing definitions and adds new definitions in ch. 177, F.S., relating to land boundary regulation and platting of subdivided lands. The bill requires the platting of lands by "professional surveyors and mappers". The bill sets minimum standards for platting throughout the state. Different types of monuments are identified and minimum size requirements for the monuments are specified in law. All lot corners of the plat must be monumented prior to the recording or prior to release of the improvement bond in cases where the plat is recorded and the planned improvements are bonded.

The bill requires that all plats be reviewed for conformity to ch. 177, F.S., by a professional surveyor and mapper either employed by or under contract with the local governing body. Evidence of the review must be placed on the plat. The cost of the review will be born by the legal entity offering the plat for recordation.

This bill should not have a fiscal impact on state or local governments.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 472, Florida Statutes, provides for regulation of surveyors and mappers. Chapter 177, Florida Statutes, provides minimum requirements for the platting of lands, and provides for powers of local governing bodies to regulate and control the platting of lands.

Regulation of Surveyors and Mappers

Chapter 472, Florida Statutes, provides that improper surveying and mapping of land, water, and space presents a significant threat to the public and therefore deems it necessary to regulate surveyors and mappers. A "surveyor and mapper" is defined to include the term "professional surveyor and mapper" and means a person who is registered to engage in the practice of surveying and mapping under ss. 472.001 through 472.041, Florida Statutes. For purposes of this statute, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

Section 472.007, Florida Statutes, creates within the Department of Business & Professional Regulation the Board of Professional Surveyors and Mappers.

Section 472.011, Florida Statutes, establishes the fees for: application and examination; certificate of authorization; renewal; temporary registration; licensure by endorsement; application for inactive status or for reactivation of an inactive license; and, applications from providers of continuing education.

Sections 472.013 and 472.015, Florida Statutes, provide the prerequisites for a person desiring to be licensed as a surveyor and mapper, provide for examinations, and provide for licensure.

Section 472.021, Florida Statutes, provides for a certificate of authorization for partnerships and corporations. However, this section does not allow a corporation to hold a certificate of registration to practice surveying and mapping. For purposes of this section, a certificate of authorization is required for a corporation, partnership, association, or person practicing under a fictitious name, offering surveying and mapping services to the public. However, when an individual is practicing surveying and mapping in his or her own given name, he or she is not required to register under this section.

Land Platting

1. Legal status of recorded plats, section 177.021, Florida Statutes

This section provides that the recording of any plats made in compliance with the provisions of this chapter shall serve to establish the identity of all lands shown on and being a part of the plats, and lands may be conveyed by reference to such plats.

2. Definitions, section 177.031, Florida Statutes

(6) "Developer" is defined to mean the person or legal entity that applies for approval of a plat of a subdivision pursuant to this chapter. "Legal entity" is not defined.

(9) "Improvements" may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), or any other improvement required by a governing body.

(10) "surveyor and mapper" is defined to mean a surveyor and mapper registered under chapter 472 who is in good standing with the Board of Professional Surveyors and Mappers.

(13) "P.C.P." is defined to mean permanent control points which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a 4 inch by 4 inch concrete monument a minimum of 24 inches long with the point of reference marked thereon. A "P.C.P." must show the registration number of the surveyor and mapper. If the surveyor and mapper is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and surveyor and mapper has been terminated, any registered surveyor and mapper may place permanent control points within the time allotted in this chapter.

(14) "Plat" is defined to mean a map or delineated representation of the subdivision of lands. This is a complete exact representation of the subdivision and other information in compliance with the requirement chapter 177, Florida Statutes, and of any local ordinances. The plat may include the terms "replat," "amended plat," or "revised plat."

(15) "P.R.M." is defined to mean a permanent reference monument which consists of a metal rod a minimum of 24 inches long or a 1 ½ inch minimum diameter metal pipe a minimum of 20 inches long, either of which must be encased in a solid block of concrete or set in natural bedrock, a minimum of 6 inches in diameter, and extending a minimum of 18 inches below the top of the monument, or a concrete monument 4 by 4 inches, a minimum of 24 inches long, with the point of reference marked thereon. A metal cap marker with the point of reference and the registration number of the surveyor and mapper, and the letters "PRM" must be placed on the top of the monument.

(18) "Subdivision" is defined to mean the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes new streets, alleys, additions, and resubdivisions; and, when appropriate to the context relates to the process of subdividing or to the lands or area subdivided.

(19) "State plane coordinates" is defined to mean criteria established by the National Ocean Survey and the Florida Coordinate System.

2. Title Certification, section 177.041, Florida Statutes

This section provides that every plat of a subdivision submitted to the approving agency of the local governing body must be accompanied by a title opinion of an attorney or a certification by an abstractor or a title company showing that record title to the land is in the name of the individual(s) or entity executing the dedication, if any. If the plat does not contain a dedication, the title opinion or certification must show that the developer has record title to the land. All mortgages not satisfied or released of record nor otherwise terminated by law must also be shown.

4. Name of the subdivision, section 177.051, Florida Statutes

This section requires every subdivision to be given a name by which it will be legally known. The name must be distinct so as not to confuse the records or to mislead the public as to the identity of the subdivision. If a subdivision is further subdivided by the same developer or the developer's successors in title, then this distinction is not required. Every subdivision's name must have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision must be shown in the dedication and must coincide exactly with the subdivision name.

5. Qualification of person making the survey and plat certification, section 177.061, Florida Statutes

This section requires that every subdivision of lands made within the provisions of this chapter must be made under the responsible direction and supervision of a surveyor and mapper. The surveyor and mapper must certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his or her responsible direction and supervision, and that the survey data complies with all of the requirements of this chapter. The certification must bear the signature, registration number, and the official seal of the surveyor and mapper.

6. Approval of plats by governing bodies, section 177.071, Florida Statutes

This section provides that before a plat is offered for recording, it must be approved by the appropriate governing body, and evidence of the approval must be placed on the plat. If the plat is not approved, the governing body must return the plat to the surveyor and mapper. The examination and approval for conformity to this chapter by the governing body does not include the verification of the survey data, except by a surveyor and mapper either employed by or under contract to the local governing body for the purpose of such examination.

Subsection (2) provides that any provision in a county charter, or in an ordinance of any charter county or consolidated government, which is inconsistent with anything contained in this section shall prevail in the charter county or consolidated government to the extent of any inconsistency.

7. Dedication and approval, section 177.081, Florida Statutes

Every plat of a subdivision filed for record must contain a dedication by the developer. The dedication must be executed by all developers having a record interest in the lands subdivided. All mortgagees having a record interest in the lands subdivided must execute, in the same manner in which deeds are required to be executed, either the

dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon. This section further specifies that when the plat is approved and recorded, all streets, alleys, easements, rights-of-way, and public areas shown on the plat, unless otherwise stated, shall be deemed to have been dedicated to the public. This does not, however, create an obligation upon any governing body to perform any act of construction or maintenance within the dedicated areas unless the obligation is voluntarily assumed by the governing body.

8. Plats made for recording, section 177.091, Florida Statutes

This section prescribes the specifications of the plats, including: the type of ink; type of material the plat can be submitted on; size of margins; scale requirements; direction markers; reference marker requirements; location identification specifications; description of lands; dedications; certificate and seal; section lines and quarter section lines; metes and bounds; streets, waterways, or other rights-of-way identification; easements; identification of contiguous properties; lot numbers; sufficient survey data to positively describe the bounds of every lot, block, street, easement and all other areas shown on the plat; specifications for curvilinear lots; sufficient angles, bearings, or azimuth to show direction of all lines and bearings; centerlines of streets; park and recreation parcels; and all interior excepted parcels.

The purpose of all areas dedicated must be clearly indicated on the plat. This section requires a notice that there may be additional restrictions that are not recorded on the plat that may be found in the public records of the county. Specifications for utility easements are provided.

9. Vacation and annulment of plats subdividing land, section 177.101, Florida Statutes

Whenever it is discovered that after the filing of a plat subdividing a parcel of land, the developer of the lands subsequently filed a different subdivision under another plat of the same and identical lands or a part thereof at a later date, and the governing body finds that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body is authorized by resolution to vacate and annul as much of the first plat as are included in the second plat, upon application of the owners and developer of the lands under the first plat or their successors, grantees, or assignees. The court clerk must make proper notation of the action of the governing body on the face of the first plat.

10. Misdemeanor to molest a monument or deface or destroy a map or plat, section 177.121, Florida Statutes

It is a misdemeanor of the 2nd degree to molest any monuments established according to this chapter or to deface or destroy any map or plat placed on public record.

11. Recordation of the Department of Transportation official right-of-way maps and other governmental right-of-way maps, section 177.131, Florida Statutes

This section requires the clerk of court to record any map prepared and adopted by the Department of Transportation (DOT) or any other governmental entity as its official right-of-way map after it has been approved by the appropriate governmental authority. The clerk is to use special plat books for such maps, and make full size copies available to

the public at a reasonable fee. The DOT and other governmental entities are not required to comply with ss. 177.011 through 177.121, Florida Statutes.

12. Preservation of unrecorded maps, section 177.132, Florida Statutes

This section provides for the clerk of court to receive and copy, as unrecorded maps, otherwise unrecorded plats and maps, including sales maps. These documents are for informational purposes only and may not be referred to for the purpose of conveying property or for circumventing the lawful regulation and control of subdividing lands by local governing bodies. Sections 177.021-177.121 do not apply to this section.

13. Affidavit confirming error on a recorded plat, section 177.141, Florida Statutes

This section provides that in the event of an appreciable error or omission in the data shown on a plat duly recorded under this chapter is detected by subsequent examination or revealed by a retracement of the lines run during the original survey of the lands shown on the recorded plat, the surveyor and mapper responsible for the survey and the preparation of the plat may file an affidavit confirming that the error or omission was made. The affidavit must state that the surveyor and mapper has made a resurvey of the subject property in the recorded subdivision within the last 10 days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit.

When such an affidavit is filed, the clerk of court must record the affidavit and place in the margin of the recorded plat a notation that the affidavit has been filed, the date, and the book and page where it is recorded. The affidavit has no effect upon the validity of the plat or on the information shown thereon.

14. State plane coordinate, section 177.151, Florida Statutes

This section provides that coordinates may be used to define or designate the position of points on the surface of the earth within the state for land descriptions and subdivision purposes, provided the initial point in the description is tied to the nearest government corner or other recorded and well established corner. The plane coordinates are expressed in feet and decimals of a foot. One distance, to be known as the "x coordinate," shall give the position in an east and west direction, the other, to be known as the "y coordinate," shall give the position in a north and south direction. The coordinates depend upon and conform to the origins and projections on the Florida Coordinate System and the triangulation and traverse stations of the National Ocean Survey within the state.

This section further provides for recording requirements consistent with the Florida Coordinate System and the National Ocean Survey.

Subsection (5) provides that when coordinates based on the Florida Coordinate System are used to describe a tract of land which in the same document is also described by reference to any subdivision, line, or corner of the United States Public Land Survey, the description by coordinates shall be construed as supplemental to the basic description of such subdivision, line, or corner contained in the official plats and field notes of record, and, in the event of any conflict, the description by reference to the subdivision,

line, or corner of the United States Public Land Survey shall prevail over the description by coordinates.

15. Definitions, section 177.27

Subsection (3), defines "control tide station" to mean a place so designated by the department or the National Ocean Survey at which continuous tidal observations have taken or are to be taken over a minimum of 19 years to obtain basic tidal data for the locality.

16. Standards for establishment of local tidal datums, section 177.38, Florida Statutes

Unless otherwise allowed in this part or by regulations promulgated hereunder, local tidal datum shall be established. In establishing procedures the department must give full consideration to the national standards and procedures established by the National Ocean Survey.

B. EFFECT OF PROPOSED CHANGES:

HB 3223 revises existing definitions and adds new definitions in ch. 177, F.S., relating to land boundary regulation and platting of subdivided lands. The bill requires the platting of lands by "professional surveyors and mappers". The bill sets minimum standards for platting throughout the state. Different types of monuments are identified and minimum size requirements for the monuments are specified in law. All lot corners of the plat must be monumented prior to the recording or prior to release of the improvement bond in cases where the plat is recorded and the planned improvements are bonded.

The bill requires that all plats be reviewed for conformity to ch. 177, F.S., by a professional surveyor and mapper either employed by or under contract to the local governing body. Evidence of the review must be placed on the plat. The cost of the review will be born by the legal entity offering the plat for recordation.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill requires platting of subdivided land. Currently platting is not required in the statutes. The bill requires a review of all plats by a

professional surveyor and mapper employed by or under contract to the local governing body. The bill requires the setting of monuments at all lot corners as part of the platting process.

- (3) any entitlement to a government service or benefit?

N/A

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

The bill requires plats to be reviewed by a professional surveyor or mapper either employed by or under contract to the local governing body. The cost of the review is to be borne by the legal entity offering the plat for recordation.

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

The bill requires plats to be reviewed by a professional surveyor or mapper either employed by or under contract to the local governing body. The cost of the review is to be borne by the legal entity offering the plat for recordation.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill requires platting of lands, and specifies minimum requirements for platting and monumentation.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 177.031, 177.041, 177.051, 177.061, 177.071, 177.081, 177.091, 177.101, 177.141, 177.151, 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, Florida Statutes.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Section 177.021, Florida Statutes, is amended to substitute the word "part" for the word "chapter".

Section 2. Section 177.031, Florida Statutes, is amended to specify that the term "developer" means the "owners of record executing the dedication required by s. 177.081 F.S. and applying for approval of a plat of a subdivision pursuant to this part." Current law provides that a "developer" means the person or legal entity that applies for approval of a plat of a subdivision pursuant to this chapter.

The definition of "improvements" is amended to include "monuments." It is not clear why this amendment is necessary since the definition provides that "improvements may

include, but are not limited to . . .” This change, when considered in conjunction with the change to the definitions of “P.C.P.” and “P.R.M.” would appear to specify that reference monuments are “improvements” when they are required by a governing body.

The term “surveyor and mapper” is changed to “professional surveyor and mapper.”

The definition of the term “P.C.P.” is amended to provide that it means a permanent control point and shall be considered a reference monument. The current definition provides that a P.C.P. is a secondary horizontal control monument and specifies the marker must be metal or concrete, and specifies the dimensions of the marker. Currently a P.C.P. must bear a registration number of the surveyor and mapper filing the plat of record unless he or she is no longer in practice or is not available, or when the contractual relationship between the subdivider and surveyor and mapper has been terminated, any registered surveyor and mapper in good standing is allowed to place permanent control points within the time allotted in s. 177.091(8), F.S. The bill changes the definition to specify the composition and dimensions of the markers and requires the identification of the professional surveyor and mapper or certificate of authorization number of the legal entity. The requirements may be different, depending upon whether they are set in impervious or pervious surfaces. The definition further provides that the P.C.P.s must be detectable with conventional instruments for locating ferrous or magnetic objects.

The word “plat” is expanded to “plat or replat.” The bill removes the provision which permits the terms “replat” “amended plat” or “revised plat” to be used.

The bill changes the definition of “P.R.M.” to be consistent with the definition of “P.C.P.”

The bill provides that if the location of the “P.R.M.” falls in a hard surface such as asphalt or concrete, “alternate monumentation” may be used that is durable and identifiable. The bill does not contain any specifications for “alternate monumentation.”

The definition of “subdivision” is amended to mean the division of land as opposed to the platting of real property.

The definition of “State plane coordinates” is amended to conform to current reference sources.

Section 177.031(21), Florida Statutes, is created to define “legal entity” to mean an entity that holds a certificate of authorization issued under ch. 472, F.S. Section 472.021, Florida Statutes, provides for a certificate of authorization for partnerships and corporations. However, this section does not allow a corporation to hold a certificate of registration to practice surveying and mapping. For purposes of this section, a certificate of authorization is required for a corporation, partnership, association, or person practicing under a fictitious name, offering surveying and mapping services to the public. However, when an individual is practicing surveying and mapping in his or her own given name, he or she is not required to register under this section.

Section 177.031(22), Florida Statutes, is created to define “monument” to mean a survey marker, and specifies the composition and size of the monument. In addition, the monument must bear the registration number of the professional surveyor and mapper or the authorization number of the legal entity. Monuments must be detectable with

conventional instruments for locating ferrous or magnetic objects. This provision further provides that if the monument falls in a hard surface, "alternate monumentation" may be used that is durable and identifiable. No further definition of "alternate monumentation" is provided.

Section 3. Section 177.041, Florida Statutes, is amended to require a boundary survey of every plat or replat of a subdivision submitted to the approving agency of the local governing body. This section requires the boundary survey be prepared under the responsible direction and supervision of a professional surveyor and mapper.

Section 4. Section 177.051, Florida Statutes, is amended to require that every subdivision's name will be the "primary name." If the subdivision is further divided, the additional unit, section, or phase will have the primary name followed by the unit, section, or phase number. In addition, this provision is amended to preclude words such as "the," "replat," or "a" as the first word of the primary name.

Any change in a plat, except for notations of errors pursuant to s. 177.141, F.S., shall be labeled "replat." This section specifically precludes the use of the terms "amended plat," "revised plat," "corrected plat," and "resubdivision" to describe the process by which a plat is changed.

Section 5. Section 177.061, Florida Statutes, is amended to require that every plat offered for recording must be prepared by a professional surveyor and mapper. This section is further amended to require the professional surveyor and mapper's signature, seal, statement that the plat was prepared under his or her direction and supervision, and that the plat complies with all of the statutory survey requirements. Every plat must also contain the name and registration number of the professional surveyor and mapper, his or her address, and certificate of authorization number, if any.

Section 6. Section 177.071, Florida Statutes, is amended to provide that if the governing body does not approve the plat, it will return the plat to the professional surveyor and mapper or to the legal entity offering the plat for recordation. The provision relating to examination and approval of plats is moved from this section to s. 177.081, F.S.

Section 177.071(2), Florida Statutes, is amended to provide that any provision in a county charter, or in an ordinance in any charter county or consolidated government chartered under s. 6(e), F.S., Art. VIII of the State Constitution, which provision is inconsistent with anything in this section shall prevail in the charter county or consolidated government to the extent of the inconsistency. Currently, this provision provides that "Any provision in a county charter, or in an ordinance of any charter county or consolidated government . . . shall prevail . . . to the extent of any such inconsistency." This bill removes the words "charter county" from the above quoted language. It would appear that current law contemplates that county charters, ordinances of charter counties, and ordinances of consolidated governments prevail over any inconsistent statute. The change to this section could be interpreted to mean that ordinances in charter counties would no longer have superior status. County charters and ordinances of consolidated governments would retain their superiority.

Section 7. Section 177.081, Florida Statutes, is amended to include language that was removed from s. 177.071, Florida Statutes, relating to reviewing plats for approval by a

governing body. The review must be performed by a professional surveyor and mapper either employed by or under contract to the local governing body. The bill adds a new requirement that the costs of the review shall be borne by the legal entity offering the plat for recordation. This removes any fiscal impact to local governments, and places the expense on the developer and ultimately the purchaser of the property.

This section is further amended to specify that every person, corporation or entity who has a record interest in the lands subdivided, must execute the dedication.

Section 8. Section 177.091, Florida Statutes, is amended to require an index or key map on every plat. In addition, the plat must contain the name of the professional surveyor and mapper or legal entity and their address must be shown on each sheet. The bearings used must be referenced to some well-established and monumented line. The registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set "P.R.M. must be shown on the new plat. The P.R.M.s will be required to be shown on the plat by an appropriate symbol or designation. Similarly, P.C.P.s must be shown on the plat by an appropriate symbol or designation.

Section 177.091(9), Florida Statutes, is amended to require monuments to be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a P.R.M. or a P.C.P. In counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, monuments may be set prior to the recording of the plat and must be set before the transfer of any lot. In counties or municipalities that require subdivision improvements and have the means of ensuring their construction, such as bonding requirements, monuments shall be set prior to the expiration of the bond or other surety.

Currently, 16 counties require the setting of all lot corners as part of the platting process. Those counties are Bay, Bradford, Columbia, Dixie, Duval, Gadsden, Jefferson, Lake, Leon, Madison, Manatee, Osceola, Santa Rosa, Sarasota, Taylor and Wakulla.

Section 177.091(16), Florida Statutes, is amended to require that "proposed" easements "and existing easements identified in the title opinion or certification" must be shown on the plat or in the notes or legend. Language is added requiring that where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

Section 177.091(27), Florida Statutes is amended to expand the notice requirement to inform the reader that the plat, in its recorded graphic form, is the official depiction of the subdivided lands and will not be supplanted in authority.

Section 177.091(29) is added to require a legend of all symbols and abbreviations.

Section 9. Section 177.101, Florida Statutes, is amended to provide that the approval of a replat by the governing body of a local government, shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

Local governments have expressed some concern about the possible release of any unrecorded property interests as a result of this section. In particular, Murphy Act lands might fall within this category. However, s. 177.091(28), F.S., provides a notice that “[t]here may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.” According to the proponents of the bill, there is no intent to release any property interests.

Sections 10, 11 and 12. Sections 177.121, 177.131, and 177.132 Florida Statutes, are amended to change the word “chapter” to “part”.

Section 13. Section 177.141, Florida Statutes, is amended to require an affidavit by a professional surveyor and mapper or legal entity to document any error. Current language requires an affidavit by a surveyor and mapper for any “appreciable” error. The notation of the error must be placed on all copies of the plat used for reproduction purposes.

Section 14. Section 177.151, Florida Statutes is amended to reflect changes in the Florida State Plane Coordinate System, and to remove outdated language.

Sections 15 and 16. Sections 177.27, and 177.38 Florida Statutes, are amended to reflect the current title “National Ocean Service”.

Section 17. Provides that the bill will take effect July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

The bill requires plats to be reviewed by a professional surveyor or mapper either employed by or under contract to the local governing body. The cost of the review is to be borne by the legal entity offering the plat for recordation.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Developers and subsequently purchasers of subdivided lands will bear the cost of the requirements for platting, monumentation, and review of the plats.

2. Direct Private Sector Benefits:

The public should benefit from consistent land platting and monumentation to determine land boundaries.

3. Effects on Competition, Private Enterprise and Employment Markets:

The mandates provision does not apply to joint resolutions to amend the Florida Constitution.

D. FISCAL COMMENTS:

Section 177.081, Florida Statutes, is amended to include language that was removed from s. 177.071, Florida Statutes, relating to reviewing plats for approval by a governing body. The review must be performed by a professional surveyor and mapper either employed by or under contract to the local governing body. The bill adds a new requirement that the costs of the review shall be borne by the legal entity offering the plat for recordation. This removes any fiscal impact to local governments, and places the expense on the developer and ultimately the purchaser of the property.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

On page 10, line 1, the word "and" should be "or" in order to be consistent with the remainder of the bill.

On page 20, line 25, the phrase "whether graphic or digital" is redundant.

Section 177.071(2), Florida Statutes, is amended to provide that any provision in a county charter, or in an ordinance in any charter county or consolidated government chartered under s. 6(e), F.S., Art. VIII of the State Constitution, which provision is inconsistent with anything in this section shall prevail in the charter county or consolidated government to the extent of the inconsistency. Currently, this provision provides that "Any provision in a county charter, or in an ordinance of any charter county or consolidated government . . . shall prevail . . . to the extent of any such inconsistency." This bill removes the words "charter county" from the above quoted language. It would appear that current law contemplates that county charters, ordinances of charter counties, and ordinances of consolidated governments prevail over any inconsistent statute. The change to this section could be interpreted to mean that ordinances in charter counties would no longer have superior status. County charters and ordinances of consolidated governments would retain their superiority. According to proponents of the bill there was no intent to remove the superior status of ordinances of charter counties.

Section 177.101, Florida Statutes, is amended to provide that the approval of a replat by the governing body of a local government, shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat. Local governments have expressed some concern about the possible release of any unrecorded property interests as a result of this section. In particular, Murphy Act lands might fall within this category. However, s. 177.091(28), F.S., provides a notice that "[t]here may be additional restrictions that are not recorded on this plat that may be found in the public records of this county." According to the proponents of the bill, there is no intent to release any property interests.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON REAL PROPERTY & PROBATE:

Prepared by:

Legislative Research Director:

P.K. Jameson

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