

IN RE: The Petition for  
Declaratory Statement of:  
**CARL S. COURSON**  
DS-PLS-88-01

**FINAL ORDER**

Pursuant to Section 120.565, Florida Statutes and Rule 28-4, Florida Administrative Code, the above referenced petition of Carl S. Courson, a registered land surveyor, came before the Board of Professional Land Surveyors for consideration on September 29, 1988. Upon consideration of the petition and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

**FINDINGS OF FACT**

1. Petitioner, Carl S. Courson, is a licensed land surveyor in the State of Florida, having been issued license No. 3129.
2. Petitioner, as of the filing of the Petition for Declaratory Statement, was Vice-President of SER Surveyors, a business entity engaging in the practice of land surveying, located at 4241 Baymeadows Road, Suite 11, Jacksonville, Florida 32217.
3. Petitioner states that he is in doubt as to the application of Section 177.141, F.S. to the procedures for preparation of plats. Specifically, he is unable to ascertain: Whether Section 177.141 refers only to errors in bearings and/or distances in a record plat; whether Section 177.141 provides that errors other than bearings or distances to be confirmed by affidavit; and whether any method exists under Section 177.141 for a surveyor other than the surveyor of record to file an affidavit confirming error.
4. Petitioner, Carl S. Courson, states that his company has assumed the surveying work for a developer whose initial surveyor caused an error to be made on the plat concerning building restriction lines.
5. The Petition was noticed by the Board in the *Florida Administrative Weekly*, Vol. 14, No. 39, page 3730 on September 30, 1988.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Section 120.565, F.S. and Rule Chapter 28-4, Florida Administrative Code.

2. The Board concludes that Petitioner has the requisite substantial interest to bring this petition, and further concludes that the petition is in substantial compliance with Florida Administrative Code.

3. Section 177.141, F.S. provides as follows:

*In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of 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 such recorded plat, the land surveyor who was responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. However, the affidavit must state that he has made a re-survey 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. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that in his opinion should be substituted for the erroneous data shown on such plat or added to the data on such plat. When such an affidavit is filed, it is the duty of the circuit court clerk to record such affidavit, and he shall place in the margin of such recorded plat a notation that the affidavit has been filed, the date of filing, and the book and page where it is recorded. The affidavit shall have no effect upon the validity of the plat or on the information shown thereon.*

8. Upon consideration, the Board answers Petitioner's questions in the negative and concludes that:

1. Section 177.141 refers to errors or omissions in survey *data*; the Board does not interpret data to be limited to bearings and/or distances;

2. Section 177. 141 provides that errors on record plat, including those of bearings or distances, may be *confirmed* by affidavit, but does not provide that errors on a plat may be either corrected or amended by affidavit;

3. There is no method under Section 177.141 which would allow a surveyor, other than the surveyor of record, to file an affidavit confirming error on a recorded plat.

WHEREFORE, the Board concludes Petitioner's questions be answered in the negative as more fully explained in paragraph eight above.

BOARD OF PROFESSIONAL  
LAND SURVEYORS  
Allen R. Smith, Jr.  
Executive Director