

## CHAPTER 177

## LAND BOUNDARIES

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## PART I

## PLATTING

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**177.011 Purpose and scope of part I.**—This part shall be deemed to establish consistent minimum requirements, and to create such additional powers in local governing bodies, as herein provided to regulate and control the platting of lands. This part establishes minimum requirements and does not exclude additional provisions or regulations by local ordinance, laws, or regulations.

**History.**—s. 1, ch. 71-339; s. 33, ch. 79-164.

**177.021 Legal status of recorded plats.**—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 such plats, and lands may thenceforth be conveyed by reference to such plat.

**History.**—s. 1, ch. 71-339.

**177.031 Definitions.**—As used in this chapter:

- (1) "Alley" means a right-of-way providing a secondary means of access and service to abutting property.  
 (2) "Block" includes "tier" or "group" and means a group of lots existing within well-defined and fixed

boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

(3) "Board" means any board appointed by a municipality, county commission, or state agency, such as the planning and zoning board, area planning board, or the governing board of a drainage district.

(4) "Governing body" means the board of county commissioners or the legal governing body of a county, municipality, town, or village of this state.

(5) "Cul-de-sac" means a street terminated at the end by a vehicular turnaround.

(6) "Developer" means the person or legal entity that applies for approval of a plat of a subdivision pursuant to this chapter.

(7)(a) "Easement" means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

(b) "Public utility" includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

(8) "Survey data" means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

(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" means a surveyor and mapper registered under chapter 472 who is in good standing with the Board of Professional Surveyors and Mappers.

(11) "Lot" includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

(12) "Municipality" means any incorporated city, town, or village.

(13) "P.C.P." means permanent control point, 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 bear the registra-

tion number of the surveyor and mapper filing the plat of record; however, when the surveyor and mapper of record is no longer in practice or is not available due to relocation of his or her practice, or when the contractual relationship between the subdivider and surveyor and mapper has been terminated, any registered surveyor and mapper in good standing shall be allowed to place permanent control points (P.C.P.s) within the time allotted in s. 177.091(8).

(14) "Plat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this chapter and of any local ordinances, and may include the terms "replat," "amended plat," or "revised plat."

(15) "P.R.M." means a permanent reference monument, which consists of a metal rod a minimum of 24 inches long or a 1 $\frac{1}{2}$ -inch minimum diameter metal pipe a minimum of 20 inches long, either of which shall 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 marked thereon, shall bear the registration number of the surveyor and mapper certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

(16) "Right-of-way" means land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

(17) "Street" includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

(18) "Subdivision" means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and 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" means the system of plane coordinates which has been established by the National Ocean Survey for defining and stating the positions or locations of points on the surface of the earth within the state and shall hereinafter be known and designated as the "Florida Coordinate System." For the purpose of the use of this system, the divisions established by the National Ocean Survey in Special Publication Number 255 shall be used, and the appropriate projection and zone designation shall be indicated and

included in any description using the Florida Coordinate System.

(20) Surveying data:

(a) "Point of curvature," written "P.C.," means the point where a tangent circular curve begins.

(b) "Point of tangency," written "P.T.," means the point where a tangent circular curve ends and becomes tangent.

(c) "Point of compound curvature," written "P.C.C.," means the point where two circular curves have a common point of tangency, the curves lying on the same side of the common tangent.

(d) "Point of reverse curvature," written "P.R.C.," means the point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.

**History.**—s. 1, ch. 71-339; s. 2, ch. 72-29; s. 49, ch. 73-333; s. 6, ch. 82-179; s. 49, ch. 83-217; s. 42, ch. 91-45; s. 101, ch. 94-119; s. 1452, ch. 95-147.

**177.041 Title certification.**—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 at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the developer has record title to the land. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.

**History.**—s. 1, ch. 71-339; s. 1, ch. 72-77; s. 1, ch. 88-48.

**177.051 Name of subdivision.**—Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or the developer's successors in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

**History.**—s. 1, ch. 71-339; s. 935, ch. 95-147.

**177.061 Qualification of person making survey and plat certification.**—Every subdivision of lands made within the provisions of this chapter shall be made under the responsible direction and supervision of a surveyor and mapper who shall 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 shall bear the signature, the registration number, and the official seal of the surveyor and mapper.

**History.**—s. 1, ch. 71-339; s. 102, ch. 94-119; s. 1453, ch. 95-147.

**177.071 Approval of plat by governing bodies.**—

(1) Before a plat is offered for recording, it must be approved by the appropriate governing body, and evi-

dence of such approval shall be placed on the plat. If not approved, the governing body must return the plat to the surveyor and mapper. However, such examination and approval for conformity to this chapter by the appropriate governing body shall 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. For the purposes of this chapter:

(a) When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.

(b) When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.

(c) When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

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

**History.**—s. 1, ch. 71-339; s. 1, ch. 76-110; s. 1, ch. 77-152; s. 1, ch. 77-278; s. 103, ch. 94-119; s. 1, ch. 95-176.

#### **177.081 Dedication and approval.—**

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

(2) When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the developers and mortgagees having a record interest in the lands subdivided and the approval of the governing body has been secured and recorded in compliance with this chapter, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the governing body.

**History.**—s. 1, ch. 71-339; s. 2, ch. 79-86.

#### **177.085 Platted streets; reversionary clauses.—**

(1) When any owner of land subdivides the land and dedicates streets, other roadways, alleys or similar strips on the map or plat, and the dedication contains a provision that the reversionary interest in the street,

roadway, alley or other similar strip is reserved unto the dedicator or his or her heirs, successors, assigns, or legal representative, or similar language, and thereafter conveys abutting lots or tracts, the conveyance shall carry the reversionary interest in the abutting street to the centerline or other appropriate boundary, unless the owner clearly provides otherwise in the conveyance.

(2) As to all plats of subdivided lots heretofore recorded in the public records of each county, the holder of any interest in any reversionary rights in streets in such plats, other than the owners of abutting lots, shall have 1 year from July 1, 1972, to institute suit in a court of competent jurisdiction in this state to establish or enforce the right, and failure to institute the action within the time shall bar any right, title or interest, and all right of forfeiture or reversion shall thereupon cease and determine, and become unenforceable.

**History.**—ss. 1, 2, ch. 72-257; s. 50, ch. 73-333; s. 936, ch. 95-147.

**177.086 Installation of cul-de-sacs.**—In the event a municipality or county installs a cul-de-sac on a street or road under its jurisdiction and thereby discontinues use of any existing street or road right-of-way, such discontinuance shall not operate to abandon or vacate the unused right-of-way unless the governing body of the municipality or county adopts a resolution or ordinance, as appropriate, vacating the unused right-of-way.

**History.**—s. 73, ch. 87-243.

**177.091 Plats made for recording.**—Every plat of a subdivision offered for recording shall conform to the following:

(1) It shall be:

(a) An original drawing made with black permanent drawing ink or varitype process on a good grade linen tracing cloth or with a suitable permanent black drawing ink on a stable base film, a minimum of 0.003 inches thick, coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility; or

(b) A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing shall be submitted with the original drawing.

(2) The size of each sheet shall be determined by the local governing body and shall be drawn with a marginal line, or printed when permitted by local ordinance, completely around each sheet and placed so as to leave at least a 1/2-inch margin on each of three sides and a 3-inch margin on the left side of the plat for binding purposes.

(3) When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

(4) In all cases, the scale used shall be of sufficient size to show all detail and shall be both stated and

graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.

(5) The name of the plat shall be shown in bold legible letters, as stated in s. 177.051. The name of the subdivision shall be shown on each sheet included.

(6) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.

(7) Permanent reference monuments must be placed at each corner or change in direction on the boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310 feet, but may not be more than 1400 feet apart. In all cases there must be a minimum of four "P.R.M.s" placed on the boundary of the lands being platted. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set "P.R.M.," the number on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat, and this will be so stated in the surveyor and mapper's certificate on the plat. The "P.R.M." shall be shown on the plat by an appropriate designation.

(8) "P.C.P.s" shall be set at the intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s," "P.T.s," "P.R.C.s," and "P.C.C.s," and no more than 1,000 feet apart, on tangent, between changes of direction, or along the street right-of-way or block lines at each change in direction and no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate designation. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, "P.C.P.s" may be set prior to the recording of the plat and must be set within 1 year of the date the plat was recorded and shall be referred to in the surveyor and mapper's certificate. In the counties or municipalities that require subdivision improvements and have the means of insuring the construction of said improvements, such as bonding requirements, "P.C.P.s" must be set prior to the expiration of the bond or other surety. It is the surveyor and mapper's responsibility to furnish the clerk or recording officer of the county or municipality his or her certificate that the "P.C.P.s" have been set and the dates the "P.C.P.s" were set.

(9) Each plat shall show the section, township, and range as applicable, or, if in a land grant, the plat will so state.

(10) The name of the city, town, village, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.

(11) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

(12) The dedications and approvals required by ss. 177.071 and 177.081.

(13) The circuit court clerk's certificate and the surveyor and mapper's certificate and seal.

(14) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.

(15) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

(16) Location and width of easements shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated.

(17) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

(19) Block corner radii dimensions shall be shown.

(20) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the  $^{39.37}/_{12}=3.28083333333$  equation for conversion from a U.S. foot to a metric foot.

(21) Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

(22) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.

(23) The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, "P.C.s," "P.T.s,"

"P.R.C.s," "P.C.C.s," arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.

(24) Park and recreation parcels as applicable shall be so designated.

(25) All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."

(26) The purpose of all areas dedicated must be clearly indicated or stated on the plat.

(27) When it is not possible to show curve detail information on the map, a tabular form may be used.

(28) The plat shall include in a prominent place the following statement: "NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

(29) All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

**History.**—s. 1, ch. 71-339; s. 51, ch. 73-333; s. 1, ch. 87-266; s. 3, ch. 87-349; s. 1, ch. 90-320; s. 104, ch. 94-119; s. 1454, ch. 95-147.

#### **177.101 Vacation and annulment of plats subdividing land.—**

(1) Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date, and no conveyances of lots by reference to the first plat so filed appears of record in such county, the governing body of the county is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon the application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county 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 of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971 are hereby

validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.

**History.**—s. 1, ch. 71-339; s. 1, ch. 79-86; s. 32, ch. 87-224.

**177.111 Instructions for filing plat.**—After the approval by the appropriate governing body required by s. 177.071, the plat shall be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat. The circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they shall not be folded, to be kept in the vault. A print or photographic copy on cloth shall be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat at a reasonable fee.

**History.**—s. 1, ch. 71-339; s. 1, ch. 76-110; s. 937, ch. 95-147.

**177.121 Misdemeanor to molest monument or deface or destroy map or plat.**—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person to molest any monuments established according to this chapter or to deface or destroy any map or plat placed on public record.

**History.**—s. 1A, ch. 71-339.

**177.131 Recordation of the Department of Transportation official right-of-way maps and other governmental right-of-way maps.**—

(1) The circuit court clerk of a county shall record in the public land records of the county any map prepared and adopted by the Department of Transportation or any other governmental entity as its official right-of-way map after the same has been approved by the appropriate governmental authority. The clerk shall use special plat books provided by the appropriate governmental authority for such maps, which shall be kept with other plat books. The clerk shall make available to the public a full size copy of the right-of-way maps at a reasonable fee.

(2) Sections 177.011-177.121 of this chapter are not applicable to this section. Upon request of the clerk, the Department of Transportation shall furnish without charge a reproducible copy of its right-of-way maps.

**History.**—s. 1, ch. 71-339.

**177.132 Preservation of unrecorded maps.**—

(1) The clerk of the circuit court of a county may receive and copy, as unrecorded maps, otherwise unrecorded plats and maps, including sales maps, which describe or illustrate the boundaries and subdivision of parcels of land, but which do not necessarily indicate proper metes and bounds or otherwise comply with the recording requirements of this chapter. The receipt and copying of such documents shall not affect or impair the title to the property in any manner, nor shall it be construed as actual or constructive notice, but shall be for informational purposes only and shall 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. The clerk may maintain a separate book or other filing process provided by the county for this purpose. The clerk shall make reproductions of these copies available to the public at a reasonable fee.

(2) Sections 177.021-177.121 of this chapter shall not apply to this section.

**History.**—s. 2, ch. 76-110.

**177.141 Affidavit confirming error on a recorded plat.**—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 surveyor and mapper 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 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. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that in the surveyor and mapper's opinion should be substituted for the erroneous data shown on the plat or added to the data on the plat. When such an affidavit is filed, it is the duty of the circuit court clerk to record the affidavit, and he or she shall place in the margin of the 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.

**History.**—s. 1, ch. 71-339; s. 7, ch. 82-179; s. 105, ch. 94-119; s. 1455, ch. 95-147.

**177.142 Renaming of subdivisions and streets on plats and maps.**—If the local governing body determines that a subdivision, street, or other name appearing on a recorded plat or map or an unrecorded map maintained by the clerk of the circuit court pursuant to s. 177.132 constitutes an ethnic or racial slur, the local governing body is authorized to change that name by ordinance. The clerk of the circuit court of the county shall place in the margin of the plat or map a notation that an ordinance has been passed changing the name, the date of the name change, and the book and page in the public records where the ordinance is recorded.

**History.**—s. 2, ch. 95-176.

**177.151 State plane coordinate.**—

(1) 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 shall be tied to the nearest government corner or other recorded and well established corner. The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate projection and zone system, shall consist of two distances, 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. These coordinates shall be made to 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, as those origins and projections have been determined by the said survey. When any tract of land to be defined by a single description extends from one into the other of the above projections or zones, the positions of all points on its boundary may be referred to either of the zones or projections, with the zone and projection being used specifically named in the description.

(2) The position of points on the Florida Coordinate System shall be as marked on the ground by triangulation or traverse stations established in conformity with standards adopted by the National Ocean Survey for first-order and second-order work, the geodetic positions of which have been rigidly adjusted on the North American Datum of 1983, as readjusted in 1990, and the coordinates of which have been computed on the system herein defined. Any such station may be used for establishing a survey connection with the Florida Coordinate System.

(3) No coordinates based on the Florida Coordinate System purporting to define the position of a point on a land boundary may be presented to be recorded in any public land records or deed records unless the point is within one-half mile of a triangulation or traverse station established in conformity with the standards described in s. 177.031(19). However, the said one-half mile limitation may be waived when coordinates shown are certified as having been established in accordance with National Ocean Survey requirements and procedures for first-order or second-order work by a surveyor and mapper licensed in the state. This certification of order-of-accuracy must be included in the description of the land involved.

(4) The use of the term "Florida Coordinate System" on any map, report of survey, or other document shall be limited to coordinates based on the Florida Coordinate System as defined in this chapter.

(5) Whenever 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.

(6) Nothing contained in this chapter shall require any purchaser or mortgagee to rely on a description any part of which depends exclusively upon the Florida Coordinate System.

*History.*—s. 1, ch. 71-339; s. 161, ch. 92-152; s. 106, ch. 94-119.

**PART II**

**COASTAL MAPPING**

- 177.25 Short title.
- 177.26 Declaration of policy.
- 177.27 Definitions.

- 177.28 Legal significance of the mean high-water line.
- 177.29 Powers and duties of the department.
- 177.35 Standards and procedures; applicability.
- 177.36 Work to be performed only by authorized personnel.
- 177.37 Notification to department.
- 177.38 Standards for establishment of local tidal datums.
- 177.39 Determination of mean high-water line or mean low-water line.
- 177.40 Admissibility of maps and surveys.

**177.25 Short title.**—This part shall be cited as the "Florida Coastal Mapping Act of 1974."

*History.*—s. 1, ch. 74-56.

**177.26 Declaration of policy.**—The Legislature recognizes the desirability of confirmation of the mean high-water line, as recognized in the State Constitution and defined in s. 177.27(15) as the boundary between state sovereignty land and uplands subject to private ownership, as well as the necessity for uniform standards and procedures with respect to the establishment of local tidal datums and the determination of the mean high-water and mean low-water lines, and therefore directs that uniform standards and procedures be developed.

*History.*—s. 2, ch. 74-56; s. 2, ch. 91-56.

**177.27 Definitions.**—The following words, phrases, or terms used herein, unless the context otherwise indicates, shall have the following meanings:

(1) "Apparent shoreline" means the line drawn on a map or chart in lieu of the mean high-water line or mean low-water line in areas where either or both may be obscured by marsh or mangrove, cypress, or other types of marine vegetation. This line represents the intersection of the mean high-water datum with the outer limits of vegetation and appears to the navigator as the shoreline.

(2) "Comparison of simultaneous observations" means a method of determining mean values by comparison of short-period observations at a station with simultaneous observations made at a station for which mean values, based on long-period observations, are available.

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

(4) "Datum" means a reference point, line, or plane used as a basis for measurements.

(5) "Datum plane" means a surface used as reference from which heights or depths are reckoned. The plane is called a tidal datum when defined by a phase of the tide—for example, high water or low water.

(6) "Demarcation" means the act of setting and marking limits or boundaries on the ground.

(7) "Department" means the Department of Environmental Protection.

(8) "Diurnal tides" means tides having a period or cycle of approximately one tidal day.

(9) "Foreshore" means the strip of land between the mean high-water and mean low-water lines that is alternately covered and uncovered by the flow of the tide.

(10) "Geodetic bench mark" means a permanently monumented and precisely referenced and described mark, usually a bronze tablet or copper or bronze bolt leaded or cemented into a masonry structure, which is established to give a definite high point on the monument to which geodetic elevations are referred.

(11) "Interpolated water elevation" means a point between two adjacent tide stations where the water elevation has been determined by interpolation from established datums at the two tide stations.

(12) "Leveling" means the operation of determining differences of elevation between points on the surface of the earth or of determining the elevations of points relative to some arbitrary or natural level surface called a datum.

(13) "Local tidal datum" means the datum established for a specific tide station through use of tidal observations made at that station.

(14) "Mean high water" means the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

(15) "Mean high-water line" means the intersection of the tidal plane of mean high water with the shore.

(16) "Mean low water" means the average height of the low waters over a 19-year period. For shorter periods of observation, "mean low water" means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value.

(17) "Mean low-water line" means the intersection of the tidal plane of mean low water with the shore.

(18) "Mean range difference" means the variation of the mean range of the tide at two different tide stations.

(19) "Mixed tide" means the type of tide in which the presence of a diurnal wave is conspicuous by a large inequality in either the high or low water heights, with two high waters and two low waters usually occurring each tidal day. The name is usually applied to the tides intermediate to those predominantly diurnal and those predominantly semidiurnal.

(20) "National map accuracy standards" means a set of guidelines published by the Office of Management and Budget of the United States, to which maps produced by the United States Government usually adhere.

(21) "Nineteen-year tidal cycle" means the period of time generally reckoned as constituting a full tidal cycle.

(22) "Nonperiodic forces" means those forces that occur without regard to a fixed cycle.

(23) "Photogrammetry" means the science of making precise measurements from photographs.

(24) "Semidiurnal tides" means tides having a period of approximately one-half of a tidal day.

(25) "Tidal bench mark" means a standard disk or other acceptable fixed point in the general vicinity of a tide station, used for the purpose of preserving tidal information, to which the tide staff at the tide station and the tidal datums determined from the observations at the tide station are originally referred.

(26) "Tidal datum" means a plane of reference for elevations determined from the rise and fall of the tides.

(27) "Tidal day" means the time of the rotation of the earth with respect to the moon, or the interval between two successive upper transits of the moon over the meridian of a place.

(28) "Tide" means the periodic rising and falling of the waters of the earth that result from the gravitational attraction of the moon and the sun acting upon the rotating earth.

(29) "Tide station" means a place at which continuous tide observations have been taken or are to be taken to obtain tidal data for the locality.

(30) "Time difference" means the variation in time between the occurrences of the same phase of the tide at two tide stations.

**History.**—s. 3, ch. 74-56; s. 3, ch. 91-56; s. 35, ch. 94-356.

### **177.28 Legal significance of the mean high-water line.—**

(1) Mean high-water line along the shores of land immediately bordering on navigable waters is recognized and declared to be the boundary between the foreshore owned by the state in its sovereign capacity and upland subject to private ownership. However, no provision of this part shall be deemed to constitute a waiver of state ownership of sovereignty submerged lands, nor shall any provision of this part be deemed to impair the title to privately owned submerged lands validly alienated by the State of Florida or its legal predecessors.

(2) No provision of this part shall be deemed to modify the common law of this state with respect to the legal effects of accretion, reliction, erosion, or avulsion.

**History.**—s. 4, ch. 74-56.

### **177.29 Powers and duties of the department.—**

(1) The provisions of this part shall be administered by the department.

(2) In addition to such powers as may be specifically delegated to it under the provisions of this part, the department is authorized to perform the following functions:

(a) To coordinate the efforts of all public and private agencies and organizations engaged in the making of tidal surveys and maps of the coastal areas of this state, with the object of avoiding unnecessary duplication and overlapping;

(b) To serve as a coordinating state agency for any program of tidal surveying and mapping conducted by the Federal Government;

(c) To assist any court, tribunal, administrative agency, or political subdivision, and to make available to them information, regarding tidal surveying and coastal boundary determinations;

(d) To contract with federal, state, or local agencies or with private parties for the performance of any surveys, studies, investigations, or mapping activities, for preparation and publication of the results thereof, or for other authorized functions relating to the objectives of this part;

(e) To develop permanent records of tidal surveys and maps of the state's coastal areas;



(f) To develop uniform specifications and regulations for tidal surveying and mapping coastal areas of the state;

(g) To collect and preserve appropriate survey data from coastal areas; and

(h) To act as a public repository for copies of coastal area maps and to establish a library of such maps and charts.

**History.**—s. 5, ch. 74-56; s. 36, ch. 94-356.

**177.35 Standards and procedures; applicability.**—

The establishment of local tidal datums and the determination of the location of the mean high-water line or the mean low-water line, whether by federal, state, or local agencies or private parties, shall be made in accordance with the standards and procedures set forth in ss. 177.37-177.39 and in accordance with supplementary regulations promulgated by the department.

**History.**—s. 11, ch. 74-56.

**177.36 Work to be performed only by authorized personnel.**—

The establishment of local tidal datums and the determination of the location of the mean high-water line or the mean low-water line must be performed by qualified personnel licensed by the Board of Professional Surveyors and Mappers or by representatives of the United States Government when approved by the department.

**History.**—s. 12, ch. 74-56; s. 50, ch. 83-217; s. 21, ch. 85-80; s. 107, ch. 94-119.

**177.37 Notification to department.**—Any surveyor undertaking to establish a local tidal datum and to determine the location of the mean high-water line or the mean low-water line shall submit a copy of the results thereof to the department within 90 days after the completion of such work, if the same is to be recorded or submitted to any court or agency of state or local government.

**History.**—s. 13, ch. 74-56.

**177.38 Standards for establishment of local tidal datums.**—

(1) Unless otherwise allowed by this part or regulations promulgated hereunder, a local tidal datum shall be established from a series of tide observations taken at a tide station established in accordance with procedures approved by the department. In establishing such procedures, full consideration will be given to the national standards and procedures established by the National Ocean Survey.

(2) Records acquired at control tide stations, which are based on mean 19-year values, comprise the basic data from which tidal datums are determined.

(3) Observations at a tide station other than a control tide station shall be reduced to mean 19-year values through comparison with simultaneous observations at the appropriate control tide stations. The observations shall be made continuously and shall extend over such period as shall be provided for in departmental regulations.

(4) When a local tidal datum has been established, it shall be preserved by referring it to tidal bench marks in the manner prescribed by the department.

(5) A local tidal datum may be established between two tide stations by interpolation when the time and mean range differences of the tide between the two tide stations are within acceptable standards as determined by the department. The methods for establishing the local tidal datum by interpolation shall be prescribed by regulations of the department. Local tidal datums established in this manner shall be recorded with the department.

(6) A local tidal datum properly established through the use of continuous tide observations meeting the standards described in this section shall be presumptively correct when it differs from a local tidal datum established by interpolation.

(7) The department may approve the use of tide observations made prior to July 1, 1974, for use in establishing local tidal datums.

**History.**—s. 14, ch. 74-56.

**177.39 Determination of mean high-water line or mean low-water line.**—

The location of the mean high-water line or the mean low-water line shall be determined by methods which are approved by the department for the area concerned. Geodetic bench marks shall not be used unless approved by the department.

**History.**—s. 15, ch. 74-56.

**177.40 Admissibility of maps and surveys.**—

No map or survey prepared after July 1, 1974, and purporting to establish local tidal datums or to determine the location of the mean high-water line or the mean low-water line shall be admissible as evidence in any court, administrative agency, political subdivision, or tribunal in this state unless made in accordance with the provisions of this part by persons described in s. 177.36.

**History.**—s. 16, ch. 74-56.

### PART III

#### RESTORATION OF CORNERS

- 177.501 Short title.
- 177.502 Declaration of policy.
- 177.503 Definitions.
- 177.504 Powers and duties of the department.
- 177.506 Records exchange and availability.
- 177.507 Certification of corners.
- 177.508 Private practice not affected.
- 177.509 Personnel requirements.
- 177.510 Penalty for disturbing monuments.

**177.501 Short title.**—Sections 177.501-177.510 may be cited as the "Florida Public Land Survey Restoration and Perpetuation Act."

**History.**—s. 1, ch. 77-361.

**177.502 Declaration of policy.**—The Legislature finds and declares that it is the responsibility of the state, and in the public interest, to provide a means for the identification, restoration, and preservation of the controlling corner monuments established during the original cadastral surveys, to which the vast majority of titles to lands in Florida are related and on which they are dependent. All such monuments and evidence pertaining to the original government surveys and

resurveys are recognized as historical and economic resources of the state and, as such, are vitally important to the orderly planning, management, use, conservation, and public enjoyment of Florida's natural resources. In order to implement this policy, the department shall assume the responsibility for conducting a program of the identification, restoration, and preservation of such monuments.

**History.**—s. 1, ch. 77-361; s. 77, ch. 81-259; s. 37, ch. 94-356.

**177.503 Definitions.**—As used in ss. 177.501-177.510, the following words and terms shall have the meanings indicated unless the context clearly indicates a different meaning:

(1) "Professional surveyor and mapper" or "surveyor and mapper" means a person authorized to practice surveying and mapping under the provisions of chapter 472.

(2) "Department" means the Department of Environmental Protection.

(3) "Corner" means a geographic position on the surface of the earth.

(4) "Monument" means a manmade or natural object that is presumed to occupy the corner or is a reference to the position of a corner.

(5) "Public land survey corner" means any corner actually established and monumented in the original public land survey or resurvey and those similar original corners subdividing Spanish land grants.

(6) "Corner accessory" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be, but are not limited to, bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, blaze marks, steel or wooden stakes, or other such natural or manmade objects.

(7) "Reference monument" means a monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner.

(8) "Township" has the meaning ascribed in 43 U.S.C. s. 751.

(9) "Certified corner record" means a document prepared by a surveyor and mapper when a public land survey corner is used as control in his or her survey or resurvey.

(10) "State cadastral surveyor" means the chief of the Bureau of Coastal and Land Boundaries, Division of Resource Management of the department.

**History.**—s. 1, ch. 77-361; s. 83, ch. 79-400; s. 3, ch. 91-56; s. 108, ch. 94-119; s. 38, ch. 94-356; s. 1456, ch. 95-147.

**177.504 Powers and duties of the department.**—

(1) The provisions of this act shall be administered by the department through the state cadastral surveyor.

(2) The functions, duties, and responsibilities of the department shall be:

(a) To establish a program for identification, restoration, maintenance, and perpetuation of the public land survey corners.

(b) To provide for the extension and densification throughout the state of the federally initiated precise geodetic horizontal and vertical control networks, whereby these basic framework surveys shall be

extended to survey corners identified under this program to permit the general use of the coordinate systems. The information derived from this work shall meet the standards established by the National Geodetic Survey in order to be accepted and published by the National Geodetic Survey.

(c) To provide for entering into agreements or contracts with agencies of the United States Government, the State of Florida, or other states, and with surveyors and mappers in private practice and others, as are deemed necessary or desirable properly to plan and execute projects within the scope and purpose of this act, including the preparation of necessary cadastral documents, maps, and photogrammetric and geodetic control data. The department or its designated contracting agency, in contracting with surveyors and mappers for professional services, shall give due consideration to their experience and knowledge of local conditions and the history of each particular area involved in the execution of this act.

(d) To act as a public repository of survey corner information.

(e) To adopt rules and regulations necessary to carry out the purpose of this act.

**History.**—s. 1, ch. 77-361; s. 3, ch. 91-56; s. 109, ch. 94-119.

**177.506 Records exchange and availability.**—On request, all departments, boards, or agencies of state or local government shall furnish to the public or department certified copies of specified deeds, plats, or other land records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at the actual cost of reproduction of the records. On the same basis, the department shall furnish such certified records within its custody to the public or other agencies or departments of state or local government, upon request.

**History.**—s. 1, ch. 77-361.

**177.507 Certification of corners.**—

(1) Every surveyor and mapper not under contract to the department for the execution of this act who, in any survey or resurvey made under his or her direction, identifies, recovers, reestablishes, remonuments, restores, or uses as control a public land survey corner or corner accessory must, within 90 days after completion of the survey, file with the department a certified corner record for each such corner or corner accessory, unless the corner or its accessories are substantially as described in a previously filed corner record. The record shall be signed, embossed with the official seal of the surveyor and mapper, and produced on material suitable for reproduction or microfilming. The 90-day limitation may be extended with permission of the department. All such certified corner records shall be accepted and filed with the department without further inspection or approval of any public body or officer, if prepared in accordance with the criteria set forth in subsection (3).

(2) Each certified corner record shall contain the following minimum information:

(a) A description of the corner which the monument marks.

(b) A description of the monument.

(c) Descriptions and angular and linear measurements to at least three readily identifiable accessories or reference monuments, unless the department agrees to fewer accessories.

(d) A graphic illustration of the action by the surveyor and mapper showing field conditions and dimensions at, and in the vicinity of, the corner as well as descriptive language, where appropriate, listing pertinent details of the action of the surveyor and mapper.

(3) In every case in which a certified corner record of a public land survey corner is filed under the provisions of this act, the surveyor and mapper must reconstruct or rehabilitate the monument of such corner and accessories to such corner, so as to make them as permanent as is reasonably possible and to facilitate their location in the future.

(4) The department shall make its records available for public inspection during all usual office hours, and true full scale copies thereof shall be made available for a reasonable fee.

(5) In order to provide a means to protect property owners and others concerned with matters of land titles and title insurance, the department has no authority under this act to determine private property rights, private ownership boundaries where these boundaries are

not adjoining public lands, or locations of survey corners other than public land survey corners.

**History.**—s. 1, ch. 77-361; s. 84, ch. 79-400; s. 3, ch. 91-56; s. 110, ch. 94-119; s. 1457, ch. 95-147.

**177.508 Private practice not affected.**—Nothing in this part restricts or limits the actions or practice of surveyors and mappers as provided in chapter 472.

**History.**—s. 1, ch. 77-361; s. 111, ch. 94-119.

**177.509 Personnel requirements.**—A field supervisor who directs the field survey work required in the identification, restoration, and preservation of the public land survey corners must be a surveyor and mapper and shall direct not more than three field parties in a local geographic area during any one period of time.

**History.**—s. 1, ch. 77-361; s. 112, ch. 94-119.

**177.510 Penalty for disturbing monuments.**—Any person who willfully modifies, defaces, disturbs, removes, or destroys any monument or reference monument placed, or corner record filed, under the authority of this act without first obtaining written permission from the department is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 1, ch. 77-361.