

SUMMARY OF GARDEN V. FRIER

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by

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Note: The principles discussed may not apply to all states. The reader is encouraged to research the law in their own state.

A great deal of discussion among surveyors has focused on what it takes to be recognized as a professional. The Florida Supreme Court for purposes of determining if surveyors fell under the statute of limitations for professionals recently defined a professional as *“any vocation requiring at a minimum a four-year college degree before licensing is possible... There can be no equivalency exception. There also is no requirement that the four-year degree itself be in a field of study specifically related to the vocation in question... As a corollary, a vocation is a profession if any graduate degree is required as a condition of state licensure, without regard to the nature of the undergraduate education.”* (p. 1275)

At the time of the negligent action, surveyors were licensed in Florida without a four year degree. As a result, the surveyor did not fall within the “professional” statute of limitations. (As an aside, Florida now requires a four year degree for licensure, making surveyors “professionals” that fall under the statute.)

It is worth noting that while surveyors will point out dress, bearing, licensing, specialized knowledge, ethics, and other factors as indicating a professional, the Florida Supreme Court chose a simple “bright line” test — a four-year undergraduate education.