

1 A bill to be entitled
2 An act relating to professional geology; amending s.
3 492.102, F.S.; revising and providing definitions;
4 amending s. 492.103, F.S.; revising membership of the
5 Board of Professional Geologists; amending s. 492.104,
6 F.S.; revising rulemaking authority of the board;
7 revising specified fees for certain purposes; amending
8 s. 492.105, F.S.; providing that the examination fee
9 is nonrefundable; amending s. 492.1051, F.S.; revising
10 geologist-in-training registration requirements;
11 amending s. 492.107, F.S.; revising the types of
12 documents that require the signature, date, and seal
13 of a professional geologist; providing that all
14 preliminary documents must include certain text in
15 lieu of a seal; amending s. 492.108, F.S.; revising
16 applicant requirements for licensure by endorsement;
17 amending s. 492.109, F.S.; providing requirements for
18 licensure renewal; amending s. 492.111, F.S.;
19 conforming provisions to changes made by the act;
20 amending s. 492.112, F.S.; providing construction;
21 amending s. 492.116, F.S.; prohibiting the submission
22 of documents for public record by certain persons in
23 order to maintain his or her specified exemptions;
24 exempting certain persons practicing professional
25 geology from certain requirements; providing an

26 | effective date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

29 |

30 | Section 1. Section 492.102, Florida Statutes, is amended
31 | to read:

32 | 492.102 Definitions.—For the purposes of this chapter,
33 | unless the context clearly requires otherwise:

34 | (1) "Board" means the Board of Professional Geologists.

35 | (2) "Department" means the Department of Business and
36 | Professional Regulation.

37 | (3)~~(4)~~ "Geologist" means an individual who, by reason of
38 | her or his knowledge of geology, soils, mathematics, and the
39 | physical and life sciences, acquired by education and practical
40 | experience, is capable of practicing the science of geology.

41 | (4) "Geologist-in-training" means an individual who has
42 | the required academic qualifications established by the board,
43 | passed an examination approved by the board by demonstrating a
44 | knowledge of the fundamentals of geology, and is enrolled as a
45 | geologist-in-training by the board.

46 | (5)~~(3)~~ "Geology" means the science which includes the
47 | study ~~treatment~~ of the earth and its origin and history. The
48 | term includes, ~~in general,~~ the investigation, research, and
49 | interpretation of the earth's constituent rocks, minerals,
50 | hydrocarbons, ~~erust and interior and the solids,~~ and fluids,

51 including ~~all~~ surface and underground waters, ~~and~~ gases, and
52 other materials, and ~~which compose the earth;~~ the study of the
53 natural agents, forces, and processes which cause changes in
54 both the subsurface and surface of the earth, including any
55 anthropogenic features or activities that may affect, or be
56 affected by these agents, forces, physical and chemical
57 characteristics; ~~and the utilization of this knowledge of the~~
58 ~~earth and its solids, fluids, and gases, and their collective~~
59 ~~properties and processes, for the benefit of humankind.~~

60 ~~(6)(7)~~ "Practice of professional geology" means any work
61 or activity service, including the supervision and performance
62 thereof, requiring formal geologic education, training,
63 experience, and understanding, and the application of
64 mathematical, physical, chemical, biological, earth, and
65 geological sciences as may be related to those services. These
66 services include, but are not limited to:

67 (a) Consultation, investigation, evaluation,
68 interpretation, remediation, planning, geologic mapping, expert
69 technical testimony, protecting ground and surface waters, and
70 evaluating ground-water resources.

71 (b) Prevention and remediation of contamination of the earth,
72 earth materials, and water caused by improper disposal or
73 accidental spills.

74 (c) Determination of the suitability and risks in
75 containment and disposal of wastes and hazardous materials,

76 | including, but not limited to, landfills, storage tanks, and
 77 | injection wells.

78 | (d) The evaluation of mining and petroleum properties.

79 | (e) The professional supervision of exploration for and
 80 | development of mineral and natural resources, including metallic
 81 | and nonmetallic minerals, petroleum, and ground-water and
 82 | surface-water resources.

83 | (f) The geologic phases of any engineering investigation or
 84 | survey.

85 | (g) Determination of the depth of wells to be drilled,
 86 | depth-of-casing and grouting requirements for the construction
 87 | of monitoring wells, siting of boreholes, or other borings into
 88 | the earth that may affect one or more aquifers.

89 | (h) The geologic suitability for construction projects,
 90 | including excavations and building foundations, dams, highways,
 91 | and other structures which may be affected by floods, landslides,
 92 | earthquakes, sinkholes, erosion, expansive-contractive earth and
 93 | earth materials, or other geoscientific phenomena or processes.

94 | (i) Any geologic or geoscientific surveying and mapping,
 95 | including making measurements and gathering data related to the
 96 | physical features of the earth such as subsurface data and the
 97 | formulation and depiction of such information into geologic or
 98 | geoscientific graphics, data, maps, plans, reports, and
 99 | descriptions, including preparing, creating, or modifying
 100 | computerized electronic products using geographic information

101 systems or global positioning systems and information derived
102 therefrom, or other information and data related to the
103 activities contained within this subsection.

104 (j) Any geotechnical work activities, including the
105 practice of various aspects of related professions incidental to
106 the practice of geology.

107 (k) The inspection or responsible supervision of any
108 geotechnical work activities, including any other geologic or
109 related work which includes or embraces any services,
110 activities, or work, public or private, which may be adversely or
111 otherwise affected or influenced by geological processes,
112 including, but not limited to, utilities, construction projects,
113 communication or transportation systems, or any other
114 anthropogenic features or impacts, insofar as it involves
115 protecting and safeguarding the public's health, safety, and
116 welfare and the environment, and including such other
117 professional services as may be necessary in the planning,
118 progression, and completion of any such geologic services.

119 (l) All other geologic services, including, but not
120 limited to, the commonly recognized geologic practices of
121 archeogeology, coastal geology, construction geology, economic
122 geology, engineering geology, environmental geology, forensic
123 geology, geochronology, geomorphology, historical geology,
124 hydrogeology, geochemistry, geophysics, marine geology, medical
125 geology, mineralogy, mining geology, paleomagnetism, vertebrate

126 and invertebrate paleontology, paleoclimatology, petroleum
127 geology, petrography, petrology, physical geology, physiography,
128 planetary geology, sedimentology, stratigraphic geology,
129 structural geology, urban geology, vulcanology, and the
130 utilization of the rock, mineral, fossil-fuel, and water
131 resources, while protecting the public and the environment.

132 (m) The preparation of geologic reports, documents, or
133 exhibits by the employees or staff of any commission, board,
134 department, district, or division of the state or any political
135 subdivision thereof, when the reports, documents, or exhibits are
136 disseminated or made available to or impact the public. However,
137 geologic reports, documents, or exhibits that are prepared for
138 use solely within such organizations are considered in-house
139 reports, documents, or exhibits and are not considered the
140 practice of professional geology unless the reports are
141 disseminated, made available to the public, or impact the public.

142 (n) The preparation of geologic reports, documents, or
143 exhibits by any person, firm, partnership, corporation, or other
144 association or by the employees or staff members thereof, whether
145 or not the principal business of the organization is the practice
146 of professional geology, in which the geologic reports, documents,
147 or exhibits are disseminated or made available to the public or
148 any person or organization in such a manner that such individuals
149 may reasonably be expected to rely on or be affected by the
150 geologic reports, documents, or exhibits. However, any geologic

151 reports, documents, or exhibits that are prepared for use solely
152 within such organizations are considered in-house reports,
153 documents, or exhibits and are not considered the practice of
154 professional geology unless the reports are disseminated, made
155 available to the public, or impact the public. ~~the performance~~
156 ~~of, or offer to perform, geological services, including, but not~~
157 ~~limited to, consultation, investigation, evaluation, planning,~~
158 ~~and geologic mapping, but not including mapping as prescribed in~~
159 ~~chapter 472, relating to geological work, except as specifically~~
160 ~~exempted by this chapter. Any person who practices any specialty~~
161 ~~branch of the profession of geology, or who by verbal claim,~~
162 ~~sign, advertisement, letterhead, card, or any other means~~
163 ~~represents herself or himself to be a professional geologist, or~~
164 ~~who through the use of some title implies that she or he is a~~
165 ~~professional geologist or that she or he is licensed under this~~
166 ~~chapter, or who holds herself or himself out as able to perform~~
167 ~~or does perform any geological services or work recognized as~~
168 ~~professional geology, shall be construed to be engaged in the~~
169 ~~practice of professional geology.~~

170 (7)(6) "Professional geologist" means an individual who
171 holds a valid license issued by the board; holds a bachelor's
172 degree or higher in geology or one of its specialties from an
173 accredited postsecondary institution or from a program
174 accredited by an organization recognized by the board as meeting
175 the standards of the board; has passed the competency

176 examinations; and has practical experience as set forth in this
177 chapter ~~who is licensed as a geologist under the provisions of~~
178 ~~this chapter.~~

179 (8)~~(5)~~ "Qualified geologist" means an individual who
180 possesses all the qualifications for licensure under the
181 provisions of this chapter, except that such person is not
182 licensed.

183 Section 2. Section 492.103, Florida Statutes, is amended
184 to read:

185 492.103 Board of Professional Geologists.—

186 (1) There is created in the Department of Business and
187 Professional Regulation the Board of Professional Geologists.
188 The board shall consist of seven members, five of whom shall be
189 professional geologists, and two of whom shall be laypersons who
190 are not and have never been geologists or members of any closely
191 related profession or occupation. The State Geologist, as
192 provided for in s. 377.075(3), ~~chief of the Bureau of Geology in~~
193 ~~the Department of Environmental Protection,~~ or his or her
194 designee, shall serve as an ex officio member of the board.
195 Members shall be appointed for 4-year terms.

196 (2) All provisions of chapter 455 relating to activities
197 of the board shall apply.

198 Section 3. Section 492.104, Florida Statutes, is amended
199 to read:

200 492.104 Rulemaking authority; fees.—The Board of

201 Professional Geologists has authority to adopt rules pursuant to
 202 ss. 120.536(1) and 120.54 to implement this chapter. Every
 203 licensee shall be governed and controlled by this chapter and
 204 the rules adopted by the board. The board is authorized to set,
 205 by rule, fees for application, examination, certificate of
 206 authorization, late renewal, initial licensure, ~~and~~ license
 207 renewal, and continuing education requirements consistent with
 208 this section. These fees should cover all board expenses to
 209 administer this section but may not exceed the cost of
 210 implementing the application, examination, initial licensure,
 211 and license renewal or other administrative process. The fees
 212 ~~and~~ shall be established as follows:

213 (1) The application fee shall not exceed \$300 ~~\$150~~ and is
 214 ~~shall be~~ nonrefundable.

215 (2) The examination fee shall be paid by the applicant ~~not~~
 216 ~~exceed \$250, and the fee may be apportioned to each part of a~~
 217 ~~multipart examination. The examination fee shall be refundable~~
 218 ~~in whole or part if the applicant is found to be ineligible to~~
 219 ~~take any portion of the licensure examination.~~

220 (3) The initial license fee shall not exceed \$300 ~~\$100~~.

221 (4) The biennial renewal fee shall not exceed \$350 ~~\$150~~.

222 (5) The fee for a certificate of authorization shall not
 223 exceed \$450 ~~\$350~~ and the fee for renewal of the certificate
 224 shall not exceed \$450 ~~\$350~~.

225 (6) The fee for reactivation of an inactive license shall

226 | not exceed \$125 ~~\$50~~.

227 | (7) The fee for a provisional license shall not exceed
228 | \$500 ~~\$400~~.

229 | (8) The fee for application, ~~examination,~~ and licensure
230 | ~~for a license~~ by endorsement shall be as provided in this
231 | section for licenses in general.

232 | Section 4. Paragraph (a) of subsection (1) of section
233 | 492.105, Florida Statutes, is amended to read:

234 | 492.105 Licensure by examination; requirements; fees.—

235 | (1) Any person desiring to be licensed as a professional
236 | geologist shall apply to the department to take the licensure
237 | examination. The written licensure examination shall be designed
238 | to test an applicant's qualifications to practice professional
239 | geology, and shall include such subjects as will tend to
240 | ascertain the applicant's knowledge of the fundamentals, theory,
241 | and practice of professional geology and may include such
242 | subjects as are taught in curricula of accredited colleges and
243 | universities. The written licensure examination may be a
244 | multipart examination. The department shall examine each
245 | applicant who the board certifies:

246 | (a) Has completed the application form and remitted a
247 | nonrefundable application fee and ~~an examination fee which is~~
248 | ~~refundable if the applicant is found to be ineligible to take~~
249 | ~~the examination.~~

250 | Section 5. Section 492.1051, Florida Statutes, is amended

251 to read:

252 492.1051 Registered geologist-in-training; requirements.-

253 (1) A person desiring to register as a geologist-in-
 254 training shall apply to the department to take the fundamentals
 255 ~~a discrete~~ portion of the examination required for registration
 256 as a geologist-in-training ~~licensure as a professional geologist~~
 257 in this state. ~~This discrete portion shall cover the~~
 258 ~~fundamentals of geology.~~ The department shall examine each
 259 applicant who the board certifies:

260 (a) Has completed the application form and remitted a
 261 nonrefundable application fee ~~and an examination fee that is~~
 262 ~~refundable if the applicant is found to be ineligible to take~~
 263 ~~the examination.~~

264 (b) Has not committed an act or offense in any
 265 jurisdiction which constitutes grounds for disciplining a
 266 professional geologist licensed under this chapter; and

267 (c) Has successfully completed at least 30 semester hours
 268 or 45 quarter hours of geological coursework at a college or
 269 university, the geological curricula of which meet the criteria
 270 established by an accrediting agency recognized by the United
 271 States Department of Education and, if still enrolled, has
 272 provided a letter of good academic standing from the college or
 273 university.

274 (2) The department shall register as a geologist-in-
 275 training each applicant who ~~the board certifies~~ has passed the

276 fundamentals of geology portion of the licensure examination.

277 (3) A registered geologist-in-training desiring to be
278 licensed as a professional geologist shall apply to the
279 department to take the licensure examination as prescribed in s.
280 492.105(1), but is not required to retake the fundamentals of
281 geology portion of the licensure examination. A registered
282 geologist-in-training may only apply after he or she meets the
283 requirements for work experience under s. 492.105(1)(e).

284 Section 6. Subsection (1) of section 492.107, Florida
285 Statutes, is amended, and a new subsection (3) is added to that
286 section, to read:

287 492.107 Seals.—

288 (1) The board shall prescribe, by rule, a form of seal,
289 including its electronic form, to be used by persons holding
290 valid licenses. All final versions of geological papers,
291 reports, and documents, or geologic portions of a final paper,
292 report, or document, prepared or issued by the licensee shall be
293 signed, dated, and sealed by the licensee who performed or is
294 responsible for the supervision, direction, or control of the
295 work contained in the papers, reports, or documents before such
296 work is released from the control of the licensee. Specifically,
297 the licensee shall sign, seal, and date the original title sheet
298 of bound geologic reports, specifications, details,
299 calculations, estimates, drawings, diagrams, or maps and each
300 original sheet of plans or drawings regardless of size or

301 binding if the plans or drawings are intended to be removed from
 302 the report. Such signature, date, and seal shall be evidence of
 303 the authenticity of that to which they are affixed. Geological
 304 papers, reports, and documents prepared or issued by the
 305 licensee may be transmitted electronically provided they have
 306 been signed by the licensee, dated, and electronically sealed.
 307 It is unlawful for any person to sign or seal any document as a
 308 professional geologist unless that person holds a current,
 309 active license as a professional geologist which has not expired
 310 or been revoked or suspended, unless reinstated or reissued.

311 (3) In lieu of a seal, all preliminary documents that have
 312 been released from the control of the licensee shall specify its
 313 purpose, the name of the licensed professional geologist of
 314 record and such geologist's license number, and the release date
 315 by placing the following text on such documents:

316
 317 "This document is released for the purpose of ...(list
 318 purpose)... under the authority of ...(name of licensed
 319 professional geologist)... with license number ...(license
 320 number)... on ...(date).... It shall not be used for any other
 321 purposes."

322 Section 7. Paragraph (d) of subsection (1) of section
 323 492.108, Florida Statutes, is amended to read:

324 492.108 Licensure by endorsement; requirements; fees.—

325 (1) The department shall issue a license by endorsement to

326 any applicant who, upon applying to the department and remitting
 327 an application fee, has been certified by the board that he or
 328 she:

329 ~~(d) Has taken and successfully passed the laws and rules~~
 330 ~~portion of the examination required for licensure as a~~
 331 ~~professional geologist in this state.~~

332 Section 8. Section 492.109, Florida Statutes, is amended
 333 to read:

334 492.109 Renewal of license; fees.—

335 (1) The department shall renew a license upon receipt of
 336 the renewal application and fee.

337 (2) The department shall adopt rules establishing a
 338 procedure for the biennial renewal of licenses.

339 (3) The licensee must have on file with the department the
 340 address of her or his primary place of practice within this
 341 state prior to engaging in that practice. Prior to changing the
 342 address of her or his primary place of practice, whether or not
 343 within this state, the licensee must notify the department of
 344 the address of the new primary place of practice.

345 (4) The licensee must provide the department a statement
 346 certifying that the licensee completed the required hours of
 347 approved continuing education required during the last biennium.

348 (5) The board shall approve all continuing education
 349 requirements and providers.

350 Section 9. Subsection (3) of section 492.111, Florida

351 Statutes, is amended to read:

352 492.111 Practice of professional geology by a firm,
 353 corporation, or partnership; certificate of authorization.—The
 354 practice of, or offer to practice, professional geology by
 355 individual professional geologists licensed under the provisions
 356 of this chapter through a firm, corporation, or partnership
 357 offering geological services to the public through individually
 358 licensed professional geologists as agents, employees, officers,
 359 or partners thereof is permitted subject to the provisions of
 360 this chapter, provided that:

361 (3) All final geological papers or documents involving the
 362 practice of professional ~~the profession of~~ geology which have
 363 been prepared or approved for the use of such firm, corporation,
 364 or partnership, for delivery to any person for public record
 365 with the state, shall be dated and bear the signature and seal
 366 of the professional geologist or professional geologists who
 367 prepared or approved them.

368 Section 10. Paragraph (a) of subsection (1) of section
 369 492.112, Florida Statutes, is amended to read:

370 492.112 Prohibitions; penalties.—

371 (1) A person may not knowingly:

372 (a) Practice professional geology unless the person is
 373 licensed under this chapter. Any individual who by sign, card,
 374 letterhead, advertisement, website, verbal claim, or in any
 375 other way holds himself or herself out to be a licensed

376 professional geologist, or that he or she is registered or
377 otherwise licensed under this chapter, is construed to be
378 engaged in the practice of professional geology.

379 Section 11. Section 492.116, Florida Statutes, is amended
380 to read:

381 492.116 Exemptions.—The following persons are specifically
382 exempted from this chapter, ~~provided, however, that all final~~
383 ~~geological papers or documents which have been prepared by a~~
384 ~~person exempt under subsection (1), subsection (2), subsection~~
385 ~~(3), or subsection (4) for delivery to any person for public~~
386 ~~record with the state shall be dated and bear the signature and~~
387 ~~seal of the professional geologist or professional geologists~~
388 ~~who prepared or approved them:~~

389 (1) Persons engaged solely in teaching the science of
390 geology.

391 (2) Persons engaged in geological research which does not
392 affect the health, safety, or well-being of the public and who
393 do not submit documents for public record.

394 (3) Officers and employees of the United States
395 Government, the State of Florida, water management districts, or
396 other local or regional governmental entities practicing under
397 the responsible charge of a professional geologist as defined in
398 s. 492.102 ~~solely as such officers or employees.~~

399 (4) Regular full-time employees of a corporation not
400 engaged in the practice of professional geology as such, who are

401 directly supervised by a person licensed as a professional
402 geologist under this chapter.

403 (5) A person employed on a full-time basis as a geologist
404 by an employer engaged in the business of developing, mining, or
405 treating ores, other minerals, and petroleum resources if that
406 person engages in geological practice exclusively for and as an
407 employee of such employer and does not hold herself or himself
408 out and is not held out as available to perform any geological
409 services for persons other than her or his employer and who does
410 not submit documents for public record.

411 (6) A person, during the course of providing geologic
412 guidance or work activities, practicing, offering to practice,
413 or attempting to practice geology may coordinate and review the
414 submissions prepared by others, without limitation, provided that
415 such submissions are within, or are incidental to, the practice
416 of professional geology and the person is familiar with the
417 details and progress of these activities.

418 Section 12. This act shall take effect July 1, 2018.