

By Representative Fischer

1                                   A bill to be entitled  
2           An act relating to environmental professionals;  
3           creating chapter 485, F.S., relating to the  
4           regulation of environmental professionals;  
5           providing purpose; providing requirements for  
6           practice; providing for exemptions from  
7           regulation; providing definitions; creating the  
8           Board of Environmental Professionals within the  
9           Department of Business and Professional  
10          Regulation; providing for fees; providing  
11          licensure requirements; providing for licensure  
12          by endorsement; providing for renewal of  
13          license; providing for address of primary place  
14          of practice; providing for reactivation from  
15          inactive status; providing for continuing  
16          education requirements; requiring a certificate  
17          of authorization for a corporation,  
18          partnership, association, or person practicing  
19          under a fictitious name to practice or offer to  
20          practice environmental management; providing  
21          for official seals; prohibiting certain acts  
22          and providing penalties therefor; providing  
23          acts that constitute grounds for disciplinary  
24          action and providing penalties therefor;  
25          requiring the reporting of criminal violations  
26          for prosecution; providing effect of the  
27          chapter locally; providing construction;  
28          providing for grandfathering; amending s.  
29          20.165, F.S.; placing the board within the  
30          Division of Professions of the department;  
31          providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Chapter 485, Florida Statutes, consisting  
4 of sections 485.001, 485.003, 485.005, 485.007, 485.009,  
5 485.012, 485.013, 485.015, 485.017, 485.019, 485.021, 485.023,  
6 485.025, 485.027, 485.029, 485.032, and 485.033, is created to  
7 read:

8 485.001 Purpose.--It is hereby declared to be the  
9 public policy of this state that, in order to safeguard the  
10 health, safety, property, and welfare of its citizens and  
11 natural resources, any person practicing or offering to  
12 practice environmental management in the state must meet the  
13 requirements of both the Department of Business and  
14 Professional Regulation and the Board of Environmental  
15 Professionals and must be licensed as provided in this  
16 chapter.

17 485.003 License required to practice or use  
18 professional title; exemptions.--

19 (1) No person other than an environmental professional  
20 duly licensed under this chapter may practice environmental  
21 management or use the name or title of "environmental  
22 professional" or any other title, designation, words, letters,  
23 abbreviations, or device tending to indicate that such person  
24 holds an active license as an environmental professional in  
25 this state.

26 (2) The following persons are not required to obtain a  
27 license as an environmental professional under this chapter:

28 (a) Any person practicing environmental management for  
29 the improvement of, or otherwise affecting, property legally  
30 owned by such person, unless such practice involves a public  
31 utility, the health, safety, or welfare of the public, or the

1 health or safety of employees. This exemption does not  
2 authorize the practice of environmental management through an  
3 agent or employee who is not duly licensed under this chapter.

4 (b) Persons engaged solely in teaching the  
5 environmental management sciences as a faculty member of a  
6 college or university located in this state.

7 (c) Persons engaged in environmental management  
8 research in the environmental management sciences which does  
9 not affect the health, safety, or welfare of the public.

10 (d) Employees of a corporation not engaged in the  
11 practice of environmental management as such, whose practice  
12 of environmental management for such corporation is limited to  
13 the design or fabrication of manufactured products and  
14 servicing of such products or the operation of environmental  
15 management systems or works.

16 (e) Any person, as a contractor, in the execution of  
17 work designed by an environmental professional or, as a  
18 foreman or superintendent, in the supervision of the  
19 construction of such work. This exemption does not entitle a  
20 contractor to certify that completed construction conforms to  
21 the design prepared by an environmental professional.

22 (3) The following persons are specifically exempt from  
23 regulation under this chapter, provided their work is reviewed  
24 or prepared under the supervision of an environmental  
25 professional or other authorized licensed professional to the  
26 extent that the supervision meets the standards adopted by  
27 rule of the board:

28 (a) Officers and employees of the state or of any  
29 water management district or other local or regional  
30 governmental entity practicing solely as such officers or  
31 employees.

1           (b) Employees of any firm, corporation, or partnership  
2 who are acting within the scope of their employment as  
3 subordinates of a person in responsible charge who is licensed  
4 under this chapter.

5           485.005 Definitions.--As used in this chapter, the  
6 term:

7           (1) "Board" means the Board of Environmental  
8 Professionals.

9           (2) "Certificate of authorization" means a license to  
10 practice environmental management issued by the department to  
11 a corporation, partnership, association, or person practicing  
12 under a fictitious name.

13           (3) "Department" means the Department of Business and  
14 Professional Regulation.

15           (4) "Environmental management" includes the term  
16 "professional environmental management" and means the  
17 application of the scientific principles of the environmental  
18 management sciences to the sound management of living natural  
19 resources and their habitats; however, "environmental  
20 management" does not include the management of agricultural or  
21 aquacultural resources in the ordinary course of these  
22 activities, except as such activities require environmental  
23 permits or siting and offsite impact evaluations.

24 "Environmental management" does include, but is not limited  
25 to, the activities set forth below, but only as such  
26 activities pertain to the application of the scientific  
27 principles of the environmental management sciences:

28           (a) Advising, consulting, planning, teaching,  
29 researching, reporting, designing, and investigating as these  
30 activities relate to living natural resources and their  
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1 habitats, including specialized-habitat or species-specific  
2 management plans.

3 (b) Reporting on environmental management work and  
4 study, including environmental impact statements, categorical  
5 exclusions, reports required by the National Environmental  
6 Policy Act of 1969, the federal Clean Water Act, the federal  
7 Clean Air Act, and such other environmental reports as may be  
8 required by national, state, and local environmental  
9 legislation or policy.

10 (c) Administration and management of environmental  
11 work, including such administration and management as may be  
12 required under Insurance Services Office (ISO) filing 14,000  
13 or the Administrative Procedure Act.

14 (d) Maintenance, conservation, protection,  
15 restoration, and enhancement of ecosystems and habitats.

16 (e) Collection, analysis, and interpretation of  
17 scientific data and the inventory, evaluation, and monitoring  
18 of living natural resources and habitats, including wetland  
19 jurisdictional determinations.

20 (f) Assessment of the presence or threat of an  
21 environmental hazard or contamination upon, in, or under real  
22 property and the planning, designing, or implementation of  
23 remedial activities to address such environmental hazard or  
24 contamination.

25 (g) The assessment of historic, existing, and future  
26 impacts to living natural resources and their habitats. This  
27 assessment includes any work associated with assessments of  
28 impacts to living natural resources and their habitats from  
29 constructed or natural discharges to the environment of solid,  
30 liquid, or gaseous materials and the determination of  
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1 reduction goals required to maintain or restore acceptable  
2 habitat quality.

3 (5) "Environmental management sciences" includes the  
4 sciences of environmental agronomy, biology, environmental  
5 chemistry, and environmental physics, as they relate to living  
6 natural resources and their habitats. These sciences are  
7 collectively referred to as "natural sciences" and a person  
8 specializing in these sciences is referred to as a "natural  
9 scientist." For purposes of this subsection, the term:

10 (a) "Environmental agronomy" includes the science of  
11 agronomy as it relates to the common practice of the soil  
12 sciences regarding the definition and characterization of soil  
13 habitats as suitable or not suitable for successful use by  
14 natural living resources and only to the extent of evaluating  
15 the biological responses to physical and chemical changes in  
16 habitat quality and suitability.

17 (b) "Biology" includes the science of biology and its  
18 areas of specialization which pertain to living resources and  
19 their habitats as well as the development of methods of study  
20 of the biology of living resources and their habitats.  
21 Included under this definition are areas of specialization  
22 such as aquatic science, biology, botany, ecology, forestry,  
23 herpetology, ichthyology, limnology, mammalogy, marine  
24 science, microbiology, oceanography, ornithology, systems  
25 ecology, systems energetics, wildlife science, and zoology.  
26 Also included under this definition are the behavioral  
27 sciences to the extent of evaluating the biological responses  
28 to physical and chemical changes in habitat quality and  
29 suitability. Excluded under this definition are areas of  
30 biological specialization such as dentistry, chiropractic,  
31 medicine, and veterinary medicine.

1           (c) "Environmental chemistry" includes only the  
2 specialized sciences of chemistry which pertain to living  
3 resources and their habitats as well as the development of  
4 methods of study of the chemistry of living resources and  
5 their habitats. Included under this definition are areas of  
6 specialization such as aquatic chemistry as it relates to  
7 habitat quality, marine chemistry as it relates to habitat  
8 quality, soil chemistry as it relates to habitat quality,  
9 atmospheric chemistry as it relates to habitat quality,  
10 biochemistry as it relates to responses of living resources to  
11 habitat quality and changes in habitat quality, hazardous  
12 materials as it relates to habitat quality, and environmental  
13 toxicology. Excluded under this definition are areas of  
14 specialization such as quantitative analysis, synthetic  
15 chemistry, atomic chemistry, petrochemistry, and physical  
16 chemistry, unless such application of the specialization  
17 relates to living resources and the quality of their habitat  
18 and then only to the extent of evaluating the biological  
19 responses to physical and chemical changes in habitat quality  
20 and suitability.

21           (d) "Environmental physics" includes only the  
22 specialized sciences of physics which pertain to living  
23 resources and their habitats as well as the development of  
24 methods of study of the physics of living resources and their  
25 habitats. Included under this definition are areas of  
26 specialization such as the atmospheric sciences as they relate  
27 to habitat quality, erosion and soil movement as it relates to  
28 habitat quality, water movement as it relates to habitat  
29 quality, the study of noise as it relates to habitat quality,  
30 and biological responses to noise. Excluded under this  
31 definition are areas of specialization in physics such as

1 quantum mechanics, materials, optics, electromagnetism, and  
2 atomic physics, unless the application of such specialization  
3 relates to living resources and the quality of their habitat  
4 and then only to the extent of evaluating the biological  
5 responses to physical and chemical changes in habitat quality  
6 and suitability.

7 (6) "Environmental professional" includes the term  
8 "licensed environmental professional" and means a natural  
9 scientist who performs environmental management work and is  
10 licensed to engage in the practice of professional  
11 environmental management as described in this chapter.

12 (7) "Habitat" or "habitat quality" includes the  
13 determination of the suitability and sustainability of a  
14 natural, created, restored, managed, or artificial habitat as  
15 related to specific organisms, guilds, ecosystems, bioregions,  
16 or other groups of biota, their habitats, their natural  
17 histories, and their associated management requirements.

18 (8) "Practice of professional environmental  
19 management" means the performance of, or offer to perform,  
20 environmental management as defined in subsection (4), except  
21 as specifically exempted under s. 485.003. Any person who  
22 practices as an environmental professional, who by verbal  
23 claim, sign, advertisement, letterhead, card, or any other  
24 means represents himself or herself to be an environmental  
25 professional, who through the use of some title implies that  
26 he or she is an environmental professional or that he or she  
27 is licensed under this chapter, or who holds himself or  
28 herself out as able to perform or does perform any  
29 environmental management services or work recognized as  
30 professional environmental management, shall be construed to  
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1 be engaged in the practice of professional environmental  
2 management.

3 485.007 Board of Environmental Professionals.--

4 (1) There is created in the Department of Business and  
5 Professional Regulation a Board of Environmental  
6 Professionals. The board shall consist of seven members, four  
7 of whom must be licensed and practicing environmental  
8 professionals, with each being a representative of a separate  
9 one of the environmental management sciences listed in s.  
10 485.005(5), except that prior to October 1, 1997, such persons  
11 shall be otherwise qualified as environmental professionals.  
12 Of the remaining three members of the board, two shall be lay  
13 persons who are not and have never been environmental  
14 professionals or members of any closely related profession or  
15 occupation, and one shall be a person engaged in the teaching  
16 of environmental management science.

17 (2) Initially, the Governor shall appoint four members  
18 for a term of 4 years each and three members for a term of 3  
19 years each. Thereafter, members shall be appointed for 4-year  
20 terms. Initially, and prior to initiation of the  
21 grandfathering program under s. 485.033, the four members  
22 seated as licensed and practicing environmental professionals  
23 shall be unlicensed practicing environmental professionals who  
24 the Governor has determined satisfy all of the requirements  
25 for licensure as set forth in s. 485.012.

26 (3) The board is authorized to make such rules not  
27 inconsistent with law as may be necessary to carry out the  
28 duties and authority conferred upon the board by this chapter.  
29 Every licensee shall be governed and controlled by this  
30 chapter and the rules adopted by the board pursuant thereto.

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1           (4) The board shall establish, by rule,  
2 classifications of environmental professional licensure based  
3 on the specialties which exist in the field of environmental  
4 management. Such classifications shall, at a minimum, include  
5 the environmental management sciences of biology,  
6 environmental agronomy, environmental chemistry, and  
7 environmental physics.

8           (5) The board shall develop a test specific to each of  
9 the classifications established by rule. Such testing may  
10 rely on existing public or private certifications which in the  
11 board's judgment adequately test an applicant's basic  
12 qualifications and specific ability to practice in the  
13 specialized area or areas of professional environmental  
14 management designated by the applicant and may require, as a  
15 prerequisite to examination, a combination of education and  
16 experience consistent with the minimum requirements set forth  
17 in s. 485.012. Such certifications may include those issued  
18 by professional associations, scientific associations, or  
19 government agencies, as determined by the board and adopted by  
20 rule.

21           (6) By September 1, 1997, the board shall promulgate  
22 by rule a code of ethics for the practice of professional  
23 environmental management.

24           (7) The location of the board shall be in Leon County.

25           485.009 Fees.--The board, by rule, may establish fees  
26 to be paid for applications, licensing and renewal,  
27 reactivation of inactive or delinquent licenses, and  
28 recordmaking and recordkeeping. The board may also establish,  
29 by rule, a delinquency fee. The board shall establish fees  
30 which are adequate to ensure the continued operation of the  
31 board. Fees shall be based on department estimates of the

1 revenue required to implement this chapter and the provisions  
2 of law with respect to the regulation of environmental  
3 professionals. The fees established for the first year of  
4 this chapter shall be limited as follows:

5 (1) The application fee may not exceed \$100 and is  
6 nonrefundable.

7 (2) The initial license fee may not exceed \$100.

8 485.012 Licensure; requirements.--

9 (1) Any person desiring to be licensed as an  
10 environmental professional shall apply to the department.

11 Each applicant must:

12 (a) Complete the application form and remit the  
13 application fee.

14 (b) Be at least 18 years of age.

15 (c) Attest that he or she has not committed any act or  
16 offense in any jurisdiction which would constitute the basis  
17 for disciplining an environmental professional licensed under  
18 this chapter.

19 (d) Agree to abide by the code of ethics as adopted by  
20 the board.

21 (2) The department shall issue a license to practice  
22 professional environmental management to any person who has:

23 (a) Paid the appropriate license fee.

24 (b) Been certified by the board as qualified to  
25 practice professional environmental management.

26 (c) Provided proof of having earned a 4-year degree in  
27 one of the environmental management sciences from a fully  
28 accredited college or university.

29 (d) Provided proof of having completed a minimum of 5  
30 cumulative years of experience under the supervision of a  
31 licensed environmental professional.

1       (e) Provided proof of having met the continuing  
2 education requirements under s. 485.015(4) during each of the  
3 5 years prior to the application.

4       (3) The department may not issue a license to any  
5 applicant who:

6       (a) Is under investigation in any jurisdiction for an  
7 offense which would constitute a violation of this chapter;  
8 however, upon completion of such investigation, the  
9 disciplinary provisions of s. 485.025 shall apply; or

10       (b) The board has determined, based upon credentials  
11 of the applicant and other documents provided by the  
12 applicant, is not qualified for licensure.

13       485.013 Licensure by endorsement; requirements.--

14       (1) The department shall issue a license by  
15 endorsement to any applicant who, upon applying to the  
16 department and remitting the application fee, the board has  
17 certified:

18       (a) Is at least 18 years of age.

19       (b) Holds an active, valid license in a least one  
20 jurisdiction in the United States in which the current  
21 requirements for licensure are equivalent to or more stringent  
22 than those in this chapter.

23       (c) Has not committed any act or offense in any  
24 jurisdiction which would constitute the basis for disciplining  
25 an environmental professional licensed under this chapter.

26       (2) The department may not issue a license to any  
27 applicant who:

28       (a) Is under investigation in any jurisdiction for an  
29 offense which would constitute a violation of this chapter;  
30 however, upon completion of the investigation, the  
31 disciplinary provisions of s. 485.025 shall apply; or

1       (b) The board has determined, based upon credentials  
2 of the applicant and other documents provided by the  
3 applicant, is not qualified for licensure.

4       485.015 Renewal of license; address of primary place  
5 of practice; continuing education.--

6       (1) The department shall renew a license upon receipt  
7 of the renewal application and fee, provided the licensee has  
8 not committed any act or offense which would constitute a  
9 basis for discipline under this chapter or any rule adopted  
10 pursuant to this chapter.

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

13       (3) Prior to engaging in practice, a licensee must  
14 have on file with the department the address of his or her  
15 primary place of practice within the state. Prior to changing  
16 the address of his or her primary place of practice, whether  
17 or not within this state, the licensee must notify the  
18 department of the address of his or her new primary place of  
19 practice.

20       (4) Every person licensed as an environmental  
21 professional under this chapter must complete at least 24  
22 classroom hours in approved continuing education in the 24  
23 months preceding each biennial renewal period as established  
24 by the department. For the purpose of this subsection, each  
25 hour spent in the continuing education course shall equal one  
26 continuing education classroom hour. The board shall maintain  
27 a list of approved continuing education courses, instructors,  
28 and providers.

29       485.017 Inactive status; reactivation.--A license  
30 which has become inactive may be reactivated under s. 485.015  
31 upon application to the department, provided the licensee has

1 not committed any act or offense which would constitute the  
2 basis for discipline under this chapter or any rule adopted  
3 pursuant to this chapter. The board shall prescribe by rule  
4 continuing education requirements for reactivating a license.  
5 However, the continuing education requirements for  
6 reactivating a license may not exceed 12 classroom hours for  
7 each year the license was inactive.

8 485.019 Practice of environmental management by  
9 corporation, partnership, association, or person practicing  
10 under a fictitious name; certificate of authorization.--

11 (1) The practice of, or the offer to practice,  
12 environmental management by licensees through a corporation or  
13 partnership offering environmental management services to the  
14 public or by a corporation or partnership offering such  
15 services to the public through licensees under this chapter as  
16 agents, employees, officers, or partners is permitted only if  
17 the firm possesses a certificate of authorization issued by  
18 the department pursuant to qualification by the board, subject  
19 to the provisions of this chapter. One or more of the  
20 principal officers or employees of the corporation or one or  
21 more partners or employees of the partnership and all  
22 supervisory personnel of the corporation or partnership who  
23 act on its behalf as environmental professionals in this state  
24 must be licensed as provided by this chapter. Nothing in this  
25 section shall be construed to mean that a certificate of  
26 authorization to practice environmental management shall be  
27 held by a corporation. Nothing in this section prohibits  
28 corporations and partnerships from joining together to offer  
29 environmental management services to the public, provided each  
30 corporation or partnership otherwise meets the requirements of  
31 this section. No corporation or partnership shall be relieved

1 of responsibility for the conduct or acts of its agents,  
2 employees, or officers by reason of its compliance with this  
3 section, nor shall any individual practicing environmental  
4 management be relieved of responsibility for professional  
5 services performed by reason of his or her employment or  
6 relationship with a corporation or partnership.

7 (2) For the purposes of this section, a certificate of  
8 authorization shall be required for a corporation,  
9 partnership, association, or person practicing under a  
10 fictitious name, offering environmental management services to  
11 the public. However, when an individual is practicing  
12 environmental management in his or her own given name, the  
13 individual is not required to hold a certificate of  
14 authorization under this section.

15 (3) The fact that a licensed environmental  
16 professional practices through a corporation or partnership  
17 does not relieve the licensee from personal liability for  
18 negligence, misconduct, or wrongful acts committed by the  
19 licensee. Partnerships and all partners shall be jointly and  
20 severally liable for the negligence, misconduct, or wrongful  
21 acts committed by their agents, employees, or partners while  
22 acting in a professional capacity. Any officer, agent, or  
23 employee of a corporation shall be personally liable and  
24 accountable only for negligent acts, wrongful acts, or  
25 misconduct committed by such person or committed by any person  
26 under the direct supervision and control of such person, while  
27 rendering professional services on behalf of the corporation.  
28 The personal liability of a shareholder of a corporation, in  
29 his or her capacity as shareholder, shall be no greater than  
30 that of a shareholder-employee of a corporation incorporated  
31 under chapter 607. The corporation shall be liable up to the

1 full value of its property for any negligent acts, wrongful  
2 acts, or misconduct committed by any of its officers, agents,  
3 or employees while they are engaged on behalf of the  
4 corporation in the rendering of professional services.

5 (4) Persons seeking to incorporate under the  
6 provisions of this section must obtain approval from the  
7 department prior to filing articles of incorporation with the  
8 Department of State.

9 (5) Each certification of authorization shall be  
10 renewed every 2 years. Each partnership and corporation  
11 certified under this section must notify the board within 1  
12 month after any change in the information contained in the  
13 application upon which the certification is based.

14 (6) Disciplinary action against a corporation or  
15 partnership shall be administered in the same manner and on  
16 the same grounds as disciplinary action against a licensed  
17 environmental professional.

18 485.021 Seals.--

19 (1) The board shall prescribe, by rule, a form of seal  
20 to be used by licensees holding valid licenses. Each licensee  
21 must obtain an impression-type metal seal in the form  
22 prescribed by the board. The board shall, by rule, determine  
23 the types of environmental management papers, reports, or  
24 documents prepared or issued by the licensee and being filed  
25 for public record which must be signed by the licensee, dated,  
26 and embossed with such seal. Such signature, date, and seal  
27 shall be evidence of the authenticity of that to which they  
28 are affixed. It is unlawful for any person to emboss or seal  
29 any document with a seal without a current license.

30 (2) When a license has been revoked or suspended by  
31 the board, the licensee must surrender his or her seal to the



1 secretary of the board within a period of 30 days after the  
2 revocation or suspension has become effective. In the event a  
3 license has been suspended for a period of time, the seal  
4 shall be returned to the licensee upon reinstatement.

5 (3) No licensee shall affix or permit to be affixed  
6 his or her seal or name to any environmental management paper,  
7 report, or document which depicts work that the licensee is  
8 not licensed to perform or that is beyond the licensee's  
9 profession or specialty therein.

10 485.023 Prohibitions; penalties.--

11 (1) No person shall knowingly:

12 (a) Practice environmental management unless the  
13 person is licensed under this chapter.

14 (b) Use the name or title "licensed environmental  
15 professional" or any other title, designation, words, letters,  
16 abbreviations, or device tending to indicate that such person  
17 holds an active license as an environmental professional when  
18 the person is not licensed under this chapter.

19 (c) Present as his or her own the license of another.

20 (d) Give false or forged evidence to the board or a  
21 member of the board for the purpose of obtaining a license.

22 (e) Use or attempt to use a license which has been  
23 suspended, revoked, or placed on inactive or delinquent  
24 status.

25 (f) Employ unlicensed persons to practice  
26 environmental management, except as authorized in this  
27 chapter.

28 (g) Conceal information relative to violations of this  
29 chapter.

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1           (2) A person who violates any provision of this  
2 section commits a misdemeanor of the first degree, punishable  
3 as provided in s. 775.082 or s. 775.083.

4           (3) The board may adopt rules prescribing additional  
5 rules of conduct for environmental management professionals,  
6 violation of which may be punished pursuant to s. 485.025.

7           485.025 Disciplinary proceedings.--

8           (1) The following acts constitute grounds for which  
9 the disciplinary actions in subsection (3) may be taken:

10           (a) Violation of any provision of s. 485.023 or s.  
11 455.227(1) or any other provision of this chapter.

12           (b) Violation of any rule adopted by the board  
13 pursuant to this chapter.

14           (c) Attempting to procure a license to practice  
15 environmental management by bribery or fraudulent  
16 misrepresentations.

17           (d) Having a license to practice environmental  
18 management revoked, suspended, or otherwise acted against,  
19 including the denial of licensure by the licensing authority  
20 of another state, territory, or country.

21           (e) Being convicted or found guilty of, or entering a  
22 plea of nolo contendere to, regardless of adjudication, a  
23 crime in any jurisdiction which directly relates to the  
24 practice of environmental management or the ability to  
25 practice environmental management.

26           (f) Making or filing a report or record which the  
27 licensee knows to be false, willfully failing to file a report  
28 or record required by state or federal law, willfully impeding  
29 or obstructing such filing, or inducing another person to  
30 impede or obstruct such filing. Such reports or records shall  
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1 include only those which are signed in the capacity of a  
2 licensed environmental professional.  
3 (g) Advertising environmental management services in a  
4 manner which is fraudulent, false, deceptive, or misleading in  
5 form or content.  
6 (h) Engaging in fraud or deceit, negligence,  
7 incompetence, or misconduct, in the practice of environmental  
8 management.  
9 (i) Violation of chapter 455.  
10 (j) Practicing on a revoked, suspended, inactive, or  
11 delinquent license.  
12 (k) Affixing or permitting to be affixed his or her  
13 seal or name to any environmental management papers, reports,  
14 or documents that were not prepared by him or her or under his  
15 or her responsible supervision, direction, or control.  
16 (1) Violating a rule of the department or any order of  
17 the department previously entered in a disciplinary hearing.  
18 (2) The department shall specify, by rule, what acts  
19 or omissions constitute a violation of subsection (1).  
20 (3) When the department finds any person guilty of any  
21 of the grounds set forth in subsection (1), it may enter an  
22 order imposing one or more of the following penalties:  
23 (a) Denial of an application for licensure.  
24 (b) Revocation or suspension of a license.  
25 (c) Imposition of an administrative fine not to exceed  
26 \$1,000 for each count or separate offense.  
27 (d) Issuance of a reprimand.  
28 (e) Placement of the licensee on probation for a  
29 period of time and subject to such conditions as the  
30 department may specify.  
31

1       (f) Restriction of the authorized scope of practice by  
2 the licensee.

3       (4) The department shall reissue the license of a  
4 disciplined environmental professional or business upon  
5 certification by the board that the disciplined person or  
6 business has complied with all of the terms and conditions set  
7 forth in the final order.

8       485.027 Prosecution of criminal violations.--The board  
9 shall report any criminal violation of this chapter to the  
10 proper prosecuting authority for prompt prosecution.

11       485.029 Effect of the chapter locally.--

12       (1) Nothing contained in this chapter shall be  
13 construed to repeal, amend, limit, or otherwise affect any  
14 local building code or zoning law or ordinance, now or  
15 hereafter enacted, which is more restrictive with respect to  
16 the services of licensed environmental professionals than the  
17 provisions of this chapter.

18       (2) In counties or municipalities which issue building  
19 permits, such permits shall not be issued in any case in which  
20 it is apparent from the application for such building permit  
21 that the provisions of this chapter have been violated.  
22 However, this shall not authorize the withholding of building  
23 permits in any cases within the exempt classes set forth in  
24 this chapter.

25       485.032 Construction of chapter.--Nothing in this  
26 chapter shall be construed to restrict, prevent, or prohibit  
27 the practice of any profession or trade for which a license is  
28 required under any other law of this state, including the  
29 practice by licensed professional engineers, licensed  
30 professional geologists, licensed landscape architects, or  
31 licensed surveyors.

1           485.033 Grandfathering.--Prior to September 1, 1997,  
2 the board shall initiate a program to award licenses to  
3 applicants who meet the licensing requirements of this  
4 chapter. Prior to December 1, 1997, the board shall initiate  
5 a program to award licenses to applicants who substantially  
6 meet the licensing requirements of this chapter but fail to  
7 meet the formal educational requirements, recognizing that  
8 life experience may be substituted for these requirements,  
9 provided that adequate testimonials are received with the  
10 application which attest to the quality of the applicant's  
11 past performance. The grandfathering provisions of this  
12 section shall also accept proof of having completed a minimum  
13 of 5 cumulative years of experience in a position of  
14 responsible charge of environmental management work as having  
15 met the requirement of s. 485.012(2)(d). However, no other  
16 requirements may be modified in considering the award of  
17 licenses under the grandfathering provisions of this section.  
18 Applications may not be accepted under this section after  
19 September 1, 1998; and licenses may not be awarded under this  
20 section after March 1, 1999.

21           Section 2. Paragraph (a) of subsection (4) of section  
22 20.165, Florida Statutes, 1996 Supplement, as amended by  
23 chapter 96-403, Laws of Florida, is amended to read:

24           20.165 Department of Business and Professional  
25 Regulation.--There is created a Department of Business and  
26 Professional Regulation.

27           (4)(a) The following boards are established within the  
28 Division of Professions:

29           1. Board of Architecture and Interior Design, created  
30 under part I of chapter 481.

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- 1           2. Florida Board of Auctioneers, created under part VI  
2 of chapter 468.
- 3           3. Barbers' Board, created under chapter 476.
- 4           4. Florida Building Code Administrators and Inspectors  
5 Board, created under part XIII of chapter 468.
- 6           5. Construction Industry Licensing Board, created  
7 under part I of chapter 489.
- 8           6. Board of Cosmetology, created under chapter 477.
- 9           7. Electrical Contractors' Licensing Board, created  
10 under part II of chapter 489.
- 11          8. Board of Employee Leasing Companies, created under  
12 part XI of chapter 468.
- 13          9. Board of Environmental Professionals, created under  
14 chapter 485.
- 15          ~~10.9.~~ Board of Funeral Directors and Embalmers,  
16 created under chapter 470.
- 17          ~~11.10.~~ Board of Landscape Architecture, created under  
18 part II of chapter 481.
- 19          ~~12.11.~~ Board of Pilot Commissioners, created under  
20 chapter 310.
- 21          ~~13.12.~~ Board of Professional Engineers, created under  
22 chapter 471.
- 23          ~~14.13.~~ Board of Professional Geologists, created under  
24 chapter 492.
- 25          ~~15.14.~~ Board of Professional Surveyors and Mappers,  
26 created under chapter 472.
- 27          ~~16.15.~~ Board of Veterinary Medicine, created under  
28 chapter 474.
- 29          Section 3. This act shall take effect July 1, 1997.
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HOUSE SUMMARY

Creates chapter 485, F.S., to provide for the regulation of environmental professionals. Creates the Board of Environmental Professionals within the Division of Professions of the Department of Business and Professional Regulation for such purpose. Requires licensure of individuals and certification of corporations, partnerships, associations, and person practicing under a fictitious name. Provides for exemption from regulation for certain persons and for the grandfathering in of certain persons. See bill for details.