HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 991 Professional Geology
SPONSOR(S): Representative Jordan
TIED BILLS: **IDEN./SIM. BILLS:** SB 2276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Trades, Professions, & Reg. Business (Sub)	8 Y, 0 N	Livingston	Liepshutz
2) Business Regulation	35 Y, 0 N	Livingston	Liepshutz
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The "practice of professional geology" requires licensure as a professional geologist. Professional geologists are licensed by the Board of Professional Geologists (board), under the Department of Business and Professional Regulation (DBPR).

Currently, an applicant for licensure as a professional geologist must have a college degree in geology or a related science, seven years of professional geological work (undergraduate study or graduate study may substitute for up to two years of this), and must pass an examination approved by the board.

References to the terms “practicing geology” or “practice of geology” and “licensed geologist” are contained throughout the geology practice act. Other references to the terms “practicing professional geology” or “practice of professional geology” and “licensed professional geologist” are inconsistent within this chapter. “Geology” is the science itself and “professional geology” is the actual practice applying the knowledge of the science by a licensed individual or entity. The practice of geology without a license is prohibited. Practicing “geology” does not require a license. However, the practice of “professional geology” does require a license.

The bill amends various provisions of the practice act to address the use of the terms “practicing professional geology” and “licensed professional geologist” in order to conform to statutory definitions. The bill further addresses the consistent application of the prohibition against the practice of “professional geology” without a license.

The bill provides the board with final order authority for the discipline of licensed professional geologists. This final order authority is consistent with most of the boards within the DBPR.

The bill is not anticipated to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

1. Reduce government?	Yes[]	No[]	N/A[X]
2. Lower taxes?	Yes[]	No[]	N/A[X]
3. Expand individual freedom?	Yes[]	No[]	N/A[X]
4. Increase personal responsibility?	Yes[]	No[]	N/A[X]
5. Empower families?	Yes[]	No[]	N/A[X]

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The "practice of professional geology" requires licensure as a professional geologist. Professional geologists are licensed by the Board of Professional Geologists, under the Department of Business and Professional Regulation (DBPR).

Currently, an applicant for licensure as a professional geologist must have a college degree in geology or a related science, seven years of professional geological work (undergraduate study or graduate study may substitute for up to two years of this), and must pass an examination approved by the board.

The practice of professional geology is a multi-tasked profession. Geologists are often involved in the identification and evaluation of sources of groundwater and detection of pollution sources within the aquifer. Professional geologists provide critical evaluations of sinkhole prone areas prior to the actual design and construction of foundations for most structures. Geologists also study and evaluate land use regulations, water management practices, and coastal erosion.

Other activities of geologists may include the preparation or evaluation of the reports or documentation associated with certain types of permit applications, such as:

> assessment and mitigation of geologic hazards concerning environmental protection or economic and safety issues; land use permit applications; Contaminant Assessment Reports (CAR’s) and Remedial Action Plans (RAP’s), related to hazardous waste disposal and clean-up; drinking water related concerns (the location and site planning of municipal water wells and private wells, aquifer and groundwater assessment and protection, etc.); and providing professional geologic services to mining companies.

The users of geological services range from private industry, to government agencies, to the private land owners who may desire assistance with water resources planning and protection, contamination clean-up, remedial action to geologic hazards, and mineral resources assessments.

References to the terms “practicing geology” or “practice of geology” and “licensed geologist” are contained throughout chapter 492, F.S. Other references to the terms “practicing professional geology” or “practice of professional geology” and “licensed professional geologist” are inconsistent within this chapter. “Geology” is the science itself and “professional geology” is the actual practice applying the knowledge of the science by a licensed individual or entity. Additionally, there is a prohibition against the practice of geology without a license. Practicing “geology” does not require a license. However, the practice of “professional geology” does require a license.

Additionally, the DBPR is authorized to issue final orders for the discipline of licensed professional geologists. The board does not retain final order authority as is the case with other boards within the DBPR.

Effect of Proposed Changes

The bill addresses the use of the terms “practicing professional geology” and “licensed professional geologist” to attempt to conform to statutory definitions. The bill further addresses the consistent application of the prohibition against the practice of “professional geology” without a license.

The bill also provides the board with final order authority for the discipline of licensed professional geologists. This final order authority is consistent with most of the boards within the DBPR.

C. SECTION DIRECTORY:

Section 1. Amends s. 492.111, F.S., to reverse the order of reference to gender to refer to the feminine first and correct reference to geology terminology.

Section 2. Amends s. 492.112, F.S., to correct reference to geology terminology.

Section 3. Amends s. 492.113, F.S., to transfer certain duties from the DBPR to the board.

Section 4. Amends s. 492.115, F.S., to correct reference to geology terminology.

Section 5. Effective date - July 1, 2004

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DBPR notes, transfer of final order authority to the board will allow the board, which is more technically versed than the DBPR in the material, to render decisions related to discipline of its licensees. The board having final order authority for disciplinary matters would be consistent with the authority of most of the boards under the umbrella of the DBPR.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable.

2. Other:

   None noted.

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

None noted.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES