

By Senator Broxson

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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       deleting an examination fee limitation and a provision  
8       specifying apportionment of such fee; deleting a  
9       provision providing that the examination fee is  
10      refundable under certain circumstances; amending s.  
11      492.105, F.S.; deleting a provision providing that the  
12      examination fee is refundable under certain  
13      circumstances; amending s. 492.1051, F.S.; revising  
14      geologist-in-training registration requirements;  
15      amending s. 492.107, F.S.; revising the types of  
16      documents that require the signature, date, and seal  
17      of a professional geologist; providing that all  
18      preliminary documents must include certain text in  
19      lieu of a seal; amending s. 492.108, F.S.; revising  
20      applicant requirements for licensure by endorsement;  
21      amending s. 492.109, F.S.; providing requirements for  
22      licensure renewal; amending s. 492.111, F.S.;  
23      conforming provisions to changes made by the act;  
24      amending s. 492.112, F.S.; providing construction;  
25      amending s. 492.116, F.S.; specifying that persons  
26      engaged in geological research or employed as  
27      geologists maintain their exemptions from licensure if  
28      they do not submit certain documents for public  
29      record; exempting certain persons practicing geology

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30 from licensure requirements under certain  
31 circumstances; providing an effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Section 492.102, Florida Statutes, is amended to  
36 read:

37 492.102 Definitions.—For the purposes of this chapter,  
38 unless the context clearly requires otherwise:

39 (1) "Board" means the Board of Professional Geologists.

40 (2) "Department" means the Department of Business and  
41 Professional Regulation.

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

47 (5)~~(3)~~ "Geology" means the science that ~~which~~ includes the  
48 study ~~treatment~~ of the earth and its origin and history. The  
49 term includes, ~~in general,~~ the investigation, research, and  
50 interpretation of the earth's constituent rocks, minerals,  
51 hydrocarbons, ~~crust and interior and the solids,~~ and fluids,  
52 including ~~all~~ surface and underground waters, ~~and~~ gases, and  
53 other materials, and ~~which compose the earth,~~ the study of the  
54 natural agents, forces, and processes which cause changes in  
55 both the subsurface and surface of the earth, including any  
56 anthropogenic features or activities that may affect, or be  
57 affected by, these agents, forces, physical and chemical  
58 characteristics; ~~and the utilization of this knowledge of the~~

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59 ~~earth and its solids, fluids, and gases, and their collective~~  
60 ~~properties and processes, for the benefit of humankind.~~

61 (3)~~(4)~~ "Geologist" means an individual who, by reason of  
62 her or his knowledge of geology, soils, mathematics, and the  
63 physical and life sciences, acquired by education and practical  
64 experience, is capable of practicing the science of geology.

65 (8)~~(5)~~ "Qualified geologist" means an individual who  
66 possesses all the qualifications for licensure under ~~the~~  
67 ~~provisions of~~ this chapter, except that such person is not  
68 licensed.

69 (7)~~(6)~~ "Professional geologist" means an individual who  
70 holds a valid license issued by the board; holds a bachelor's  
71 degree or higher in geology or one of its specialties from an  
72 accredited postsecondary institution or from a program  
73 accredited by an organization recognized by the board as meeting  
74 the standards of the board; has passed the competency  
75 examinations; and has practical experience as specified in this  
76 chapter ~~who is licensed as a geologist under the provisions of~~  
77 ~~this chapter.~~

78 (6)~~(7)~~ "Practice of professional geology" means any work  
79 activity or service, including the supervision and performance  
80 thereof, requiring formal geologic education, training,  
81 experience, and understanding, and the application of  
82 mathematical, physical, chemical, biological, earth, and  
83 geological sciences as may be related to those services. These  
84 services include, but are not limited to:

85 (a) Consultation, investigation, evaluation,  
86 interpretation, remediation, planning, geologic mapping, expert  
87 technical testimony, protecting ground and surface waters, and

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88 evaluating groundwater resources.

89 (b) Prevention and remediation of contamination of the  
90 earth, earth materials, and water caused by improper disposal or  
91 accidental spills.

92 (c) Determination of the suitability and risks in  
93 containment and disposal of wastes and hazardous materials,  
94 including, but not limited to, landfills, storage tanks, and  
95 injection wells.

96 (d) The evaluation of mining and petroleum properties.

97 (e) The professional supervision of exploration for and  
98 development of mineral and natural resources, including metallic  
99 and nonmetallic minerals, petroleum, and groundwater and surface  
100 water resources.

101 (f) The geologic phases of any engineering investigation or  
102 survey.

103 (g) Determination of the depth of wells to be drilled,  
104 depth-of-casing and grouting requirements for the construction  
105 of monitoring wells, siting of boreholes, or other borings into  
106 the earth which may affect one or more aquifers.

107 (h) The geologic suitability for construction projects,  
108 including excavations and building foundations, dams, highways,  
109 and other structures which may be affected by floods,  
110 landslides, earthquakes, sinkholes, erosion, expansive-  
111 contractive earth and earth materials, or other geoscientific  
112 phenomena or processes.

113 (i) Any geologic or geoscientific surveying and mapping,  
114 including making measurements and gathering data related to the  
115 physical features of the earth, such as subsurface data and the  
116 formulation and depiction of such information into geologic or

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117 geoscientific graphics, data, maps, plans, reports, and  
118 descriptions, including preparing, creating, or modifying  
119 computerized electronic products using geographic information  
120 systems or global positioning systems and information derived  
121 therefrom, or other information and data related to the  
122 activities in this subsection.

123 (j) Any geotechnical work activities, including the  
124 practice of various aspects of related professions incidental to  
125 the practice of geology.

126 (k) The inspection or responsible supervision of any  
127 geotechnical work activities, including any other geologic or  
128 related work that includes or embraces any services, activities,  
129 or work, public or private, which may be adversely or otherwise  
130 affected or influenced by geological processes, including, but  
131 not limited to, utilities, construction projects, communication  
132 or transportation systems, or any other anthropogenic features  
133 or impacts, insofar as it involves protecting and safeguarding  
134 the public's health, safety, and welfare and the environment,  
135 and including such other professional services as may be  
136 necessary in the planning, progression, and completion of any  
137 such geologic services.

138 (l) All other geologic services, including, but not limited  
139 to, the commonly recognized geologic practices of archeogeology,  
140 coastal geology, construction geology, economic geology,  
141 engineering geology, environmental geology, forensic geology,  
142 geochronology, geomorphology, historical geology, hydrogeology,  
143 geochemistry, geophysics, marine geology, medical geology,  
144 mineralogy, mining geology, paleomagnetism, vertebrate and  
145 invertebrate paleontology, paleoclimatology, petroleum geology,

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146 petrography, petrology, physical geology, physiography,  
147 planetary geology, sedimentology, stratigraphic geology,  
148 structural geology, urban geology, vulcanology, and the use of  
149 the rock, mineral, fossil fuel, and water resources, while  
150 protecting the public and the environment.

151 (m) The preparation of geologic reports, documents, or  
152 exhibits by the employees or staff of any commission, board,  
153 department, district, or division of the state or any political  
154 subdivision thereof, when the reports, documents, or exhibits  
155 are disseminated or made available to or impact the public.  
156 However, geologic reports, documents, or exhibits that are  
157 prepared for use solely within such organizations are considered  
158 in-house reports, documents, or exhibits and are not considered  
159 the practice of professional geology unless the reports are  
160 disseminated, made available to the public, or impact the  
161 public.

162 (n) The preparation of geologic reports, documents, or  
163 exhibits by any person, firm, partnership, corporation, or other  
164 association or by the employees or staff members thereof,  
165 whether or not the principal business of the organization is the  
166 practice of professional geology, in which the geologic reports,  
167 documents, or exhibits are disseminated or made available to the  
168 public or any person or organization in such a manner that such  
169 individuals may reasonably be expected to rely on or be affected  
170 by the geologic reports, documents, or exhibits. However, any  
171 geologic reports, documents, or exhibits that are prepared for  
172 use solely within such organizations are considered in-house  
173 reports, documents, or exhibits and are not considered the  
174 practice of professional geology unless the reports are

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175 disseminated, made available to the public, or impact the  
176 public. ~~the performance of, or offer to perform, geological~~  
177 ~~services, including, but not limited to, consultation,~~  
178 ~~investigation, evaluation, planning, and geologic mapping, but~~  
179 ~~not including mapping as prescribed in chapter 472, relating to~~  
180 ~~geological work, except as specifically exempted by this~~  
181 ~~chapter. Any person who practices any specialty branch of the~~  
182 ~~profession of geology, or who by verbal claim, sign,~~  
183 ~~advertisement, letterhead, card, or any other means represents~~  
184 ~~herself or himself to be a professional geologist, or who~~  
185 ~~through the use of some title implies that she or he is a~~  
186 ~~professional geologist or that she or he is licensed under this~~  
187 ~~chapter, or who holds herself or himself out as able to perform~~  
188 ~~or does perform any geological services or work recognized as~~  
189 ~~professional geology, shall be construed to be engaged in the~~  
190 ~~practice of professional geology.~~

191 Section 2. Section 492.103, Florida Statutes, is amended to  
192 read:

193 492.103 Board of Professional Geologists.-

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

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

206 Section 3. Section 492.104, Florida Statutes, is amended to  
207 read:

208 492.104 Rulemaking authority; fees.—The Board of  
209 Professional Geologists has authority to adopt rules pursuant to  
210 ss. 120.536(1) and 120.54 to implement this chapter. Every  
211 licensee shall be governed and controlled by this chapter and  
212 the rules adopted by the board. The board is authorized to set,  
213 by rule, fees for application, examination, certificate of  
214 authorization, late renewal, initial licensure, ~~and~~ license  
215 renewal, and continuing education requirements consistent with  
216 this section. These fees should cover all board expenses to  
217 administer this section but may not exceed the cost of  
218 implementing the application, examination, initial licensure,  
219 and license renewal or other administrative process. The fees  
220 ~~and~~ shall be established as follows:

221 (1) The application fee may ~~shall~~ not exceed \$150 and is  
222 ~~shall be~~ nonrefundable.

223 (2) The examination fee must ~~shall be paid by the applicant~~  
224 ~~not exceed \$250, and the fee may be apportioned to each part of~~  
225 ~~a multipart examination. The examination fee shall be refundable~~  
226 ~~in whole or part if the applicant is found to be ineligible to~~  
227 ~~take any portion of the licensure examination.~~

228 (3) The initial license fee may not ~~shall not~~ exceed \$100.

229 (4) The biennial renewal fee may not ~~shall not~~ exceed \$150.

230 (5) The fee for a certificate of authorization may not  
231 ~~shall not~~ exceed \$350 and the fee for renewal of the certificate  
232 may not ~~shall not~~ exceed \$350.



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233 (6) The fee for reactivation of an inactive license may not  
 234 ~~shall not~~ exceed \$50.

235 (7) The fee for a provisional license may not ~~shall not~~  
 236 exceed \$400.

237 (8) The fee for application, ~~examination,~~ and licensure ~~for~~  
 238 ~~a license~~ by endorsement must ~~shall~~ be as provided in this  
 239 section for licenses in general.

240 Section 4. Paragraph (a) of subsection (1) of section  
 241 492.105, Florida Statutes, is amended to read:

242 492.105 Licensure by examination; requirements; fees.—

243 (1) Any person desiring to be licensed as a professional  
 244 geologist shall apply to the department to take the licensure  
 245 examination. The written licensure examination shall be designed  
 246 to test an applicant's qualifications to practice professional  
 247 geology, and shall include such subjects as will tend to  
 248 ascertain the applicant's knowledge of the fundamentals, theory,  
 249 and practice of professional geology and may include such  
 250 subjects as are taught in curricula of accredited colleges and  
 251 universities. The written licensure examination may be a  
 252 multipart examination. The department shall examine each  
 253 applicant who the board certifies:

254 (a) Has completed the application form and remitted a  
 255 nonrefundable application fee ~~and an examination fee which is~~  
 256 ~~refundable if the applicant is found to be ineligible to take~~  
 257 ~~the examination.~~

258 Section 5. Section 492.1051, Florida Statutes, is amended  
 259 to read:

260 492.1051 Registered geologist-in-training; requirements.—

261 (1) A person desiring to register as a geologist-in-

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262 training must ~~shall~~ apply to the department to take the  
263 fundamentals ~~a discrete~~ portion of the examination required for  
264 registration as a geologist-in-training licensure as a  
265 ~~professional geologist~~ in this state. ~~This discrete portion~~  
266 ~~shall cover the fundamentals of geology.~~ The department shall  
267 examine each applicant who the board certifies:

268 (a) Has completed the application form and remitted a  
269 nonrefundable application fee ~~and an examination fee that is~~  
270 ~~refundable if the applicant is found to be ineligible to take~~  
271 ~~the examination.~~

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

275 (c) Has successfully completed at least 30 semester hours  
276 or 45 quarter hours of geological coursework at a college or  
277 university, the geological curricula of which meet the criteria  
278 established by an accrediting agency recognized by the United  
279 States Department of Education and, if still enrolled, has  
280 provided a letter of good academic standing from the college or  
281 university.

282 (2) The department shall register as a geologist-in-  
283 training each applicant who ~~the board certifies~~ has passed the  
284 fundamentals of geology portion of the licensure examination.

285 (3) A registered geologist-in-training desiring to be  
286 licensed as a professional geologist must ~~shall~~ apply to the  
287 department to take the licensure examination as prescribed in s.  
288 492.105(1), but is not required to retake the fundamentals of  
289 geology portion of the licensure examination. A registered  
290 geologist-in-training may only apply after he or she meets the

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291 requirements for work experience under s. 492.105(1)(e).

292 Section 6. Subsection (1) of section 492.107, Florida  
293 Statutes, is amended, and subsection (3) is added to that  
294 section, to read:

295 492.107 Seals.—

296 (1) The board shall prescribe, by rule, a form of seal,  
297 including its electronic form, to be used by persons holding  
298 valid licenses. All final versions of geological papers,  
299 reports, and documents, or geologic portions of a final paper,  
300 report, or document, prepared or issued by the licensee must  
301 ~~shall~~ be signed, dated, and sealed by the licensee who performed  
302 or is responsible for the supervision, direction, or control of  
303 the work contained in the papers, reports, or documents before  
304 such work is released from the control of the licensee.

305 Specifically, the licensee shall sign, seal, and date the  
306 original title sheet of bound geologic reports, specifications,  
307 details, calculations, estimates, drawings, diagrams, or maps  
308 and each original sheet of plans or drawings regardless of size  
309 or binding if the plans or drawings are intended to be removed  
310 from the report. Such signature, date, and seal are ~~shall be~~  
311 evidence of the authenticity of that to which they are affixed.  
312 Geological papers, reports, and documents prepared or issued by  
313 the licensee may be transmitted electronically provided they  
314 have been signed by the licensee, dated, and electronically  
315 sealed. It is unlawful for any person to sign or seal any  
316 document as a professional geologist unless such ~~that~~ person  
317 holds a current, active license as a professional geologist  
318 which has not expired or been revoked or suspended, unless  
319 reinstated or reissued.

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320       (3) In lieu of a seal, all preliminary documents that have  
321 been released from the control of the licensee must specify its  
322 purpose, the name of the licensed professional geologist of  
323 record and such geologist's license number, and the release date  
324 by the professional geologist placing the following text on such  
325 documents:

326

327       "This document is released for the purpose of ...(list  
328 purpose)... under the authority of ...(name of licensed  
329 professional geologist)... with license number ...(license  
330 number)... on ...(date).... It may not be used for any other  
331 purposes."

332       Section 7. Paragraph (d) of subsection (1) of section  
333 492.108, Florida Statutes, is amended to read:

334       492.108 Licensure by endorsement; requirements; fees.—

335       (1) The department shall issue a license by endorsement to  
336 any applicant who, upon applying to the department and remitting  
337 an application fee, has been certified by the board that he or  
338 she:

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

342       Section 8. Section 492.109, Florida Statutes, is amended to  
343 read:

344       492.109 Renewal of license; fees.—

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

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

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349 (3) The licensee must have on file with the department the  
350 address of her or his primary place of practice within this  
351 state prior to engaging in that practice. Prior to changing the  
352 address of her or his primary place of practice, whether or not  
353 within this state, the licensee must notify the department of  
354 the address of the new primary place of practice.

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

358 (5) The board must approve all continuing education  
359 requirements and providers before implementation of such  
360 requirements or selection of such providers is effective.

361 Section 9. Subsection (3) of section 492.111, Florida  
362 Statutes, is amended to read:

363 492.111 Practice of professional geology by a firm,  
364 corporation, or partnership; certificate of authorization.—The  
365 practice of, or offer to practice, professional geology by  
366 individual professional geologists licensed under the provisions  
367 of this chapter through a firm, corporation, or partnership  
368 offering geological services to the public through individually  
369 licensed professional geologists as agents, employees, officers,  
370 or partners thereof is permitted subject to the provisions of  
371 this chapter, provided that:

372 (3) All final geological papers or documents involving the  
373 practice of professional ~~the profession of~~ geology which have  
374 been prepared or approved for the use of such firm, corporation,  
375 or partnership, for delivery to any person for public record  
376 with the state, shall be dated and bear the signature and seal  
377 of the professional geologist or professional geologists who

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378 prepared or approved them.

379 Section 10. Paragraph (a) of subsection (1) of section  
380 492.112, Florida Statutes, is amended to read:

381 492.112 Prohibitions; penalties.—

382 (1) A person may not knowingly:

383 (a) Practice professional geology unless the person is  
384 licensed under this chapter. Any individual who by sign, card,  
385 letterhead, advertisement, website, verbal claim, or in any  
386 other way holds himself or herself out to be a licensed  
387 professional geologist, or that he or she is registered or  
388 otherwise licensed under this chapter, is construed to be  
389 engaged in the practice of professional geology.

390 Section 11. Section 492.116, Florida Statutes, is amended  
391 to read:

392 492.116 Exemptions.—The following persons are specifically  
393 exempted from this chapter, ~~provided, however, that all final~~  
394 ~~geological papers or documents which have been prepared by a~~  
395 ~~person exempt under subsection (1), subsection (2), subsection~~  
396 ~~(3), or subsection (4) for delivery to any person for public~~  
397 ~~record with the state shall be dated and bear the signature and~~  
398 ~~seal of the professional geologist or professional geologists~~  
399 ~~who prepared or approved them:~~

400 (1) Persons engaged solely in teaching the science of  
401 geology.

402 (2) Persons engaged in geological research that ~~which~~ does  
403 not affect the health, safety, or well-being of the public and  
404 who do not submit documents for public record.

405 (3) Officers and employees of the United States Government,  
406 the State of Florida, water management districts, or other local

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407 or regional governmental entities practicing under the  
408 responsible charge of a professional geologist as defined in s.  
409 492.102 ~~solely as such officers or employees.~~

410 (4) Regular full-time employees of a corporation not  
411 engaged in the practice of professional geology as such, who are  
412 directly supervised by a person licensed as a professional  
413 geologist under this chapter.

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

422 (6) A person, during the course of providing geologic  
423 guidance or work activities, practicing, offering to practice,  
424 or attempting to practice geology may coordinate and review the  
425 submissions prepared by others, without limitation, provided  
426 that such submissions are within, or are incidental to, the  
427 practice of professional geology and the person is familiar with  
428 the details and progress of these activities.

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