

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 specified fees for certain purposes;
7 amending s. 492.105, F.S.; providing that the
8 examination fee is nonrefundable; amending s.
9 492.1051, F.S.; revising geologist-in-training
10 registration requirements; amending s. 492.107, F.S.;
11 revising the types of documents that require the
12 signature, date, and seal of a professional geologist;
13 providing that all preliminary documents must include
14 certain text in lieu of a seal; amending s. 492.108,
15 F.S.; revising applicant requirements for licensure by
16 endorsement; amending s. 492.109, F.S.; providing
17 requirements for licensure renewal; authorizing the
18 board to adopt a continuing education program;
19 amending s. 492.111, F.S.; conforming provisions to
20 changes made by the act; amending s. 492.112, F.S.;
21 providing construction; amending s. 492.116, F.S.;
22 providing that certain persons may only maintain their
23 specified exemptions if they do not submit documents
24 for public record; exempting certain persons
25 practicing professional geology from certain
26 requirements; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 492.102, Florida Statutes, is amended to
31 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 (5)~~(3)~~ "Geology" means the science which includes the study
38 ~~treatment~~ of the earth and its origin and history. The term
39 includes, in general, the investigation, research, and
40 interpretation of the earth's constituent rocks, minerals,
41 hydrocarbons, crust and interior and the solids, and fluids,
42 including all surface and underground waters, and gases, and
43 other materials, and which compose the earth; the study of the
44 natural agents, forces, and processes which cause changes in
45 both the subsurface and surface of the earth, including
46 anthropogenic features or activities that may affect, or be
47 affected by these agents, forces, physical and chemical
48 characteristics; ~~and the utilization of this knowledge of the~~
49 ~~earth and its solids, fluids, and gases, and their collective~~
50 ~~properties and processes, for the benefit of humankind.~~

51 (3)~~(4)~~ "Geologist" means an individual who, by reason of
52 her or his knowledge of geology, soils, mathematics, and the
53 physical and life sciences, acquired by education and practical
54 experience, is capable of practicing the science of geology.

55 (4) "Geologist-in-training" means an individual who has the
56 required academic qualifications established by the board,
57 passed an examination approved by the board by demonstrating a
58 knowledge of the fundamentals of geology, and is enrolled as a

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59 geologist-in-training by the board.

60 (8)~~(5)~~ "Qualified geologist" means an individual who
61 possesses all the qualifications for licensure under ~~the~~
62 ~~provisions of~~ this chapter, except that such person is not
63 licensed.

64 (7)~~(6)~~ "Professional geologist" means an individual who
65 holds a valid license issued by the board; holds a bachelor's
66 degree or higher in geology or one of its specialties from an
67 accredited postsecondary institution or from a program
68 accredited by an organization recognized by the board as meeting
69 the standards of the board; has passed the competency
70 examinations; and has practical experience as set forth in this
71 chapter who is licensed as a geologist under the provisions of
72 this chapter.

73 (6)~~(7)~~ "Practice of professional geology" means the
74 performance of, or offer to perform, geological services,
75 including, but not limited to, consultation, investigation,
76 evaluation, planning, and geologic mapping, but not including
77 mapping as prescribed in chapter 472, relating to geological
78 work, except as specifically exempted by this chapter. Any
79 person who practices any specialty branch of the profession of
80 geology, or who by verbal claim, sign, advertisement,
81 letterhead, card, or any other means represents herself or
82 himself to be a professional geologist, or who through the use
83 of some title implies that she or he is a professional geologist
84 or that she or he is licensed under this chapter, or who holds
85 herself or himself out as able to perform or does perform any
86 geological services or work recognized as professional geology,
87 shall be construed to be engaged in the practice of professional

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88 geology.

89 Section 2. Section 492.103, Florida Statutes, is amended to
90 read:

91 492.103 Board of Professional Geologists.—

92 (1) There is created in the department ~~of Business and~~
93 ~~Professional Regulation~~ the Board of Professional Geologists.
94 The board shall consist of seven members, five of whom shall be
95 professional geologists, and two of whom shall be laypersons who
96 are not and have never been geologists or members of any closely
97 related profession or occupation. The State Geologist, as
98 provided for in s. 377.075(3), ~~chief of the Bureau of Geology in~~
99 ~~the Department of Environmental Protection,~~ or his or her
100 designee, shall serve as an ex officio member of the board.
101 Members shall be appointed for 4-year terms.

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

104 Section 3. Section 492.104, Florida Statutes, is amended to
105 read:

106 492.104 Rulemaking authority; fees.—The Board of
107 Professional Geologists has authority to adopt rules pursuant to
108 ss. 120.536(1) and 120.54 to implement this chapter. Every
109 licensee shall be governed and controlled by this chapter and
110 the rules adopted by the board. The board is authorized to set,
111 by rule, fees for application, examination, certificate of
112 authorization, late renewal, initial licensure, and license
113 renewal. These fees should cover all board expenses to
114 administer this section but may not exceed the cost of
115 implementing the application, examination, initial licensure,
116 and license renewal or other administrative process. The fees

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117 ~~and~~ shall be established as follows:

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

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

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

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

127 (5) The fee for a certificate of authorization may ~~shall~~
128 not exceed \$350 and the fee for renewal of the certificate may
129 ~~shall~~ not exceed \$350.

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

132 (7) The fee for a provisional license may ~~shall~~ not exceed
133 \$400.

134 (8) The fee for ~~application, examination, and licensure for~~
135 ~~a license~~ by endorsement shall be as provided in this section
136 for licenses in general.

137 Section 4. Paragraph (a) of subsection (1) of section
138 492.105, Florida Statutes, is amended to read:

139 492.105 Licensure by examination; requirements; fees.—

140 (1) Any person desiring to be licensed as a professional
141 geologist shall apply to the department to take the licensure
142 examination. The written licensure examination shall be designed
143 to test an applicant's qualifications to practice professional
144 geology, and shall include such subjects as will tend to
145 ascertain the applicant's knowledge of the fundamentals, theory,

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146 and practice of professional geology and may include such
147 subjects as are taught in curricula of accredited colleges and
148 universities. The written licensure examination may be a
149 multipart examination. The department shall examine each
150 applicant who the board certifies:

151 (a) Has completed the application form and remitted a
152 nonrefundable application fee and ~~an examination fee which is~~
153 ~~refundable if the applicant is found to be ineligible to take~~
154 ~~the examination.~~

155 Section 5. Section 492.1051, Florida Statutes, is amended
156 to read:

157 492.1051 Registered geologist-in-training; requirements.—

158 (1) A person desiring to register as a geologist-in-
159 training shall apply to the department to take the fundamentals
160 ~~a discrete~~ portion of the examination required for registration
161 as a geologist-in-training licensure as a professional geologist
162 ~~in this state. This discrete portion shall cover the~~
163 ~~fundamentals of geology.~~ The department shall examine each
164 applicant who the board certifies:

165 (a) Has completed the application form and remitted a
166 nonrefundable application fee and ~~an examination fee that is~~
167 ~~refundable if the applicant is found to be ineligible to take~~
168 ~~the examination.~~

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

172 (c) Has successfully completed at least 30 semester hours
173 or 45 quarter hours of geological coursework at a college or
174 university, the geological curricula of which meet the criteria

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175 established by an accrediting agency recognized by the United
176 States Department of Education and, if still enrolled, has
177 provided a letter of good academic standing from the college or
178 university.

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

182 (3) A registered geologist-in-training desiring to be
183 licensed as a professional geologist shall apply to the
184 department to take the licensure examination as prescribed in s.
185 492.105(1), but is not required to retake the fundamentals of
186 geology portion of the licensure examination. A registered
187 geologist-in-training may only apply after he or she meets the
188 requirements for work experience under s. 492.105(1)(e).

189 Section 6. Subsection (1) of section 492.107, Florida
190 Statutes, is amended, and subsection (3) is added to that
191 section, to read:

192 492.107 Seals.—

193 (1) The board shall prescribe, by rule, a form of seal,
194 including its electronic form, to be used by persons holding
195 valid licenses. All final versions of geological papers,
196 reports, and documents, or geologic portions of a final paper,
197 report, or document, prepared or issued by the licensee must
198 ~~shall~~ be signed, dated, and sealed by the licensee who performed
199 or is responsible for the supervision, direction, or control of
200 the work contained in the papers, reports, or documents before
201 such work is released from the control of the licensee.
202 Specifically, the licensee shall sign, seal, and date the
203 original title sheet of bound geologic reports, specifications,

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204 details, calculations, estimates, drawings, diagrams, or maps
205 and each original sheet of plans or drawings regardless of size
206 or binding if the plans or drawings are intended to be removed
207 from the report. Such signature, date, and seal are ~~shall be~~
208 evidence of the authenticity of that to which they are affixed.
209 Geological papers, reports, and documents prepared or issued by
210 the licensee may be transmitted electronically provided they
211 have been signed by the licensee, dated, and electronically
212 sealed. It is unlawful for any person to sign or seal any
213 document as a professional geologist unless such ~~that~~ person
214 holds a current, active license as a professional geologist
215 which has not expired or been revoked or suspended, unless
216 reinstated or reissued.

217 (3) In lieu of a seal, all preliminary documents that have
218 been released from the control of the licensee must specify its
219 purpose, the name of the licensed professional geologist of
220 record and such geologist's license number, and the release date
221 by the professional geologist placing the following text on such
222 documents:

223
224 "This document is released for the purpose of ...(list
225 purpose)... under the authority of ...(name of licensed
226 professional geologist)... with license number ...(license
227 number)... on ...(date).... It shall not be used for any other
228 purposes."

229 Section 7. Paragraph (d) of subsection (1) of section
230 492.108, Florida Statutes, is amended to read:

231 492.108 Licensure by endorsement; requirements; fees.—

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

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

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

239 Section 8. Section 492.109, Florida Statutes, is amended to
240 read:

241 492.109 Renewal of license; fees; continuing education.—

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

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

246 (3) The licensee must have on file with the department the
247 address of her or his primary place of practice within this
248 state prior to engaging in that practice. Prior to changing the
249 address of her or his primary place of practice, whether or not
250 within this state, the licensee must notify the department of
251 the address of the new primary place of practice.

252 (4) The board is authorized to adopt a program of
253 continuing education and must approve all continuing education
254 requirements and providers before implementation of such
255 requirements or selection of such providers is effective.

256 (5) The licensee must provide the department a statement
257 certifying that the licensee completed the hours of approved
258 continuing education required during the last biennium.

259 (6) Continuing education requirements are not applicable to
260 licensees 65 years or older.

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

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262 Statutes, is amended to read:

263 492.111 Practice of professional geology by a firm,
264 corporation, or partnership; certificate of authorization.—The
265 practice of, or offer to practice, professional geology by
266 individual professional geologists licensed under the provisions
267 of this chapter through a firm, corporation, or partnership
268 offering geological services to the public through individually
269 licensed professional geologists as agents, employees, officers,
270 or partners thereof is permitted subject to the provisions of
271 this chapter, provided that:

272 (3) All final geological papers or documents involving the
273 practice of professional ~~the profession of~~ geology which have
274 been prepared or approved for the use of such firm, corporation,
275 or partnership, for delivery to any person for public record
276 with the state, shall be dated and bear the signature and seal
277 of the professional geologist or professional geologists who
278 prepared or approved them.

279 Section 10. Paragraph (a) of subsection (1) of section
280 492.112, Florida Statutes, is amended to read:

281 492.112 Prohibitions; penalties.—

282 (1) A person may not knowingly:

283 (a) Practice professional geology unless the person is
284 licensed under this chapter. Any individual who by sign, card,
285 letterhead, advertisement, website, verbal claim, or in any
286 other way holds himself or herself out to be a licensed
287 professional geologist, or that he or she is registered or
288 otherwise licensed under this chapter, is construed to be
289 engaged in the practice of professional geology.

290 Section 11. Section 492.116, Florida Statutes, is amended

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291 to read:

292 492.116 Exemptions.—The following persons are specifically
293 exempted from this chapter, ~~provided, however, that all final~~
294 ~~geological papers or documents which have been prepared by a~~
295 ~~person exempt under subsection (1), subsection (2), subsection~~
296 ~~(3), or subsection (4) for delivery to any person for public~~
297 ~~record with the state shall be dated and bear the signature and~~
298 ~~seal of the professional geologist or professional geologists~~
299 ~~who prepared or approved them:~~

300 (1) Persons engaged solely in teaching the science of
301 geology.

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

305 (3) Officers and employees of the United States Government,
306 the State of Florida, water management districts, or other local
307 or regional governmental entities practicing under the
308 responsible charge of a professional geologist as defined in s.
309 492.102 solely as such officers or employees.

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

314 (5) A person employed on a full-time basis as a geologist
315 by an employer engaged in the business of developing, mining, or
316 treating ores, other minerals, and petroleum resources if that
317 person engages in geological practice exclusively for and as an
318 employee of such employer and does not hold herself or himself
319 out and is not held out as available to perform any geological

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320 services for persons other than her or his employer and who does
321 not submit documents for public record.

322 (6) A person, during the course of providing geologic
323 guidance or work activities, practicing, offering to practice,
324 or attempting to practice geology may coordinate and review the
325 submissions prepared by others, without limitation, provided
326 that such submissions are within, or are incidental to, the
327 practice of professional geology and the person is familiar with
328 the details and progress of these activities.

329 (7) Notwithstanding the provisions of this chapter or any
330 other law:

331 (a) A licensed engineer whose principal practice is
332 geotechnical or civil engineering, or an employee or subordinate
333 under the responsible supervision or control of such engineer,
334 is not precluded from performing geological services which are
335 purely incidental to his or her engineering practice.

336 (b) A licensed geologist is not precluded from performing
337 engineering services which are purely incidental to his or her
338 practice of geology.

339 Section 12. This act shall take effect July 1, 2019.