

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 prohibiting the submission of documents for public
23 record by certain persons in order to maintain his or
24 her specified exemptions; 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:

29

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

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

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

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

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

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

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

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

60 (6) ~~(7)~~ "Practice of professional geology" means the
61 performance of, or offer to perform, geological services,
62 including, but not limited to, consultation, investigation,
63 evaluation, planning, and geologic mapping, but not including
64 mapping as prescribed in chapter 472, relating to geological
65 work, except as specifically exempted by this chapter. Any
66 person who practices any specialty branch of the profession of
67 geology, or who by verbal claim, sign, advertisement,
68 letterhead, card, or any other means represents herself or
69 himself to be a professional geologist, or who through the use
70 of some title implies that she or he is a professional geologist
71 or that she or he is licensed under this chapter, or who holds
72 herself or himself out as able to perform or does perform any
73 geological services or work recognized as professional geology,
74 shall be construed to be engaged in the practice of professional
75 geology.

76 (7)~~(6)~~ "Professional geologist" means an individual who
 77 holds a valid license issued by the board; holds a bachelor's
 78 degree or higher in geology or one of its specialties from an
 79 accredited postsecondary institution or from a program
 80 accredited by an organization recognized by the board as meeting
 81 the standards of the board; has passed the competency
 82 examinations; and has practical experience as set forth in this
 83 chapter ~~who is licensed as a geologist under the provisions of~~
 84 ~~this chapter.~~

85 (8)~~(5)~~ "Qualified geologist" means an individual who
 86 possesses all the qualifications for licensure under ~~the~~
 87 ~~provisions of this chapter,~~ except that such person is not
 88 licensed.

89 Section 2. Section 492.103, Florida Statutes, is amended
 90 to 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
103 of the board shall apply.

104 Section 3. Section 492.104, Florida Statutes, is amended
105 to 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
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~~
 135 ~~for a license~~ by endorsement shall be as provided in this
 136 section 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,
 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
 170 jurisdiction which constitutes grounds for disciplining a
 171 professional 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
 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 a new 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,
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
 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. Subsections (4), (5), and (6) are added to
 240 | section 492.109, Florida Statutes, to 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
260 to licensees 65 years or older.

261 Section 9. Subsection (3) of section 492.111, Florida
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
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
306 Government, the State of Florida, water management districts, or
307 other local or regional governmental entities practicing under
308 the responsible charge of a professional geologist as defined in
309 s. 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
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 that

326 such submissions are within, or are incidental to, the practice
327 of professional geology and the person is familiar with the
328 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.