

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 404

INTRODUCER: Regulated Industries Committee and Senator Grimsley

SUBJECT: Professional Geology

DATE: February 11, 2014      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Niles</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Niles</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 404 amends s. 492.105, F.S., revising requirements for licensure by examination of professional geologists.

The bill creates s. 492.1051, F.S., providing requirements for registration as a geologist-in-training (GIT). Geologist-in-training candidates must satisfy all requirements of a candidate under licensure by examination, apart from work experience. Geologist-in-training candidates will be permitted to take the fundamentals of geology portion of the licensing examination prior to gaining work experience. The Department of Business and Professional Regulations (department) will be required to register each candidate who successfully completes the fundamentals of geology portion of the examination as a geologist-in-training.

According to the department, application as a GIT is voluntary and is not required to become a licensed geologist.

The bill provides an effective date of October 1, 2014.

**II. Present Situation:**

The Board of Professional Geologists (board), created in the Department of Business and Professional Regulations (department), is authorized to set, by rule, fees for application,

certificate of authorization, late renewal, initial licensure, and license renewal in the field of geology.<sup>1</sup>

The board is a member of the National Association of State Boards of Geology (association), which serves as a connective link for state geology licensing boards in the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public.<sup>2</sup> They provide model legislation for licensing geologists and model legislation for the implementation of a Geologist-in-Training registration.<sup>3</sup> This association does not license or register geologists.<sup>4</sup> One of ASBOG's principal services is to develop standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. State boards are provided with uniform examinations that are valid measures of competency related to the practice of the profession. Examination candidates are provided with a copy of the Professional Geologist Candidate Handbook which delineates the format and outline for the exam. The two portion examination that is currently used for licensure by examination under s. 492.105(d), F.S., is the product of ASBOG. The board has adopted the examination produced by the association in rule 61G16-6.001, F.A.C.

The association's definitions of exam:<sup>5</sup>

- **Fundamentals of Geology (FG) Examination** - The National Examination tests items related to knowledge and skills acquired in an academic setting that leads to a baccalaureate degree. The exam consists of 140 questions.
- **Practice of Geology (PG) Examination** - The National Examination tests items that assess skills and knowledge acquired or expanded through employment, typically after five years of work experience. The exam consists of 110 questions.
- The FG Examination (total questions = 140) is administered in a four-hour session. The PG Examination (total questions = 110) is also administered during a four-hour session. The FG and PG are separate examinations, and scores are reported for each. Different forms of the examinations are constructed for each administration.

### **Current Florida Requirements for Licensing by Examination**

Currently, the examination to become a licensed geologist is given in two parts, one covering fundamentals of geology and the other covering practical knowledge of geology gained through work experience.<sup>6</sup> The exams are in the format provided by ASBOG listed above and offered twice a year. Section 492.105, F.S., provides that in order to take this two part licensure examination, a candidate must:

- Complete the application form and pay the application and examination fee;
- Be at least 18 years of age;
- Have not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a Florida licensed geologist;

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<sup>1</sup> See s. 492.104, F.S.

<sup>2</sup> National Association of State Boards of Geology, *Mission Statement*, available at <http://www.asbog.org/> (last visited Jan. 10, 2014).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> National Association of State Boards of Geology, *Professional Geologists Candidate Handbook*, 11 (2013)

<sup>6</sup> See rule 61G16-6.001, F.A.C.

- Be a graduate of a qualifying<sup>7</sup> college or university with a major in geology or related science<sup>8</sup> with 30 satisfactorily completed semester hours of geological coursework with conditions set forth in the statute; and
- Have specified experience:
  - a) At least seven years of experience, which will include a minimum of three years of professional geological work under the supervision of a licensed or qualified geologist or an engineer licensed under chapter 471; or
  - b) At least five accumulative years' experience in responsible charge<sup>9</sup> of geological work.

The following criteria may currently be applied to option (a) for accumulation of seven years' work experience:

- 1) Candidates may claim each year of specified undergraduate study as one half year of work experience, equaling a maximum of two years.
- 2) Candidates may claim each year of specified graduate study as 1 year of work experience.
- 3) Candidates may claim a maximum of two years of study as work experience.
- 4) Candidates may claim full-time specified teaching or research as year for year work experience.
- 5) Candidates' ability shall have been demonstrated by having performed the work in a responsible position<sup>10</sup> as determined by the board.

Applicants for a licensure by examination are required to gain experience prior to their examination. This time lapse between education and the examination has resulted in a 50% pass rate of the fundamentals portion of the examination, with the percentage of passing decreasing the further applicants are removed from their education.<sup>11</sup>

There is currently no GIT registration in Florida. According to the association there are seventeen member states who have GIT requirements. The association provides a model for GIT qualifications to be used by the state's board as follows:<sup>12</sup>

- a) Graduation from a course of study in geology satisfactory to the Board from an accredited college or university...which includes at least thirty (30) semester hours or forty-five (45) quarter hours of credit in geological course work suitable to the Board, with a major in geology or a geological specialty;

<sup>7</sup> See rule 61G16-6.001(2), F.A.C.

<sup>8</sup> See rule 61G16-5.001, F.A.C. "Related science means, any science degree demonstrated by the applicant to possess a reasonable and rational nexus to a degree in geology."

<sup>9</sup> See rule 61G16-5.009, F.A.C. "Responsible Charge shall mean one who is accountable for and exercises direct control and personal supervision of one self's and others' geological work with initiative, skill and independent scientific judgment."

<sup>10</sup> See rule 61G16-5.009, F.A.C. "Responsible Position shall mean a position in which one performs geological work with initiative, skill and independent judgment, under the supervision and direction of a professional geologist licensed under Chapter 492, F.S., a professional engineer licensed under Chapter 471, F.S., or other qualified professional."

<sup>11</sup> 2014 Legislative Bill Analysis for SB 404, Department of Business and Professional Regulation (Dec. 20, 2013).

<sup>12</sup> National Association of State Boards of Geology, The professional Geologist Model Licensure Law Section 22 at page 29 (2005) available at <http://www.asbog.org/Documents/Model%20Law%2012-2-05.pdf> (last visited Jan. 10, 2014)

- b) Successful passage of a national examination on the fundamentals of geology and any other jurisdictional examinations in geology as determined and prescribed by the Board; and,
- c) Other requirements as may be established in rules and regulations by the Board including that said applicant for enrollment possesses a degree in geology as specified in this section prior to being allowed to sit for any examination.

### **III. Effect of Proposed Changes:**

#### **Multi-Part Exam and Fee Apportionment**

Section 492.105(1), F.S., is amended to allow the licensure examination to be a “multi-part” examination. The rulemaking authority provision under s. 492.104, F.S., is amended to allow the fee for licensure by examination to be apportioned for such a “multipart” examination.

#### **Fundamentals of Geology**

Section 492.105(1), F.S., is amended to include the term “fundamentals” as an area that shall be included in the examination. Material described as fundamentals is currently covered by one part of a two part examination for licensure. Having this fundamentals designated as a specific part distinguishes for examination purposes for GIT registration, where an individual is required to take only the fundamental portion of the examination to become a registered geologist in training.

#### **Coursework requirement**

Section 492.105(1)(d), F.S., is amended to remove the requirement that 24 of the 30 required semester hours necessary to obtain the licensure by examination be at the third or fourth year or graduate level. As long as a candidate has 30 semester hours or 45 quarter hours in general, these will satisfy the requirement, regardless of what point or level they were complete.

#### **Revision of work experience requirements**

The Board of Professional Geologists indicated that the bill would ensure that licensure by examination is granted only to candidate’s that possess practical work experience in the field of geology.<sup>13</sup> They indicated that the bill accomplishes this goal by limiting the available methods of demonstrating “work experience,” under s. 492.105(1)(e), F.S.

The bill changes the geological work experience necessary for licensure by examination from seven years of professional geological work experience to five years of “verified” professional geological work experience. The board indicated that the word “verified” heightens the standard of review to be implemented at the discretion of the board. Although the time requirement is decreased, the criteria for verified professional work experience is considered to be more demanding than the current statute due to the removal of alternative means of demonstrating work experience currently available under s. 492.105(1)(e), F.S.

The two options to demonstrate work experience as a candidate for licensure by examination under s. 492.105(1)(e), F.S., would now require either;

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<sup>13</sup> Discussion with Louis Bush, Chair of the Board of Professional Geologists (Jan. 3, 2014).

- a) Five years of verified professional geological work experience, which includes at least three years of professional work under a licensed or qualified geologist or professional engineer registered under ch. 471, F.S.; or
- b) Five accumulative years of verified geological work experience in responsible charge of geological work as determined by the Board.

The first option to gain the five years of experience permits working under supervision and direction of a licensed or qualified professional.<sup>14</sup> The second option to gain five years of experience requires one to be in “responsible charge,” which means that one must be accountable for and exercise direct control over the geological work of others for five.

The validity of either option is determined by the board. The bill does not describe how one might “verify” work, but it is the practice of the board now to accept detailed descriptions of the exact nature and extent of the work performed.<sup>15</sup>

### **Geologist-In-Training (GIT) Registration**

The bill creates s. 492.1051, F.S., geologist-in-training (GIT) registration and requirements. According to the board, GIT registration would enable a student in their final year, or a graduate with a degree in geology or related field, to apply for board approval to take a portion of the examination covering only the fundamentals of geology.<sup>16</sup> This may increase the pass rates for this portion of the examination.

According to the department, this registration will not authorize an individual to practice professional geology or use this title to convey such authority under the prohibitions found at s. 492.112(1)(a) and (b), F.S. The department and board have expressed that this provision is not to obtain a license, but only to be registered as completing one portion of the examination required for licensure.

The board indicated that the registration will benefit an applicant primarily by allowing the examination to be conducted closer in time to his/her education. An additional benefit will be the confirmation of one’s character clearance at the point of registration, as the board will only certify individuals to take the examination that have not committed an act or offense which constitutes grounds for disciplining a professional geologist. This may allow candidates the advanced notice of any existing disciplinary actions that may disqualify them from applying for a Florida license prior to initiating their five years of experience.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>14</sup> See rule 61G16-1.009 F.A.C.

<sup>15</sup> See rule 61G16-5.004(3), F.A.C.

<sup>16</sup> Board of Professional Geologists, *May 2013 General Business Minutes* (May 15-16 2013) available at [http://www.myfloridalicense.com/Dbpr/pro/geolo/documents/geo\\_minutes\\_0513.pdf](http://www.myfloridalicense.com/Dbpr/pro/geolo/documents/geo_minutes_0513.pdf) (last visited Jan. 13, 2014).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An applicant for Geologist-In-Training registration would have to pay an application and exam fee estimated at \$225.<sup>17</sup> This cost may impact businesses that employ geologists and related staff.<sup>18</sup>

C. Government Sector Impact:

This bill will have an impact on the Bureau of Central Intake and Licensure. The bill adds a new registration category, “registered geologist-in-training”, and alters the experience requirements for licensed geologists to include 5-years of “verified” experience. The increase in workload that this legislation would create is indeterminate at this time; however, based on current licensure levels the department should be able to accommodate this with existing resources.<sup>19</sup>

	FY 2014-15	FY 2015-16	FY 2016-17
Revenues:	Low: \$6,750 High: \$22,500	Low: \$6,750 High: \$22,500	Low: \$6,750 High: \$22,500
Expenditures:	Indeterminate	Indeterminate	Indeterminate

**VI. Technical Deficiencies:**

A definition for “verified” may be necessary. The validity of experience required for licensure is determined by the board. The bill does not describe how one might “verify” work, but it is the practice of the board now to accept detailed descriptions of the exact nature and extent of the work performed.<sup>20</sup>

<sup>17</sup> 2014 Legislative Bill Analysis for SB 404, Department of Business and Professional Regulation (Dec. 20, 2013).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> See rule 61G16-5.004(3), F.A.C.

**VII. Related Issues:****Responsible Charge of Geological Work**

Responsible charge is defined in the board rules as “one who is accountable for and exercises direct control and personal supervision of one self's and others’ geological work with initiative, skill and independent scientific judgment.”<sup>21</sup> Section 492.112(1)(a), F.S., prohibits the practice of geology unless the person is licensed under this chapter. It is not clear how this type of experience will be gained. Perhaps this is relevant to only out-of-state applicants who do not meet the qualifications of the first option, but do have responsible charge experience as a practicing geologist in another state that does not have a comparable license.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 492.105, F.S.  
This bill creates the following section of the Florida Statutes: 492.1051, F.S.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Regulated Industries on January 16, 2014:**

- The committee substitute (CS) amends the rulemaking authority provision under s. 492.104 F.S. to allow the fee for licensure by examination to be apportioned for a “multipart” examination.
- The CS amends s. 492.105(1), F.S., to include the term “fundamentals” as an area that shall be included in the examination.
- The CS also amends s. 492.105(1), F.S., to allow for the licensure examination to be a “multi-part” examination.
- The CS amends s. 492.105(1)(e), F.S., uses the term “responsible charge” instead of “responsible position” as the standard of experience required for one of the options to gain five years of experience. The CS maintains the requirements under s. 492.105(1)(e), F.S., that experience be “accumulative.”
- The CS creates s. 492.1051, F.S., using the term “fundamentals of geology” to describe material covered by a portion of the licensure examination instead of referring to the specific “Fundamentals of Geology Licensure examination.”
- The CS describes the fundamental portion of the examination as a “discrete portion,” distinct within the examination for licensure required for registration as a geologist-in-training under s. 492.1051(1), F.S.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>21</sup> See rule 61G16-1.009, F.A.C.