

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.