

## CHAPTER 492

## PROFESSIONAL GEOLOGY

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**492.101 Purpose.**—It is hereby declared to be the public policy of the state that, in order to safeguard the life, health, property, and public well-being of its citizens, any person practicing or offering to practice geology in this state shall meet the requirements of the Department of Business and Professional Regulation and shall be licensed as provided in ss. 492.101-492.1165.

**History.**—ss. 1, 19, ch. 87-403; s. 4, ch. 91-429; s. 194, ch. 94-218.

**492.102 Definitions.**—For the purposes of ss. 492.101-492.1165, unless the context clearly requires otherwise:

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

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

(3) "Geology" means the science which includes the treatment of the earth and its origin and history, in general; the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, and gases which compose the earth; the study of the natural agents, forces, and processes which cause changes in the earth; and the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of mankind.

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

(5) "Qualified geologist" means an individual who possesses all the qualifications for licensure under the provisions of ss. 492.101-492.1165, except that such person is not licensed.

(6) "Professional geologist" means an individual who is licensed as a geologist under the provisions of ss. 492.101-492.1165.

(7) "Practice of professional geology" means the performance of, or offer to perform, geological services, including, but not limited to, consultation, investigation, evaluation, planning, and geologic mapping, but not including mapping as prescribed in chapter 472, relating to geological work, except as specifically exempted by ss. 492.101-492.1165. Any person who practices any specialty branch of the profession of geology, or who by verbal claim, sign, advertisement, letterhead, card, or any other means represents himself to be a professional geologist, or who through the use of some title implies that he is a professional geologist or that he is licensed under ss. 492.101-492.1165, or who holds himself out as able to perform or does perform any geological services or work recognized as professional geology, shall be construed to be engaged in the practice of professional geology.

**History.**—ss. 2, 19, ch. 87-403; s. 4, ch. 91-429; s. 195, ch. 94-218.

#### **492.103 Board of Professional Geologists.—**

(1) There is created in the Department of Business and Professional Regulation the Board of Professional Geologists. The board shall consist of seven members, five of whom shall be professional geologists, and two of whom shall be laypersons who are not and have never been geologists or members of any closely related profession or occupation. The chief of the Bureau of Geology in the Department of Environmental Protection, or his designee, shall serve as an ex officio member of the board. Members shall be appointed for 4-year terms.

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

**History.**—ss. 3, 19, ch. 87-403; s. 32, ch. 88-392; s. 4, ch. 91-429; s. 52, ch. 92-149; s. 196, ch. 94-218; s. 458, ch. 94-356.

**492.104 Authority to make rules.**—The Board of Professional Geologists is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by ss. 492.101-492.1165. Every licensee shall be governed and controlled by ss. 492.101-492.1165 and the rules adopted by the board. The board is authorized to set, by rule, fees for application, examination, certificate of authorization, late renewal, initial licensure, and license renewal. These fees should not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process.

(1) The application fee shall not exceed \$150 and shall be nonrefundable.

(2) The examination fee shall not exceed \$250 and shall be refundable if the applicant is found to be ineligible to take the licensure examination.

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

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

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

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

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

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

**History.**—ss. 4, 19, ch. 87-403; s. 64, ch. 89-162; s. 49, ch. 91-137; s. 4, ch. 91-429.

**492.105 Licensure by examination; requirements; fees.—**

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

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

(b) Is at least 18 years of age.

(c) Has not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a professional geologist licensed pursuant to ss. 492.101-492.1165.

(d) Fulfills the following educational requirements at a college or university the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education:

1. Graduation from such college or university with a major in geology or other related science acceptable to the department; and

2. Satisfactory completion of at least 30 semester hours of geological courses, 24 of which must be at the third or fourth year or graduate level.

(e) Has at least 7 years of professional geological work experience, which shall include a minimum of 3 years of professional geological work under the supervision of a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering involved; or have a minimum of 5 accumulative years' experience in responsible charge of geological work. The following criteria of education and experience qualify, as specified, toward accumulation of the required 7 years of professional geological work:

1. Each year of undergraduate study in the geological sciences shall count as  $\frac{1}{2}$  year of the experience requirement, up to a maximum of 2 years, and each year of graduate study shall count as 1 year of the experience requirement.

2. Credit for undergraduate study, graduate study, and graduate courses, individually or in any combination thereof, shall in no case exceed a total of 2 years toward meeting the requirements for at least 7 years of professional geological work.

3. Full-time teaching or research in the geological sciences at the college level shall be credited year for year toward meeting the requirement in this category.

4. The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position as determined by the board.

(2) The department shall issue a license to practice professional geology to any person who has:

(a) Paid the appropriate license fee;

(b) Been certified by the board as qualified to practice professional geology; and

(c) Passed the written licensure examination; provided that applicants meeting the other requirements of this section may be licensed without written examination if application is made in proper form within 1 calendar year of October 1, 1987.

(3) The department shall not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of ss. 492.101-492.1165. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

**History.**—ss. 5, 19, ch. 87-403; s. 1, ch. 89-79; s. 4, ch. 91-429; s. 294, ch. 94-119.

**492.106 Provisional licenses.—**The department may provide a provisional license to any person who is not a resident of and has not established a place of business in this state, and who is duly licensed in another state, territory, or possession of the United States, or in the District of Columbia, and who has qualifications which the board, upon advice of a committee of the board, deems comparable to those required of professional geologists in this state, upon written application accompanied by the proper application fee, offered prior to the practice of professional geology in this state, under the following restrictions:

(1) Satisfactory proof of licensure as required above shall include the name, residence address, business address, and certification of the license of the applicant from the issuing state, together with the name and address of the authority issuing such license.

(2) The practice of professional geology under a provisional license shall not exceed 1 year.

(3) The practice of professional geology under a provisional license shall be confined to one specified project. Such license may not be renewed or reissued for 5 years from the date of original issuance.

(4) A written statement shall be furnished to the department within 60 days of completion of the work, indicating the time engaged and the nature of the work. A person holding a provisional license shall exhibit such provisional license each time and on each occasion that an indication of licensure is required.

**History.**—ss. 6, 19, ch. 87-403; s. 50, ch. 91-137; s. 4, ch. 91-429.

**492.107 Seals.—**

(1) The board shall prescribe, by rule, a form of seal to be used by persons holding valid licenses. All geological papers, reports, and documents prepared or issued by the licensee shall be signed by the licensee, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. It is unlawful for any person to stamp or seal any document with a seal after that person's

license has expired or been revoked or suspended, unless reinstated or reissued.

(2) No registrant shall affix or permit to be affixed the registrant's seal or name to any geologic reports, papers, or other documents which depict work which the registrant is not licensed to perform or which is beyond the registrant's profession or specialty therein.

**History.**—ss. 7, 19, ch. 87-403; s. 4, ch. 91-429; s. 160, ch. 94-119.

#### **492.108 Licensure by endorsement; requirements; fees.—**

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

(a) Has met the qualifications for licensure in s. 492.105(1)(b)–(e).

(b) Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

(c) Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

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

(2) The department shall issue a license to practice professional geology to any applicant who successfully complies with the requirements of this section. The department shall not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of ss. 492.101–492.1165. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

**History.**—ss. 8, 19, ch. 87-403; s. 51, ch. 91-137; s. 4, ch. 91-429; s. 294, ch. 94-119.

#### **492.109 Renewal of license; fees.—**

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

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

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

**History.**—ss. 9, 19, ch. 87-403; s. 4, ch. 91-429; s. 290, ch. 94-119.

#### **492.1101 Inactive status.—**

(1) A license that has become inactive may be reactivated under s. 492.109 upon application to the department.

(2) The board shall promulgate rules relating to the reactivation of inactive licenses and shall prescribe by rule a fee for the reactivation of inactive licenses.

**History.**—ss. 10, 19, ch. 87-403; s. 4, ch. 91-429; s. 291, ch. 94-119.

**492.111 Practice of professional geology by a firm, corporation, or partnership; certificate of authorization.**—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of ss. 492.101–492.1165 through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of ss. 492.101–492.1165, provided that:

(1) One or more of the principal officers, employees, or agents of such firm or corporation, or partners, employees, or agents of such partnership, who act in its behalf as professional geologists in this state are licensed as provided in ss. 492.101–492.1165.

(2) The firm, corporation, or partnership has been issued a certificate of authorization by the department as provided in ss. 492.101–492.1165. For purposes of this section, a certificate of authorization shall be required of any firm, corporation, partnership, association, or person practicing under a fictitious name and offering geological services to the public; except that, when an individual is practicing geology in his own name, he shall not be required to obtain a certificate of authorization under this section. Such certificate of authorization shall be renewed every 2 years.

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

(4) The fact that a licensed geologist practices through a corporation or partnership shall not relieve the registrant from personal liability for negligence, misconduct, or wrongful acts committed by him. Partnership and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a corporation shall be personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by him or committed by any person under his direct supervision and control, while rendering professional services on behalf of the corporation. The personal liability of a shareholder of a corporation, in his capacity as shareholder, shall be no greater than that of a shareholder–employee of a corporation incorporated under chapter 607. The corporation shall be liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

(5) The firm, corporation, or partnership desiring a certificate of authorization shall file with the department an application therefor, upon a form to be prescribed by the department, accompanied by the required application fee.

(6) The department may refuse to issue a certificate of authorization if any facts exist which would entitle the department to suspend or revoke an existing certificate

of authorization or if the department, after giving persons involved a full and fair hearing, determines that any of the officers or directors of said firm or corporation, or partners of said partnership, have violated the provisions of s. 492.113.

**History.**—ss. 11, 19, ch. 87-403; s. 52, ch. 91-137; s. 4, ch. 91-429; s. 294, ch. 94-119.

#### **492.112 Prohibitions; penalties.—**

(1) A person may not knowingly:

(a) Practice geology unless the person is licensed under ss. 492.101-492.1165.

(b) Use the name or title "Professional Geologist" or any other title, designation, words, letters, abbreviations, or device tending to indicate that the person holds an active license as a geologist when the person is not licensed under ss. 492.101-492.1165.

(c) Present as his own the license of another.

(d) Give false or forged evidence to the department.

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.

(f) Employ unlicensed persons to practice geology.

(g) Conceal information relative to violations of ss. 492.101-492.1165.

(2) Any person who violates any of the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—ss. 12, 19, ch. 87-403; s. 120, ch. 91-224; s. 4, ch. 91-429; s. 292, ch. 94-119.

#### **492.113 Disciplinary proceedings.—**

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 492.112 or any other provision of ss. 492.101-492.1165.

(b) Attempting to procure a license to practice geology by bribery or fraudulent misrepresentations.

(c) Having a license to practice geology revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of geology or the ability to practice geology.

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed geologist.

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(g) Committing an act of fraud or deceit, negligence, incompetence, or misconduct in the practice of geology.

(h) Violation of chapter 455.

(i) Practicing on a revoked, suspended, inactive, or delinquent license.

(j) Affixing or permitting to be affixed his name to geological papers, reports, or documents that were not

prepared by him or under his responsible supervision, direction, or control.

(k) Violating a rule of the department or any order of the department previously entered in a disciplinary hearing.

(2) The department shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the department may specify.

(f) Restriction of the authorized scope of practice by the licensee.

(4) The department shall reissue the license of a disciplined geologist or business upon certification by the department that the disciplined person has complied with all of the terms and conditions set forth in the final order.

**History.**—ss. 13, 19, ch. 87-403; s. 4, ch. 91-429; s. 293, ch. 94-119.

#### **492.114 Lost, destroyed, stolen, or mutilated licenses.—**

A duplicate license for a duly licensed professional geologist may be issued to replace a license lost, destroyed, stolen, or mutilated, subject to rules of the department. Any mutilated license shall be returned to the department before a duplicate license may be issued. Any lost, presumed destroyed, or stolen license for which a duplicate license has been issued shall be returned to the department, if found. All licenses issued under this section shall be plainly marked with the word "DUPLICATE."

**History.**—ss. 14, 19, ch. 87-403; s. 4, ch. 91-429.

#### **492.115 Roster of licensed professional geologists.—**

A roster showing the names and places of business or residence of all licensed geologists and all firms, corporations, or partnerships holding certificates of authorization to practice professional geology in the state shall be prepared annually by the department. A copy of this roster shall be obtainable by each licensed geologist and each firm, corporation, or partnership holding a certificate of authorization, and copies thereof shall be placed on file with the department.

**History.**—ss. 15, 19, ch. 87-403; s. 4, ch. 91-429.

**492.116 Exemptions.—**The following persons are specifically exempted from ss. 492.101-492.1165, provided, however, that all final geological papers or documents which have been prepared by a person exempt under subsection (1), subsection (2), subsection (3), or subsection (4) for delivery to any person for public record with the state shall be dated and bear the signature and seal of the professional geologist or professional geologists who prepared or approved them:

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

(2) Persons engaged in geological research which does not affect the health, safety, or well-being of the public.

(3) Officers and employees of the United States Government, the State of Florida, water management districts, or other local or regional governmental entities practicing solely as such officers or employees.

(4) Regular full-time employees of a corporation not engaged in the practice of professional geology as such, who are directly supervised by a person licensed as a professional geologist under ss. 492.101–492.1165.

(5) A person employed on a full-time basis as a geologist by an employer engaged in the business of developing, mining, or treating ores, other minerals, and

petroleum resources if that person engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

**History.**—ss. 16, 19, ch. 87-403; s. 33, ch. 88-392; s. 4, ch. 91-429.

**492.1165 Construction of ch. 87-403.**—Nothing in ss. 492.101–492.1165 as enacted by chapter 87-403, Laws of Florida, shall be construed to prevent or prohibit the practice of any profession or trade for which a license is required under any other law of this state, or the practice by registered professional engineers.

**History.**—ss. 17, 19, ch. 87-403; s. 4, ch. 91-429.