

# SENATE STAFF ANALYSIS AND ECONOMIC 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: Regulated Industries Committee

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BILL: CS/SB 1988

SPONSOR: Regulated Industries Committee and Senator Saunders

SUBJECT: Water Management Activities

DATE: April 18, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baum</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/1 amendment</u>
2.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Chapter 373, F.S., relates to the management of the state's water resources by the Department of Environmental Protection (DEP) and the state's water management districts. The committee substitute (CS) provides that if a permit or license, or the performance of an activity regulated under ch. 373, F.S., requires the services of a professional geologist, the DEP or the governing board of a water management district may require that a licensed geologist sign and seal any documents and reports submitted in connection with the permit application or regulated activity.

This bill creates sections 373.1165 and 373.1175, Florida Statutes.

## II. Present Situation:

Chapter 373, F.S., relates to the management of the state's water resources by the DEP and the state's water management districts. Chapter 376, F.S., relates to pollution discharge prevention and removal by the DEP.

Under the Florida Water Resources Act of 1972 (act)<sup>1</sup> an application for a permit or license to conduct a water resource activity regulated under the act may require the services of a professional engineer. These services may be necessary if the Department of Environmental Protection (DEP) or governing board of a water management district (district) requires that a professional engineer certify that the activity has been completed in substantial compliance with the plans and specifications approved by the department or board.<sup>2</sup>

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<sup>1</sup> Chapter 373, F.S.

<sup>2</sup> Section 373.117, F.S.

Currently, professional geologists are not authorized to perform services and sign and seal water resource related documents. Subsequent to the passage of ch. 373, F.S., professional geologists became regulated under ch. 492, F.S. However, ch. 373, F.S., has not been amended to authorize professional geologists to perform services or sign and seal water resource related documents.

DEP reports that s. 403.0877, F.S., recognizes the professional geologist as an appropriate professional to conduct work under ch. 373, F.S. However, this section has been the subject of interpretation and, as a result, professional geologists have often been excluded from performing services under ch. 373, F.S.

Professional geologists are regulated under ch. 492, F.S., by the Board of Professional Geologists within the Department of Business and Professional Regulation (DBPR).

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

This CS1 amends s. 373.1175, F.S., to provide that the DEP or the governing board of a water management district may require the signing and sealing by professional geologists of any documents and reports submitted in connection with the permit application or regulated activity.

The bill provides that the cost of the signing and sealing by a professional geologist shall be borne by the permit applicant or permittee.

The bill provides that nothing in the creation of section 373.1175, F.S., shall be construed to prevent or prohibit the practice by professional engineers.

### **IV. Constitutional Issues:**

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

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Professional geologists and professional engineers would be able to compete for contracts that they are professionally qualified to perform.

**C. Government Sector Impact:**

There may be a cost savings because professional geologists will now be able to compete for contracts that they are professionally qualified to perform. Moreover, with the appropriate professional able to perform the work, there may be less corrective action required, which may result in a cost savings.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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