

## Legislative Update

by **Chuck Drake, FAPG Vice President & Legislative Action Committee Chair**

It's that time of year again. The Florida Legislature is convening, and your FAPG Legislative Action Committee (LAC), along with FAPG Lobbyist Laura McLeod, needs your opinion on two bills of concern before our legislators so we can properly address your concerns with them. Please call Chuck Drake with your opinions. This article also presents one bill of note regarding brownfields.

### Sinkhole Insurance Relief Act

The Sinkhole Insurance Relief Act (H0217, S0286), as it concerns geologists, seeks to revise testing standards for sinkhole investigations, requires a report upon conclusion of testing, requires retention of certain information for a specified period and requires the FDEP to adopt rules for implementation of sinkhole testing and reporting. Related issues include an alternative procedure for the resolution of disputed claims and maintenance by the Department of Financial Services to certify and maintain a list of neutral evaluators.

Of particular interest is Section 627.7072: Testing Standards for Sinkholes, which states that testing shall be conducted in compliance with the ASTM, the U.S. Army Corps of Engineers or the FDOT or other appropriate standards as determined by rule of the FDEP.

Stricken from Section 627.7072 (2) is "Testing by a professional geologist must be conducted in compliance with FGS Special Publication No. 57." In last year's session, the LAC worked to have included in this section FGS Special Publication No. 57, because it was written and developed by engineers and geologists to lend some consistency to the

testing being done. During this year's session, we are working to place back into the bill reference to this well-developed guidance document.

Added are Sections 627.7072 (3), (4), (5) and (6), which include descriptions of testing that may be performed, such as: GPR, electrical resistivity, hand auger borings and push penetrometer testing. Hand auger borings and push penetrometer testing, as defined in this bill, are required to penetrate 10 feet and at least four feet, respectively. Lab tests, including Attenberg (sic) limits and organic content, are described for deleterious soils. No definition of deleterious soils and their link to sinkholes are made, other than to document a "proximal cause for damage." These tests are described as Phase I and may include other testing as deemed appropriate by the engineer or geologist.

Phase II testing may be performed if the Phase I testing is inconclusive as to sinkhole loss and includes floor elevation survey, at least two invasive penetration borings (SPTs) and cone penetrometer tests. Lab analyses of the soil samples will be used to determine if these soils may have contributed to the damage.

A report of findings, including test data, logs, error reports and whether or not the engineer or professional geologist finds the information to be relevant, shall be retained by the engineer or professional geologist for two years from the date of resolution of the claim.

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## FAPG Supports South Carolina PG Board

The FAPG has news regarding Senate Bill 633, Geologists Deregulation Act, that is before the South Carolina (SC) Senate, Session 116, 2005-2006. This bill, sponsored by Senator George E. "Chip" Campsen III, will attempt to sunset the SC Professional Geology (PG) program. We know we don't have to get on our soapbox about how important our licenses are to our future welfare. So, if you hold an SC PG license (or even if you don't!), we encourage you to please write the sponsor to sway him to withdraw his bill.

We have been given the names of several SC senators and representatives that should be contacted to oppose this bill. Their names and addresses are below. At the time of this writing, the bill appears to be with the Labor, Commerce, and Industry Committee of the SC Senate. Both Senators McConnell and Ford are on that committee.

The Honorable George E. "Chip" Campsen III  
South Carolina Senate  
604 Gressette Building • Columbia, SC 29202

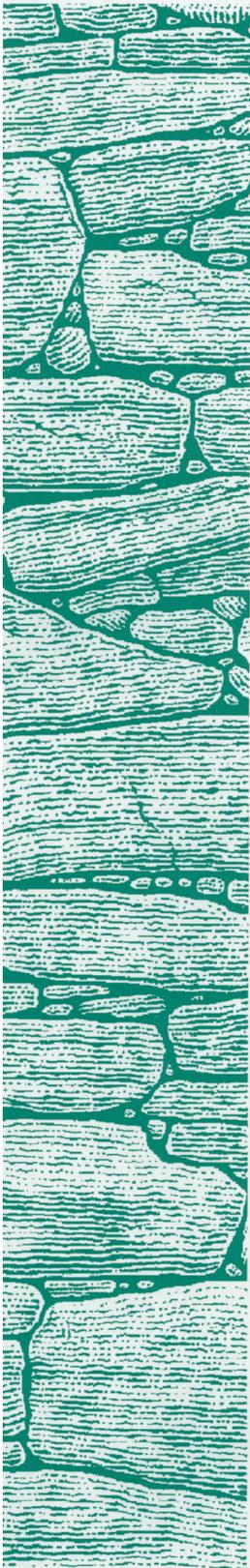
The Honorable Robert Ford  
South Carolina Senate  
506 Gressette Building • Columbia, SC 29202

The Honorable Glenn McConnell  
South Carolina Senate  
101 Gressette Building • Columbia, SC 29202

The Honorable James "Jay" Lucas  
South Carolina House of Representatives  
420A Blatt Building • Columbia, SC 29211

The Honorable Lewis Vaughn  
South Carolina House of Representatives  
534 Blatt Building • Columbia, SC 29211

The Honorable E. Dewitt McCraw  
South Carolina House of Representatives  
522C Blatt Building • Columbia, SC 29211



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2006  
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The bill also states that the FDEP may adopt rules to implement this section.

An important part of this legislation, Section 627.7074, is the inclusion of a neutral evaluator, who is a "qualified engineer or professional geologist who has completed a course of study in alternative dispute resolutions and who is determined to be fair and impartial and who is attempting to resolve the dispute or claim." The Department of Financial Services will maintain a list of neutral evaluators.

The recommendation of the neutral evaluator is not binding on any party, and each party retains access to the courts. The neutral evaluator's written recommendation is admissible in any subsequent action or proceeding relating to the claim.

Senator Mike Fasano (R-New Port Richey) and Representative John Legg (R-Port Richey) are the bills' sponsors.

### Florida Springs Protection Act

Senator Nancy Argenziano (R-Crystal River) is sponsoring S2538 (the companion House bill, H0693, is sponsored by Representative Dwight Stansel, D-Live Oak) titled "The Florida Springs Protection Act." This Act would create a new Florida Springs Task Force. A Florida Springs Task Force currently exists and is primarily comprised of scientists, including professional geologists and local stakeholders. Overall responsibilities of the new task force would include assessment of the condition of first and second magnitude springs, recommendation of protection strategies and development of a model springs protection plan, with the intent to identify protection, restoration and preservation strategies for the springs in Florida. The Act identifies the membership of the task force, which would include 18 members, including the commissioner of agriculture, the secretary of community affairs, the secretary of environmental protection, the secretary of health, the executive director of the Fish and Wildlife Conservation Commission, a representative from a water management district and a representative from a regional planning council. The governor, speaker of the House, and president of the Senate will appoint ten members: one from the House, one from the Senate, two locally elected county or municipal officials and six members of the community.

The new task force may appoint a technical subcommittee as needed to assist in completing the work of the task force and may include qualified persons who are not members of the task force. With assistance from the Florida Department of Environmental Protection (FDEP) and the water management districts, the task force shall provide the following: assessment of the condition of all first and second magnitude springs, including mapping, land ownership, latitude and longitude, water quality, water quantity, water use, nearby wetlands, geology, soils, vegetation, floodplain area data, nearby in-

frastructure, fish and wildlife resources, cultural resources, public access and land use, land use plans, hazardous materials, archaeological resources, human health and safety concerns, aesthetics and scenic resources and relevant socioeconomic factors.

With this information, the task force shall evaluate and recommend strategies for protecting and ensuring the long-term viability of Florida's springs. In addition to the data collection described above, the Act recognizes that there is data currently available from the Suwannee River Partnership, the Wekiva Basin Area Task Force, the Wekiva River Basin Coordinating Committee, the Florida Springs Initiative within the FDEP and the FDEP's basin management plans. From this, the task force shall develop an overall model springs protection plan that applies the recommended strategies.

An item of interest in the proposed bill is that the technical subcommittee may include qualified persons, but does not list any qualifications. Because much of the technical work that is described is related to geology, the Act should require that a professional geologist, qualified in those aspects of the Act, be a member of the technical subcommittee. The FAPG is working to promote this change in the bill.

### Brownfields Redevelopment

Senate bill S1092 (see also H7131) is sponsored by Senator Lee Constantine (R-Altamonte Springs) and addresses the redevelopment of brownfields. It discusses tax credits for the real property owner and the limits of the tax credits for voluntary clean-up of contaminated sites. Dry cleaning solvent contaminated sites and designated brownfield sites are listed eligible for this credit. A credit of 50 percent of the cost of voluntary clean-up is allowed, with a credit limit of \$500,000. The real property owner of the dry cleaner site is eligible for the credit only if he or she is not, and has not been, the owner or operator of the dry cleaning facility where the contamination exists. This bill may be of interest to clients of PG firms, in that a client might be eligible for the tax credit.

### Water Resources Act Update

Following last year's success in changing the Water Resources Act, PGs are now by law able to sign off on work in areas of their expertise rather than requiring that a non-PG approve the work. Your LAC is now involved in communicating with the FDEP and water management districts to ensure that the change is being appropriately implemented.

As the FAPG continues its work, we are grateful for your support. Please call us with questions or input, donate to the Legislative Action Fund or come to Tallahassee when we meet with the Florida Legislature on April 6 and 7, 2006. As always, we welcome your input regarding these important legislative issues.

# A Piece of Paper & a Promise

At the Florida Association of Professional Geologists, we are always working for our members. One example is a member benefit available to each of you: a discount on quality professional liability insurance. The FAPG has arranged for Comegys Insurance Agency to work with our members to offer the best and most affordable coverage. An independent agency, Comegys was established in 1939 and has been specializing in the professional liability market for over 50 years.

For more information, please contact the professional liability insurance representative to FAPG, Mark Berset, at 727/526-6564 or markb@comegys.com. You may also call the FAPG Headquarters at 850/222-6000 for more information.

In Mr. Berset's words, "We provide for the members the highest quality of coverage available. Our primary market is Zurich, which has the broadest coverage available in the marketplace. The danger of a lesser 'coverage form' may find one without coverage and/or a denied claim when coverage is most needed. An adage I have used personally in my 30+ years in the business is to buy the best coverage and company available rather than to jeopardize one's practice and assets. Quality equates to piece of mind. After all, isn't insurance just a piece of paper and a promise?"

If you have suggestions about how your association can better serve you and the geology profession, please call Susannah Wesley at the FAPG Headquarters, 850/222-6000.

## FAPG Membership Committee Report

The FAPG had a spike in membership almost two years ago, when we grew from approximately 320 to 450 members. This was due to a very time-consuming and expensive membership campaign. Membership continued to grow and hit a high of approximately 480 members in July 2004. Since that time many have not renewed. This may have been due to the increase in dues; however, that increase was necessary to support the legislative program requested by our members. The current level of about 388 members appears to have been stable since June 2005.

A BIG THANK YOU to those 388 members (individual and corporate) who have stayed the course! Do you know someone who is not a member? You don't have to be on our membership committee to recruit new FAPG members. Just pass on this newsletter to a fellow geologist, mention how we have been representing you and talk us up!

The good news is that the FAPG has revised the corporate membership program and added URS as a new corporate member. URS will be adding 37 geologists to our rolls!

## Open Call to Corporations in Florida

The FAPG offers several membership levels for corporations as follows:

- Corporate Member Level 1 (FL-certified PG firm) with one to 10 geologists employed - \$1,000.
- Corporate Member Level 2 (FL-certified PG firm) with 11 to 20 geologists employed - \$1,500.
- Corporate Member Level 3 (FL-certified PG firm) with 21 or more geologists employed - \$2,000.

Why should corporations join the FAPG? Quite frankly, there is strength in numbers. Each member is vital; but as we have all heard many times—united we stand, divided we fall. With the addition of a corporation's financial support through dues and physical support of its individual PGs, the FAPG can magnify its impact on other entities like the Florida Legislature. When we go to the Capitol (and we will do this April 6 and 7, 2006!), we can show our legislators that we not only have 388 individual members, but we also have the support of (please insert your corporation's name)! The FAPG has made a difference in recent years with its actions in the Florida Legislature that will strengthen the ability of each Florida-certified PG firm to diversify and do business. As a member, your corporation is certainly welcome to make its opinions and desires known to the FAPG, and perhaps we can work together to make a necessary change through action—legislative or otherwise. It won't happen without involvement, so we urge you to consider joining us. Thank you!

## Mark Your Calendar

**April 2-6, 2006**

Symposium on the Application of Geophysics to Environmental Problems  
Bellevue, WA  
Environmental and Engineering Geophysical Society

**April 6-7, 2006**

FAPG Legislative Day  
Tallahassee, FL

**April 9-12, 2006**

Perfecting the Search - Delivering on Promises  
(2006 AAPG Annual Convention)  
Houston, TX  
American Association of Petroleum Geologists

**April 9-12, 2006**

Water - The Limited Resource  
Orlando, FL  
Florida Water Resources Conference

**April 23-26, 2006**

31st Annual Conference  
Albuquerque, NM  
National Association of Environmental Professionals

**April 26-27, 2006**

Board Meeting  
Orlando, FL  
Florida Board of Professional Geologists

**April 28-30, 2006**

Graves Mountain "Rock Swap and Dig" Field Trip  
Lincolnton, GA  
Southeastern Geological Society

**May 7-13, 2006**

42nd Forum on the Geology of Industrial Minerals  
Asheville, NC  
North Carolina Geological Survey

**May 18-20, 2006**

FGWA Annual Convention and Trade Show  
Orlando, FL  
Florida Groundwater Association

**May 21-24, 2006**

AIH 25th Anniversary Meeting: Challenges in Coastal Hydrology and Water Quality  
Baton Rouge, LA  
American Institute of Hydrology

**May 24-26, 2006**

40th Annual Symposium on Engineering Geology & Geotechnical Engineering  
Logan, UT  
Dept. of Civil and Environmental Engineering,  
Utah State

# Regional Meetings & Coordinators Update

by Susannah Wesley

All FAPG members and their colleagues are welcome to attend regional meetings. Recent regional meetings have featured such topics as "Florida Aquifer Vulnerability Assessment," "Global Measurements of Plate Tectonics Using Radio Astronomy" and "The Miami-Dade Urban Development Boundary - Expand or Hold the Line?"

Not only are the FAPG's regional meetings a wonderful opportunity to learn about topics important to geologists, but they also provide an optimal environment for networking and meeting your peers within the industry.

The FAPG's most recent regional meeting took place in Miami and featured a panel of speakers on "The Miami-Dade Urban Development Boundary - Expand or Hold the Line?" The meeting drew about 45 attendees, 12 of which were FAPG members. Mark Woerner, chief of the Miami-Dade Metropolitan Planning Division, came to moderate and explain the details of the Dade County urban development boundaries in the county and in Florida. The UDB has been

moved quite a bit in Dade County, and it can be legally moved every two years. Attorney Jeffrey Burkhouse, a proponent for expansion, explained to the group that he believes the county's calculations to be optimistic for when it is going to run out of land. According to Burkhouse, for there to be affordable housing in Dade County, land needs to be added to the "bank." Finally, Alan Farago, who supports holding the line, thoroughly discussed quality of life issues. He also explained there must be a comprehensive growth plan for long-term expansion to be a success.

Following the lively presentation, attendees enjoyed a wonderful lunch. Thanks again to our sponsors, KSA Environmental Laboratories Inc. and REP Associates Inc., and to Janet Peterson for her hard work in coordinating this meeting. The feedback Peterson received was great, and there will be a follow-up regional meeting after the Dade County Commission meeting this April.

The Northwest Florida regional coordinator and other members are planning to

hold a regional meeting to coincide with the FAPG Legislative Day on the Hill scheduled for April 6 and 7, 2006, in Tallahassee. Speaker(s) and sponsors were still to be determined at the time of this writing. Our other regional coordinators are looking for ideas from you, our fellow members, for future meetings. Please contact the regional coordinator in your area if you have an interesting geological presentation or know of someone who would like to present.

If you are from the Southwest Florida region, our former regional coordinator, Carlos R. Lemos, has resigned. We want to take this opportunity to thank him for his hard work and ask one of our members from that area to consider taking his place. If you want the position, please contact FAPG Headquarters or our secretary, Mervin W. Dale.



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**Southwest Florida**  
Open - seeking volunteer