



FACT SHEET

Privatization of Florida Professional Geologist Licensure Management

(REV 29 July 2016)

1. Currently PG licensure is administered by the state Department of Business and Professional Regulation (DBPR) through the Board of Professional Geologists (BOPG). BOPG is responsible for licensing and regulation and is funded exclusively through license fees.
2. Generally, BOPG has been operating in the red since 2011 and perhaps longer with increases in budget deficits projected through 2020. Administrative oversight by the Governor's staff and the Legislature will not allow a program to operate in a budget deficit, it must be self-sufficient. Budget deficits stem from heavy administrative costs and insufficient revenues from license examination fees and PG licenses and business certificates of authorization (licenses) application and renewals. Presently, fees collected by BOPG for license examination do not cover the costs paid to ASBOG to administrate the national uniform examination program. Examination fees that can be collected are limited based on current statutory language. The existing political climate has stifled efforts to modify statutes to adjust license examination fees or to increase licensure fees. It is fairly clear that a proposal for a continuing education (CE) program that would increase revenues (and strengthen professional credibility) would not fare well in the current environment. In the short term budget shortfalls are proposed to be met through state fund subsidies and reallocation of internal funds. This strategy jeopardizes the existence of PG's and leads to annual licensure justification.
3. PG licensure and scope of practice remain vulnerable to legislative changes. Within the past few years statutory language has been developed to eliminate PG licensure (2011-2012) and business certificates of authorization (2016). Both of these proposed changes would have had devastating impacts on PG's ability to practice without engineering oversight. Vulnerability can be remedied by resolving BOPG projected budget deficits by providing for a scalable fee structure that allows the board to set license fees to match the budget requirements, and additionally by increasing participation in legislative campaigns through volunteering and contributions. Privatization of PG licensure management should provide the solution.

4. Chapter 432.32, Florida Statutes – The Management Privatization Act allows a non-profit corporation to provide regulation services for a professional practice in Florida. The purpose of this section of the statute is to create a model for contracting with a nonprofit corporation to provide services for the regulation of Florida’s licensed professionals which will ensure a consistent, effective application of regulatory provisions and appropriate budgetary oversight to achieve the most efficient use of public funds. Nonprofit corporations may be established pursuant to this section to provide administrative, examination, licensing, investigative, and prosecutorial services. Florida Board of Professional Engineers (FBPE) is an example of a profession that has successfully privatized; they are not subject to the same deregulating suggestions by the legislature that PG’s have endured. FAPG has reached out to the Florida engineers for ideas on how we can move to improve our situation.
5. Under Section 471.038, Florida Statutes, (the PE’s chapter) administrative, investigative and prosecutorial services are provided to the FBPE by the Florida Engineers Management Corporation (FEMC). FEMC is a non-profit, single purpose corporation that operates through a contract with the Department of Business and Professional Regulation. FEMC provides a model of a non-profit corporation for FAPG-AIPG to craft something similar.
6. What are choices for non-profit management company for Florida PG’s?
 - a. Florida PGs could create a non-profit corporation that meets the requirements of Chapter 432.32 to provide PG regulatory services;
 - b. Seek partnership with an existing Florida based non-profit corporation (such as FEMC) and create our own version of the FEMC (e.g. PGMC);
 - c. From the national organization perspective, AIPG (which is a non-profit) could elect to create a management subdivision as a service to state chapters to regulate licensure and eventually a continuing education program for Florida and other states. There may be efficiencies in this alternative as we understand that other states have similar licensing issues.
7. What are the steps to privatizing?
 - a. Membership outreach. FAPG needs to have general agreement among PG’s that management privatization steps need to be taken soon.
 - b. Attendees at the August 13, 2016 FAPG-AIPG Board meeting will discuss the process and options and seek Board approval to move forward with privatization activities.
 - c. As soon as possible, meet with the DBPR Secretary to discuss how privatization can mutually benefit PG’s and the state and get their concurrence.
 - d. Draft a resolution for BOPG approval to request a 455 private management option and incorporate a CE program.
 - e. Craft an “overhaul” bill and get legislative sponsorship in the House and Senate to support our request. A group of PG delegates will meet with sponsors as a

courtesy briefing to explain our game plan. The Governor's staff should be briefed as well

- f. Contract with a non-profit management corporation.
 - i. Create a Florida version of FEMC for PGs
 - ii. Look to and work with AIPG national to create the national version with state application.