

1 A bill to be entitled
2 An act relating to professions regulated by the
3 Department of Business and Professional
4 Regulation; amending s. 455.2281, F.S.;
5 authorizing any profession regulated by the
6 department which offers services that are not
7 subject to regulation when provided by an
8 unlicensed person to use funds in its
9 unlicensed activity account to inform the
10 public of such situation; authorizing a board
11 or profession regulated by the department to
12 transfer funds in its operating fund account to
13 its unlicensed activity account under certain
14 circumstances; amending s. 481.209, F.S.;
15 revising requirements relating to education for
16 licensure as an architect; amending s. 481.223,
17 F.S.; providing for injunctive relief for
18 certain violations relating to architecture and
19 interior design; amending s. 473.313, F.S.;
20 providing authority for the reinstatement of
21 certain licensees in public accountancy whose
22 licenses have become void; providing an
23 effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 455.2281, Florida Statutes, is
28 amended to read:

29 455.2281 Unlicensed activities; fees; disposition.--In
30 order to protect the public and to ensure a consumer-oriented
31 department, it is the intent of the Legislature that vigorous

1 enforcement of regulation for all professional activities is a
2 state priority. All enforcement costs should be covered by
3 professions regulated by the department. Therefore, the
4 department shall impose, upon initial licensure and each
5 renewal thereof, a special fee of \$5 per licensee. Such fee
6 shall be in addition to all other fees collected from each
7 licensee and shall fund efforts to combat unlicensed activity.
8 Any profession regulated by the department which offers
9 services that are not subject to regulation when provided by
10 an unlicensed person may use funds in its unlicensed activity
11 account to inform the public of such situation.The board with
12 concurrence of the department, or the department when there is
13 no board, may earmark \$5 of the current licensure fee for this
14 purpose, if such board, or profession regulated by the
15 department, is not in a deficit and has a reasonable cash
16 balance. A board or profession regulated by the department may
17 authorize the transfer of funds from the operating fund
18 account to the unlicensed activity account of that profession
19 if the operating fund account is not in a deficit and has a
20 reasonable cash balance.The department shall make direct
21 charges to this fund by profession and shall not allocate
22 indirect overhead. The department shall seek board advice
23 regarding enforcement methods and strategies prior to
24 expenditure of funds; however, the department may, without
25 board advice, allocate funds to cover the costs of continuing
26 education compliance monitoring under s. 455.2177. The
27 department shall directly credit, by profession, revenues
28 received from the department's efforts to enforce licensure
29 provisions, including revenues received from fines collected
30 under s. 455.2177. The department shall include all financial
31 and statistical data resulting from unlicensed activity

1 enforcement and from continuing education compliance
2 monitoring as separate categories in the quarterly management
3 report provided for in s. 455.219. The department shall not
4 charge the account of any profession for the costs incurred on
5 behalf of any other profession. For an unlicensed activity
6 account, a balance which remains at the end of a renewal cycle
7 may, with concurrence of the applicable board and the
8 department, be transferred to the operating fund account of
9 that profession.

10 Section 2. Subsection (1) of section 481.209, Florida
11 Statutes, is amended to read:

12 481.209 Examinations.--

13 (1) A person desiring to be licensed as a registered
14 architect shall apply to the department to take the licensure
15 examination. The department shall administer the licensure
16 examination for architects to each applicant who the board
17 certifies:

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

22 (b)1. ~~Has successfully completed all architectural~~
23 ~~curriculum courses required by and~~ Is a graduate of a school
24 or college of architecture accredited by the National
25 Architectural Accreditation Board; or

26 2. Is a graduate of an approved architectural
27 curriculum, evidenced by a degree from an unaccredited school
28 or college of architecture approved by the board. The board
29 shall adopt rules providing for the review and approval of
30 unaccredited schools and colleges of architecture and courses
31 of architectural study based on a review and inspection by the

1 board of the curriculum of accredited schools and colleges of
2 architecture in the United States, ~~including those schools and~~
3 ~~colleges accredited by the National Architectural~~
4 ~~Accreditation Board; and~~

5 (c) Has completed, prior to examination, 1 year of the
6 internship experience required by s. 481.211(1).

7 Section 3. Section 481.223, Florida Statutes, is
8 amended to read:

9 481.223 Prohibitions; penalties; injunctive relief.--

10 (1) A person may not knowingly:

11 (a) Practice architecture unless the person is an
12 architect or a registered architect;

13 (b) Practice interior design unless the person is a
14 registered interior designer unless otherwise exempted herein;

15 (c) Use the name or title "architect" or "registered
16 architect," or "interior designer" or "registered interior
17 designer," or words to that effect, when the person is not
18 then the holder of a valid license issued pursuant to this
19 part;

20 (d) Present as his or her own the license of another;

21 (e) Give false or forged evidence to the board or a
22 member thereof;

23 (f) Use or attempt to use an architect or interior
24 designer license that has been suspended, revoked, or placed
25 on inactive or delinquent status;

26 (g) Employ unlicensed persons to practice architecture
27 or interior design; or

28 (h) Conceal information relative to violations of this
29 part.

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1 (2) Any person who violates any provision of
2 subsection (1)~~this section~~ commits a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083.

4 (3)(a) Notwithstanding chapter 455 or any other law to
5 the contrary, an affected person may maintain an action for
6 injunctive relief to restrain or prevent a person from
7 violating paragraph (1)(a), paragraph (1)(b), or paragraph
8 (1)(c). The prevailing party is entitled to actual costs and
9 attorney's fees.

10 (b) For purposes of this subsection, the term
11 "affected person" means a person directly affected by the
12 actions of a person suspected of violating paragraph (1)(a),
13 paragraph (1)(b), or paragraph (1)(c) and includes, but is not
14 limited to, the department, any person who received services
15 from the alleged violator, or any private association composed
16 primarily of members of the profession the alleged violator is
17 practicing or offering to practice or holding himself or
18 herself out as qualified to practice.

19 Section 4. Subsection (4) is added to section 473.313,
20 Florida Statutes, to read:

21 473.313 Inactive status.--

22 (4) Notwithstanding the provisions of s. 455.271, the
23 board may, at its discretion, reinstate the license of an
24 individual whose license has become null and void if the
25 individual has made a good-faith effort to comply with this
26 section but has failed to comply because of illness or unusual
27 hardship. The individual shall apply to the board for
28 reinstatement in a manner prescribed by rules of the board and
29 shall pay an application fee in an amount determined by rule
30 of the board. The board shall require that such an individual
31 meet all continuing education requirements as provided in s.

1 473.312, pay appropriate licensing fees, and otherwise be
2 eligible for renewal of licensure under this chapter.
3 Section 5. This act shall take effect July 1, 2001.
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