

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. 455.213, F.S.;
5 providing for the content of licensure and
6 renewal documents; provides for electronic
7 submission; amending s. 455.2281, F.S.;
8 authorizing any profession regulated by the
9 department which offers services that are not
10 subject to regulation when provided by an
11 unlicensed person to use funds in its
12 unlicensed activity account to inform the
13 public of such situation; authorizing a board
14 or profession regulated by the department to
15 transfer funds in its operating fund account to
16 its unlicensed activity account under certain
17 circumstances; amending s. 481.209, F.S.;
18 revising requirements relating to education for
19 licensure as an architect; amending s. 481.223,
20 F.S.; providing for injunctive relief for
21 certain violations relating to architecture and
22 interior design; amending s. 473.313, F.S.;
23 providing authority for the reinstatement of
24 certain licensees in public accountancy whose
25 licenses have become void; providing an
26 effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (1) of section 455.213, Florida
2 Statutes, is amended, and subsection (11) is added to that
3 section, to read:

4 455.213 General licensing provisions.--

5 (1) Any person desiring to be licensed shall apply to
6 the department in writing. The application for licensure shall
7 be made on a form prepared and furnished by the department and
8 include the applicant's social security number.

9 Notwithstanding any other provision of law, the department is
10 the sole authority for determining the contents of any
11 documents to be submitted for initial licensure and licensure
12 renewal. Such documents may contain information including, as
13 appropriate: demographics, education, work history, personal
14 background, criminal history, finances, business information,
15 complaints, inspections, investigations, discipline, bonding,
16 signature notarization, photographs, performance periods,
17 reciprocity, local government approvals, supporting
18 documentation, periodic reporting requirements, fingerprint
19 requirements, continuing education requirements, and ongoing
20 education monitoring.The application shall be supplemented as

21 needed to reflect any material change in any circumstance or
22 condition stated in the application which takes place between
23 the initial filing of the application and the final grant or
24 denial of the license and which might affect the decision of
25 the department. In order to further the economic development
26 goals of the state, and notwithstanding any law to the
27 contrary, the department may enter into an agreement with the
28 county tax collector for the purpose of appointing the county
29 tax collector as the department's agent to accept applications
30 for licenses and applications for renewals of licenses. The
31 agreement must specify the time within which the tax collector

1 must forward any applications and accompanying application
2 fees to the department. In cases where a person applies or
3 schedules directly with a national examination organization or
4 examination vendor to take an examination required for
5 licensure, any organization- or vendor-related fees associated
6 with the examination may be paid directly to the organization
7 or vendor.

8 (11) Any submission required to be in writing may be
9 made by electronic means.

10 Section 2. Section 455.2281, Florida Statutes, is
11 amended to read:

12 455.2281 Unlicensed activities; fees; disposition.--In
13 order to protect the public and to ensure a consumer-oriented
14 department, it is the intent of the Legislature that vigorous
15 enforcement of regulation for all professional activities is a
16 state priority. All enforcement costs should be covered by
17 professions regulated by the department. Therefore, the
18 department shall impose, upon initial licensure and each
19 renewal thereof, a special fee of \$5 per licensee. Such fee
20 shall be in addition to all other fees collected from each
21 licensee and shall fund efforts to combat unlicensed activity.
22 Any profession regulated by the department which offers
23 services that are not subject to regulation when provided by
24 an unlicensed person may use funds in its unlicensed activity
25 account to inform the public of such situation.The board with
26 concurrence of the department, or the department when there is
27 no board, may earmark \$5 of the current licensure fee for this
28 purpose, if such board, or profession regulated by the
29 department, is not in a deficit and has a reasonable cash
30 balance. A board or profession regulated by the department may
31 authorize the transfer of funds from the operating fund

1 account to the unlicensed activity account of that profession
2 if the operating fund account is not in a deficit and has a
3 reasonable cash balance.The department shall make direct
4 charges to this fund by profession and shall not allocate
5 indirect overhead. The department shall seek board advice
6 regarding enforcement methods and strategies prior to
7 expenditure of funds; however, the department may, without
8 board advice, allocate funds to cover the costs of continuing
9 education compliance monitoring under s. 455.2177. The
10 department shall directly credit, by profession, revenues
11 received from the department's efforts to enforce licensure
12 provisions, including revenues received from fines collected
13 under s. 455.2177. The department shall include all financial
14 and statistical data resulting from unlicensed activity
15 enforcement and from continuing education compliance
16 monitoring as separate categories in the quarterly management
17 report provided for in s. 455.219. The department shall not
18 charge the account of any profession for the costs incurred on
19 behalf of any other profession. For an unlicensed activity
20 account, a balance which remains at the end of a renewal cycle
21 may, with concurrence of the applicable board and the
22 department, be transferred to the operating fund account of
23 that profession.

24 Section 3. Subsection (1) of section 481.209, Florida
25 Statutes, is amended to read:

26 481.209 Examinations.--

27 (1) A person desiring to be licensed as a registered
28 architect shall apply to the department to take the licensure
29 examination. The department shall administer the licensure
30 examination for architects to each applicant who the board
31 certifies:

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

5 (b)1. ~~Has successfully completed all architectural~~
6 ~~curriculum courses required by and~~ Is a graduate of a school
7 or college of architecture accredited by the National
8 Architectural Accreditation Board; or

9 2. Is a graduate of an approved architectural
10 curriculum, evidenced by a degree from an unaccredited school
11 or college of architecture approved by the board. The board
12 shall adopt rules providing for the review and approval of
13 unaccredited schools and colleges of architecture and courses
14 of architectural study based on a review and inspection by the
15 board of the curriculum of accredited schools and colleges of
16 architecture in the United States, ~~including those schools and~~
17 ~~colleges accredited by the National Architectural~~
18 ~~Accreditation Board; and~~

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

21 Section 4. Section 481.223, Florida Statutes, is
22 amended to read:

23 481.223 Prohibitions; penalties; injunctive relief.--

24 (1) A person may not knowingly:

25 (a) Practice architecture unless the person is an
26 architect or a registered architect;

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

29 (c) Use the name or title "architect" or "registered
30 architect," or "interior designer" or "registered interior
31 designer," or words to that effect, when the person is not

1 then the holder of a valid license issued pursuant to this
2 part;

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

4 (e) Give false or forged evidence to the board or a
5 member thereof;

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

9 (g) Employ unlicensed persons to practice architecture
10 or interior design; or

11 (h) Conceal information relative to violations of this
12 part.

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

16 (3)(a) Notwithstanding chapter 455 or any other law to
17 the contrary, an affected person may maintain an action for
18 injunctive relief to restrain or prevent a person from
19 violating paragraph (1)(a), paragraph (1)(b), or paragraph
20 (1)(c). The prevailing party is entitled to actual costs and
21 attorney's fees.

22 (b) For purposes of this subsection, the term
23 "affected person" means a person directly affected by the
24 actions of a person suspected of violating paragraph (1)(a),
25 paragraph (1)(b), or paragraph (1)(c) and includes, but is not
26 limited to, the department, any person who received services
27 from the alleged violator, or any private association composed
28 primarily of members of the profession the alleged violator is
29 practicing or offering to practice or holding himself or
30 herself out as qualified to practice.

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1 Section 5. Subsection (4) is added to section 473.313,
2 Florida Statutes, to read:

3 473.313 Inactive status.--

4 (4) Notwithstanding the provisions of s. 455.271, the
5 board may, at its discretion, reinstate the license of an
6 individual whose license has become null and void if the
7 individual has made a good-faith effort to comply with this
8 section but has failed to comply because of illness or unusual
9 hardship. The individual shall apply to the board for
10 reinstatement in a manner prescribed by rules of the board and
11 shall pay an application fee in an amount determined by rule
12 of the board. The board shall require that such an individual
13 meet all continuing education requirements as provided in s.
14 473.312, pay appropriate licensing fees, and otherwise be
15 eligible for renewal of licensure under this chapter.

16 Section 6. This act shall take effect July 1, 2001.
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