

By the Council for Smarter Government and Representatives
Berfield, Flanagan, Betancourt and Hogan

1 A bill to be entitled
2 An act relating to the Board of Architecture
3 and Interior Design; amending s. 481.205, F.S.;
4 delegating to the board the duties and
5 authority of the Department of Business and
6 Professional Regulation to investigate and
7 prosecute the practice and unlicensed practice
8 of architecture and interior design; requiring
9 the board to contract with a corporation or
10 other business entity to provide legal,
11 investigative, prosecutorial, and other
12 services; providing requirements with respect
13 to records; authorizing the board to use funds
14 from the unlicensed activity account to perform
15 certain duties; requiring the board to submit
16 an annual budget request to the Legislature;
17 providing an effective date.

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

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21 Section 1. Section 481.205, Florida Statutes, is
22 amended to read:

23 481.205 Board of Architecture and Interior Design.--

24 (1) The Board of Architecture and Interior Design is
25 created within ~~in~~ the Department of Business and Professional
26 Regulation. The board shall consist of 11 members. Five
27 members must be registered architects who have been engaged in
28 the practice of architecture for at least 5 years; three
29 members must be registered interior designers who have been
30 offering interior design services for at least 5 years and who
31 are not also registered architects; and three members must be

1 laypersons who are not, and have never been, architects,
2 interior designers, or members of any closely related
3 profession or occupation. At least one member of the board
4 must be 60 years of age or older.

5 (2) Members shall be appointed for 4-year staggered
6 terms.

7 (3)(a) Notwithstanding the provisions of ss. 455.225,
8 455.228, and 455.32, the duties and authority of the
9 department to receive complaints and investigate and
10 discipline persons licensed under this part, including the
11 ability to determine legal sufficiency and probable cause; to
12 initiate proceedings and issue final orders for summary
13 suspension or restriction of a license pursuant to s.
14 120.60(6); to issue notices of noncompliance, notices to cease
15 and desist, subpoenas, and citations; to retain legal counsel,
16 investigators, or prosecutorial staff in connection with the
17 licensed practice of architecture and interior design; and to
18 investigate and deter the unlicensed practice of architecture
19 and interior design as provided in s. 455.228 are delegated to
20 the board. All complaints and any information obtained
21 pursuant to an investigation authorized by the board are
22 confidential and exempt from s. 119.07(1) as provided in s.
23 455.225(2) and (10).

24 (b) Notwithstanding the provisions of s. 455.32(13),
25 the board, in lieu of the department, shall contract with a
26 corporation or other business entity pursuant to s. 287.057(3)
27 to provide investigative, legal, prosecutorial, and other
28 services necessary to perform its duties.

29 (c) The corporation or business entity shall comply
30 with all the recordkeeping and reporting requirements of s.
31 455.32 applicable to the scope of the contract and shall

1 report directly to the board in lieu of the department.
2 Records of the corporation or other business entity
3 contracting with the board shall be considered public records
4 as specified in s. 455.32(15).

5 (d) Notwithstanding the provisions of s. 455.228, the
6 board may use funds in the unlicensed activity account
7 established under s. 455.2281 to perform its duties relating
8 to unlicensed activity under this subsection.

9 (e) The board shall submit an annual budget request to
10 the Legislature for the purpose of funding its activities
11 under this subsection, which must be separate from the
12 legislative budget request submitted by the department to the
13 Legislature pursuant to s. 216.023.

14 Section 2. This act shall take effect July 1, 2002.
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