

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2042  
 SPONSOR: Senators Clary & Crist  
 SUBJECT: Architecture & Interior Design Board  
 DATE: February 6, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaccaro	Caldwell	RI	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 2042 delegates the duties and authority of the Department of Business and Professional Regulation to investigate and discipline licensed architects and interior designers, and to deter the unlicensed practice of those professions, to the Board of Architecture and Interior Design. The bill authorizes the Board of Architecture and Interior Design to contract with a corporation or business entity to provide necessary services to perform the board’s duties, provides for funding, and requires the board to provide the Department of Business and Professional Regulation an annual budget for funding its activities.

This bill substantially amends section 481.205 of the Florida Statutes.

**II. Present Situation:**

The regulation of architects and interior designers is established under part I of ch. 481, F.S. Regulation is administered by the Board of Architecture and Interior Design (board) within the Department of Business and Professional Regulation (department). The department licenses architects and interior designers under s. 481.213, F.S. Pursuant to s. 455.221, F.S., the department provides the board with the necessary investigative and legal services necessary to regulate licensees.

The sole authority to prosecute the unlicensed practice of professions is granted to the department by s. 455.228, F.S. Pursuant to that statute, the department may: issue notices to cease and desist; impose administrative penalties; issue citations; and seek enforcement of its actions and imposition of civil penalties in circuit court. Funding to deter unlicensed activity is provided by s. 455.2281, F.S., through the imposition of a \$5 fee upon each license and renewal thereof. The \$5 fee is collected in addition to all other licensure fees collected.

In 2000, the Legislature created s. 455.32, F.S., the Management Privatization Act, which authorizes the department to contract with a corporation or business entity to perform administrative, investigative, licensing, examination, and prosecutorial support services, upon the request of any board, commission, or council within the department. In addition to providing support services, the corporation or business entity is required to: utilize computer technology compatible with the department; submit an annual budget to the board and the department; provide an annual report to the department and the board describing all activities for the previous fiscal year; and provide for an annual audit of its financial accounts and records.

Section 455.32(13), F.S., directs the department to enter such contract on behalf of the Board of Architecture and Interior Design by October 1, 2000; however, the department has not done so. Pursuant to s. 455.32(14), F.S., the department retains sole authority to prosecute unlicensed activity pursuant to ss. 455.228 and 455.2281, F.S.

### **III. Effect of Proposed Changes:**

The bill delegates to the board the duties and authority of the department to investigate and discipline architects and interior designers licensed under part I of ch. 481, F.S.; to issue subpoenas and citations; to retain legal counsel, investigators, and prosecutorial staff in connection with the practice of those professions; and to investigate and deter the unlicensed practice of architecture or interior design as provided in ch. 455, F.S.

The bill requires the board, in lieu of the department, to contract with a corporation or business entity to provide services necessary to carry out the board's duties, and requires the corporation or business entity to comply with requirements of s. 455.32, F.S. The corporation or business entity must report directly to the board in lieu of the department.

The bill authorizes the board to use funds in the unlicensed activity account under s. 455.2281, F.S. The bill requires the board to submit an annual budget to the department for funding its activities under this subsection, which the department must separately itemize in its budget to the Legislature.

The bill takes effect upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The department reports that the bill will have a neutral impact upon it. The department's estimated expenses for investigation and compliance related to the board total \$261,418. The department will reduce expenses by that amount, which the board will then utilize from the Regulatory Trust Fund.

**VI. Technical Deficiencies:**

The bill appears to conflict with s. 455.32(14), F.S., which provides that the department retains sole authority to prosecute unlicensed cases pursuant to ss. 455.228 and 455.281, F.S.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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