

By the Committee on Governmental Oversight and Productivity;
and Senators Clary and Crist

302-2240-02

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; authorizing the board to use funds
13 from the unlicensed activity account to perform
14 certain duties; requiring that the board submit
15 an annual budget to the Legislature; providing
16 an effective date.

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

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

22 481.205 Board of Architecture and Interior Design.--
23 (1) The Board of Architecture and Interior Design is
24 created within ~~in~~ the Department of Business and Professional
25 Regulation. The board shall consist of 11 members. Five
26 members must be registered architects who have been engaged in
27 the practice of architecture for at least 5 years; three
28 members must be registered interior designers who have been
29 offering interior design services for at least 5 years and who
30 are not also registered architects; and three members must be
31 laypersons who are not, and have never been, architects,

1 interior designers, or members of any closely related
2 profession or occupation. At least one member of the board
3 must be 60 years of age or older.

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

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

22 (b) Notwithstanding the provisions of s. 455.32(14),
23 the board, in lieu of the department, shall contract with a
24 corporation or other business entity pursuant to s. 287.057(3)
25 to provide investigative, legal, prosecutorial, and other
26 services necessary to perform its duties. The corporation or
27 business entity shall comply with all the recordkeeping and
28 reporting requirements of s. 455.32 applicable to the scope of
29 the contract and shall report directly to the board in lieu of
30 the department. Records of the corporation or other business

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1 entity contracting with the board shall be considered public
2 records as specified in s. 455.32(15).

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

7 (d) The board shall submit an annual budget to the
8 Legislature for the purpose of funding its activities under
9 this subsection, which must be separate from the budget
10 submitted by the department to the Legislature.

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

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 2042

16 Clarifies what authority is delegated by the Legislature to
17 the board.

18 Clarifies what services the board can contract for with a
19 private corporation or other business entity.

20 Establishes a duty on the board and the entity with which it
21 contracts to meet requirements of s. 455.32, F.S., which
22 provides for accountability.

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