

1                                   A bill to be entitled  
2           An act relating to construction contracting;  
3           amending s. 481.221, F.S.; requiring the Board  
4           of Architecture and Interior Design to  
5           prescribe, by rule, one or more forms of seals  
6           for use by a registered architect or interior  
7           designer who holds a valid certificate of  
8           registration; authorizing registration of the  
9           seal electronically; authorizing electronic  
10          transmission and sealing of final plans,  
11          specifications, or reports; prohibiting a  
12          person from signing and sealing any final plan,  
13          specification, or report after her or his  
14          certificate of registration has expired or is  
15          suspended or revoked; providing procedures  
16          after a registered architect's or interior  
17          designer's certificate of registration has  
18          expired or is suspended or revoked; amending s.  
19          481.321, F.S.; requiring the Board of Landscape  
20          Architecture to prescribe, by rule, one or more  
21          forms of seal for use by a registered landscape  
22          architect who holds a valid certificate of  
23          registration; authorizing registration of the  
24          seal electronically, authorizing electronic  
25          transmission and sealing of final plans,  
26          specifications, or reports; reenacting s.  
27          481.325(1)(a), (3), F.S., relating to  
28          disciplinary proceedings, to incorporate the  
29          amendment to s. 481.321, F.S., in a reference  
30          thereto; providing penalties; amending s.  
31          489.103, F.S.; exempting persons licensed under

1 s. 633.061(1)(d) or (2)(b), F.S., from ch. 489,  
2 F.S.; amending s. 489.105, F.S.; authorizing  
3 Class A or Class B air-conditioning contractors  
4 to disconnect or reconnect liquefied petroleum  
5 gas line changeouts; deleting a prohibition  
6 against mechanical contractors or plumbing  
7 contractors performing work on liquefied  
8 petroleum gas lines; amending s. 489.133, F.S.,  
9 deleting authority for certain certification  
10 without examination; providing additional  
11 requirements for pollutant storage systems  
12 specialty contractors; providing an effective  
13 date.

14

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

16

17 Section 1. Section 481.221, Florida Statutes, is  
18 amended to read:

19 481.221 Seals; display of certificate number.--

20 (1) The board shall prescribe, by rule, one or more  
21 forms of ~~distinctively different~~ seals to be used by  
22 registered architects and interior designers, respectively,  
23 holding valid certificates of registration.

24 ~~(a)~~ Each registered architect shall obtain one ~~an~~  
25 ~~impression-type metal~~ seal in a form approved by rule of the  
26 board and may, in addition, register his or her seal  
27 electronically in accordance with ss. 668.001-668.006. ~~and~~  
28 All final construction documents and instruments of service  
29 which include drawings, plans, specifications, or reports  
30 prepared or issued by the registered architect and being filed  
31 for public record shall bear the signature and seal of the

1 registered architect who prepared or approved the document and  
2 the date on which they were sealed. The signature, date, and  
3 seal shall be evidence of the authenticity of that to which  
4 they are affixed. Final plans, specifications, or reports  
5 prepared or issued by a registered architect and interior  
6 designer may be transmitted electronically and may be signed  
7 by the registered architect or interior designer and dated and  
8 sealed electronically with the seal in accordance with ss.  
9 668.001-668.006.

10 (2)(b) The board shall adopt a rule prescribing the  
11 distinctly different seals to be used by registered interior  
12 designers holding valid certificates of registration. Each  
13 registered interior designer shall obtain a seal as prescribed  
14 by the board, and all drawings, plans, specifications, or  
15 reports prepared or issued by the registered interior designer  
16 and being filed for public record shall bear the signature and  
17 seal of the registered interior designer who prepared or  
18 approved the document and the date on which they were sealed.  
19 The signature, date, and seal shall be evidence of the  
20 authenticity of that to which they are affixed.

21 (3)(2) No registered architect shall affix, or permit  
22 to be affixed, her or his seal or signature to any final  
23 construction document or instrument of service which includes  
24 any plan, specification, drawing, or other document which  
25 depicts work which she or he is not competent to perform.

26 (4)(3) No registered interior designer shall affix, or  
27 permit to be affixed, her or his seal or signature to any  
28 plan, specification, drawing, or other document which depicts  
29 work which she or he is not competent or licensed to perform.

30 (5)(4) No registered architect shall affix her or his  
31 signature or seal to any final construction document or

1 instrument of service which includes drawings, plans,  
2 specifications, or architectural documents which were not  
3 prepared by her or him or under her or his responsible  
4 supervising control or by another registered architect and  
5 reviewed, approved, or modified and adopted by her or him as  
6 her or his own work according to rules adopted by the board.

7 (6)~~(5)~~ No registered interior designer shall affix her  
8 or his signature or seal to any plans, specifications, or  
9 other documents which were not prepared by her or him or under  
10 her or his responsible supervising control or by another  
11 registered interior designer and reviewed, approved, or  
12 modified and adopted by her or him as her or his own work  
13 according to rules adopted by the board.

14 (7)~~(6)~~ Final construction documents or instruments of  
15 service which include plans, drawings, specifications, or  
16 other architectural documents prepared by a registered  
17 architect as part of her or his architectural practice shall  
18 be of a sufficiently high standard to clearly and accurately  
19 indicate or illustrate all essential parts of the work to  
20 which they refer.

21 (8)~~(7)~~ Studies, drawings, specifications, and other  
22 related documents prepared by a registered interior designer  
23 in providing interior design services shall be of a  
24 sufficiently high standard to clearly and accurately indicate  
25 all essential parts of the work to which they refer.

26 (9)~~(8)~~ Each registered architect or interior designer,  
27 and each corporation or partnership holding a certificate of  
28 authorization, shall include its certificate number in any  
29 newspaper, telephone directory, or other advertising medium  
30 used by the registered architect, interior designer,  
31 corporation, or partnership. A corporation or partnership is

1 not required to display the certificate number of individual  
2 registered architects or interior designers employed by or  
3 working within the corporation or partnership.

4 (10)~~(9)~~ When the certificate of registration of a  
5 registered architect or interior designer has been revoked or  
6 suspended by the board, the registered architect or interior  
7 designer shall surrender her or his seal to the secretary of  
8 the board within a period of 30 days after the revocation or  
9 suspension has become effective. If the certificate of the  
10 registered architect or interior designer has been suspended  
11 for a period of time, her or his seal shall be returned to her  
12 or him upon expiration of the suspension period.

13 (11) A person may not sign and seal by any means any  
14 final plan, specification, or report after her or his  
15 certificate of registration has expired or is suspended or  
16 revoked. A registered architect or interior designer whose  
17 certificate of registration is suspended or revoked shall,  
18 within 30 days after the effective date of the suspension or  
19 revocation, surrender her or his seal to the executive  
20 director of the board and confirm in writing to the executive  
21 director the cancellation of the registered architect's or  
22 interior designer's electronic signature in accordance with  
23 ss. 668.001-668.006. When a registered architect's or interior  
24 designer's certificate of registration is suspended for a  
25 period of time, her or his seal shall be returned upon  
26 expiration of the period of suspension.

27 Section 2. Subsections (1) and (2) of section 481.321,  
28 Florida Statutes, are amended to read:

29 481.321 Seals; display of certificate number.--

30 (1) The board shall prescribe, by rule, one or more  
31 forms ~~a form~~ of seal for use ~~to be used~~ by a registered

1 landscape architect who holds a valid certificate of  
2 registration. Each registered landscape architect shall  
3 obtain one ~~an impression-type metal seal~~ in a form approved by  
4 rule of the board and may, in addition, register her or his  
5 seal electronically in accordance with ss. 668-001-668.006.  
6 ~~and~~ All final plans, specifications, or reports prepared or  
7 issued by the registered landscape architect and filed for  
8 public record shall be signed by the registered landscape  
9 architect, dated, and stamped with her or his seal. The  
10 signature, date, and seal constitute evidence of the  
11 authenticity of that to which they are affixed. Final plans,  
12 specifications, or reports prepared or issued by a registered  
13 landscape architect may be transmitted electronically and may  
14 be signed by the registered landscape architect, dated, and  
15 sealed electronically with such seal in accordance with ss.  
16 668.001-688.006.

17 (2) It is unlawful for any person to sign and seal by  
18 any means any final plan, specification, or report after her  
19 or his certificate of registration is expired, suspended, or  
20 revoked. A registered landscape architect whose certificate of  
21 registration is suspended or revoked shall, within 30 days  
22 after the effective date of the suspension or revocation,  
23 surrender her or his seal to the executive director of the  
24 board and confirm in writing to the executive director the  
25 cancellation of the landscape architect's electronic signature  
26 in accordance with ss. 668.001-688.006. When a landscape  
27 architect's certificate of registration is suspended for a  
28 period of time, her or his seal shall be returned upon  
29 expiration of the period of suspension.~~When the certificate~~  
30 ~~of registration of a registered landscape architect has been~~  
31 ~~revoked or suspended by the board, the registered landscape~~

1 ~~architect shall surrender her or his seal to the executive~~  
2 ~~director of the board within 30 days after the revocation or~~  
3 ~~suspension has become effective. If the certificate of the~~  
4 ~~registered landscape architect is suspended for a period of~~  
5 ~~time, her or his seal shall be returned to her or him upon~~  
6 ~~expiration of the suspension period.~~

7 Section 3. For the purpose of incorporating the  
8 amendment to section 481.325, Florida Statutes, in a reference  
9 thereto, paragraph (a) of subsection (1) and subsection (3) of  
10 section 481.325, Florida Statutes, are reenacted to read:

11 481.325 Disciplinary proceedings.--

12 (1) The following acts constitute grounds for which  
13 the disciplinary actions in subsection (3) may be taken:

14 (a) Violation of any provision of s. 455.227(1), s.  
15 481.321, or s. 481.323.

16 (3) When the board finds any registered landscape  
17 architect guilty of any of the grounds set forth in subsection  
18 (1), it may enter an order imposing one or more of the  
19 following penalties:

20 (a) Denial of an application for licensure.

21 (b) Revocation or suspension of a license.

22 (c) Imposition of an administrative fine not to exceed  
23 \$1,000 for each count or separate offense and a fine of up to  
24 \$5,000 for matters pertaining to a material violation of the  
25 Florida Building Code as reported by a local jurisdiction.

26 (d) Issuance of a reprimand.

27 (e) Placement of the registered landscape architect on  
28 probation for a period of time and subject to such conditions  
29 as the board may specify, including requiring the registered  
30 landscape architect to attend continuing education courses or

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1 to work under the supervision of another registered landscape  
2 architect.

3 (f) Restriction of the authorized scope of practice by  
4 the registered landscape architect.

5 Section 4. Subsection (20) is added to section  
6 489.103, Florida Statutes, to read:

7 489.103 Exemptions.--This part does not apply to:

8 (20) A person licensed under s. 633.061(1)(d) or  
9 (2)(b) performing work authorized by such license.

10 Section 5. Paragraphs (f), (g), (i), and (m) of  
11 subsection (3) of section 489.105, Florida Statutes, are  
12 amended to read:

13 489.105 Definitions.--As used in this part:

14 (3) "Contractor" means the person who is qualified  
15 for, and shall only be responsible for, the project contracted  
16 for and means, except as exempted in this part, the person  
17 who, for compensation, undertakes to, submits a bid to, or  
18 does himself or herself or by others construct, repair, alter,  
19 remodel, add to, demolish, subtract from, or improve any  
20 building or structure, including related improvements to real  
21 estate, for others or for resale to others; and whose job  
22 scope is substantially similar to the job scope described in  
23 one of the subsequent paragraphs of this subsection. For the  
24 purposes of regulation under this part, "demolish" applies  
25 only to demolition of steel tanks over 50 feet in height;  
26 towers over 50 feet in height; other structures over 50 feet  
27 in height, other than buildings or residences over three  
28 stories tall; and buildings or residences over three stories  
29 tall. Contractors are subdivided into two divisions, Division  
30 I, consisting of those contractors defined in paragraphs  
31



1 (a)-(c), and Division II, consisting of those contractors  
2 defined in paragraphs (d)-(q):

3 (f) "Class A air-conditioning contractor" means a  
4 contractor whose services are unlimited in the execution of  
5 contracts requiring the experience, knowledge, and skill to  
6 install, maintain, repair, fabricate, alter, extend, or  
7 design, when not prohibited by law, central air-conditioning,  
8 refrigeration, heating, and ventilating systems, including  
9 duct work in connection with a complete system only to the  
10 extent such duct work is performed by the contractor as is  
11 necessary to make complete an air-distribution system, boiler  
12 and unfired pressure vessel systems, and all appurtenances,  
13 apparatus, or equipment used in connection therewith, and any  
14 duct cleaning and equipment sanitizing which requires at least  
15 a partial disassembling of the system; to install, maintain,  
16 repair, fabricate, alter, extend, or design, when not  
17 prohibited by law, piping, insulation of pipes, vessels and  
18 ducts, pressure and process piping, and pneumatic control  
19 piping; to replace, disconnect, or reconnect power wiring on  
20 the load side of the dedicated existing electrical disconnect  
21 switch; to install, disconnect, and reconnect low voltage  
22 heating, ventilating, and air-conditioning control wiring; and  
23 to install a condensate drain from an air-conditioning unit to  
24 an existing safe waste or other approved disposal other than a  
25 direct connection to a sanitary system. The scope of work for  
26 such contractor shall also include any excavation work  
27 incidental thereto, but shall not include any work such as  
28 liquefied petroleum or natural gas fuel lines within buildings  
29 except for reconnecting changeouts of liquefied petroleum or  
30 natural gas appliances within buildings, potable water lines  
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1 or connections thereto, sanitary sewer lines, swimming pool  
2 piping and filters, or electrical power wiring.

3 (g) "Class B air-conditioning contractor" means a  
4 contractor whose services are limited to 25 tons of cooling  
5 and 500,000 Btu of heating in any one system in the execution  
6 of contracts requiring the experience, knowledge, and skill to  
7 install, maintain, repair, fabricate, alter, extend, or  
8 design, when not prohibited by law, central air-conditioning,  
9 refrigeration, heating, and ventilating systems, including  
10 duct work in connection with a complete system only to the  
11 extent such duct work is performed by the contractor as is  
12 necessary to make complete an air-distribution system being  
13 installed under this classification, and any duct cleaning and  
14 equipment sanitizing which requires at least a partial  
15 disassembling of the system; to install, maintain, repair,  
16 fabricate, alter, extend, or design, when not prohibited by  
17 law, piping and insulation of pipes, vessels, and ducts; to  
18 replace, disconnect, or reconnect power wiring on the load  
19 side of the dedicated existing electrical disconnect switch;  
20 to install, disconnect, and reconnect low voltage heating,  
21 ventilating, and air-conditioning control wiring; and to  
22 install a condensate drain from an air-conditioning unit to an  
23 existing safe waste or other approved disposal other than a  
24 direct connection to a sanitary system. The scope of work for  
25 such contractor shall also include any excavation work  
26 incidental thereto, but shall not include any work such as  
27 liquefied petroleum or natural gas fuel lines within buildings  
28 except for disconnecting or reconnecting changeouts of  
29 liquefied petroleum or natural gas appliances within  
30 buildings, potable water lines or connections thereto,  
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1 sanitary sewer lines, swimming pool piping and filters, or  
2 electrical power wiring.

3 (i) "Mechanical contractor" means a contractor whose  
4 services are unlimited in the execution of contracts requiring  
5 the experience, knowledge, and skill to install, maintain,  
6 repair, fabricate, alter, extend, or design, when not  
7 prohibited by law, central air-conditioning, refrigeration,  
8 heating, and ventilating systems, including duct work in  
9 connection with a complete system only to the extent such duct  
10 work is performed by the contractor as is necessary to make  
11 complete an air-distribution system, boiler and unfired  
12 pressure vessel systems, lift station equipment and piping,  
13 and all appurtenances, apparatus, or equipment used in  
14 connection therewith, and any duct cleaning and equipment  
15 sanitizing which requires at least a partial disassembling of  
16 the system; to install, maintain, repair, fabricate, alter,  
17 extend, or design, when not prohibited by law, piping,  
18 insulation of pipes, vessels and ducts, pressure and process  
19 piping, pneumatic control piping, gasoline tanks and pump  
20 installations and piping for same, standpipes, air piping,  
21 vacuum line piping, oxygen lines, nitrous oxide piping, ink  
22 and chemical lines, fuel transmission lines, liquefied  
23 petroleum gas lines within buildings, and natural gas fuel  
24 lines within buildings; to replace, disconnect, or reconnect  
25 power wiring on the load side of the dedicated existing  
26 electrical disconnect switch; to install, disconnect, and  
27 reconnect low voltage heating, ventilating, and  
28 air-conditioning control wiring; and to install a condensate  
29 drain from an air-conditioning unit to an existing safe waste  
30 or other approved disposal other than a direct connection to a  
31 sanitary system. The scope of work for such contractor shall

1 also include any excavation work incidental thereto, but shall  
2 not include any work such as ~~liquefied petroleum gas fuel~~  
3 ~~lines within buildings~~, potable water lines or connections  
4 thereto, sanitary sewer lines, swimming pool piping and  
5 filters, or electrical power wiring.

6 (m) "Plumbing contractor" means a contractor whose  
7 contracting business consists of the execution of contracts  
8 requiring the experience, financial means, knowledge, and  
9 skill to install, maintain, repair, alter, extend, or, when  
10 not prohibited by law, design plumbing. A plumbing contractor  
11 may install, maintain, repair, alter, extend, or, when not  
12 prohibited by law, design the following without obtaining any  
13 additional local regulatory license, certificate, or  
14 registration: sanitary drainage or storm drainage facilities;  
15 venting systems; public or private water supply systems;  
16 septic tanks; drainage and supply wells; swimming pool piping;  
17 irrigation systems; or solar heating water systems and all  
18 appurtenances, apparatus, or equipment used in connection  
19 therewith, including boilers and pressure process piping and  
20 including the installation of water, natural gas, ~~(excluding~~  
21 ~~liquid petroleum gases)~~, and storm and sanitary sewer lines;  
22 and water and sewer plants and substations. The scope of work  
23 of the plumbing contractor also includes the design, when not  
24 prohibited by law, and installation, maintenance, repair,  
25 alteration, or extension of air-piping, vacuum line piping,  
26 oxygen line piping, nitrous oxide piping, and all related  
27 medical gas systems; fire line standpipes and fire sprinklers  
28 to the extent authorized by law; ink and chemical lines; fuel  
29 oil and gasoline piping and tank and pump installation, except  
30 bulk storage plants; and pneumatic control piping systems, all  
31 in such a manner as to comply with all plans, specifications,

1 codes, laws, and regulations applicable. The scope of work of  
2 the plumbing contractor shall apply to private property and  
3 public property, shall include any excavation work incidental  
4 thereto, and shall include the work of the specialty plumbing  
5 contractor. Such contractor shall subcontract, with a  
6 qualified contractor in the field concerned, all other work  
7 incidental to the work but which is specified herein as being  
8 the work of a trade other than that of a plumbing contractor.  
9 Nothing in this definition shall be construed to limit the  
10 scope of work of any specialty contractor certified pursuant  
11 to s. 489.113(6). Nothing in this definition shall be  
12 construed to require certification or registration under this  
13 part of any authorized employee of a public natural gas  
14 utility or of a private natural gas utility regulated by the  
15 Public Service Commission when disconnecting and reconnecting  
16 water lines in the servicing or replacement of an existing  
17 water heater.

18 Section 6. Paragraph (c) of subsection (4) and  
19 paragraph (a) of subsection (5) of section 489.133, Florida  
20 Statutes, are amended to read:

21 489.133 Pollutant storage systems specialty  
22 contractors; definitions; certification; restrictions.--

23 (4) The board shall adopt rules providing standards  
24 for certification of pollutant storage systems specialty  
25 contractors, including persons who remove such systems. The  
26 board shall provide the proposed rules to the Department of  
27 Environmental Protection for review and comment prior to  
28 adoption. The rules shall include, but not be limited to:

29 (c) Requirements for certification without examination  
30 of pollutant storage systems specialty contractors for any  
31 person who has passed a local licensure examination, ~~a~~

1 ~~licensure examination in another state, or a licensure~~  
2 ~~examination of a national organization,~~ which is at least as  
3 stringent as the examination adopted by the board.

4 (5)(a) Notwithstanding any provision of this part to  
5 the contrary, no person shall engage in contracting as a  
6 pollutant storage systems specialty contractor unless such  
7 person is certified as a pollutant storage systems specialty  
8 contractor pursuant to this part, and if the person installs  
9 or removes a petroleum storage system as defined in s.  
10 376.301(33), that person must comply with the requirements of  
11 s. 376.30711(2)(b) and (c), and maintain pollution liability  
12 insurance of at least \$1 million per occurrence and \$1 million  
13 annual aggregate, nor shall any official authorized to issue  
14 building or other related permits issue a permit or permits  
15 for the installation or removal of a pollutant storage tank  
16 unless such official ascertains that the applicant for such  
17 permit or permits is certified as a pollutant storage systems  
18 specialty contractor and that the applicant satisfies the  
19 requirements imposed by this paragraph.

20 Section 7. This act shall take effect July 1, 2004.  
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