

Bill No. SB 1608

Barcode 960930

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Saunders) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships, limited liability companies, and corporations.--

(1) The practice of or the offer to practice architecture or interior design by licensees through a corporation, limited liability company, or partnership offering architectural or interior design services to the public, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.

(2) For the purposes of this section, a certificate of

Bill No. SB 1608

Barcode 960930

1 authorization shall be required for a corporation, limited
 2 liability company, partnership, or person practicing under a
 3 fictitious name, offering architectural services to the public
 4 jointly or separately. However, when an individual is
 5 practicing architecture in her or his own name, she or he
 6 shall not be required to be certified under this section.
 7 Certification under this subsection to offer architectural
 8 services shall include all the rights and privileges of
 9 certification under subsection (3) to offer interior design
 10 services.

11 (3) For the purposes of this section, a certificate of
 12 authorization shall be required for a corporation, limited
 13 liability company, partnership, or person operating under a
 14 fictitious name, offering interior design services to the
 15 public jointly or separately. However, when an individual is
 16 practicing interior design in her or his own name, she or he
 17 shall not be required to be certified under this section.

18 (4) All final construction documents and instruments
 19 of service which include drawings, specifications, plans,
 20 reports, or other papers or documents involving the practice
 21 of architecture which are prepared or approved for the use of
 22 the corporation, limited liability company, or partnership and
 23 filed for public record within the state shall bear the
 24 signature and seal of the licensee who prepared or approved
 25 them and the date on which they were sealed.

26 (5) All drawings, specifications, plans, reports, or
 27 other papers or documents prepared or approved for the use of
 28 the corporation, limited liability company, or partnership by
 29 an interior designer in her or his professional capacity and
 30 filed for public record within the state shall bear the
 31 signature and seal of the licensee who prepared or approved

Bill No. SB 1608

Barcode 960930

1 them and the date on which they were sealed.

2 (6) The department shall issue a certificate of
3 authorization to any applicant who the board certifies as
4 qualified for a certificate of authorization and who has paid
5 the fee set in s. 481.207.

6 (7) The board shall certify an applicant as qualified
7 for a certificate of authorization to offer architectural or
8 interior design services, provided that:

9 (a) One or more of the principal officers of the
10 corporation or limited liability company, or one or more
11 partners of the partnership, and all personnel of the
12 corporation, limited liability company, or partnership who act
13 in its behalf in this state as architects, are registered as
14 provided by this part; or

15 (b) One or more of the principal officers of the
16 corporation or one or more partners of the partnership, and
17 all personnel of the corporation, limited liability company,
18 or partnership who act in its behalf in this state as interior
19 designers, are registered as provided by this part.

20 (8) The department shall adopt rules establishing a
21 procedure for the biennial renewal of certificates of
22 authorization.

23 (9) The department shall renew a certificate of
24 authorization upon receipt of the renewal application and
25 biennial renewal fee.

26 (10) Each partnership, limited liability company, and
27 corporation certified under this section shall notify the
28 department within 30 days of any change in the information
29 contained in the application upon which the certification is
30 based. Any registered architect or interior designer who
31 qualifies the corporation, limited liability company, or

Bill No. SB 1608

Barcode 960930

1 partnership as provided in subsection (7) shall be responsible
 2 for ensuring responsible supervising control of projects of
 3 the entity and upon termination of ~~who terminates~~ her or his
 4 employment with a partnership, limited liability company, or
 5 corporation certified under this section shall notify the
 6 department of the termination within 30 days.

7 (11) No corporation, limited liability company, or
 8 partnership shall be relieved of responsibility for the
 9 conduct or acts of its agents, employees, or officers by
 10 reason of its compliance with this section. However, the
 11 architect who signs and seals the construction documents and
 12 instruments of service shall be liable for the professional
 13 services performed, and the interior designer who signs and
 14 seals the interior design drawings, plans, or specifications
 15 shall be liable for the professional services performed.

16 (12) Disciplinary action against a corporation,
 17 limited liability company, or partnership shall be
 18 administered in the same manner and on the same grounds as
 19 disciplinary action against a registered architect or interior
 20 designer, respectively.

21 (13) Nothing in this section shall be construed to
 22 mean that a certificate of registration to practice
 23 architecture or interior design shall be held by a
 24 corporation, limited liability company, or partnership.
 25 Nothing in this section prohibits corporations, limited
 26 liability companies, and partnerships from joining together to
 27 offer architectural, engineering, interior design, surveying
 28 and mapping, and landscape architectural services, or any
 29 combination of such services, to the public, provided that
 30 each corporation, limited liability company, or partnership
 31 otherwise meets the requirements of law.

Bill No. SB 1608

Barcode 960930

1 (14) Corporations, limited liability companies, or
 2 partnerships holding a valid certificate of authorization to
 3 practice architecture shall be permitted to use in their title
 4 the term "interior designer" or "registered interior
 5 designer."

6 Section 2. Section 481.221, Florida Statutes, is
 7 amended to read:

8 481.221 Seals; display of certificate number.--

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

13 (2)~~(a)~~ Each registered architect shall obtain one ~~an~~
 14 ~~impression-type metal seal in a form approved by rule of the~~
 15 board and may, in addition, register her or his seal
 16 electronically in accordance with ss. 668.001-668.006. ~~and All~~
 17 final construction documents and instruments of service which
 18 include drawings, plans, specifications, or reports prepared
 19 or issued by the registered architect and being filed for
 20 public record shall bear the signature and seal of the
 21 registered architect who prepared or approved the document and
 22 the date on which they were sealed. The signature, date, and
 23 seal shall be evidence of the authenticity of that to which
 24 they are affixed. Final plans, specifications, or reports
 25 prepared or issued by a registered architect may be
 26 transmitted electronically and may be signed by the registered
 27 architect, dated, and sealed electronically with the seal in
 28 accordance with ss. 668.001-668.006.

29 (3)~~(b)~~ The board shall adopt a rule prescribing the
 30 distinctly different seals to be used by registered interior
 31 designers holding valid certificates of registration. Each

Bill No. SB 1608

Barcode 960930

1 registered interior designer shall obtain a seal as prescribed
 2 by the board, and all drawings, plans, specifications, or
 3 reports prepared or issued by the registered interior designer
 4 and being filed for public record shall bear the signature and
 5 seal of the registered interior designer who prepared or
 6 approved the document and the date on which they were sealed.
 7 The signature, date, and seal shall be evidence of the
 8 authenticity of that to which they are affixed. Final plans,
 9 specifications, or reports prepared or issued by a registered
 10 interior designer may be transmitted electronically and may be
 11 signed by the registered interior designer, dated, and sealed
 12 electronically with the seal in accordance with ss.
 13 668.001-668.006.

14 ~~(4)(2)~~ No registered architect shall affix, or permit
 15 to be affixed, her or his seal or signature to any final
 16 construction document or instrument of service which includes
 17 any plan, specification, drawing, or other document which
 18 depicts work which she or he is not competent to perform.

19 ~~(5)(3)~~ No registered interior designer shall affix, or
 20 permit to be affixed, her or his seal or signature to any
 21 plan, specification, drawing, or other document which depicts
 22 work which she or he is not competent or licensed to perform.

23 ~~(6)(4)~~ No registered architect shall affix her or his
 24 signature or seal to any final construction document or
 25 instrument of service which includes drawings, plans,
 26 specifications, or architectural documents which were not
 27 prepared by her or him or under her or his responsible
 28 supervising control or by another registered architect and
 29 reviewed, approved, or modified and adopted by her or him as
 30 her or his own work according to rules adopted by the board.

31 ~~(7)(5)~~ No registered interior designer shall affix her

Bill No. SB 1608

Barcode 960930

1 or his signature or seal to any plans, specifications, or
 2 other documents which were not prepared by her or him or under
 3 her or his responsible supervising control or by another
 4 registered interior designer and reviewed, approved, or
 5 modified and adopted by her or him as her or his own work
 6 according to rules adopted by the board.

7 ~~(8)(6)~~ Final construction documents or instruments of
 8 service which include plans, drawings, specifications, or
 9 other architectural documents prepared by a registered
 10 architect as part of her or his architectural practice shall
 11 be of a sufficiently high standard to clearly and accurately
 12 indicate or illustrate all essential parts of the work to
 13 which they refer.

14 ~~(9)(7)~~ Studies, drawings, specifications, and other
 15 related documents prepared by a registered interior designer
 16 in providing interior design services shall be of a
 17 sufficiently high standard to clearly and accurately indicate
 18 all essential parts of the work to which they refer.

19 ~~(10)(8)~~ Each registered architect or interior
 20 designer, and each corporation, limited liability company, or
 21 partnership holding a certificate of authorization, shall
 22 include its certificate number in any newspaper, telephone
 23 directory, or other advertising medium used by the registered
 24 architect, interior designer, corporation, limited liability
 25 company, or partnership. A corporation, limited liability
 26 company, or partnership is not required to display the
 27 certificate number of individual registered architects or
 28 interior designers employed by or working within the
 29 corporation, limited liability company, or partnership.

30 ~~(11)(9)~~ When the certificate of registration of a
 31 registered architect or interior designer has been revoked or

Bill No. SB 1608

Barcode 960930

1 | suspended by the board, the registered architect or interior
 2 | designer shall surrender her or his seal to the secretary of
 3 | the board within a period of 30 days after the revocation or
 4 | suspension has become effective. If the certificate of the
 5 | registered architect or interior designer has been suspended
 6 | for a period of time, her or his seal shall be returned to her
 7 | or him upon expiration of the suspension period.

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

22 | Section 3. Paragraphs (b) and (g) of subsection (1) of
 23 | section 481.225, Florida Statutes, are amended to read:

24 | 481.225 Disciplinary proceedings against registered
 25 | architects.--

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

28 | (b) Attempting to obtain or procure a license to
 29 | practice architecture by bribery or fraudulent
 30 | misrepresentations.

31 | (g) Committing an act of fraud or deceit, or of

Bill No. SB 1608

Barcode 960930

1 negligence, incompetency, or misconduct, in the practice of
 2 architecture, including, but not limited to, allowing the
 3 preparation of any architectural studies, plans, or other
 4 instruments of service in an office that does not have a
 5 full-time Florida-registered architect assigned to such office
 6 or failing to ensure the responsible supervising control of
 7 services or projects, as required by board rule.

8 Section 4. Subsection (1) of section 481.2251, Florida
 9 Statutes, is amended to read:

10 481.2251 Disciplinary proceedings against registered
 11 interior designers.--

12 (1) The following acts constitute grounds for which
 13 the disciplinary actions specified in subsection (2) may be
 14 taken:

15 (a) Attempting to obtain, obtaining, or renewing, by
 16 bribery, by fraudulent misrepresentation, or through an error
 17 of the board, a license to practice interior design;

18 (b) Having a license to practice interior design
 19 revoked, suspended, or otherwise acted against, including the
 20 denial of licensure, by the licensing authority of another
 21 jurisdiction for any act which would constitute a violation of
 22 this part or of chapter 455;

23 (c) Being convicted or found guilty, regardless of
 24 adjudication, of a crime in any jurisdiction which directly
 25 relates to the provision of interior design services or to the
 26 ability to provide interior design services. A plea of nolo
 27 contendere shall create a rebuttable presumption of guilt to
 28 the underlying criminal charges. However, the board shall
 29 allow the person being disciplined to present any evidence
 30 relevant to the underlying charges and the circumstances
 31 surrounding her or his plea;

Bill No. SB 1608

Barcode 960930

1 (d) False, deceptive, or misleading advertising;

2 (e) Failing to report to the board any person who the
3 licensee knows is in violation of this part or the rules of
4 the board;

5 (f) Aiding, assisting, procuring, or advising any
6 unlicensed person to use the title "interior designer"
7 contrary to this part or to a rule of the board;

8 (g) Failing to perform any statutory or legal
9 obligation placed upon a registered interior designer;

10 (h) Making or filing a report which the licensee knows
11 to be false, intentionally or negligently failing to file a
12 report or record required by state or federal law, or
13 willfully impeding or obstructing such filing or inducing
14 another person to do so. Such reports or records shall
15 include only those which are signed in the capacity as a
16 registered interior designer;

17 (i) Making deceptive, untrue, or fraudulent
18 representations in the provision of interior design services;

19 (j) Accepting and performing professional
20 responsibilities which the licensee knows or has reason to
21 know that she or he is not competent or licensed to perform;

22 (k) Violating any provision of this part, any rule of
23 the board, or a lawful order of the board previously entered
24 in a disciplinary hearing;

25 (l) Conspiring with another licensee or with any other
26 person to commit an act, or committing an act, which would
27 tend to coerce, intimidate, or preclude another licensee from
28 lawfully advertising her or his services;

29 (m) Acceptance of compensation or any consideration by
30 an interior designer from someone other than the client
31 without full disclosure of the compensation or consideration

Bill No. SB 1608

Barcode 960930

1 amount or value to the client prior to the engagement for
2 services, in violation of s. 481.2131(2); ~~or~~

3 (n) Rendering or offering to render architectural
4 services; ~~or-~~

5 (o) Committing an act of fraud or deceit, or of
6 negligence, incompetency, or misconduct, in the practice of
7 interior design, including, but not limited to, allowing the
8 preparation of any interior design studies, plans, or other
9 instruments of service in an office that does not have a
10 full-time Florida-registered interior designer assigned to
11 such office or failing to exercise responsible supervisory
12 control over services or projects, as required by board rule.

13 Section 5. Paragraph (a) of subsection (5) of section
14 481.229, Florida Statutes, is amended to read:

15 481.229 Exceptions; exemptions from licensure.--

16 (5)(a) Nothing contained in this part shall prevent a
17 registered architect or a partnership, limited liability
18 company, or corporation holding a valid certificate of
19 authorization to provide architectural services from
20 performing any interior design service or from using the title
21 "interior designer" or "registered interior designer."

22 Section 6. Subsections (1) and (2) of section 481.321,
23 Florida Statutes, are amended to read:

24 481.321 Seals; display of certificate number.--

25 (1) The board shall prescribe, by rule, one or more
26 forms of seals for use ~~a form of seal to be used~~ by a
27 registered landscape architect who holds a valid certificate
28 of registration. Each registered landscape architect shall
29 obtain one ~~an impression-type metal seal~~ in a form approved by
30 rule of the board and may, in addition, register her or his
31 seal electronically in accordance with ss. 668.001-668.006.

Bill No. SB 1608

Barcode 960930

1 ~~and~~ All final plans, specifications, or reports prepared or
 2 issued by the registered landscape architect and filed for
 3 public record shall be signed by the registered landscape
 4 architect, dated, and stamped or sealed electronically with
 5 her or his seal. The signature, date, and seal constitute
 6 evidence of the authenticity of that to which they are
 7 affixed. Final plans, specifications, or reports prepared or
 8 issued by a registered landscape architect may be transmitted
 9 electronically and may be signed by the registered landscape
 10 architect, dated, and sealed electronically with the seal in
 11 accordance with ss. 668.001-668.006.

12 (2) It is unlawful for any person to sign and seal by
 13 any means any final plan, specification, or report after her
 14 or his certificate of registration is expired, suspended, or
 15 revoked. A registered landscape architect whose certificate of
 16 registration is suspended or revoked shall, within 30 days
 17 after the effective date of the suspension or revocation,
 18 surrender her or his seal to the executive director of the
 19 board and confirm in writing to the executive director the
 20 cancellation of the landscape architect's electronic signature
 21 in accordance with ss. 668.001-668.006. When a landscape
 22 architect's certificate of registration is suspended for a
 23 period of time, her or his seal shall be returned upon
 24 expiration of the period of suspension. ~~When the certificate~~
 25 ~~of registration of a registered landscape architect has been~~
 26 ~~revoked or suspended by the board, the registered landscape~~
 27 ~~architect shall surrender her or his seal to the executive~~
 28 ~~director of the board within 30 days after the revocation or~~
 29 ~~suspension has become effective. If the certificate of the~~
 30 ~~registered landscape architect is suspended for a period of~~
 31 ~~time, her or his seal shall be returned to her or him upon~~

Bill No. SB 1608

Barcode 960930

1 ~~expiration of the suspension period.~~

2 Section 7. For the purpose of incorporating the
3 amendment to section 481.321, Florida Statutes, in a reference
4 thereto, paragraph (a) of subsection (1) and subsection (3) of
5 section 481.325, Florida Statutes, are reenacted to read:

6 481.325 Disciplinary proceedings.--

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

9 (a) Violation of any provision of s. 455.227(1), s.
10 481.321, or s. 481.323.

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

15 (a) Denial of an application for licensure.

16 (b) Revocation or suspension of a license.

17 (c) Imposition of an administrative fine not to exceed
18 \$1,000 for each count or separate offense and a fine of up to
19 \$5,000 for matters pertaining to a material violation of the
20 Florida Building Code as reported by a local jurisdiction.

21 (d) Issuance of a reprimand.

22 (e) Placement of the registered landscape architect on
23 probation for a period of time and subject to such conditions
24 as the board may specify, including requiring the registered
25 landscape architect to attend continuing education courses or
26 to work under the supervision of another registered landscape
27 architect.

28 (f) Restriction of the authorized scope of practice by
29 the registered landscape architect.

30 Section 8. This act shall take effect upon becoming a
31 law.

Bill No. SB 1608

Barcode 960930

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to architecture, landscape
8 architecture, and interior design; amending s.
9 481.219, F.S.; revising provisions on
10 architectural and interior design services
11 certifications to include applicability to
12 limited liability companies; amending s.
13 481.221, F.S.; requiring the Board of
14 Architecture and Interior Design to prescribe,
15 by rule, one or more forms of seals for use by
16 a registered architect or interior designer who
17 holds a valid certificate of registration;
18 authorizing use of one seal and registration of
19 the seal electronically; authorizing electronic
20 transmission and sealing of final plans,
21 specifications, or reports; prohibiting signing
22 or sealing of final plans, specifications, or
23 reports after expiration, suspension, or
24 revocation of certificate of registration;
25 requiring surrender of the seal upon suspension
26 or revocation of the certificate of
27 registration; amending s. 481.225, F.S.;
28 revising grounds for disciplinary actions
29 relating to the practice of architecture;
30 amending s. 481.2251, F.S.; revising grounds
31 for disciplinary proceedings relating to the

Bill No. SB 1608

Barcode 960930

1 practice of interior design; amending s.
2 481.229, F.S.; revising an exemption relating
3 to interior design services and titles to
4 include applicability to certain limited
5 liability companies; amending s. 481.321, F.S.;
6 requiring the Board of Landscape Architecture
7 to prescribe, by rule, one or more forms of
8 seals for use by a registered landscape
9 architect who holds a valid certificate of
10 registration; authorizing use of one seal and
11 registration of the seal electronically;
12 authorizing electronic transmission and sealing
13 of final plans, specifications, or reports;
14 prohibiting signing or sealing of final plans,
15 specifications, or reports after expiration,
16 suspension, or revocation of certificate of
17 registration; requiring surrender of the seal
18 upon suspension or revocation of the
19 certificate of registration; reenacting s.
20 481.325(1)(a) and (3), F.S., relating to
21 disciplinary proceedings against registered
22 landscape architects, to incorporate the
23 amendment to s. 481.321, F.S., in a reference
24 thereto; providing an effective date.

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