

By Senator Clary

4-895-05

See HB 699

1 A bill to be entitled

2 An act relating to architecture and interior

3 design; amending s. 481.219, F.S.; revising

4 provisions on architectural and interior design

5 services certifications to include

6 applicability to limited liability companies;

7 amending s. 481.221, F.S.; authorizing the use

8 of an electronic seal under certain

9 circumstances; providing for the adoption of

10 certain rules; applying requirements on the

11 display of certificate numbers to limited

12 liability companies; amending s. 481.225, F.S.;

13 revising grounds for disciplinary actions;

14 amending s. 481.229, F.S.; revising an

15 exemption relating to interior design services

16 and titles to include applicability to certain

17 limited liability companies; providing an

18 effective date.

19

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

21

22 Section 1. Section 481.219, Florida Statutes, is

23 amended to read:

24 481.219 Certification of partnerships, limited

25 liability companies, and corporations.--

26 (1) The practice of or the offer to practice

27 architecture or interior design by licensees through a

28 corporation, limited liability company, or partnership

29 offering architectural or interior design services to the

30 public, or by a corporation, limited liability company, or

31 partnership offering architectural or interior design services

1 to the public through licensees under this part as agents,
2 employees, officers, or partners, is permitted, subject to the
3 provisions of this section.

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

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

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

30 (5) All drawings, specifications, plans, reports, or
31 other papers or documents prepared or approved for the use of

1 | the corporation, limited liability company, or partnership by
2 | an interior designer in her or his professional capacity and
3 | filed for public record within the state shall bear the
4 | signature and seal of the licensee who prepared or approved
5 | them and the date on which they were sealed.

6 | (6) The department shall issue a certificate of
7 | authorization to any applicant who the board certifies as
8 | qualified for a certificate of authorization and who has paid
9 | the fee set in s. 481.207.

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

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

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

24 | (8) The department shall adopt rules establishing a
25 | procedure for the biennial renewal of certificates of
26 | authorization.

27 | (9) The department shall renew a certificate of
28 | authorization upon receipt of the renewal application and
29 | biennial renewal fee.

30 | (10) Each partnership, limited liability company, and
31 | corporation certified under this section shall notify the

1 department within 30 days of any change in the information
2 contained in the application upon which the certification is
3 based. Any registered architect or interior designer who
4 qualifies the corporation, limited liability company, or
5 partnership as provided in subsection (7) shall be responsible
6 for ensuring responsible supervising control of projects of
7 the entity and upon termination of ~~who terminates~~ her or his
8 employment with a partnership, limited liability company, or
9 corporation certified under this section shall notify the
10 department of the termination within 30 days.

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

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

25 (13) Nothing in this section shall be construed to
26 mean that a certificate of registration to practice
27 architecture or interior design shall be held by a
28 corporation, limited liability company, or partnership.
29 Nothing in this section prohibits corporations, limited
30 liability companies, and partnerships from joining together to
31 offer architectural, engineering, interior design, surveying

1 and mapping, and landscape architectural services, or any
2 combination of such services, to the public, provided that
3 each corporation, limited liability company, or partnership
4 otherwise meets the requirements of law.

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

10 Section 2. Paragraph (a) of subsection (1) and
11 subsections (4) and (8) of section 481.221, Florida Statutes,
12 are amended to read:

13 481.221 Seals; display of certificate number.--

14 (1) The board shall prescribe, by rule, distinctively
15 different seals to be used by registered architects and
16 interior designers, respectively, holding valid certificates
17 of registration.

18 (a) Each registered architect shall obtain an
19 impression-type metal seal, and all final construction
20 documents and instruments of service which include drawings,
21 plans, specifications, or reports prepared or issued by the
22 registered architect and being filed for public record shall
23 bear the signature and seal of the registered architect who
24 prepared or approved the document and the date on which they
25 were sealed. The signature, date, and seal shall be evidence
26 of the authenticity of that to which they are affixed. The
27 board, by rule, shall specify the use of an electronic seal as
28 an alternative to any other seal required under this section.

29 (4) No registered architect shall affix her or his
30 signature or seal to any final construction document or
31 instrument of service which includes drawings, plans,

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

7 (8) Each registered architect or interior designer,
8 and each corporation, limited liability company, or
9 partnership holding a certificate of authorization, shall
10 include its certificate number in any newspaper, telephone
11 directory, or other advertising medium used by the registered
12 architect, interior designer, corporation, limited liability
13 company, or partnership. A corporation, limited liability
14 company, or partnership is not required to display the
15 certificate number of individual registered architects or
16 interior designers employed by or working within the
17 corporation, limited liability company, or partnership.

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

20 481.225 Disciplinary proceedings against registered
21 architects.--

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

24 (b) Attempting to obtain or procure a license to
25 practice architecture by bribery or fraudulent
26 misrepresentations.

27 (g) Committing an act of fraud or deceit, or of
28 negligence, incompetency, or misconduct, in the practice of
29 architecture, including, but not limited to, allowing the
30 preparation of any architectural studies, plans, or other
31 instruments of service in an office that does not have a

1 full-time Florida registered architect assigned to such office
2 or failing to ensure the responsible supervising control of
3 services or projects, as required by board rule.

4 Section 4. Paragraph (a) of subsection (5) of section
5 481.229, Florida Statutes, is amended to read:

6 481.229 Exceptions; exemptions from licensure.--

7 (5)(a) Nothing contained in this part shall prevent a
8 registered architect or a partnership, limited liability
9 company, or corporation holding a valid certificate of
10 authorization to provide architectural services from
11 performing any interior design service or from using the title
12 "interior designer" or "registered interior designer."

13 Section 5. This act shall take effect upon becoming a
14 law.