

By the Committee on Regulated Industries; and Senators Clary,
Diaz de la Portilla, Crist and Bennett

580-2131-05

1 A bill to be entitled
2 An act relating to architecture, landscape
3 architecture, and interior design; amending s.
4 481.219, F.S.; revising provisions on
5 architectural and interior design services
6 certifications to include applicability to
7 limited liability companies; amending s.
8 481.221, F.S.; requiring the Board of
9 Architecture and Interior Design to prescribe,
10 by rule, one or more forms of seals for use by
11 a registered architect or interior designer who
12 holds a valid certificate of registration;
13 authorizing use of one seal and registration of
14 the seal electronically; authorizing electronic
15 transmission and sealing of final plans,
16 specifications, or reports; prohibiting signing
17 or sealing of final plans, specifications, or
18 reports after expiration, suspension, or
19 revocation of certificate of registration;
20 requiring surrender of the seal upon suspension
21 or revocation of the certificate of
22 registration; amending s. 481.225, F.S.;
23 revising grounds for disciplinary actions
24 relating to the practice of architecture;
25 amending s. 481.2251, F.S.; revising grounds
26 for disciplinary proceedings relating to the
27 practice of interior design; amending s.
28 481.229, F.S.; revising an exemption relating
29 to interior design services and titles to
30 include applicability to certain limited
31 liability companies; amending s. 481.321, F.S.;

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

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

22
23 Section 1. Section 481.219, Florida Statutes, is
24 amended to read:

25 481.219 Certification of partnerships, limited
26 liability companies, and corporations.--

27 (1) The practice of or the offer to practice
28 architecture or interior design by licensees through a
29 corporation, limited liability company, or partnership
30 offering architectural or interior design services to the
31 public, or by a corporation, limited liability company, or

1 partnership offering architectural or interior design services
2 to the public through licensees under this part as agents,
3 employees, officers, or partners, is permitted, subject to the
4 provisions of this section.

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

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

23 (4) All final construction documents and instruments
24 of service which include drawings, specifications, plans,
25 reports, or other papers or documents involving the practice
26 of architecture which are prepared or approved for the use of
27 the corporation, limited liability company, or partnership and
28 filed for public record within the state shall bear the
29 signature and seal of the licensee who prepared or approved
30 them and the date on which they were sealed.
31

1 (5) All drawings, specifications, plans, reports, or
2 other papers or documents prepared or approved for the use of
3 the corporation, limited liability company, or partnership by
4 an interior designer in her or his professional capacity and
5 filed for public record within the state shall bear the
6 signature and seal of the licensee who prepared or approved
7 them and the date on which they were sealed.

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

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

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

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

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

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

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

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

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

27 (13) Nothing in this section shall be construed to
28 mean that a certificate of registration to practice
29 architecture or interior design shall be held by a
30 corporation, limited liability company, or partnership.
31 Nothing in this section prohibits corporations, limited

1 liability companies, and partnerships from joining together to
2 offer architectural, engineering, interior design, surveying
3 and mapping, and landscape architectural services, or any
4 combination of such services, to the public, provided that
5 each corporation, limited liability company, or partnership
6 otherwise meets the requirements of law.

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

12 Section 2. Section 481.221, Florida Statutes, is
13 amended to read:

14 481.221 Seals; display of certificate number.--

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

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

1 transmitted electronically and may be signed by the registered
2 architect, dated, and sealed electronically with the seal in
3 accordance with ss. 668.001-668.006.

4 ~~(3)(b)~~ The board shall adopt a rule prescribing the
5 distinctly different seals to be used by registered interior
6 designers holding valid certificates of registration. Each
7 registered interior designer shall obtain a seal as prescribed
8 by the board, and all drawings, plans, specifications, or
9 reports prepared or issued by the registered interior designer
10 and being filed for public record shall bear the signature and
11 seal of the registered interior designer who prepared or
12 approved the document and the date on which they were sealed.
13 The signature, date, and seal shall be evidence of the
14 authenticity of that to which they are affixed. Final plans,
15 specifications, or reports prepared or issued by a registered
16 interior designer may be transmitted electronically and may be
17 signed by the registered interior designer, dated, and sealed
18 electronically with the seal in accordance with ss.
19 668.001-668.006.

20 ~~(4)(2)~~ No registered architect shall affix, or permit
21 to be affixed, her or his seal or signature to any final
22 construction document or instrument of service which includes
23 any plan, specification, drawing, or other document which
24 depicts work which she or he is not competent to perform.

25 ~~(5)(3)~~ No registered interior designer shall affix, or
26 permit to be affixed, her or his seal or signature to any
27 plan, specification, drawing, or other document which depicts
28 work which she or he is not competent or licensed to perform.

29 ~~(6)(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 or by another registered architect and
4 reviewed, approved, or modified and adopted by her or him as
5 her or his own work according to rules adopted by the board.

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

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

20 ~~(9)(7)~~ Studies, drawings, specifications, and other
21 related documents prepared by a registered interior designer
22 in providing interior design services shall be of a
23 sufficiently high standard to clearly and accurately indicate
24 all essential parts of the work to which they refer.

25 ~~(10)(8)~~ Each registered architect or interior
26 designer, and each corporation, limited liability company, or
27 partnership holding a certificate of authorization, shall
28 include its certificate number in any newspaper, telephone
29 directory, or other advertising medium used by the registered
30 architect, interior designer, corporation, limited liability
31 company, or partnership. A corporation, limited liability

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

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

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

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

30 481.225 Disciplinary proceedings against registered
31 architects.--

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

3 (b) Attempting to obtain or procure a license to
4 practice architecture by bribery or fraudulent
5 misrepresentations.

6 (g) Committing an act of fraud or deceit, or of
7 negligence, incompetency, or misconduct, in the practice of
8 architecture, including, but not limited to, allowing the
9 preparation of any architectural studies, plans, or other
10 instruments of service in an office that does not have a
11 full-time Florida-registered architect assigned to such office
12 or failing to ensure the responsible supervising control of
13 services or projects, as required by board rule.

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

16 481.2251 Disciplinary proceedings against registered
17 interior designers.--

18 (1) The following acts constitute grounds for which
19 the disciplinary actions specified in subsection (2) may be
20 taken:

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

24 (b) Having a license to practice interior design
25 revoked, suspended, or otherwise acted against, including the
26 denial of licensure, by the licensing authority of another
27 jurisdiction for any act which would constitute a violation of
28 this part or of chapter 455;

29 (c) Being convicted or found guilty, regardless of
30 adjudication, of a crime in any jurisdiction which directly
31 relates to the provision of interior design services or to the

1 ability to provide interior design services. A plea of nolo
2 contendere shall create a rebuttable presumption of guilt to
3 the underlying criminal charges. However, the board shall
4 allow the person being disciplined to present any evidence
5 relevant to the underlying charges and the circumstances
6 surrounding her or his plea;

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

8 (e) Failing to report to the board any person who the
9 licensee knows is in violation of this part or the rules of
10 the board;

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

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

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

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

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

28 (k) Violating any provision of this part, any rule of
29 the board, or a lawful order of the board previously entered
30 in a disciplinary hearing;

31

1 (1) Conspiring with another licensee or with any other
2 person to commit an act, or committing an act, which would
3 tend to coerce, intimidate, or preclude another licensee from
4 lawfully advertising her or his services;

5 (m) Acceptance of compensation or any consideration by
6 an interior designer from someone other than the client
7 without full disclosure of the compensation or consideration
8 amount or value to the client prior to the engagement for
9 services, in violation of s. 481.2131(2); ~~or~~

10 (n) Rendering or offering to render architectural
11 services; ~~or-~~

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

20 Section 5. Paragraph (a) of subsection (5) of section
21 481.229, Florida Statutes, is amended to read:

22 481.229 Exceptions; exemptions from licensure.--

23 (5)(a) Nothing contained in this part shall prevent a
24 registered architect or a partnership, limited liability
25 company, or corporation holding a valid certificate of
26 authorization to provide architectural services from
27 performing any interior design service or from using the title
28 "interior designer" or "registered interior designer."

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

31 481.321 Seals; display of certificate number.--

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

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

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

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

13 481.325 Disciplinary proceedings.--

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

16 (a) Violation of any provision of s. 455.227(1), s.
17 481.321, or s. 481.323.

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

22 (a) Denial of an application for licensure.

23 (b) Revocation or suspension of a license.

24 (c) Imposition of an administrative fine not to exceed
25 \$1,000 for each count or separate offense and a fine of up to
26 \$5,000 for matters pertaining to a material violation of the
27 Florida Building Code as reported by a local jurisdiction.

28 (d) Issuance of a reprimand.

29 (e) Placement of the registered landscape architect on
30 probation for a period of time and subject to such conditions
31 as the board may specify, including requiring the registered

1 | landscape architect to attend continuing education courses or
2 | to work under the supervision of another registered landscape
3 | architect.

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

6 | Section 8. This act shall take effect upon becoming a
7 | law.

8 |
9 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 | COMMITTEE SUBSTITUTE FOR
11 | Senate Bill 1608

12 | The Committee Substitute (CS) creates a new provision under
13 | which an interior designer may be disciplined. The provision
14 | provides that committing an act of fraud or deceit or of
15 | negligence, incompetency, or misconduct, in the practice of
16 | interior design, including, but not limited to, allowing the
17 | preparation of any interior design studies, plans, or other
18 | instruments of service in an office that does not have a
19 | full-time Florida-registered interior designer assigned to
20 | such office or failing to exercise responsible supervisory
21 | control over services or projects, as required by board rule.

22 | The CS provides that the Board of Landscape Architecture with
23 | the authority to prescribe by rule one or more forms of seal
24 | for use by a registered landscape architect. The seal must
25 | be registered electronically in accordance with the laws
26 | governing electronic signatures. The bill provides that final
27 | plans, specifications, or reports prepared or issued by a
28 | registered landscape architect may be transmitted
29 | electronically and may be signed and sealed electronically.
30 | It deletes the requirement for an "impression type" metal
31 | seal.