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HB 213, Engrossed 1

2005 Legislature

1 A bill to be entitled

2 An act relating to construction professionals; amending s.
3 481.221, F.S.; requiring the Board of Architecture and
4 Interior Design to prescribe, by rule, one or more forms
5 of seals for use by a registered architect or interior
6 designer who holds a valid certificate of registration;
7 authorizing use of one seal and registration of the seal
8 electronically; authorizing electronic transmission and
9 sealing of final plans, specifications, or reports;
10 prohibiting signing or sealing of final plans,
11 specifications, or reports after expiration, suspension,
12 or revocation of certificate of registration; requiring
13 surrender of the seal upon suspension or revocation of the
14 certificate of registration; amending s. 481.321, F.S.;
15 requiring the Board of Landscape Architecture to
16 prescribe, by rule, one or more forms of seals for use by
17 a registered landscape architect who holds a valid
18 certificate of registration; authorizing use of one seal
19 and registration of the seal electronically; authorizing
20 electronic transmission and sealing of final plans,
21 specifications, or reports; prohibiting signing or sealing
22 of final plans, specifications, or reports after
23 expiration, suspension, or revocation of certificate of
24 registration; requiring surrender of the seal upon
25 suspension or revocation of the certificate of
26 registration; reenacting s. 481.225(1)(a) and (3), F.S.,
27 relating to disciplinary proceedings against registered
28 architects, to incorporate the amendment to s. 481.221,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 F.S., in a reference thereto; providing penalties;
 30 reenacting s. 481.325(1)(a) and (3), F.S., relating to
 31 disciplinary proceedings against registered landscape
 32 architects, to incorporate the amendment to s. 481.321,
 33 F.S., in a reference thereto; providing penalties;
 34 amending s. 489.103, F.S.; exempting preengineered fire
 35 extinguishing system permittees from construction
 36 contracting regulation; amending s. 489.105, F.S.;

37 revising contractor definitions to authorize Class A and
 38 Class B air-conditioning contractors to disconnect or
 39 reconnect changeouts of liquefied petroleum or natural gas
 40 appliances within buildings, mechanical contractors to
 41 install, maintain, fabricate, repair, alter, extend, or
 42 design, when not prohibited by law, liquefied petroleum
 43 gas lines within buildings, and plumbing contractors to
 44 install liquefied petroleum gas and related venting lines;
 45 providing an effective date.

46

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

48

49 Section 1. Section 481.221, Florida Statutes, is amended
 50 to read:

51 481.221 Seals; display of certificate number.--

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

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56 (2)(a) Each registered architect shall obtain one an
57 impression type metal seal in a form approved by rule of the
58 board and may, in addition, register her or his seal
59 electronically in accordance with ss. 668.001-668.006., and All
60 final construction documents and instruments of service which
61 include drawings, plans, specifications, or reports prepared or
62 issued by the registered architect and being filed for public
63 record shall bear the signature and seal of the registered
64 architect who prepared or approved the document and the date on
65 which they were sealed. The signature, date, and seal shall be
66 evidence of the authenticity of that to which they are affixed.
67 Final plans, specifications, or reports prepared or issued by a
68 registered architect may be transmitted electronically and may
69 be signed by the registered architect, dated, and sealed
70 electronically with the seal in accordance with ss. 668.001-
71 668.006.

72 (3)(b) The board shall adopt a rule prescribing the
73 distinctly different seals to be used by registered interior
74 designers holding valid certificates of registration. Each
75 registered interior designer shall obtain a seal as prescribed
76 by the board, and all drawings, plans, specifications, or
77 reports prepared or issued by the registered interior designer
78 and being filed for public record shall bear the signature and
79 seal of the registered interior designer who prepared or
80 approved the document and the date on which they were sealed.
81 The signature, date, and seal shall be evidence of the
82 authenticity of that to which they are affixed. Final plans,
83 specifications, or reports prepared or issued by a registered

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84 interior designer may be transmitted electronically and may be
85 signed by the registered interior designer, dated, and sealed
86 electronically with the seal in accordance with ss. 668.001-
87 668.006.

88 (4)~~(2)~~ No registered architect shall affix, or permit to
89 be affixed, her or his seal or signature to any final
90 construction document or instrument of service which includes
91 any plan, specification, drawing, or other document which
92 depicts work which she or he is not competent to perform.

93 (5)~~(3)~~ No registered interior designer shall affix, or
94 permit to be affixed, her or his seal or signature to any plan,
95 specification, drawing, or other document which depicts work
96 which she or he is not competent or licensed to perform.

97 (6)~~(4)~~ No registered architect shall affix her or his
98 signature or seal to any final construction document or
99 instrument of service which includes drawings, plans,
100 specifications, or architectural documents which were not
101 prepared by her or him or under her or his responsible
102 supervising control or by another registered architect and
103 reviewed, approved, or modified and adopted by her or him as her
104 or his own work according to rules adopted by the board.

105 (7)~~(5)~~ No registered interior designer shall affix her or
106 his signature or seal to any plans, specifications, or other
107 documents which were not prepared by her or him or under her or
108 his responsible supervising control or by another registered
109 interior designer and reviewed, approved, or modified and
110 adopted by her or him as her or his own work according to rules
111 adopted by the board.

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112 (8)~~(6)~~ Final construction documents or instruments of
113 service which include plans, drawings, specifications, or other
114 architectural documents prepared by a registered architect as
115 part of her or his architectural practice shall be of a
116 sufficiently high standard to clearly and accurately indicate or
117 illustrate all essential parts of the work to which they refer.

118 (9)~~(7)~~ Studies, drawings, specifications, and other
119 related documents prepared by a registered interior designer in
120 providing interior design services shall be of a sufficiently
121 high standard to clearly and accurately indicate all essential
122 parts of the work to which they refer.

123 (10)~~(8)~~ Each registered architect or interior designer,
124 and each corporation or partnership holding a certificate of
125 authorization, shall include its certificate number in any
126 newspaper, telephone directory, or other advertising medium used
127 by the registered architect, interior designer, corporation, or
128 partnership. A corporation or partnership is not required to
129 display the certificate number of individual registered
130 architects or interior designers employed by or working within
131 the corporation or partnership.

132 (11)~~(9)~~ When the certificate of registration of a
133 registered architect or interior designer has been revoked or
134 suspended by the board, the registered architect or interior
135 designer shall surrender her or his seal to the secretary of the
136 board within a period of 30 days after the revocation or
137 suspension has become effective. If the certificate of the
138 registered architect or interior designer has been suspended for

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139 a period of time, her or his seal shall be returned to her or
 140 him upon expiration of the suspension period.

141 (12) A person may not sign and seal by any means any final
 142 plan, specification, or report after her or his certificate of
 143 registration has expired or is suspended or revoked. A
 144 registered architect or interior designer whose certificate of
 145 registration is suspended or revoked shall, within 30 days after
 146 the effective date of the suspension or revocation, surrender
 147 her or his seal to the executive director of the board and
 148 confirm in writing to the executive director the cancellation of
 149 the registered architect's or interior designer's electronic
 150 signature in accordance with ss. 668.001-668.006. When a
 151 registered architect's or interior designer's certificate of
 152 registration is suspended for a period of time, her or his seal
 153 shall be returned upon expiration of the period of suspension.

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

156 481.321 Seals; display of certificate number.--

157 (1) The board shall prescribe, by rule, one or more forms
 158 of seals for use ~~a form of seal to be used~~ by a registered
 159 landscape architect who holds a valid certificate of
 160 registration. Each registered landscape architect shall obtain
 161 one ~~an impression type metal~~ seal in a form approved by rule of
 162 the board and may, in addition, register her or his seal
 163 electronically in accordance with ss. 668.001-668.006. ~~and All~~
 164 final plans, specifications, or reports prepared or issued by
 165 the registered landscape architect and filed for public record
 166 shall be signed by the registered landscape architect, dated,

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167 and stamped or sealed electronically with her or his seal. The
 168 signature, date, and seal constitute evidence of the
 169 authenticity of that to which they are affixed. Final plans,
 170 specifications, or reports prepared or issued by a registered
 171 landscape architect may be transmitted electronically and may be
 172 signed by the registered landscape architect, dated, and sealed
 173 electronically with the seal in accordance with ss. 668.001-
 174 668.006.

175 (2) It is unlawful for any person to sign and seal by any
 176 means any final plan, specification, or report after her or his
 177 certificate of registration is expired, suspended, or revoked. A
 178 registered landscape architect whose certificate of registration
 179 is suspended or revoked shall, within 30 days after the
 180 effective date of the suspension or revocation, surrender her or
 181 his seal to the executive director of the board and confirm in
 182 writing to the executive director the cancellation of the
 183 landscape architect's electronic signature in accordance with
 184 ss. 668.001-668.006. When a landscape architect's certificate of
 185 registration is suspended for a period of time, her or his seal
 186 shall be returned upon expiration of the period of suspension.
 187 ~~When the certificate of registration of a registered landscape~~
 188 ~~architect has been revoked or suspended by the board, the~~
 189 ~~registered landscape architect shall surrender her or his seal~~
 190 ~~to the executive director of the board within 30 days after the~~
 191 ~~revocation or suspension has become effective. If the~~
 192 ~~certificate of the registered landscape architect is suspended~~
 193 ~~for a period of time, her or his seal shall be returned to her~~
 194 ~~or him upon expiration of the suspension period.~~

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195 Section 3. For the purpose of incorporating the amendment
196 to section 481.221, Florida Statutes, in a reference thereto,
197 paragraph (a) of subsection (1) and subsection (3) of section
198 481.225, Florida Statutes, are reenacted to read:

199 481.225 Disciplinary proceedings against registered
200 architects.--

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

203 (a) Violating any provision of s. 455.227(1), s. 481.221,
204 or s. 481.223, or any rule of the board or department lawfully
205 adopted pursuant to this part or chapter 455.

206 (3) When the board finds any registered architect guilty
207 of any of the grounds set forth in subsection (1), it may enter
208 an order imposing one or more of the following penalties:

209 (a) Denial of an application for licensure.

210 (b) Revocation or suspension of a license.

211 (c) Imposition of an administrative fine not to exceed
212 \$1,000 for each count or separate offense and a fine of up to
213 \$5,000 for matters pertaining to a material violation of the
214 Florida Building Code as reported by a local jurisdiction.

215 (d) Issuance of a reprimand.

216 (e) Placement of the registered architect on probation for
217 a period of time and subject to such conditions as the board may
218 specify, including requiring the registered architect to attend
219 continuing education courses or to work under the supervision of
220 another registered architect.

221 (f) Restriction of the authorized scope of practice by the
222 registered architect.

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223 Section 4. For the purpose of incorporating the amendment
 224 to section 481.321, Florida Statutes, in a reference thereto,
 225 paragraph (a) of subsection (1) and subsection (3) of section
 226 481.325, Florida Statutes, are reenacted to read:

227 481.325 Disciplinary proceedings.--

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

230 (a) Violation of any provision of s. 455.227(1), s.
 231 481.321, or s. 481.323.

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

236 (a) Denial of an application for licensure.

237 (b) Revocation or suspension of a license.

238 (c) Imposition of an administrative fine not to exceed
 239 \$1,000 for each count or separate offense and a fine of up to
 240 \$5,000 for matters pertaining to a material violation of the
 241 Florida Building Code as reported by a local jurisdiction.

242 (d) Issuance of a reprimand.

243 (e) Placement of the registered landscape architect on
 244 probation for a period of time and subject to such conditions as
 245 the board may specify, including requiring the registered
 246 landscape architect to attend continuing education courses or to
 247 work under the supervision of another registered landscape
 248 architect.

249 (f) Restriction of the authorized scope of practice by the
 250 registered landscape architect.

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

253 489.103 Exemptions.--This part does not apply to:

254 (20) A person licensed pursuant to s. 633.061(1)(d) or
 255 (2)(b) performing work authorized by such license.

256 Section 6. Paragraphs (f), (g), (i), and (m) of subsection
 257 (3) of section 489.105, Florida Statutes, are amended to read:

258 489.105 Definitions.--As used in this part:

259 (3) "Contractor" means the person who is qualified for,
 260 and shall only be responsible for, the project contracted for
 261 and means, except as exempted in this part, the person who, for
 262 compensation, undertakes to, submits a bid to, or does himself
 263 or herself or by others construct, repair, alter, remodel, add
 264 to, demolish, subtract from, or improve any building or
 265 structure, including related improvements to real estate, for
 266 others or for resale to others; and whose job scope is
 267 substantially similar to the job scope described in one of the
 268 subsequent paragraphs of this subsection. For the purposes of
 269 regulation under this part, "demolish" applies only to
 270 demolition of steel tanks over 50 feet in height; towers over 50
 271 feet in height; other structures over 50 feet in height, other
 272 than buildings or residences over three stories tall; and
 273 buildings or residences over three stories tall. Contractors are
 274 subdivided into two divisions, Division I, consisting of those
 275 contractors defined in paragraphs (a)-(c), and Division II,
 276 consisting of those contractors defined in paragraphs (d)-(q):

277 (f) "Class A air-conditioning contractor" means a
 278 contractor whose services are unlimited in the execution of

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279 | contracts requiring the experience, knowledge, and skill to
280 | install, maintain, repair, fabricate, alter, extend, or design,
281 | when not prohibited by law, central air-conditioning,
282 | refrigeration, heating, and ventilating systems, including duct
283 | work in connection with a complete system only to the extent
284 | such duct work is performed by the contractor as is necessary to
285 | make complete an air-distribution system, boiler and unfired
286 | pressure vessel systems, and all appurtenances, apparatus, or
287 | equipment used in connection therewith, and any duct cleaning
288 | and equipment sanitizing which requires at least a partial
289 | disassembling of the system; to install, maintain, repair,
290 | fabricate, alter, extend, or design, when not prohibited by law,
291 | piping, insulation of pipes, vessels and ducts, pressure and
292 | process piping, and pneumatic control piping; to replace,
293 | disconnect, or reconnect power wiring on the load side of the
294 | dedicated existing electrical disconnect switch; to install,
295 | disconnect, and reconnect low voltage heating, ventilating, and
296 | air-conditioning control wiring; and to install a condensate
297 | drain from an air-conditioning unit to an existing safe waste or
298 | other approved disposal other than a direct connection to a
299 | sanitary system. The scope of work for such contractor shall
300 | also include any excavation work incidental thereto, but shall
301 | not include any work such as liquefied petroleum or natural gas
302 | fuel lines within buildings, except for disconnecting or
303 | reconnecting changeouts of liquefied petroleum or natural gas
304 | appliances within buildings; potable water lines or connections
305 | thereto; sanitary sewer lines; swimming pool piping and
306 | filters; or electrical power wiring.

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307 (g) "Class B air-conditioning contractor" means a
 308 contractor whose services are limited to 25 tons of cooling and
 309 500,000 Btu of heating in any one system in the execution of
 310 contracts requiring the experience, knowledge, and skill to
 311 install, maintain, repair, fabricate, alter, extend, or design,
 312 when not prohibited by law, central air-conditioning,
 313 refrigeration, heating, and ventilating systems, including duct
 314 work in connection with a complete system only to the extent
 315 such duct work is performed by the contractor as is necessary to
 316 make complete an air-distribution system being installed under
 317 this classification, and any duct cleaning and equipment
 318 sanitizing which requires at least a partial disassembling of
 319 the system; to install, maintain, repair, fabricate, alter,
 320 extend, or design, when not prohibited by law, piping and
 321 insulation of pipes, vessels, and ducts; to replace, disconnect,
 322 or reconnect power wiring on the load side of the dedicated
 323 existing electrical disconnect switch; to install, disconnect,
 324 and reconnect low voltage heating, ventilating, and air-
 325 conditioning control wiring; and to install a condensate drain
 326 from an air-conditioning unit to an existing safe waste or other
 327 approved disposal other than a direct connection to a sanitary
 328 system. The scope of work for such contractor shall also include
 329 any excavation work incidental thereto, but shall not include
 330 any work such as liquefied petroleum or natural gas fuel lines
 331 within buildings, except for disconnecting or reconnecting
 332 changeouts of liquefied petroleum or natural gas appliances
 333 within buildings; potable water lines or connections thereto;IT

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334 sanitary sewer lines;~~;~~ swimming pool piping and filters;~~;~~ or
 335 electrical power wiring.

336 (i) "Mechanical contractor" means a contractor whose
 337 services are unlimited in the execution of contracts requiring
 338 the experience, knowledge, and skill to install, maintain,
 339 repair, fabricate, alter, extend, or design, when not prohibited
 340 by law, central air-conditioning, refrigeration, heating, and
 341 ventilating systems, including duct work in connection with a
 342 complete system only to the extent such duct work is performed
 343 by the contractor as is necessary to make complete an air-
 344 distribution system, boiler and unfired pressure vessel systems,
 345 lift station equipment and piping, and all appurtenances,
 346 apparatus, or equipment used in connection therewith, and any
 347 duct cleaning and equipment sanitizing which requires at least a
 348 partial disassembling of the system; to install, maintain,
 349 repair, fabricate, alter, extend, or design, when not prohibited
 350 by law, piping, insulation of pipes, vessels and ducts, pressure
 351 and process piping, pneumatic control piping, gasoline tanks and
 352 pump installations and piping for same, standpipes, air piping,
 353 vacuum line piping, oxygen lines, nitrous oxide piping, ink and
 354 chemical lines, fuel transmission lines, liquefied petroleum gas
 355 lines within buildings, and natural gas fuel lines within
 356 buildings; to replace, disconnect, or reconnect power wiring on
 357 the load side of the dedicated existing electrical disconnect
 358 switch; to install, disconnect, and reconnect low voltage
 359 heating, ventilating, and air-conditioning control wiring; and
 360 to install a condensate drain from an air-conditioning unit to
 361 an existing safe waste or other approved disposal other than a

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362 | direct connection to a sanitary system. The scope of work for
 363 | such contractor shall also include any excavation work
 364 | incidental thereto, but shall not include any work such as
 365 | ~~liquefied petroleum gas fuel lines within buildings,~~ potable
 366 | water lines or connections thereto, sanitary sewer lines,
 367 | swimming pool piping and filters, or electrical power wiring.

368 | (m) "Plumbing contractor" means a contractor whose
 369 | contracting business consists of the execution of contracts
 370 | requiring the experience, financial means, knowledge, and skill
 371 | to install, maintain, repair, alter, extend, or, when not
 372 | prohibited by law, design plumbing. A plumbing contractor may
 373 | install, maintain, repair, alter, extend, or, when not
 374 | prohibited by law, design the following without obtaining any
 375 | additional local regulatory license, certificate, or
 376 | registration: sanitary drainage or storm drainage facilities;
 377 | venting systems; public or private water supply systems; septic
 378 | tanks; drainage and supply wells; swimming pool piping;
 379 | irrigation systems; or solar heating water systems and all
 380 | appurtenances, apparatus, or equipment used in connection
 381 | therewith, including boilers and pressure process piping and
 382 | including the installation of water, natural gas, liquefied
 383 | ~~(excluding liquid petroleum gas and related venting gases),~~ and
 384 | storm and sanitary sewer lines; and water and sewer plants and
 385 | substations. The scope of work of the plumbing contractor also
 386 | includes the design, when not prohibited by law, and
 387 | installation, maintenance, repair, alteration, or extension of
 388 | air-piping, vacuum line piping, oxygen line piping, nitrous
 389 | oxide piping, and all related medical gas systems; fire line

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390 standpipes and fire sprinklers to the extent authorized by law;
391 ink and chemical lines; fuel oil and gasoline piping and tank
392 and pump installation, except bulk storage plants; and pneumatic
393 control piping systems, all in such a manner as to comply with
394 all plans, specifications, codes, laws, and regulations
395 applicable. The scope of work of the plumbing contractor shall
396 apply to private property and public property, shall include any
397 excavation work incidental thereto, and shall include the work
398 of the specialty plumbing contractor. Such contractor shall
399 subcontract, with a qualified contractor in the field concerned,
400 all other work incidental to the work but which is specified
401 herein as being the work of a trade other than that of a
402 plumbing contractor. Nothing in this definition shall be
403 construed to limit the scope of work of any specialty contractor
404 certified pursuant to s. 489.113(6). Nothing in this definition
405 shall be construed to require certification or registration
406 under this part of any authorized employee of a public natural
407 gas utility or of a private natural gas utility regulated by the
408 Public Service Commission when disconnecting and reconnecting
409 water lines in the servicing or replacement of an existing water
410 heater.

411 Section 7. This act shall take effect July 1, 2005.