

1 A bill to be entitled
 2 An act relating to architecture and interior design;
 3 amending s. 481.219, F.S.; revising provisions on
 4 architectural and interior design services certifications
 5 to include applicability to limited liability companies;
 6 amending s. 481.221, F.S.; authorizing the use of an
 7 electronic seal under certain circumstances; providing for
 8 the adoption of certain rules; applying requirements on
 9 the display of certificate numbers to limited liability
 10 companies; amending s. 481.225, F.S.; revising grounds for
 11 disciplinary actions; amending s. 481.229, F.S.; revising
 12 an exemption relating to interior design services and
 13 titles to include applicability to certain limited
 14 liability companies; providing an effective date.

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

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

20 481.219 Certification of partnerships, limited liability
 21 companies, and corporations.--

22 (1) The practice of or the offer to practice architecture
 23 or interior design by licensees through a corporation, limited
 24 liability company, or partnership offering architectural or
 25 interior design services to the public, or by a corporation,
 26 limited liability company, or partnership offering architectural
 27 or interior design services to the public through licensees

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28 | under this part as agents, employees, officers, or partners, is
29 | permitted, subject to the provisions of this section.

30 | (2) For the purposes of this section, a certificate of
31 | authorization shall be required for a corporation, limited
32 | liability company, partnership, or person practicing under a
33 | fictitious name, offering architectural services to the public
34 | jointly or separately. However, when an individual is practicing
35 | architecture in her or his own name, she or he shall not be
36 | required to be certified under this section. Certification under
37 | this subsection to offer architectural services shall include
38 | all the rights and privileges of certification under subsection
39 | (3) to offer interior design services.

40 | (3) For the purposes of this section, a certificate of
41 | authorization shall be required for a corporation, limited
42 | liability company, partnership, or person operating under a
43 | fictitious name, offering interior design services to the public
44 | jointly or separately. However, when an individual is practicing
45 | interior design in her or his own name, she or he shall not be
46 | required to be certified under this section.

47 | (4) All final construction documents and instruments of
48 | service which include drawings, specifications, plans, reports,
49 | or other papers or documents involving the practice of
50 | architecture which are prepared or approved for the use of the
51 | corporation, limited liability company, or partnership and filed
52 | for public record within the state shall bear the signature and
53 | seal of the licensee who prepared or approved them and the date
54 | on which they were sealed.

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

62 (6) The department shall issue a certificate of
63 authorization to any applicant who the board certifies as
64 qualified for a certificate of authorization and who has paid
65 the fee set in s. 481.207.

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

69 (a) One or more of the principal officers of the
70 corporation or limited liability company, or one or more
71 partners of the partnership, and all personnel of the
72 corporation, limited liability company, or partnership who act
73 in its behalf in this state as architects, are registered as
74 provided by this part; or

75 (b) One or more of the principal officers of the
76 corporation or one or more partners of the partnership, and all
77 personnel of the corporation, limited liability company, or
78 partnership who act in its behalf in this state as interior
79 designers, are registered as provided by this part.

80 (8) The department shall adopt rules establishing a
81 procedure for the biennial renewal of certificates of
82 authorization.

83 (9) The department shall renew a certificate of
 84 authorization upon receipt of the renewal application and
 85 biennial renewal fee.

86 (10) Each partnership, limited liability company, and
 87 corporation certified under this section shall notify the
 88 department within 30 days of any change in the information
 89 contained in the application upon which the certification is
 90 based. Any registered architect or interior designer who
 91 qualifies the corporation, limited liability company, or
 92 partnership as provided in subsection (7) shall be responsible
 93 for ensuring responsible supervising control of projects of the
 94 entity and upon termination of ~~who terminates~~ her or his
 95 employment with a partnership, limited liability company, or
 96 corporation certified under this section shall notify the
 97 department of the termination within 30 days.

98 (11) No corporation, limited liability company, or
 99 partnership shall be relieved of responsibility for the conduct
 100 or acts of its agents, employees, or officers by reason of its
 101 compliance with this section. However, the architect who signs
 102 and seals the construction documents and instruments of service
 103 shall be liable for the professional services performed, and the
 104 interior designer who signs and seals the interior design
 105 drawings, plans, or specifications shall be liable for the
 106 professional services performed.

107 (12) Disciplinary action against a corporation, limited
 108 liability company, or partnership shall be administered in the
 109 same manner and on the same grounds as disciplinary action

110 against a registered architect or interior designer,
 111 respectively.

112 (13) Nothing in this section shall be construed to mean
 113 that a certificate of registration to practice architecture or
 114 interior design shall be held by a corporation, limited
 115 liability company, or partnership. Nothing in this section
 116 prohibits corporations, limited liability companies, and
 117 partnerships from joining together to offer architectural,
 118 engineering, interior design, surveying and mapping, and
 119 landscape architectural services, or any combination of such
 120 services, to the public, provided that each corporation, limited
 121 liability company, or partnership otherwise meets the
 122 requirements of law.

123 (14) Corporations, limited liability companies, or
 124 partnerships holding a valid certificate of authorization to
 125 practice architecture shall be permitted to use in their title
 126 the term "interior designer" or "registered interior designer."

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

130 481.221 Seals; display of certificate number.--

131 (1) The board shall prescribe, by rule, distinctively
 132 different seals to be used by registered architects and interior
 133 designers, respectively, holding valid certificates of
 134 registration.

135 (a) Each registered architect shall obtain an impression-
 136 type metal seal, and all final construction documents and
 137 instruments of service which include drawings, plans,

138 specifications, or reports prepared or issued by the registered
 139 architect and being filed for public record shall bear the
 140 signature and seal of the registered architect who prepared or
 141 approved the document and the date on which they were sealed.
 142 The signature, date, and seal shall be evidence of the
 143 authenticity of that to which they are affixed. The board, by
 144 rule, shall specify the use of an electronic seal as an
 145 alternative to any other seal required under this section.

146 (4) No registered architect shall affix her or his
 147 signature or seal to any final construction document or
 148 instrument of service which includes drawings, plans,
 149 specifications, or architectural documents which were not
 150 prepared by her or him or under her or his responsible
 151 supervising control, as specified by board rule, or by another
 152 registered architect and reviewed, approved, or modified and
 153 adopted by her or him as her or his own work according to rules
 154 adopted by the board.

155 (8) Each registered architect or interior designer, and
 156 each corporation, limited liability company, or partnership
 157 holding a certificate of authorization, shall include its
 158 certificate number in any newspaper, telephone directory, or
 159 other advertising medium used by the registered architect,
 160 interior designer, corporation, limited liability company, or
 161 partnership. A corporation, limited liability company, or
 162 partnership is not required to display the certificate number of
 163 individual registered architects or interior designers employed
 164 by or working within the corporation, limited liability company,
 165 or partnership.

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

168 481.225 Disciplinary proceedings against registered
 169 architects.--

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

172 (b) Attempting to obtain or procure a license to practice
 173 architecture by bribery or fraudulent misrepresentations.

174 (g) Committing an act of fraud or deceit, or of
 175 negligence, incompetency, or misconduct, in the practice of
 176 architecture, including, but not limited to, allowing the
 177 preparation of any architectural studies, plans, or other
 178 instruments of service in an office that does not have a full-
 179 time Florida registered architect assigned to such office or
 180 failing to ensure the responsible supervising control of
 181 services or projects, as required by board rule.

182 Section 4. Paragraph (a) of subsection (5) of section
 183 481.229, Florida Statutes, is amended to read:

184 481.229 Exceptions; exemptions from licensure.--

185 (5)(a) Nothing contained in this part shall prevent a
 186 registered architect or a partnership, limited liability
 187 company, or corporation holding a valid certificate of
 188 authorization to provide architectural services from performing
 189 any interior design service or from using the title "interior
 190 designer" or "registered interior designer."

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