

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to architecture and interior design;  
7 amending s. 481.219, F.S.; revising provisions on  
8 architectural and interior design services certifications  
9 to include applicability to limited liability companies;  
10 amending s. 481.221, F.S.; requiring the Board of  
11 Architecture and Interior Design to prescribe, by rule,  
12 one or more forms of seals for use by a registered  
13 architect or interior designer who holds a valid  
14 certificate of registration; authorizing use of one seal  
15 and registration of the seal electronically; authorizing  
16 electronic transmission and sealing of final plans,  
17 specifications, or reports; prohibiting signing or sealing  
18 of final plans, specifications, or reports after  
19 expiration, suspension, or revocation of certificate of  
20 registration; requiring surrender of the seal upon  
21 suspension or revocation of the certificate of  
22 registration; amending s. 481.225, F.S.; revising grounds  
23 for disciplinary actions; amending s. 481.229, F.S.;

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24 |       revising an exemption relating to interior design services  
25 |       and titles to include applicability to certain limited  
26 |       liability companies; providing an effective date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

29 |

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

32 |       481.219 Certification of partnerships, limited liability  
33 | companies, and corporations.--

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

42 |       (2) For the purposes of this section, a certificate of  
43 | authorization shall be required for a corporation, limited  
44 | liability company, partnership, or person practicing under a  
45 | fictitious name, offering architectural services to the public  
46 | jointly or separately. However, when an individual is practicing  
47 | architecture in her or his own name, she or he shall not be  
48 | required to be certified under this section. Certification under  
49 | this subsection to offer architectural services shall include  
50 | all the rights and privileges of certification under subsection

51 | (3) to offer interior design services.

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52 (3) For the purposes of this section, a certificate of  
53 authorization shall be required for a corporation, limited  
54 liability company, partnership, or person operating under a  
55 fictitious name, offering interior design services to the public  
56 jointly or separately. However, when an individual is practicing  
57 interior design in her or his own name, she or he shall not be  
58 required to be certified under this section.

59 (4) All final construction documents and instruments of  
60 service which include drawings, specifications, plans, reports,  
61 or other papers or documents involving the practice of  
62 architecture which are prepared or approved for the use of the  
63 corporation, limited liability company, or partnership and filed  
64 for public record within the state shall bear the signature and  
65 seal of the licensee who prepared or approved them and the date  
66 on which they were sealed.

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

74 (6) The department shall issue a certificate of  
75 authorization to any applicant who the board certifies as  
76 qualified for a certificate of authorization and who has paid  
77 the fee set in s. 481.207.

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

81 (a) One or more of the principal officers of the  
82 corporation or limited liability company, or one or more  
83 partners of the partnership, and all personnel of the  
84 corporation, limited liability company, or partnership who act  
85 in its behalf in this state as architects, are registered as  
86 provided by this part; or

87 (b) One or more of the principal officers of the  
88 corporation or one or more partners of the partnership, and all  
89 personnel of the corporation, limited liability company, or  
90 partnership who act in its behalf in this state as interior  
91 designers, are registered as provided by this part.

92 (8) The department shall adopt rules establishing a  
93 procedure for the biennial renewal of certificates of  
94 authorization.

95 (9) The department shall renew a certificate of  
96 authorization upon receipt of the renewal application and  
97 biennial renewal fee.

98 (10) Each partnership, limited liability company, and  
99 corporation certified under this section shall notify the  
100 department within 30 days of any change in the information  
101 contained in the application upon which the certification is  
102 based. Any registered architect or interior designer who  
103 qualifies the corporation, limited liability company, or  
104 partnership as provided in subsection (7) shall be responsible  
105 for ensuring responsible supervising control of projects of the

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106 | entity and upon termination of ~~who terminates~~ her or his  
 107 | employment with a partnership, limited liability company, or  
 108 | corporation certified under this section shall notify the  
 109 | department of the termination within 30 days.

110 |       (11) No corporation, limited liability company, or  
 111 | partnership shall be relieved of responsibility for the conduct  
 112 | or acts of its agents, employees, or officers by reason of its  
 113 | compliance with this section. However, the architect who signs  
 114 | and seals the construction documents and instruments of service  
 115 | shall be liable for the professional services performed, and the  
 116 | interior designer who signs and seals the interior design  
 117 | drawings, plans, or specifications shall be liable for the  
 118 | professional services performed.

119 |       (12) Disciplinary action against a corporation, limited  
 120 | liability company, or partnership shall be administered in the  
 121 | same manner and on the same grounds as disciplinary action  
 122 | against a registered architect or interior designer,  
 123 | respectively.

124 |       (13) Nothing in this section shall be construed to mean  
 125 | that a certificate of registration to practice architecture or  
 126 | interior design shall be held by a corporation, limited  
 127 | liability company, or partnership. Nothing in this section  
 128 | prohibits corporations, limited liability companies, and  
 129 | partnerships from joining together to offer architectural,  
 130 | engineering, interior design, surveying and mapping, and  
 131 | landscape architectural services, or any combination of such  
 132 | services, to the public, provided that each corporation, limited

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133 liability company, or partnership otherwise meets the  
134 requirements of law.

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

139 Section 2. Section 481.221, Florida Statutes, is amended  
140 to read:

141 481.221 Seals; display of certificate number.--

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

146 ~~(2)(a)~~ Each registered architect shall obtain one an  
147 ~~impression-type metal seal~~ in a form approved by rule of the  
148 board and may, in addition, register her or his seal  
149 electronically in accordance with ss. 668.001-668.006. ~~and~~ All  
150 final construction documents and instruments of service which  
151 include drawings, plans, specifications, or reports prepared or  
152 issued by the registered architect and being filed for public  
153 record shall bear the signature and seal of the registered  
154 architect who prepared or approved the document and the date on  
155 which they were sealed. The signature, date, and seal shall be  
156 evidence of the authenticity of that to which they are affixed.  
157 Final plans, specifications, or reports prepared or issued by a  
158 registered architect may be transmitted electronically and may  
159 be signed by the registered architect, dated, and sealed

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160 electronically with the seal in accordance with ss. 668.001-  
 161 668.006.

162 (3)(b) The board shall adopt a rule prescribing the  
 163 distinctly different seals to be used by registered interior  
 164 designers holding valid certificates of registration. Each  
 165 registered interior designer shall obtain a seal as prescribed  
 166 by the board, and all drawings, plans, specifications, or  
 167 reports prepared or issued by the registered interior designer  
 168 and being filed for public record shall bear the signature and  
 169 seal of the registered interior designer who prepared or  
 170 approved the document and the date on which they were sealed.  
 171 The signature, date, and seal shall be evidence of the  
 172 authenticity of that to which they are affixed. Final plans,  
 173 specifications, or reports prepared or issued by a registered  
 174 interior designer may be transmitted electronically and may be  
 175 signed by the registered interior designer, dated, and sealed  
 176 electronically with the seal in accordance with ss. 668.001-  
 177 668.006.

178 (4)(2) No registered architect shall affix, or permit to  
 179 be affixed, her or his seal or signature to any final  
 180 construction document or instrument of service which includes  
 181 any plan, specification, drawing, or other document which  
 182 depicts work which she or he is not competent to perform.

183 (5)(3) No registered interior designer shall affix, or  
 184 permit to be affixed, her or his seal or signature to any plan,  
 185 specification, drawing, or other document which depicts work  
 186 which she or he is not competent or licensed to perform.

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187        (6)~~(4)~~ No registered architect shall affix her or his  
 188 signature or seal to any final construction document or  
 189 instrument of service which includes drawings, plans,  
 190 specifications, or architectural documents which were not  
 191 prepared by her or him or under her or his responsible  
 192 supervising control or by another registered architect and  
 193 reviewed, approved, or modified and adopted by her or him as her  
 194 or his own work according to rules adopted by the board.

195        (7)~~(5)~~ No registered interior designer shall affix her or  
 196 his signature or seal to any plans, specifications, or other  
 197 documents which were not prepared by her or him or under her or  
 198 his responsible supervising control or by another registered  
 199 interior designer and reviewed, approved, or modified and  
 200 adopted by her or him as her or his own work according to rules  
 201 adopted by the board.

202        (8)~~(6)~~ Final construction documents or instruments of  
 203 service which include plans, drawings, specifications, or other  
 204 architectural documents prepared by a registered architect as  
 205 part of her or his architectural practice shall be of a  
 206 sufficiently high standard to clearly and accurately indicate or  
 207 illustrate all essential parts of the work to which they refer.

208        (9)~~(7)~~ Studies, drawings, specifications, and other  
 209 related documents prepared by a registered interior designer in  
 210 providing interior design services shall be of a sufficiently  
 211 high standard to clearly and accurately indicate all essential  
 212 parts of the work to which they refer.

213        (10)~~(8)~~ Each registered architect or interior designer,  
 214 and each corporation, limited liability company, or partnership



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215 holding a certificate of authorization, shall include its  
 216 certificate number in any newspaper, telephone directory, or  
 217 other advertising medium used by the registered architect,  
 218 interior designer, corporation, limited liability company, or  
 219 partnership. A corporation, limited liability company, or  
 220 partnership is not required to display the certificate number of  
 221 individual registered architects or interior designers employed  
 222 by or working within the corporation, limited liability company,  
 223 or partnership.

224 ~~(11)(9)~~ When the certificate of registration of a  
 225 registered architect or interior designer has been revoked or  
 226 suspended by the board, the registered architect or interior  
 227 designer shall surrender her or his seal to the secretary of the  
 228 board within a period of 30 days after the revocation or  
 229 suspension has become effective. If the certificate of the  
 230 registered architect or interior designer has been suspended for  
 231 a period of time, her or his seal shall be returned to her or  
 232 him upon expiration of the suspension period.

233 (12) A person may not sign and seal by any means any final  
 234 plan, specification, or report after her or his certificate of  
 235 registration has expired or is suspended or revoked. A  
 236 registered architect or interior designer whose certificate of  
 237 registration is suspended or revoked shall, within 30 days after  
 238 the effective date of the suspension or revocation, surrender  
 239 her or his seal to the executive director of the board and  
 240 confirm in writing to the executive director the cancellation of  
 241 the registered architect's or interior designer's electronic  
 242 signature in accordance with ss. 668.001-668.006. When a

243 registered architect's or interior designer's certificate of  
 244 registration is suspended for a period of time, her or his seal  
 245 shall be returned upon expiration of the period of suspension.

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

248 481.225 Disciplinary proceedings against registered  
 249 architects.--

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

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

254 (g) Committing an act of fraud or deceit, or of  
 255 negligence, incompetency, or misconduct, in the practice of  
 256 architecture, including, but not limited to, allowing the  
 257 preparation of any architectural studies, plans, or other  
 258 instruments of service in an office that does not have a full-  
 259 time Florida registered architect assigned to such office or  
 260 failing to ensure the responsible supervising control of  
 261 services or projects, as required by board rule.

262 Section 4. Paragraph (a) of subsection (5) of section  
 263 481.229, Florida Statutes, is amended to read:

264 481.229 Exceptions; exemptions from licensure.--

265 (5)(a) Nothing contained in this part shall prevent a  
 266 registered architect or a partnership, limited liability  
 267 company, or corporation holding a valid certificate of  
 268 authorization to provide architectural services from performing  
 269 any interior design service or from using the title "interior  
 270 designer" or "registered interior designer."

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