

CHAMBER ACTION

1 The Commerce Council 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, landscape architecture,
7 and interior design; amending s. 481.219, F.S.; revising
8 provisions on architectural and interior design services
9 certifications to include applicability to limited
10 liability companies; amending s. 481.221, F.S.; requiring
11 the Board of Architecture and Interior Design to
12 prescribe, by rule, one or more forms of seals for use by
13 a registered architect or interior designer who holds a
14 valid certificate of registration; authorizing use of one
15 seal and registration of the seal electronically;
16 authorizing electronic transmission and sealing of final
17 plans, specifications, or reports; prohibiting signing or
18 sealing 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 relating to the practice of

24 | architecture; amending s. 481.2251, F.S.; revising grounds
 25 | for disciplinary proceedings relating to the practice of
 26 | interior design; amending s. 481.229, F.S.; revising an
 27 | exemption relating to interior design services and titles
 28 | to include applicability to certain limited liability
 29 | companies; amending s. 481.321, F.S.; requiring the Board
 30 | of Landscape Architecture to prescribe, by rule, one or
 31 | more forms of seals for use by a registered landscape
 32 | architect who holds a valid certificate of registration;
 33 | authorizing use of one seal and registration of the seal
 34 | electronically; authorizing electronic transmission and
 35 | sealing of final plans, specifications, or reports;
 36 | prohibiting signing or sealing of final plans,
 37 | specifications, or reports after expiration, suspension,
 38 | or revocation of certificate of registration; requiring
 39 | surrender of the seal upon suspension or revocation of the
 40 | certificate of registration; reenacting s. 481.325(1)(a)
 41 | and (3), F.S., relating to disciplinary proceedings
 42 | against registered landscape architects, to incorporate
 43 | the amendment to s. 481.321, F.S., in a reference thereto;
 44 | providing an effective date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

47 |
 48 | Section 1. Section 481.219, Florida Statutes, is amended
 49 | to read:

50 | 481.219 Certification of partnerships, limited liability
 51 | companies, and corporations.--

52 (1) The practice of or the offer to practice architecture
 53 or interior design by licensees through a corporation, limited
 54 liability company, or partnership offering architectural or
 55 interior design services to the public, or by a corporation,
 56 limited liability company, or partnership offering architectural
 57 or interior design services to the public through licensees
 58 under this part as agents, employees, officers, or partners, is
 59 permitted, subject to the provisions of this section.

60 (2) For the purposes of this section, a certificate of
 61 authorization shall be required for a corporation, limited
 62 liability company, partnership, or person practicing under a
 63 fictitious name, offering architectural services to the public
 64 jointly or separately. However, when an individual is practicing
 65 architecture in her or his own name, she or he shall not be
 66 required to be certified under this section. Certification under
 67 this subsection to offer architectural services shall include
 68 all the rights and privileges of certification under subsection
 69 (3) to offer interior design services.

70 (3) For the purposes of this section, a certificate of
 71 authorization shall be required for a corporation, limited
 72 liability company, partnership, or person operating under a
 73 fictitious name, offering interior design services to the public
 74 jointly or separately. However, when an individual is practicing
 75 interior design in her or his own name, she or he shall not be
 76 required to be certified under this section.

77 (4) All final construction documents and instruments of
 78 service which include drawings, specifications, plans, reports,
 79 or other papers or documents involving the practice of

80 | architecture which are prepared or approved for the use of the
 81 | corporation, limited liability company, or partnership and filed
 82 | for public record within the state shall bear the signature and
 83 | seal of the licensee who prepared or approved them and the date
 84 | on which they were sealed.

85 | (5) All drawings, specifications, plans, reports, or other
 86 | papers or documents prepared or approved for the use of the
 87 | corporation, limited liability company, or partnership by an
 88 | interior designer in her or his professional capacity and filed
 89 | for public record within the state shall bear the signature and
 90 | seal of the licensee who prepared or approved them and the date
 91 | on which they were sealed.

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

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

99 | (a) One or more of the principal officers of the
 100 | corporation or limited liability company, or one or more
 101 | partners of the partnership, and all personnel of the
 102 | corporation, limited liability company, or partnership who act
 103 | in its behalf in this state as architects, are registered as
 104 | provided by this part; or

105 | (b) One or more of the principal officers of the
 106 | corporation or one or more partners of the partnership, and all
 107 | personnel of the corporation, limited liability company, or

108 | partnership who act in its behalf in this state as interior
109 | designers, are registered as provided by this part.

110 | (8) The department shall adopt rules establishing a
111 | procedure for the biennial renewal of certificates of
112 | authorization.

113 | (9) The department shall renew a certificate of
114 | authorization upon receipt of the renewal application and
115 | biennial renewal fee.

116 | (10) Each partnership, limited liability company, and
117 | corporation certified under this section shall notify the
118 | department within 30 days of any change in the information
119 | contained in the application upon which the certification is
120 | based. Any registered architect or interior designer who
121 | qualifies the corporation, limited liability company, or
122 | partnership as provided in subsection (7) shall be responsible
123 | for ensuring responsible supervising control of projects of the
124 | entity and upon termination of ~~who terminates~~ her or his
125 | employment with a partnership, limited liability company, or
126 | corporation certified under this section shall notify the
127 | department of the termination within 30 days.

128 | (11) No corporation, limited liability company, or
129 | partnership shall be relieved of responsibility for the conduct
130 | or acts of its agents, employees, or officers by reason of its
131 | compliance with this section. However, the architect who signs
132 | and seals the construction documents and instruments of service
133 | shall be liable for the professional services performed, and the
134 | interior designer who signs and seals the interior design

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135 drawings, plans, or specifications shall be liable for the
136 professional services performed.

137 (12) Disciplinary action against a corporation, limited
138 liability company, or partnership shall be administered in the
139 same manner and on the same grounds as disciplinary action
140 against a registered architect or interior designer,
141 respectively.

142 (13) Nothing in this section shall be construed to mean
143 that a certificate of registration to practice architecture or
144 interior design shall be held by a corporation, limited
145 liability company, or partnership. Nothing in this section
146 prohibits corporations, limited liability companies, and
147 partnerships from joining together to offer architectural,
148 engineering, interior design, surveying and mapping, and
149 landscape architectural services, or any combination of such
150 services, to the public, provided that each corporation, limited
151 liability company, or partnership otherwise meets the
152 requirements of law.

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

157 Section 2. Section 481.221, Florida Statutes, is amended
158 to read:

159 481.221 Seals; display of certificate number.--

160 (1) The board shall prescribe, by rule, one or more forms
161 of distinctively different seals to be used by registered

162 architects ~~and interior designers, respectively,~~ holding valid
163 certificates of registration.

164 (2)(a) Each registered architect shall obtain one an
165 impression-type metal seal in a form approved by rule of the
166 board and may, in addition, register her or his seal
167 electronically in accordance with ss. 668.001-668.006.,~~and~~ All
168 final construction documents and instruments of service which
169 include drawings, plans, specifications, or reports prepared or
170 issued by the registered architect and being filed for public
171 record shall bear the signature and seal of the registered
172 architect who prepared or approved the document and the date on
173 which they were sealed. The signature, date, and seal shall be
174 evidence of the authenticity of that to which they are affixed.
175 Final plans, specifications, or reports prepared or issued by a
176 registered architect may be transmitted electronically and may
177 be signed by the registered architect, dated, and sealed
178 electronically with the seal in accordance with ss. 668.001-
179 668.006.

180 (3)(b) The board shall adopt a rule prescribing the
181 distinctly different seals to be used by registered interior
182 designers holding valid certificates of registration. Each
183 registered interior designer shall obtain a seal as prescribed
184 by the board, and all drawings, plans, specifications, or
185 reports prepared or issued by the registered interior designer
186 and being filed for public record shall bear the signature and
187 seal of the registered interior designer who prepared or
188 approved the document and the date on which they were sealed.
189 The signature, date, and seal shall be evidence of the

190 authenticity of that to which they are affixed. Final plans,
 191 specifications, or reports prepared or issued by a registered
 192 interior designer may be transmitted electronically and may be
 193 signed by the registered interior designer, dated, and sealed
 194 electronically with the seal in accordance with ss. 668.001-
 195 668.006.

196 ~~(4)(2)~~ No registered architect shall affix, or permit to
 197 be affixed, her or his seal or signature to any final
 198 construction document or instrument of service which includes
 199 any plan, specification, drawing, or other document which
 200 depicts work which she or he is not competent to perform.

201 ~~(5)(3)~~ No registered interior designer shall affix, or
 202 permit to be affixed, her or his seal or signature to any plan,
 203 specification, drawing, or other document which depicts work
 204 which she or he is not competent or licensed to perform.

205 ~~(6)(4)~~ No registered architect shall affix her or his
 206 signature or seal to any final construction document or
 207 instrument of service which includes drawings, plans,
 208 specifications, or architectural documents which were not
 209 prepared by her or him or under her or his responsible
 210 supervising control or by another registered architect and
 211 reviewed, approved, or modified and adopted by her or him as her
 212 or his own work according to rules adopted by the board.

213 ~~(7)(5)~~ No registered interior designer shall affix her or
 214 his signature or seal to any plans, specifications, or other
 215 documents which were not prepared by her or him or under her or
 216 his responsible supervising control or by another registered
 217 interior designer and reviewed, approved, or modified and

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218 adopted by her or him as her or his own work according to rules
219 adopted by the board.

220 (8)~~(6)~~ Final construction documents or instruments of
221 service which include plans, drawings, specifications, or other
222 architectural documents prepared by a registered architect as
223 part of her or his architectural practice shall be of a
224 sufficiently high standard to clearly and accurately indicate or
225 illustrate all essential parts of the work to which they refer.

226 (9)~~(7)~~ Studies, drawings, specifications, and other
227 related documents prepared by a registered interior designer in
228 providing interior design services shall be of a sufficiently
229 high standard to clearly and accurately indicate all essential
230 parts of the work to which they refer.

231 (10)~~(8)~~ Each registered architect or interior designer,
232 and each corporation, limited liability company, or partnership
233 holding a certificate of authorization, shall include its
234 certificate number in any newspaper, telephone directory, or
235 other advertising medium used by the registered architect,
236 interior designer, corporation, limited liability company, or
237 partnership. A corporation, limited liability company, or
238 partnership is not required to display the certificate number of
239 individual registered architects or interior designers employed
240 by or working within the corporation, limited liability company,
241 or partnership.

242 (11)~~(9)~~ When the certificate of registration of a
243 registered architect or interior designer has been revoked or
244 suspended by the board, the registered architect or interior
245 designer shall surrender her or his seal to the secretary of the

246 board within a period of 30 days after the revocation or
 247 suspension has become effective. If the certificate of the
 248 registered architect or interior designer has been suspended for
 249 a period of time, her or his seal shall be returned to her or
 250 him upon expiration of the suspension period.

251 (12) A person may not sign and seal by any means any final
 252 plan, specification, or report after her or his certificate of
 253 registration has expired or is suspended or revoked. A
 254 registered architect or interior designer whose certificate of
 255 registration is suspended or revoked shall, within 30 days after
 256 the effective date of the suspension or revocation, surrender
 257 her or his seal to the executive director of the board and
 258 confirm in writing to the executive director the cancellation of
 259 the registered architect's or interior designer's electronic
 260 signature in accordance with ss. 668.001-668.006. When a
 261 registered architect's or interior designer's certificate of
 262 registration is suspended for a period of time, her or his seal
 263 shall be returned upon expiration of the period of suspension.

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

266 481.225 Disciplinary proceedings against registered
 267 architects.--

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

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

272 (g) Committing an act of fraud or deceit, or of
 273 negligence, incompetency, or misconduct, in the practice of

274 architecture, including, but not limited to, allowing the
 275 preparation of any architectural studies, plans, or other
 276 instruments of service in an office that does not have a full-
 277 time Florida-registered architect assigned to such office or
 278 failing to ensure the responsible supervising control of
 279 services or projects, as required by board rule.

280 Section 4. Paragraphs (m) and (n) of subsection (1) of
 281 section 481.2251, Florida Statutes, are amended, and paragraph
 282 (o) is added to said subsection, to read:

283 481.2251 Disciplinary proceedings against registered
 284 interior designers.--

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

287 (m) Acceptance of compensation or any consideration by an
 288 interior designer from someone other than the client without
 289 full disclosure of the compensation or consideration amount or
 290 value to the client prior to the engagement for services, in
 291 violation of s. 481.2131(2); ~~or~~

292 (n) Rendering or offering to render architectural
 293 services; ~~or-~~

294 (o) Committing an act of fraud or deceit, or of
 295 negligence, incompetency, or misconduct, in the practice of
 296 interior design, including, but not limited to, allowing the
 297 preparation of any interior design studies, plans, or other
 298 instruments of service in an office that does not have a full-
 299 time Florida-registered interior designer assigned to such
 300 office or failing to exercise responsible supervisory control
 301 over services or projects, as required by board rule.

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302 Section 5. Paragraph (a) of subsection (5) of section
303 481.229, Florida Statutes, is amended to read:

304 481.229 Exceptions; exemptions from licensure.--

305 (5)(a) Nothing contained in this part shall prevent a
306 registered architect or a partnership, limited liability
307 company, or corporation holding a valid certificate of
308 authorization to provide architectural services from performing
309 any interior design service or from using the title "interior
310 designer" or "registered interior designer."

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

313 481.321 Seals; display of certificate number.--

314 (1) The board shall prescribe, by rule, one or more forms
315 of seals for use ~~a form of seal to be used~~ by a registered
316 landscape architect who holds a valid certificate of
317 registration. Each registered landscape architect shall obtain
318 one an impression-type metal seal in a form approved by rule of
319 the board and may, in addition, register her or his seal
320 electronically in accordance with ss. 668.001-668.006. ~~and All~~
321 final plans, specifications, or reports prepared or issued by
322 the registered landscape architect and filed for public record
323 shall be signed by the registered landscape architect, dated,
324 and stamped or sealed electronically with her or his seal. The
325 signature, date, and seal constitute evidence of the
326 authenticity of that to which they are affixed. Final plans,
327 specifications, or reports prepared or issued by a registered
328 landscape architect may be transmitted electronically and may be
329 signed by the registered landscape architect, dated, and sealed

330 electronically with the seal in accordance with ss. 668.001-
 331 668.006.

332 (2) It is unlawful for any person to sign and seal by any
 333 means any final plan, specification, or report after her or his
 334 certificate of registration is expired, suspended, or revoked. A
 335 registered landscape architect whose certificate of registration
 336 is suspended or revoked shall, within 30 days after the
 337 effective date of the suspension or revocation, surrender her or
 338 his seal to the executive director of the board and confirm in
 339 writing to the executive director the cancellation of the
 340 landscape architect's electronic signature in accordance with
 341 ss. 668.001-668.006. When a landscape architect's certificate of
 342 registration is suspended for a period of time, her or his seal
 343 shall be returned upon expiration of the period of suspension.
 344 ~~When the certificate of registration of a registered landscape~~
 345 ~~architect has been revoked or suspended by the board, the~~
 346 ~~registered landscape architect shall surrender her or his seal~~
 347 ~~to the executive director of the board within 30 days after the~~
 348 ~~revocation or suspension has become effective. If the~~
 349 ~~certificate of the registered landscape architect is suspended~~
 350 ~~for a period of time, her or his seal shall be returned to her~~
 351 ~~or him upon expiration of the suspension period.~~

352 Section 7. For the purpose of incorporating the amendment
 353 to section 481.321, Florida Statutes, in a reference thereto,
 354 paragraph (a) of subsection (1) and subsection (3) of section
 355 481.325, Florida Statutes, are reenacted to read:

356 481.325 Disciplinary proceedings.--

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

359 (a) Violation of any provision of s. 455.227(1), s.
360 481.321, or s. 481.323.

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

365 (a) Denial of an application for licensure.

366 (b) Revocation or suspension of a license.

367 (c) Imposition of an administrative fine not to exceed
368 \$1,000 for each count or separate offense and a fine of up to
369 \$5,000 for matters pertaining to a material violation of the
370 Florida Building Code as reported by a local jurisdiction.

371 (d) Issuance of a reprimand.

372 (e) Placement of the registered landscape architect on
373 probation for a period of time and subject to such conditions as
374 the board may specify, including requiring the registered
375 landscape architect to attend continuing education courses or to
376 work under the supervision of another registered landscape
377 architect.

378 (f) Restriction of the authorized scope of practice by the
379 registered landscape architect.

380 Section 8. This act shall take effect upon becoming a law.