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HB 699, Engrossed 1

2005 Legislature

1 A bill to be entitled

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

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

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29 | authorizing use of one seal and registration of the seal
 30 | electronically; authorizing electronic transmission and
 31 | sealing of final plans, specifications, or reports;
 32 | prohibiting signing or sealing of final plans,
 33 | specifications, or reports after expiration, suspension,
 34 | or revocation of certificate of registration; requiring
 35 | surrender of the seal upon suspension or revocation of the
 36 | certificate of registration; reenacting s. 481.325(1)(a)
 37 | and (3), F.S., relating to disciplinary proceedings
 38 | against registered landscape architects, to incorporate
 39 | the amendment to s. 481.321, F.S., in a reference thereto;
 40 | providing an effective date.

41 |
 42 | Be It Enacted by the Legislature of the State of Florida:

43 |
 44 | Section 1. Section 481.219, Florida Statutes, is amended
 45 | to read:

46 | 481.219 Certification of partnerships, limited liability
 47 | companies, and corporations.--

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

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

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

73 (4) All final construction documents and instruments of
74 service which include drawings, specifications, plans, reports,
75 or other papers or documents involving the practice of
76 architecture which are prepared or approved for the use of the
77 corporation, limited liability company, or partnership and filed
78 for public record within the state shall bear the signature and
79 seal of the licensee who prepared or approved them and the date
80 on which they were sealed.

81 (5) All drawings, specifications, plans, reports, or other
82 papers or documents prepared or approved for the use of the
83 corporation, limited liability company, or partnership by an

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84 interior designer in her or his professional capacity and filed
85 for public record within the state shall bear the signature and
86 seal of the licensee who prepared or approved them and the date
87 on which they were sealed.

88 (6) The department shall issue a certificate of
89 authorization to any applicant who the board certifies as
90 qualified for a certificate of authorization and who has paid
91 the fee set in s. 481.207.

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

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

101 (b) One or more of the principal officers of the
102 corporation or one or more partners of the partnership, and all
103 personnel of the corporation, limited liability company, or
104 partnership who act in its behalf in this state as interior
105 designers, are registered as provided by this part.

106 (8) The department shall adopt rules establishing a
107 procedure for the biennial renewal of certificates of
108 authorization.

109 (9) The department shall renew a certificate of
110 authorization upon receipt of the renewal application and
111 biennial renewal fee.

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

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

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

138 (13) Nothing in this section shall be construed to mean
 139 that a certificate of registration to practice architecture or

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140 interior design shall be held by a corporation, limited
 141 liability company, or partnership. Nothing in this section
 142 prohibits corporations, limited liability companies, and
 143 partnerships from joining together to offer architectural,
 144 engineering, interior design, surveying and mapping, and
 145 landscape architectural services, or any combination of such
 146 services, to the public, provided that each corporation, limited
 147 liability company, or partnership otherwise meets the
 148 requirements of law.

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

153 Section 2. Section 481.221, Florida Statutes, is amended
 154 to read:

155 481.221 Seals; display of certificate number.--

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

160 ~~(2)(a)~~ Each registered architect shall obtain one an
 161 ~~impression-type metal~~ seal in a form approved by rule of the
 162 board and may, in addition, register her or his seal
 163 electronically in accordance with ss. 668.001-668.006., ~~and~~ All
 164 final construction documents and instruments of service which
 165 include drawings, plans, specifications, or reports prepared or
 166 issued by the registered architect and being filed for public
 167 record shall bear the signature and seal of the registered

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168 architect who prepared or approved the document and the date on
169 which they were sealed. The signature, date, and seal shall be
170 evidence of the authenticity of that to which they are affixed.
171 Final plans, specifications, or reports prepared or issued by a
172 registered architect may be transmitted electronically and may
173 be signed by the registered architect, dated, and sealed
174 electronically with the seal in accordance with ss. 668.001-
175 668.006.

176 (3)-(b) The board shall adopt a rule prescribing the
177 distinctly different seals to be used by registered interior
178 designers holding valid certificates of registration. Each
179 registered interior designer shall obtain a seal as prescribed
180 by the board, and all drawings, plans, specifications, or
181 reports prepared or issued by the registered interior designer
182 and being filed for public record shall bear the signature and
183 seal of the registered interior designer who prepared or
184 approved the document and the date on which they were sealed.
185 The signature, date, and seal shall be evidence of the
186 authenticity of that to which they are affixed. Final plans,
187 specifications, or reports prepared or issued by a registered
188 interior designer may be transmitted electronically and may be
189 signed by the registered interior designer, dated, and sealed
190 electronically with the seal in accordance with ss. 668.001-
191 668.006.

192 (4)-(2) No registered architect shall affix, or permit to
193 be affixed, her or his seal or signature to any final
194 construction document or instrument of service which includes

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195 any plan, specification, drawing, or other document which
 196 depicts work which she or he is not competent to perform.

197 (5)~~(3)~~ No registered interior designer shall affix, or
 198 permit to be affixed, her or his seal or signature to any plan,
 199 specification, drawing, or other document which depicts work
 200 which she or he is not competent or licensed to perform.

201 (6)~~(4)~~ No registered architect shall affix her or his
 202 signature or seal to any final construction document or
 203 instrument of service which includes drawings, plans,
 204 specifications, or architectural documents which were not
 205 prepared by her or him or under her or his responsible
 206 supervising control or by another registered architect and
 207 reviewed, approved, or modified and adopted by her or him as her
 208 or his own work according to rules adopted by the board.

209 (7)~~(5)~~ No registered interior designer shall affix her or
 210 his signature or seal to any plans, specifications, or other
 211 documents which were not prepared by her or him or under her or
 212 his responsible supervising control or by another registered
 213 interior designer and reviewed, approved, or modified and
 214 adopted by her or him as her or his own work according to rules
 215 adopted by the board.

216 (8)~~(6)~~ Final construction documents or instruments of
 217 service which include plans, drawings, specifications, or other
 218 architectural documents prepared by a registered architect as
 219 part of her or his architectural practice shall be of a
 220 sufficiently high standard to clearly and accurately indicate or
 221 illustrate all essential parts of the work to which they refer.

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222 ~~(9)(7)~~ Studies, drawings, specifications, and other
 223 related documents prepared by a registered interior designer in
 224 providing interior design services shall be of a sufficiently
 225 high standard to clearly and accurately indicate all essential
 226 parts of the work to which they refer.

227 ~~(10)(8)~~ Each registered architect or interior designer,
 228 and each corporation, limited liability company, or partnership
 229 holding a certificate of authorization, shall include its
 230 certificate number in any newspaper, telephone directory, or
 231 other advertising medium used by the registered architect,
 232 interior designer, corporation, limited liability company, or
 233 partnership. A corporation, limited liability company, or
 234 partnership is not required to display the certificate number of
 235 individual registered architects or interior designers employed
 236 by or working within the corporation, limited liability company,
 237 or partnership.

238 ~~(11)(9)~~ When the certificate of registration of a
 239 registered architect or interior designer has been revoked or
 240 suspended by the board, the registered architect or interior
 241 designer shall surrender her or his seal to the secretary of the
 242 board within a period of 30 days after the revocation or
 243 suspension has become effective. If the certificate of the
 244 registered architect or interior designer has been suspended for
 245 a period of time, her or his seal shall be returned to her or
 246 him upon expiration of the suspension period.

247 (12) A person may not sign and seal by any means any final
 248 plan, specification, or report after her or his certificate of
 249 registration has expired or is suspended or revoked. A

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250 registered architect or interior designer whose certificate of
 251 registration is suspended or revoked shall, within 30 days after
 252 the effective date of the suspension or revocation, surrender
 253 her or his seal to the executive director of the board and
 254 confirm in writing to the executive director the cancellation of
 255 the registered architect's or interior designer's electronic
 256 signature in accordance with ss. 668.001-668.006. When a
 257 registered architect's or interior designer's certificate of
 258 registration is suspended for a period of time, her or his seal
 259 shall be returned upon expiration of the period of suspension.

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

262 481.225 Disciplinary proceedings against registered
 263 architects.--

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

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

268 (g) Committing an act of fraud or deceit, or of
 269 negligence, incompetency, or misconduct, in the practice of
 270 architecture, including, but not limited to, allowing the
 271 preparation of any architectural studies, plans, or other
 272 instruments of service in an office that does not have a full-
 273 time Florida-registered architect assigned to such office or
 274 failing to ensure the responsible supervising control of
 275 services or projects, as required by board rule.

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

279 481.2251 Disciplinary proceedings against registered
 280 interior designers.--

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

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

288 (n) Rendering or offering to render architectural
 289 services; ~~or-~~

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

298 Section 5. Paragraph (a) of subsection (5) of section
 299 481.229, Florida Statutes, is amended to read:

300 481.229 Exceptions; exemptions from licensure.--

301 (5) (a) Nothing contained in this part shall prevent a
 302 registered architect or a partnership, limited liability
 303 company, or corporation holding a valid certificate of

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304 authorization to provide architectural services from performing
 305 any interior design service or from using the title "interior
 306 designer" or "registered interior designer."

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

309 481.321 Seals; display of certificate number.--

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

328 (2) It is unlawful for any person to sign and seal by any
 329 means any final plan, specification, or report after her or his
 330 certificate of registration is expired, suspended, or revoked. A
 331 registered landscape architect whose certificate of registration

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332 is suspended or revoked shall, within 30 days after the
 333 effective date of the suspension or revocation, surrender her or
 334 his seal to the executive director of the board and confirm in
 335 writing to the executive director the cancellation of the
 336 landscape architect's electronic signature in accordance with
 337 ss. 668.001-668.006. When a landscape architect's certificate of
 338 registration is suspended for a period of time, her or his seal
 339 shall be returned upon expiration of the period of suspension.
 340 ~~When the certificate of registration of a registered landscape~~
 341 ~~architect has been revoked or suspended by the board, the~~
 342 ~~registered landscape architect shall surrender her or his seal~~
 343 ~~to the executive director of the board within 30 days after the~~
 344 ~~revocation or suspension has become effective. If the~~
 345 ~~certificate of the registered landscape architect is suspended~~
 346 ~~for a period of time, her or his seal shall be returned to her~~
 347 ~~or him upon expiration of the suspension period.~~

348 Section 7. For the purpose of incorporating the amendment
 349 to section 481.321, Florida Statutes, in a reference thereto,
 350 paragraph (a) of subsection (1) and subsection (3) of section
 351 481.325, Florida Statutes, are reenacted to read:

352 481.325 Disciplinary proceedings.--

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

355 (a) Violation of any provision of s. 455.227(1), s.
 356 481.321, or s. 481.323.

357 (3) When the board finds any registered landscape
 358 architect guilty of any of the grounds set forth in subsection

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359 | (1), it may enter an order imposing one or more of the following
360 | penalties:

361 | (a) Denial of an application for licensure.

362 | (b) Revocation or suspension of a license.

363 | (c) Imposition of an administrative fine not to exceed
364 | \$1,000 for each count or separate offense and a fine of up to
365 | \$5,000 for matters pertaining to a material violation of the
366 | Florida Building Code as reported by a local jurisdiction.

367 | (d) Issuance of a reprimand.

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

374 | (f) Restriction of the authorized scope of practice by the
375 | registered landscape architect.

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