

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1135

Practice of Architecture

SPONSOR(S): Hukill

TIED BILLS:

IDEN./SIM. BILLS: SB 2060

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Business Regulation Committee</u>	<u></u>	<u>Livingston</u>	<u>Liepshutz</u>
2) <u>State Administration Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Part I of chapter 481, F.S., regulates architects and interior designers. Both professions are regulated by the Board of Architecture and Interior Design under the DBPR. Practitioners must meet licensure requirements in order to legally practice their profession. Architecture is performing services in connection with the design and construction of a structure having the principal purpose of human habitation or use. "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

The bill:

- authorizes a person who has been licensed as an architect by the board and who chooses to relinquish or not to renew his or her license to use the title "Architect, Retired" but may not otherwise render any architectural services;
- defines administration of construction contracts to mean: the visitation of the construction site as often as necessary to observe the construction work to determine that the work is proceeding in accordance with the technical submissions submitted to the building official and approved under the terms of the building permit; the processing of shop drawings, product samples, and other submittals in connection with the construction work; and the notification of the project owner and the appropriate building official of construction changes that affect building code compliance, code violations, or substantial differences between the technical submittals approved by the building official and ongoing construction or any construction deviation that constitutes a hazard to the public;
- imposes penalties on any person who applies for a construction permit, constructs, or allows the construction of any structure requiring the services of a registered architect without employing or assuring the employment of a registered architect;
- creates a violation of chapter 481, F.S., for the failure of an architect to notify the appropriate building official whether he or she has been employed to furnish construction contract administration or failure to report to the board knowledge of construction work proceeding without the employment of an architect to furnish construction contract administration;
- specifies that nothing shall be construed as precluding the employment of a qualified professional engineer to perform construction contract administration services relative to engineering.

It is not anticipated that the bill will have a fiscal impact on state or local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1135.BR.doc

DATE: 3/13/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to impact the House principles.

B. EFFECT OF PROPOSED CHANGES:

Present situation

Current regulation of professions is carried out, in part, by licensing practitioners by the DBPR. Each profession is administered either directly by the DBPR or through a separately appointed board, council, or a commission. Regulation is intended to protect the public by ensuring that licensed professionals meet prescribed standards of education, competency, and practice. Chapter 455, F.S., provides general powers for the regulation of the areas of jurisdiction under the DBPR.

Part I of chapter 481, F.S., regulates architects and interior designers. Both professions are regulated by the Board of Architecture and Interior Design under the DBPR. Practitioners must meet licensure requirements in order to legally practice their profession. Architecture is performing services in connection with the design and construction of a structure having the principal purpose of human habitation or use. "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

Effect of proposed changes

The bill authorizes a person who has been licensed as an architect by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

The bill creates a definition of "Administration of construction contracts" to mean:

- (a) The visitation of the construction site as often as necessary to observe the construction work to determine that the work is proceeding in accordance with the technical submissions submitted to the building official and approved under the terms of the building permit;
- (b) The processing of shop drawings, product samples, and other submittals in connection with the construction work; and
- (c) The notification of the project owner and the appropriate building official of construction changes that affect building code compliance, code violations, or substantial differences between the technical submittals approved by the building official and ongoing construction or any construction deviation that constitutes a hazard to the public.

The bill provides that any person who applies for a construction permit, constructs, or allows the construction of any structure requiring the services of a registered architect without employing or assuring the employment of a registered architect commits a misdemeanor of the first degree.

Failure of an architect to notify the appropriate building official whether he or she has been employed to furnish construction contract administration or failure to report to the board knowledge of construction work proceeding without the employment of an architect to furnish construction contract administration would constitute a violation of ch. 481, F.S.

The bill specifies that nothing in part I of chapter 481, F.S., shall be construed as precluding the employment of a qualified professional engineer to perform construction contract administration services relative to the engineering technical submittals for a construction project.

C. SECTION DIRECTORY:

Section 1. Amends s. 481.203, F.S. to define "Administration of construction contracts."

Section 2. Amends s. 481.223, F.S. to allow the use of the title "architect , retired" and to prohibit construction without an architect providing construction contract administration services.

Section 3. Amends s. 481.225, F.S. to impose disciplinary actions for certain circumstances.

Section 4. Amends s. 481.229, F.S. to allow a professional engineer to perform construction contract administration services relative to engineering.

Section 5. Effective date - July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

D. FISCAL COMMENTS:

The DBPR estimates the bill will have no fiscal impact on the DBPR.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to

raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES