

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1135 CS

Practice of Architecture

**SPONSOR(S):** Hukill

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2060

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Business Regulation Committee</u>	<u>15 Y, 0 N, w/CS</u>	<u>Livingston</u>	<u>Liepshutz</u>
2) <u>State Administration Appropriations Committee</u>	<u></u>	<u>Rayman</u>	<u>Belcher</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>

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### 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 (board) under the Department of Business and Professional Regulation (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. "Registered interior designer" or "interior designer" means a natural person who is licensed under this part to provide interior design services.

The bill:

- creates a definition of "responsible supervising control" to mean "The exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee hereunder;"
- specifies, by definition, that "responsible supervising control" does not mean the "review of documents, instruments of service, or any other work requiring the seal and signature of a licensee [architect or interior designer] after such work has been performed by a person not licensed hereunder working outside of the licensee's office;" and
- authorizes a person who has been licensed as a practitioner by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" or "Interior Designer, Retired", as applicable, but may not otherwise render any professional services.

The bill creates no fiscal impact on state or local government.

The bill provides an effective date of July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present situation

Current regulation of professions is carried out by DBPR, in part, by licensing practitioners. 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.

Interior design is defined in the chapter to mean

designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. "Interior design" specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, "architectural and engineering interior construction relating to the building systems" includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects life safety systems pertaining to fire safety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

"Registered interior designer" or "interior designer" means a natural person who is licensed under this part.

Various acts constitute grounds for which the disciplinary actions may be taken, including:

- a Florida-registered architect failing to ensure the responsible supervising control of services or projects, as required by board rule, and
- a Florida-registered interior designer failing to exercise responsible supervisory control over services or projects, as required by board rule.

When the board finds a practitioner guilty of specified acts, it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure; (b) Revocation or suspension of a license; (c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction; (d) Issuance of a reprimand; (e) Placement of the registered architect on probation for a period of time and subject to such conditions as the board may specify, including requiring the registered architect to attend continuing education courses or to work under the supervision of another registered architect; or (f) Restriction of the authorized scope of practice by the registered architect.

#### Effect of proposed changes

The bill creates a definition of "responsible supervising control" to mean:

"The exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part."

By definition, the bill also specifies that "responsible supervising control" does not mean the review of documents, instruments of service, or any other work requiring the seal and signature of a licensee [architect or interior designer] after such work has been performed by a person not licensed under this part working outside of the licensee's office.

The bill authorizes a person who has been licensed as a practitioner by the board and who chooses to relinquish or not to renew his or her license may use the title "architect, retired" or "interior designer, retired", as applicable, but may not otherwise render any professional services.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 481.203, F.S., to define "responsible supervising control."

Section 2. Amends s. 481.223, F.S., to allow the use of the title "architect, retired and interior designer, retired," as applicable.

Section 3. Provides an effective date of July 1, 2006 for the bill.

### **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:

None.

**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**

On March 16, 2006, the Business Regulation Committee adopted one strike all amendment which modified the bill in the following manner and reported the bill favorably with committee substitute.

- Removes language in the original bill: defining "administration of construction contracts;" prohibiting construction without an architect providing construction contract administration services; imposing disciplinary actions for certain circumstances; allowing a professional engineer to perform construction contract administration services relative to engineering.
- Defines the term "responsible supervising control."
- Adds the authority for an interior designer to use the title "interior designer, retired."

This bill analysis has been updated to reflect these changes.