

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1611 CS Practice of architecture and interior design  
**SPONSOR(S):** Goldstein  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2652

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Business Regulation Committee	16 Y, 0 N, w/CS	Livingston	Liepshutz
2) Commerce Council	10 Y, 0 N, w/CS	Livingston	Randle
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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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 under the Department of Business and Professional Regulation (DBPR). Practitioners must meet licensure requirements in order to legally practice their profession.

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 person licensed under this part."

**authorizes** the board to establish guidelines by rule for work conducted both inside and outside the office of the particular practitioner in order for the working relationship to be considered appropriate supervisory control.

**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 professional services.

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

The effective date of the bill is July 1, 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 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 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 lifesafety systems pertaining to firesafety 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. For instance, a person may not knowingly: practice interior design unless the person is a registered interior designer unless specifically exempted; use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part; or employ unlicensed persons to practice architecture or interior design.

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

denial of an application for licensure; revocation or suspension of a license; imposition of an administrative fine; issuance of a reprimand; probation; placement of conditions on the licensee; or restriction of scope of practice.

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 person licensed under this part."

**authorizes** the board to establish guidelines by rule for work conducted both inside and outside the office of the particular practitioner in order for the working relationship to be considered appropriate supervisory control.

**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 professional services.

C. SECTION DIRECTORY:

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

Section 2. Amends s. 481.205, F.S., to authorize the board to adopt rules to evidence the exercise of responsible supervising control by practitioners.

Section 3. Amends s. 481.223, F.S., to allow the use of the title "architect, retired" or interior designer, retired", as applicable.

Section 4. 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:

Not anticipated to be significant.

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:

The bill specifically authorizes the board to adopt rules to evidence the exercise of responsible supervising control by practitioners

C. DRAFTING ISSUES OR OTHER COMMENTS:

None noted.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 23, 2006, the Committee on Business Regulation considered the bill, adopted one amendment, and reported the bill favorably with CS.

Amendment #1 by Goldstein

Removes reference to the definition of "space planning" and thus return to current law.

On March 23, 2006, the Commerce Council considered the bill, adopted a strike all amendment, and reported the bill favorably with CS. The changes in the CS are reflected below.

- Changes the title from "the practice of interior design" to "the practice of architecture and interior design."
- Removes language to prohibit the use of an unlicensed individual to provide specified services requiring a licensed professional if the work is performed for an interior design construction contract administered by a registered interior designer or by a registered interior designer performing project management or oversight as the owner's representative.
- Creates a definition of "responsible supervising control."
- Authorizes the board to establish guidelines by rule for work conducted both inside and outside the office of the particular practitioner in order for the working relationship to be considered appropriate supervisory control.
- Adds a person who has been licensed as a practitioner by the board to use the title "Architect, Retired."