

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Regulated Industries Committee

BILL: CS/SB 2060

INTRODUCER: Regulated Industries Committee and Senator Clary

SUBJECT: Architecture

DATE: March 20, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute provides for the definition of “responsible supervising control” in part I of ch. 481, F.S. It provides for the use of the terms “architect, retired” and “interior designer, retired” for licensees that fail to renew or relinquish licensure.

This bill substantially amends the following sections of the Florida Statutes: 481.203 and 481.223.

II. Present Situation:

The Department of Business and Professional Regulation regulates the practice of Architecture. 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.

Section 481.221(6), F.S., provides that drawings, plans, specifications, or architectural documents must be prepared by the architect who prepared them or under the architect’s responsible supervising control or by another registered architect in order for the architect to be able to place their signature or seal to any final construction document or specification or architectural documents as provided by board rule.

Section 481.225(1)(g), F.S., provides that failure to ensure the responsible supervising control of architectural services or projects as required by board rule constitutes grounds for discipline.

An architect not licensed in Florida may not use the term architect. The improper use of the term architect constitutes a violation of part I of ch. 481, F.S.

III. Effect of Proposed Changes:

Definitions

The committee substitute amends s. 481.203, F.S., to include the definition of “responsible supervising control” to mean the exercise of direct personal supervision and control throughout the preparation of documents, instruments, or service or any other work requiring the seal and signature of a licensee. Review of documents, instruments, or service or any other work requiring the seal and signature of a licensee after the work has been performed by a person not licensed who is working outside the licensee’s office may not be deemed responsible supervising control.

“Responsible supervising control” is used in several sections of ch. 481, F.S. but was not defined.¹ The committee substitute does not amend the definition section in Part II of ch. 481, F.S. for landscape architecture.

Prohibitions; penalties; injunctive relief

The committee substitute amends s. 481.223(1)(a), F.S., to provide that a licensed architect who has been licensed by the board and who chooses to relinquishes or does not renew his or her license may use the title “architect, retired” but may not provide architectural services.

It amends s. 481.223(1)(b), F.S., to provide that an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title “Interior Designer, Retired” but may not provide interior design services.

Effective Date

The committee substitute will take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ Sections 481.219(10), 481.221(6), 481.225(1)(g), 481.321(3), and 481.325(1)(g), F.S.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The definitions in s. 481.203, F.S., are limited to part I of ch. 481, F.S. Part II of ch. 481, F.S. do not include the definition of “responsible supervising control” in its definition section but refers to that term in ss. 481.321(3) and 481.325(1)(g), F.S.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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