

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 1303

Practice of Architecture & Interior Design

**SPONSOR(S):** General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee, Troutman

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1542

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Insurance, Business & Financial Affairs Policy Committee	19 Y, 1 N, As CS	Livingston	Cooper
2)	General Government Policy Council	10 Y, 7 N, As CS	Livingston	Hamby
3)	Government Operations Appropriations Committee			
4)	Full Appropriations Council on General Government & Health Care			
5)				

### 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 to engage in the practice of architecture.

Interior design is providing designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure.

The bill amends the definition of "interior design" to exclude activities or services relating to plans prepared for the sale or installation of cubicle workstations and similar modular furniture and fixtures and commercial food service equipment when the plans are prepared by a manufacturer, distributor, or dealer of these products.

The bill specifies that the definition of the term "space planning" does not include designs, consultations, studies, drawings, specifications, layouts, or floor plans prepared for the sale or installation of cubicle workstations and similar modular furniture and fixtures or spatial dividers or partitions and commercial food service equipment when prepared by the manufacturer, distributor, or dealer of the furniture and fixtures and, therefore, the applicable regulatory provisions would not apply to these activities.

The bill creates an exemption from licensure for a manufacturer, distributor, or dealer of cubicle workstations and modular furniture, including special dividers or partitions, who prepare designs, layouts or other plans for the sale or installation of furniture, fixtures, and these other products, including commercial food service equipment. The exemption from licensure also applies to a person who advertises these services.

The provisions of the bill may create a reduction in applications for licensure and renewal of licenses. The fiscal impact is, however, not anticipated to be significant.

Effective date – July 1, 2009.

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

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DATE: 3/20/2009

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. 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 an eleven member Board of Architecture and Interior Design under the DBPR. Practitioners must meet licensure requirements in order to legally practice their profession

Various acts constitute grounds for which 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.

"Architecture" is defined in the chapter to mean

the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. Services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

"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.

#### Effect of proposed changes

The bill amends the definition of “interior design” to exclude activities or services relating to plans prepared for the sale or installation of cubicle workstations and similar modular furniture and fixtures and commercial food service equipment when the plans are prepared by a manufacturer, distributor, or dealer of these products.

#### Current situation

“Space planning” is defined in the chapter to mean

the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

#### Effect of proposed changes

The bill specifies that the term “space planning” does not include designs, consultations, studies, drawings, specifications, layouts, or floor plans prepared for the sale or installation of cubicle workstations and similar modular furniture and fixtures or spatial dividers or partitions and commercial food service equipment when prepared by the manufacturer, distributor, or dealer of the furniture and fixtures.

#### Present situation

Currently, s. 481.229, F.S. is titled: “**Exceptions; exemptions from licensure.**” Subsection (6) of this section specifies:

- (6) This part **[part I]** shall not apply to:
  - (a) A person who performs interior design services or interior decorator services for any residential application...
  - (b) An employee of a retail establishment providing “interior decorator services: on the premises...”

#### Effect of proposed changes

The bill creates an additional exemption from part I licensure requirements for a manufacturer, distributor, or dealer of commercial food service equipment, cubicle workstations and modular furniture, including special dividers or partitions, who prepare designs, layouts or other plans for the sale or installation of furniture, fixtures, and these other products..

#### B. SECTION DIRECTORY:

Section 1. Amends s. 481.203, F.S., to exclude certain services relating to modular furniture and commercial food service equipment from the definitions of “interior design” and “space planning.”

Section 2. Amends s. 481.229, F.S., to create an exemption from licensure for a manufacturer, distributor, or dealer of commercial food service equipment, cubicle workstations and modular furniture, including special dividers or partitions, who prepare designs, layouts or other plans for the sale or installation of furniture, fixtures, and these other products.

Section 3. Effective date – July 1, 2009.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "Fiscal Comments".

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:

The provisions of the bill may create a reduction in applications for licensure and renewal of licenses. The fiscal impact is, however, not anticipated to be significant.

### 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:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2009, the Insurance, Business, and Financial Affairs Committee took up the bill, adopted a strike-all amendment, and passed the bill as a CS, by a vote of 19-1. The CS differs from the bill as originally filed as follows:

The CS adds "commercial food service equipment" to the list of exemptions created in the bill relating to furniture and modular equipment. Therefore, licensure requirements would not apply.

On March 24, 2009, the General Government Policy Council took up the CS, adopted one amendment, and passed the CS by a unanimous vote as a Council Substitute for the Committee Substitute.

The CS/CS differs from the CS in the following area:

removes section 2 of the CS to delete reference to s. 481.213, F.S., regarding qualifications relating to licensure by endorsement (and, therefore, current law applies).