

Amendment No.

CHAMBER ACTION

Senate

House

.

1 The Conference Committee on CS/HB 5005 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (a) of subsection (4) of section
6 20.165, Florida Statutes, is amended to read:

7 20.165 Department of Business and Professional
8 Regulation.—There is created a Department of Business and
9 Professional Regulation.

10 (4) (a) The following boards and programs are established
11 within the Division of Professions:

12 1. Board of Architecture ~~and Interior Design~~, created
13 under part I of chapter 481.

14 2. Florida Board of Auctioneers, created under part VI of
15 chapter 468.

16 3. Barbers' Board, created under chapter 476.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

17 4. Florida Building Code Administrators and Inspectors
18 Board, created under part XII of chapter 468.

19 5. Construction Industry Licensing Board, created under
20 part I of chapter 489.

21 6. Board of Cosmetology, created under chapter 477.

22 7. Electrical Contractors' Licensing Board, created under
23 part II of chapter 489.

24 8. Board of Employee Leasing Companies, created under part
25 XI of chapter 468.

26 9. Board of Landscape Architecture, created under part II
27 of chapter 481.

28 10. Board of Pilot Commissioners, created under chapter
29 310.

30 11. Board of Professional Engineers, created under chapter
31 471.

32 12. Board of Professional Geologists, created under
33 chapter 492.

34 13. Board of Veterinary Medicine, created under chapter
35 474.

36 14. Home inspection services licensing program, created
37 under part XV of chapter 468.

38 15. Mold-related services licensing program, created under
39 part XVI of chapter 468.

40 Section 2. Section 468.381, Florida Statutes, is amended
41 to read:

42 468.381 Purpose.—The Legislature finds that unqualified
43 auctioneers ~~and apprentices~~ and unreliable auction businesses
44 present a significant threat to the public. It is the intent of
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

45 the Legislature to protect the public by creating a board to
46 regulate auctioneers, ~~apprentices,~~ and auction businesses ~~and~~ by
47 requiring a license to operate.

48 Section 3. Subsection (10) is added to section 468.383,
49 Florida Statutes, to read:

50 468.383 Exemptions.—This act does not apply to the
51 following:

52 (10) Motor vehicle auctions, as defined in s.
53 320.27(1)(c)4., conducted by auctioneers licensed in other
54 states and held for the purpose of conducting sanctioned
55 contests among auctioneers, if an auctioneer licensed pursuant
56 to this part is on site to monitor the sanctioned contest.

57 Section 4. Subsection (3) of section 468.384, Florida
58 Statutes, is amended to read:

59 468.384 Florida Board of Auctioneers.—

60 (3) The board shall receive and act upon applications for
61 auctioneer, ~~apprentice,~~ and auction business licenses and shall
62 have the power to issue, suspend, and revoke such licenses and
63 to take such other action as is necessary to carry out the
64 provisions of this act.

65 Section 5. Subsections (3), (5), (6), (7), and (8) of
66 section 468.385, Florida Statutes, are amended to read:

67 468.385 Licenses required; qualifications; examination.—

68 (3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
69 ~~or apprentice~~ if he or she:

70 (a) Is under 18 years of age; or

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

71 (b) Has committed any act or offense in this state or any
72 other jurisdiction which would constitute a basis for
73 disciplinary action under s. 468.389.

74 (5) Each apprentice shall work under the supervision of
75 ~~application and license shall name~~ a licensed auctioneer who has
76 agreed to serve as the supervisor of the apprentice. An ~~No~~
77 apprentice may not conduct, or contract to conduct, an auction
78 without the express approval of his or her supervisor. The
79 supervisor shall regularly review the apprentice's records,
80 which are required by the board to be maintained, to determine
81 if such records are accurate and current.

82 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer
83 unless he or she:

84 (a) Has ~~held an apprentice license and has served as an~~
85 apprentice for 1 year or more, or has completed a course of
86 study, consisting of not less than 80 classroom hours of
87 instruction, that meets standards adopted by the board;

88 (b) Has passed the required examination; and

89 (c) Is approved by the board.

90 (7) (a) Any auction that is subject to ~~the provisions of~~
91 this part must be conducted by an auctioneer who has an active
92 license or an apprentice who is actively supervised by a
93 licensed sponsor ~~has an active apprentice auctioneer license and~~
94 ~~who has received prior written sponsor consent.~~

95 (b) A ~~No~~ business may not ~~shall~~ auction or offer to
96 auction any property in this state unless it is licensed as an
97 auction business by the board or is exempt from licensure under
98 this act. Each application for licensure shall include the names
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

99 of the owner and the business, the business mailing address and
100 location, and any other information which the board may require.
101 The owner of an auction business shall report to the board
102 within 30 days after ~~of~~ any change in this required information.

103 (8) A license issued by the department to an auctioneer,
104 ~~apprentice,~~ or auction business is not transferable.

105 Section 6. Present subsections (5) through (10) of section
106 468.3855, Florida Statutes, are amended, and a new subsection
107 (9) is added to that section, to read:

108 468.3855 Apprenticeship training requirements.—

109 ~~(5) Each apprentice and sponsor shall file reports as~~
110 ~~required by board rule.~~

111 ~~(5)(6)~~ A sponsor may not authorize an apprentice to
112 conduct an auction or act as principal auctioneer unless the
113 sponsor has determined that the apprentice has received adequate
114 training to do so.

115 ~~(6)(7)~~ The sponsor is ~~shall be~~ responsible for any acts or
116 omissions of the apprentice which constitute a violation of law
117 in relation to the conduct of an auction.

118 ~~(8) All apprentice applications shall be valid for a~~
119 ~~period of 6 months after board approval. Any applicant who fails~~
120 ~~to complete the licensure process within that time shall be~~
121 ~~required to make application as a new applicant.~~

122 ~~(7)(9)~~ Any ~~licensed~~ apprentice who wishes to change the
123 sponsor under whom he or she is supervised ~~licensed must submit~~
124 ~~a new application and application fee. However, a new license~~
125 ~~fee shall not be required and credit shall be awarded~~ credit for

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

126 training received or any period of apprenticeship served under
127 the previous sponsor.

128 ~~(8)-(10)~~ Credit for training received or any period of
129 apprenticeship served is ~~shall not be~~ allowed unless it occurred
130 under the supervision of the sponsor ~~under whose supervision the~~
131 ~~apprentice is licensed.~~

132 (9) An apprentice must submit verification of his or her
133 apprenticeship signed by the sponsor or sponsors on a form
134 prescribed by the department at the time of submitting the
135 application for an auctioneer license.

136 Section 7. Subsection (4) and paragraph (b) of subsection
137 (11) of section 468.388, Florida Statutes, are amended to read:
138 468.388 Conduct of an auction.-

139 (4) Each auction must be conducted by an auctioneer who
140 has an active license or by an apprentice ~~who has an active~~
141 ~~apprentice auctioneer license and~~ who has received prior written
142 sponsor consent. Each auction must be conducted under the
143 auspices of a licensed auction business. Any auctioneer or
144 apprentice auctioneer conducting an auction, and any auction
145 business under whose auspices such auction is held, shall be
146 responsible for determining that any auctioneer, apprentice, or
147 auction business with whom they are associated in conducting
148 such auction has an active Florida auctioneer, ~~apprentice,~~ or
149 auction business license.

150 (11)

151 (b) ~~A~~ No licensed auctioneer, ~~apprentice,~~ or licensed
152 auction business, or apprentice may not disseminate or cause to
153 be disseminated any advertisement or advertising which is false,
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

154 deceptive, misleading, or untruthful. Any advertisement or
155 advertising is ~~shall be deemed to be~~ false, deceptive,
156 misleading, or untruthful if it:

157 1. Contains misrepresentations of facts.

158 2. Is misleading or deceptive because, in its content or
159 in the context in which it is presented, it makes only a partial
160 disclosure of relevant facts.

161 3. Creates false or unjustified expectations of the
162 services to be performed.

163 4. Contains any representation or claim which the
164 advertising licensee fails to perform.

165 5. Fails to include the name and license number of the
166 principal auctioneer and the auction business.

167 6. Fails to include the name and license number of the
168 sponsor if an apprentice is acting as the principal auctioneer.

169 7. Advertises an auction as absolute without specifying
170 any and all items to be sold with reserve or with minimum bids.

171 8. Fails to include the percentage amount of any buyer's
172 premium or surcharge which is a condition to sale.

173 Section 8. Section 468.391, Florida Statutes, is amended
174 to read:

175 468.391 Penalty.—Any auctioneer, apprentice, or auction
176 business or any owner or manager thereof, or, in the case of
177 corporate ownership, any substantial stockholder of the
178 corporation owning the auction business, who operates without an
179 active license or written sponsorship consent or violates any
180 provision of the prohibited acts listed under s. 468.389 commits
181 a felony of the third degree, punishable as provided in s.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

182 775.082 or s. 775.083.

183 Section 9. Section 477.0132, Florida Statutes, is amended
184 to read:

185 (Substantial rewording of section. See
186 s. 477.0132, F.S., for present text.)

187 477.0132 Hair braiding, hair wrapping, and body wrapping;
188 application of chapter.—This chapter does not apply to a person
189 whose occupation or practice is confined solely to hair
190 braiding, hair wrapping, or body wrapping.

191 Section 10. Subsection (7) of section 477.019, Florida
192 Statutes, is amended to read:

193 477.019 Cosmetologists; qualifications; licensure;
194 supervised practice; license renewal; endorsement; continuing
195 education.—

196 (7) (a) The board shall prescribe by rule continuing
197 education requirements intended to ensure protection of the
198 public through updated training of licensees and registered
199 specialists, not to exceed 16 hours biennially, as a condition
200 for renewal of a license or registration as a specialist under
201 this chapter. Continuing education courses shall include, but is
202 ~~be~~ limited to, the following subjects as they relate to the
203 practice of cosmetology: human immunodeficiency virus and
204 acquired immune deficiency syndrome; Occupational Safety and
205 Health Administration regulations; workers' compensation issues;
206 state and federal laws and rules as they pertain to
207 cosmetologists, cosmetology, salons, specialists, specialty
208 salons, and booth renters; chemical makeup as it pertains to
209 hair, skin, and nails; and environmental issues. Courses given

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

210 at cosmetology conferences may be counted toward the number of
211 continuing education hours required if approved by the board.

212 ~~(b) Any person whose occupation or practice is confined~~
213 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
214 ~~exempt from the continuing education requirements of this~~
215 ~~subsection.~~

216 (b)(e) The board may, by rule, require any licensee in
217 violation of a continuing education requirement to take a
218 refresher course or refresher course and examination in addition
219 to any other penalty. The number of hours for the refresher
220 course may not exceed 48 hours.

221 Section 11. Paragraph (f) of subsection (1) of section
222 477.026, Florida Statutes, is amended to read:

223 477.026 Fees; disposition.—

224 (1) The board shall set fees according to the following
225 schedule:

226 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
227 ~~fees for registration shall not exceed \$25.~~

228 Section 12. Paragraph (g) of subsection (1) of section
229 477.0265, Florida Statutes, is amended to read:

230 477.0265 Prohibited acts.—

231 (1) It is unlawful for any person to:

232 (g) Advertise or imply that skin care services ~~or body~~
233 ~~wrapping~~, as performed under this chapter, have any relationship
234 to the practice of massage therapy as defined in s. 480.033(3),
235 except those practices or activities defined in s. 477.013.

236 Section 13. Paragraph (a) of subsection (1) of section
237 477.029, Florida Statutes, is amended to read:

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

238 477.029 Penalty.—

239 (1) It is unlawful for any person to:

240 (a) Hold himself or herself out as a cosmetologist or
241 specialist, ~~hair wrapper, hair braider, or body wrapper~~ unless
242 duly licensed, ~~or~~ registered, or otherwise authorized, as
243 provided in this chapter.

244 Section 14. Section 481.201, Florida Statutes, is amended
245 to read:

246 481.201 Purpose.—The primary legislative purpose for
247 enacting this part is to ensure that every architect practicing
248 in this state meets minimum requirements for safe practice. It
249 is the legislative intent that architects who fall below minimum
250 competency or who otherwise present a danger to the public shall
251 be prohibited from practicing in this state. ~~The Legislature~~
252 ~~further finds that it is in the interest of the public to limit~~
253 ~~the practice of interior design to interior designers or~~
254 ~~architects who have the design education and training required~~
255 ~~by this part or to persons who are exempted from the provisions~~
256 ~~of this part.~~

257 Section 15. Section 481.203, Florida Statutes, is amended
258 to read:

259 481.203 Definitions.—As used in this part, the term:

260 (1)~~(3)~~ "Architect" or "registered architect" means a
261 natural person who is licensed under this part to engage in the
262 practice of architecture.

263 (2)~~(6)~~ "Architecture" means the rendering or offering to
264 render services in connection with the design and construction
265 of a structure or group of structures which have as their

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

266 principal purpose human habitation or use, and the utilization
267 of space within and surrounding such structures. These services
268 include planning, providing preliminary study designs, drawings
269 and specifications, job-site inspection, and administration of
270 construction contracts.

271 ~~(3)-(1)~~ "Board" means the Board of Architecture ~~and~~
272 ~~Interior Design.~~

273 ~~(4)-(5)~~ "Certificate of authorization" means a certificate
274 issued by the department to a corporation or partnership to
275 practice architecture ~~or interior design.~~

276 ~~(5)-(4)~~ "Certificate of registration" means a license
277 issued by the department to a natural person to engage in the
278 practice of architecture ~~or interior design.~~

279 ~~(6)-(2)~~ "Department" means the Department of Business and
280 Professional Regulation.

281 ~~(7)-(8)~~ "Interior design" means designs, consultations,
282 studies, drawings, specifications, and administration of design
283 construction contracts relating to nonstructural interior
284 elements of a building or structure. "Interior design" includes,
285 but is not limited to, reflected ceiling plans, space planning,
286 furnishings, and the fabrication of nonstructural elements
287 within and surrounding interior spaces of buildings. "Interior
288 design" specifically excludes the design of or the
289 responsibility for architectural and engineering interior
290 construction relating to the building systems work, except for
291 specification of fixtures and their location within interior
292 spaces. As used in this subsection, "architectural and
293 engineering interior construction relating to the building

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

294 systems" includes, but is not limited to, construction of
295 structural, mechanical, plumbing, heating, air-conditioning,
296 ventilating, electrical, or vertical transportation systems, or
297 construction which materially affects lifesafety systems
298 ~~pertaining to firesafety protection~~ such as fire-rated
299 separations between interior spaces, fire-rated vertical shafts
300 in multistory structures, fire-rated protection of structural
301 elements, smoke evacuation and compartmentalization, emergency
302 ingress or egress systems, and emergency alarm systems.

303 ~~(8)-(10)~~ "Nonstructural interior element" means an element
304 which does not require structural bracing and which is something
305 other than a load-bearing wall, load-bearing column, or other
306 load-bearing element of a building or structure which is
307 essential to the structural integrity of the building.

308 ~~(9)-(11)~~ "Reflected ceiling plan" means a ceiling design
309 plan which is laid out as if it were projected downward and
310 which may include lighting and other elements.

311 ~~(9) "Registered interior designer" or "interior designer"~~
312 ~~means a natural person who is licensed under this part.~~

313 ~~(10)-(16)~~ "Responsible supervising control" means the
314 exercise of direct personal supervision and control throughout
315 the preparation of documents, instruments of service, or any
316 other work requiring the seal and signature of a licensee under
317 this part.

318 ~~(11)-(12)~~ "Space planning" means the analysis, programming,
319 or design of spatial requirements, including preliminary space
320 layouts and final planning.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

321 ~~(12)~~~~(7)~~ "Townhouse" is a single-family dwelling unit not
322 exceeding three stories in height which is constructed in a
323 series or group of attached units with property lines separating
324 such units. Each townhouse shall be considered a separate
325 building and shall be separated from adjoining townhouses by the
326 use of separate exterior walls meeting the requirements for zero
327 clearance from property lines as required by the type of
328 construction and fire protection requirements; or shall be
329 separated by a party wall; or may be separated by a single wall
330 meeting the following requirements:

331 (a) Such wall shall provide not less than 2 hours of fire
332 resistance. Plumbing, piping, ducts, or electrical or other
333 building services shall not be installed within or through the
334 2-hour wall unless such materials and methods of penetration
335 have been tested in accordance with the Standard Building Code.

336 (b) Such wall shall extend from the foundation to the
337 underside of the roof sheathing, and the underside of the roof
338 shall have at least 1 hour of fire resistance for a width not
339 less than 4 feet on each side of the wall.

340 (c) Each dwelling unit sharing such wall shall be designed
341 and constructed to maintain its structural integrity independent
342 of the unit on the opposite side of the wall.

343 ~~(13) "Common area" means an area that is held out for use~~
344 ~~by all tenants or owners in a multiple-unit dwelling, including,~~
345 ~~but not limited to, a lobby, elevator, hallway, laundry room,~~
346 ~~clubhouse, or swimming pool.~~

347 ~~(14) "Diversified interior design experience" means~~
348 ~~experience which substantially encompasses the various elements~~
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

349 ~~of interior design services set forth under the definition of~~
350 ~~"interior design" in subsection (8).~~

351 ~~(15) "Interior decorator services" includes the selection~~
352 ~~or assistance in selection of surface materials, window~~
353 ~~treatments, wallcoverings, paint, floor coverings, surface-~~
354 ~~mounted lighting, surface-mounted fixtures, and loose~~
355 ~~furnishings not subject to regulation under applicable building~~
356 ~~codes.~~

357 Section 16. Subsection (1) and paragraph (a) of subsection
358 (3) of section 481.205, Florida Statutes, are amended to read:

359 481.205 Board of Architecture ~~and Interior Design.~~

360 (1) The Board of Architecture ~~and Interior Design~~ is
361 created within the Department of Business and Professional
362 Regulation. The board shall consist of seven ~~11~~ members. Five
363 members must be registered architects who have been engaged in
364 the practice of architecture for at least 5 years; ~~three members~~
365 ~~must be registered interior designers who have been offering~~
366 ~~interior design services for at least 5 years and who are not~~
367 ~~also registered architects;~~ and two ~~three~~ members must be
368 laypersons who are not, and have never been, architects,
369 ~~interior designers,~~ or members of any closely related profession
370 or occupation. At least one member of the board must be 60 years
371 of age or older.

372 (3) (a) Notwithstanding ~~the provisions of~~ ss. 455.225,
373 455.228, and 455.32, the duties and authority of the department
374 to receive complaints and investigate and discipline persons
375 licensed under this part, including the ability to determine
376 legal sufficiency and probable cause; to initiate proceedings

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

377 and issue final orders for summary suspension or restriction of
378 a license pursuant to s. 120.60(6); to issue notices of
379 noncompliance, notices to cease and desist, subpoenas, and
380 citations; to retain legal counsel, investigators, or
381 prosecutorial staff in connection with the licensed practice of
382 architecture ~~and interior design~~; and to investigate and deter
383 the unlicensed practice of architecture ~~and interior design~~ as
384 provided in s. 455.228 are delegated to the board. All
385 complaints and any information obtained pursuant to an
386 investigation authorized by the board are confidential and
387 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

388 Section 17. Section 481.207, Florida Statutes, is amended
389 to read:

390 481.207 Fees.—The board, by rule, may establish ~~separate~~
391 fees for architects ~~and interior designers~~, to be paid for
392 applications, examination, reexamination, licensing and renewal,
393 delinquency, reinstatement, and recordmaking and recordkeeping.
394 The examination fee shall be in an amount that covers the cost
395 of obtaining and administering the examination and shall be
396 refunded if the applicant is found ineligible to sit for the
397 examination. The application fee is nonrefundable. The fee for
398 initial application and examination for architects ~~and interior~~
399 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
400 to the department for purchase of the examination from the
401 National Council of Architectural Registration Boards ~~or the~~
402 ~~National Council of Interior Design Qualifications,~~
403 ~~respectively,~~ or similar national organizations. The biennial
404 renewal fee for architects may not exceed \$200. ~~The biennial~~

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

405 ~~renewal fee for interior designers may not exceed \$500.~~ The
406 delinquency fee may not exceed the biennial renewal fee
407 established by the board for an active license. The board shall
408 establish fees that are adequate to ensure the continued
409 operation of the board and to fund the proportionate expenses
410 incurred by the department which are allocated to the regulation
411 of architects ~~and interior designers~~. Fees shall be based on
412 department estimates of the revenue required to implement this
413 part and the provisions of law with respect to the regulation of
414 architects ~~and interior designers~~.

415 Section 18. Section 481.209, Florida Statutes, is amended
416 to read:

417 481.209 Examinations.—

418 ~~(1)~~ A person desiring to be licensed as a registered
419 architect shall apply to the department to take the licensure
420 examination. The department shall administer the licensure
421 examination for architects to each applicant who the board
422 certifies:

423 (1) ~~(a)~~ Has completed the application form and remitted a
424 nonrefundable application fee and an examination fee which is
425 refundable if the applicant is found to be ineligible to take
426 the examination;

427 (2) (a) ~~(b) 1.~~ Is a graduate of a school or college of
428 architecture accredited by the National Architectural
429 Accreditation Board; or

430 (b) 2. Is a graduate of an approved architectural
431 curriculum, evidenced by a degree from an unaccredited school or
432 college of architecture approved by the board. The board shall
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

433 adopt rules providing for the review and approval of
434 unaccredited schools and colleges of architecture and courses of
435 architectural study based on a review and inspection by the
436 board of the curriculum of accredited schools and colleges of
437 architecture in the United States; and

438 ~~(3)(e)~~ Has completed, prior to examination, 1 year of the
439 internship experience required by s. 481.211(1).

440 ~~(2)~~ A person desiring to be licensed as a registered
441 interior designer shall apply to the department for licensure.
442 The department shall administer the licensure examination for
443 interior designers to each applicant who has completed the
444 application form and remitted the application and examination
445 fees specified in s. 481.207 and who the board certifies:

446 ~~(a)~~ Is a graduate from an interior design program of 5
447 years or more and has completed 1 year of diversified interior
448 design experience;

449 ~~(b)~~ Is a graduate from an interior design program of 4
450 years or more and has completed 2 years of diversified interior
451 design experience;

452 ~~(c)~~ Has completed at least 3 years in an interior design
453 curriculum and has completed 3 years of diversified interior
454 design experience; or

455 ~~(d)~~ Is a graduate from an interior design program of at
456 least 2 years and has completed 4 years of diversified interior
457 design experience.

458
459 ~~Subsequent to October 1, 2000, for the purpose of having the~~
460 ~~educational qualification required under this subsection~~

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

461 ~~accepted by the board, the applicant must complete his or her~~
462 ~~education at a program, school, or college of interior design~~
463 ~~whose curriculum has been approved by the board as of the time~~
464 ~~of completion. Subsequent to October 1, 2003, all of the~~
465 ~~required amount of educational credits shall have been obtained~~
466 ~~in a program, school, or college of interior design whose~~
467 ~~curriculum has been approved by the board, as of the time each~~
468 ~~educational credit is gained. The board shall adopt rules~~
469 ~~providing for the review and approval of programs, schools, and~~
470 ~~colleges of interior design and courses of interior design study~~
471 ~~based on a review and inspection by the board of the curriculum~~
472 ~~of programs, schools, and colleges of interior design in the~~
473 ~~United States, including those programs, schools, and colleges~~
474 ~~accredited by the Foundation for Interior Design Education~~
475 ~~Research. The board shall adopt rules providing for the review~~
476 ~~and approval of diversified interior design experience required~~
477 ~~by this subsection.~~

478 Section 19. Subsection (2) of section 481.211, Florida
479 Statutes, is amended to read:

480 481.211 Architecture internship required.-

481 (2) Each applicant for licensure shall complete 1 year of
482 the internship experience required by this section subsequent to
483 graduation from a school or college of architecture as defined
484 in s. 481.209(1).

485 Section 20. Subsections (1) through (4) of section
486 481.213, Florida Statutes, are amended to read:

487 481.213 Licensure.-

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

488 (1) The department shall license as an architect any
489 applicant who the board certifies is qualified for licensure and
490 who has paid the initial licensure fee. ~~Licensure as an~~
491 ~~architect under this section shall be deemed to include all the~~
492 ~~rights and privileges of licensure as an interior designer under~~
493 ~~this section.~~

494 (2) The board shall certify for licensure as an architect
495 by examination any applicant who passes the prescribed licensure
496 examination and satisfies the requirements of ss. 481.209 and
497 481.211, ~~for architects, or the requirements of s. 481.209, for~~
498 ~~interior designers.~~

499 (3) The board shall certify as qualified for a license by
500 endorsement as an architect ~~or as an interior designer~~ an
501 applicant who:

502 (a) Qualifies to take the prescribed licensure
503 examination, and has passed the prescribed licensure examination
504 or a substantially equivalent examination in another
505 jurisdiction, as set forth in s. 481.209 ~~for architects or~~
506 ~~interior designers, as applicable,~~ and has satisfied the
507 internship requirements set forth in s. 481.211 ~~for architects;~~

508 (b) Holds a valid license to practice architecture ~~or~~
509 ~~interior design~~ issued by another jurisdiction of the United
510 States, if the criteria for issuance of such license were
511 substantially equivalent to the licensure criteria that existed
512 in this state at the time the license was issued; ~~provided,~~
513 ~~however,~~ that an applicant who has been licensed for use of the
514 title "interior design" rather than licensed to practice
515 interior design shall not qualify hereunder; or

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

516 (c) Has passed the prescribed licensure examination and
517 holds a valid certificate issued by the National Council of
518 Architectural Registration Boards, and holds a valid license to
519 practice architecture issued by another state or jurisdiction of
520 the United States. For the purposes of this paragraph, any
521 applicant licensed in another state or jurisdiction after June
522 30, 1984, must also hold a degree in architecture and such
523 degree must be equivalent to that required in s.
524 481.209(2)(1)(b). Also for the purposes of this paragraph, any
525 applicant licensed in another state or jurisdiction after June
526 30, 1985, must have completed an internship equivalent to that
527 required by s. 481.211 and any rules adopted with respect
528 thereto.

529 (4) The board may refuse to certify any applicant who has
530 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
531 ~~s. 481.2251~~, as applicable.

532 Section 21. Section 481.2131, Florida Statutes, is amended
533 to read:

534 481.2131 Interior design; ~~practice requirements;~~
535 ~~disclosure of compensation for professional services.-~~

536 (1) The practice of interior design does not require
537 licensure ~~A registered interior designer is authorized to~~
538 ~~perform "interior design" as defined in s. 481.203.~~

539 (2) Interior design documents ~~prepared by a registered~~
540 ~~interior designer~~ shall contain a statement that the document is
541 not an architectural or engineering study, drawing,
542 specification, or design and is not to be used for construction
543 of any load-bearing columns, load-bearing framing or walls of
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

544 structures, or issuance of any building permit, except as
545 otherwise provided by law. Interior design documents ~~that are~~
546 ~~prepared and sealed by a registered interior designer~~ may, if
547 required by a permitting body, be submitted for the issuance of
548 a building permit for interior construction excluding design of
549 any structural, mechanical, plumbing, heating, air-conditioning,
550 ventilating, electrical, or vertical transportation systems or
551 that materially affect lifesafety systems ~~pertaining to~~
552 ~~firesafety protection~~ such as fire-rated separations between
553 interior spaces, fire-rated vertical shafts in multistory
554 structures, fire-rated protection of structural elements, smoke
555 evacuation and compartmentalization, emergency ingress or egress
556 systems, and emergency alarm systems.

557 ~~(2) An interior designer shall, before entering into a~~
558 ~~contract, verbal or written, clearly determine the scope and~~
559 ~~nature of the project and the method or methods of compensation.~~
560 ~~The interior designer may offer professional services to the~~
561 ~~client as a consultant, specifier, or supplier on the basis of a~~
562 ~~fee, percentage, or markup. The interior designer shall have the~~
563 ~~responsibility of fully disclosing to the client the manner in~~
564 ~~which all compensation is to be paid. Unless the client knows~~
565 ~~and agrees, the interior designer shall not accept any form of~~
566 ~~compensation from a supplier of goods and services in cash or in~~
567 ~~kind.~~

568 Section 22. Subsections (3) and (5) of section 481.215,
569 Florida Statutes, are amended to read:

570 481.215 Renewal of license.—

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

571 (3) ~~A~~ ~~No~~ license renewal may not ~~shall~~ be issued to an
572 architect ~~or an interior designer~~ by the department until the
573 licensee submits proof satisfactory to the department that,
574 during the 2 years before ~~prior to~~ application for renewal, the
575 licensee participated per biennium in not less than 20 hours of
576 at least 50 minutes each per biennium of continuing education
577 approved by the board. The board shall approve only continuing
578 education that builds upon the basic knowledge of architecture
579 ~~or interior design~~. The board may make exception from the
580 requirements of continuing education in emergency or hardship
581 cases.

582 (5) The board shall require, by rule adopted pursuant to
583 ss. 120.536(1) and 120.54, a specified number of hours in
584 specialized or advanced courses, approved by the Florida
585 Building Commission, on any portion of the Florida Building
586 Code, adopted pursuant to part IV of chapter 553, relating to
587 the licensee's ~~respective~~ area of practice.

588 Section 23. Subsection (1) of section 481.217, Florida
589 Statutes, is amended to read:

590 481.217 Inactive status.—

591 (1) The board may prescribe by rule continuing education
592 requirements as a condition of reactivating a license. The
593 continuing education requirements for reactivating a license for
594 a registered architect may not exceed 12 contact hours for each
595 year the license was inactive. ~~The minimum continuing education~~
596 ~~requirement for reactivating a license for a registered interior~~
597 ~~designer shall be those of the most recent biennium plus one-~~
598 ~~half of the requirements in s. 481.215 for each year or part~~
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

599 ~~thereof during which the license was inactive. The board shall~~
600 ~~only approve continuing education that builds upon the basic~~
601 ~~knowledge of interior design.~~

602 Section 24. Section 481.219, Florida Statutes, is amended
603 to read:

604 481.219 Certification of partnerships, limited liability
605 companies, and corporations.-

606 (1) The practice of or the offer to practice architecture
607 ~~or interior design~~ by licensees through a corporation, limited
608 liability company, or partnership offering architectural ~~or~~
609 ~~interior design~~ services to the public, or by a corporation,
610 limited liability company, or partnership offering architectural
611 ~~or interior design~~ services to the public through licensees
612 under this part as agents, employees, officers, or partners, is
613 permitted, subject to ~~the provisions of~~ this section.

614 (2) For the purposes of this section, a certificate of
615 authorization is ~~shall be~~ required for a corporation, limited
616 liability company, partnership, or person practicing under a
617 fictitious name, offering architectural services to the public
618 jointly or separately. However, when an individual is practicing
619 architecture in her or his own name, she or he is ~~shall not be~~
620 required to be certified under this section. ~~Certification under~~
621 ~~this subsection to offer architectural services shall include~~
622 ~~all the rights and privileges of certification under subsection~~
623 ~~(3) to offer interior design services.~~

624 ~~(3) For the purposes of this section, a certificate of~~
625 ~~authorization shall be required for a corporation, limited~~
626 ~~liability company, partnership, or person operating under a~~
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

627 ~~fictitious name, offering interior design services to the public~~
628 ~~jointly or separately. However, when an individual is practicing~~
629 ~~interior design in her or his own name, she or he shall not be~~
630 ~~required to be certified under this section.~~

631 (3)~~(4)~~ All final construction documents and instruments of
632 service which include drawings, specifications, plans, reports,
633 or other papers or documents involving the practice of
634 architecture which are prepared or approved for the use of the
635 corporation, limited liability company, or partnership and filed
636 for public record within the state shall bear the signature and
637 seal of the licensee who prepared or approved them and the date
638 on which they were sealed.

639 ~~(5)~~ All drawings, specifications, plans, reports, or other
640 papers or documents prepared or approved for the use of the
641 corporation, limited liability company, or partnership by an
642 interior designer in her or his professional capacity and filed
643 for public record within the state shall bear the signature and
644 seal of the licensee who prepared or approved them and the date
645 on which they were sealed.

646 (4)~~(6)~~ The department shall issue a certificate of
647 authorization to any applicant who the board certifies as
648 qualified for a certificate of authorization and who has paid
649 the fee set in s. 481.207.

650 (5)~~(7)~~ The board shall certify an applicant as qualified
651 for a certificate of authorization to offer architectural ~~or~~
652 ~~interior design~~ services, provided that:

653 ~~(a)~~ one or more of the principal officers of the
654 corporation or limited liability company, or one or more

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

655 partners of the partnership, and all personnel of the
656 corporation, limited liability company, or partnership who act
657 in its behalf in this state as architects, are registered as
658 provided by this part; ~~or~~

659 ~~(b) One or more of the principal officers of the~~
660 ~~corporation or one or more partners of the partnership, and all~~
661 ~~personnel of the corporation, limited liability company, or~~
662 ~~partnership who act in its behalf in this state as interior~~
663 ~~designers, are registered as provided by this part.~~

664 ~~(6)-(8)~~ The department shall adopt rules establishing a
665 procedure for the biennial renewal of certificates of
666 authorization.

667 ~~(7)-(9)~~ The department shall renew a certificate of
668 authorization upon receipt of the renewal application and
669 biennial renewal fee.

670 ~~(8)-(10)~~ Each partnership, limited liability company, and
671 corporation certified under this section shall notify the
672 department within 30 days after ~~of~~ any change in the information
673 contained in the application upon which the certification is
674 based. Any registered architect ~~or interior designer~~ who
675 qualifies the corporation, limited liability company, or
676 partnership as provided in subsection (5) ~~(7)~~ shall be
677 responsible for ensuring responsible supervising control of
678 projects of the entity and upon termination of her or his
679 employment with a partnership, limited liability company, or
680 corporation certified under this section shall notify the
681 department of the termination within 30 days.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

682 (9)~~(11)~~ A ~~no~~ corporation, limited liability company, or
683 partnership may not ~~shall~~ be relieved of responsibility for the
684 conduct or acts of its agents, employees, or officers by reason
685 of its compliance with this section. However, the architect who
686 signs and seals the construction documents and instruments of
687 service is ~~shall be~~ liable for the professional services
688 performed, ~~and the interior designer who signs and seals the~~
689 ~~interior design drawings, plans, or specifications shall be~~
690 ~~liable for the professional services performed.~~

691 (10)~~(12)~~ Disciplinary action against a corporation,
692 limited liability company, or partnership shall be administered
693 in the same manner and on the same grounds as disciplinary
694 action against a registered architect ~~or interior designer,~~
695 ~~respectively.~~

696 (11)~~(13)~~ ~~Nothing in~~ This section does not ~~shall be~~
697 ~~construed to~~ mean that a certificate of registration to practice
698 architecture ~~or interior design~~ shall be held by a corporation,
699 limited liability company, or partnership. ~~Nothing in~~ This
700 section does not prohibit ~~prohibits~~ corporations, limited
701 liability companies, and partnerships from joining together to
702 offer architectural, engineering, ~~interior design,~~ surveying and
703 mapping, and landscape architectural services, or any
704 combination of such services, to the public, provided that each
705 corporation, limited liability company, or partnership otherwise
706 meets the requirements of law.

707 ~~(14)~~ ~~Corporations, limited liability companies, or~~
708 ~~partnerships holding a valid certificate of authorization to~~

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

709 ~~practice architecture shall be permitted to use in their title~~
710 ~~the term "interior designer" or "registered interior designer."~~

711 Section 25. Section 481.221, Florida Statutes, is amended
712 to read:

713 481.221 Seals; display of certificate number.—

714 (1) The board shall prescribe, by rule, one or more forms
715 of seals to be used by registered architects holding valid
716 certificates of registration.

717 (2) Each registered architect shall obtain one seal in a
718 form approved by rule of the board and may, in addition,
719 register her or his seal electronically in accordance with ss.
720 668.001-668.006. All final construction documents and
721 instruments of service which include drawings, plans,
722 specifications, or reports prepared or issued by the registered
723 architect and being filed for public record shall bear the
724 signature and seal of the registered architect who prepared or
725 approved the document and the date on which they were sealed.
726 The signature, date, and seal shall be evidence of the
727 authenticity of that to which they are affixed. Final plans,
728 specifications, or reports prepared or issued by a registered
729 architect may be transmitted electronically and may be signed by
730 the registered architect, dated, and sealed electronically with
731 the seal in accordance with ss. 668.001-668.006.

732 ~~(3) The board shall adopt a rule prescribing the~~
733 ~~distinctly different seals to be used by registered interior~~
734 ~~designers holding valid certificates of registration. Each~~
735 ~~registered interior designer shall obtain a seal as prescribed~~
736 ~~by the board, and all drawings, plans, specifications, or~~

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

737 ~~reports prepared or issued by the registered interior designer~~
738 ~~and being filed for public record shall bear the signature and~~
739 ~~seal of the registered interior designer who prepared or~~
740 ~~approved the document and the date on which they were sealed.~~
741 ~~The signature, date, and seal shall be evidence of the~~
742 ~~authenticity of that to which they are affixed. Final plans,~~
743 ~~specifications, or reports prepared or issued by a registered~~
744 ~~interior designer may be transmitted electronically and may be~~
745 ~~signed by the registered interior designer, dated, and sealed~~
746 ~~electronically with the seal in accordance with ss. 668.001-~~
747 ~~668.006.~~

748 ~~(3)(4) A~~ No registered architect may not ~~shall~~ affix, or
749 permit to be affixed, her or his seal or signature to any final
750 construction document or instrument of service which includes
751 any plan, specification, drawing, or other document which
752 depicts work which she or he is not competent to perform.

753 ~~(5) No registered interior designer shall affix, or permit~~
754 ~~to be affixed, her or his seal or signature to any plan,~~
755 ~~specification, drawing, or other document which depicts work~~
756 ~~which she or he is not competent or licensed to perform.~~

757 ~~(4)(6) A~~ No registered architect may not ~~shall~~ affix her or
758 his signature or seal to any final construction document or
759 instrument of service which includes drawings, plans,
760 specifications, or architectural documents which were not
761 prepared by her or him or under her or his responsible
762 supervising control or by another registered architect and
763 reviewed, approved, or modified and adopted by her or him as her
764 or his own work according to rules adopted by the board.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

765 ~~(7) No registered interior designer shall affix her or his~~
766 ~~signature or seal to any plans, specifications, or other~~
767 ~~documents which were not prepared by her or him or under her or~~
768 ~~his responsible supervising control or by another registered~~
769 ~~interior designer and reviewed, approved, or modified and~~
770 ~~adopted by her or him as her or his own work according to rules~~
771 ~~adopted by the board.~~

772 (5)~~(8)~~ Final construction documents or instruments of
773 service which include plans, drawings, specifications, or other
774 architectural documents prepared by a registered architect as
775 part of her or his architectural practice shall be of a
776 sufficiently high standard to clearly and accurately indicate or
777 illustrate all essential parts of the work to which they refer.

778 ~~(9) Studies, drawings, specifications, and other related~~
779 ~~documents prepared by a registered interior designer in~~
780 ~~providing interior design services shall be of a sufficiently~~
781 ~~high standard to clearly and accurately indicate all essential~~
782 ~~parts of the work to which they refer.~~

783 (6)~~(10)~~ Each registered architect ~~or interior designer,~~
784 and each corporation, limited liability company, or partnership
785 holding a certificate of authorization, shall include its
786 certificate number in any newspaper, telephone directory, or
787 other advertising medium used by the registered architect,
788 ~~interior designer,~~ corporation, limited liability company, or
789 partnership. A corporation, limited liability company, or
790 partnership is not required to display the certificate number of
791 individual registered architects ~~or interior designers~~ employed

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

792 by or working within the corporation, limited liability company,
793 or partnership.

794 (7)~~(11)~~ When the certificate of registration of a
795 registered architect ~~or interior designer~~ has been revoked or
796 suspended by the board, the registered architect ~~or interior~~
797 ~~designer~~ shall surrender her or his seal to the secretary of the
798 board within a period of 30 days after the revocation or
799 suspension has become effective. If the certificate of the
800 registered architect ~~or interior designer~~ has been suspended for
801 a period of time, her or his seal shall be returned to her or
802 him upon expiration of the suspension period.

803 (8)~~(12)~~ A person may not sign and seal by any means any
804 final plan, specification, or report after her or his
805 certificate of registration has expired or is suspended or
806 revoked. A registered architect ~~or interior designer~~ whose
807 certificate of registration is suspended or revoked shall,
808 within 30 days after the effective date of the suspension or
809 revocation, surrender her or his seal to the executive director
810 of the board and confirm in writing to the executive director
811 the cancellation of the registered architect's ~~or interior~~
812 ~~designer's~~ electronic signature in accordance with ss. 668.001-
813 668.006. When a registered architect's ~~or interior designer's~~
814 certificate of registration is suspended for a period of time,
815 her or his seal shall be returned upon expiration of the period
816 of suspension.

817 Section 26. Section 481.222, Florida Statutes, is amended
818 to read:

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

819 481.222 Architects performing building code inspection
820 services.—Notwithstanding any other provision of law, a person
821 who is currently licensed to practice as an architect under this
822 part may provide building code inspection services described in
823 s. 468.603(6) and (7) to a local government or state agency upon
824 its request, without being certified by the Florida Building
825 Code Administrators and Inspectors Board under part XII of
826 chapter 468. With respect to the performance of such building
827 code inspection services, the architect is subject to the
828 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
829 Any complaint processing, investigation, and discipline that
830 arise out of an architect's performance of building code
831 inspection services shall be conducted by the Board of
832 Architecture ~~and Interior Design~~ rather than the Florida
833 Building Code Administrators and Inspectors Board. An architect
834 may not perform plans review as an employee of a local
835 government upon any job that the architect or the architect's
836 company designed.

837 Section 27. Section 481.223, Florida Statutes, is amended
838 to read:

839 481.223 Prohibitions; penalties; injunctive relief.—

840 (1) A person may not knowingly:

841 (a) Practice architecture unless the person is an
842 architect or a registered architect; however, a licensed
843 architect who has been licensed by the board and who chooses to
844 relinquish or not to renew his or her license may use the title
845 "Architect, Retired" but may not otherwise render any
846 architectural services.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

847 ~~(b) Practice interior design unless the person is a~~
848 ~~registered interior designer unless otherwise exempted herein;~~
849 ~~however, an interior designer who has been licensed by the board~~
850 ~~and who chooses to relinquish or not to renew his or her license~~
851 ~~may use the title "Interior Designer, Retired" but may not~~
852 ~~otherwise render any interior design services.~~

853 ~~(b)(e)~~ Use the name or title "architect" or "registered
854 architect," ~~or "interior designer" or "registered interior~~
855 ~~designer,"~~ or words to that effect, when the person is not then
856 the holder of a valid license issued pursuant to this part.

857 ~~(c)(d)~~ Present as his or her own the license of another.

858 ~~(d)(e)~~ Give false or forged evidence to the board or a
859 member thereof.

860 ~~(e)(f)~~ Use or attempt to use an architect ~~or interior~~
861 ~~designer~~ license that has been suspended, revoked, or placed on
862 inactive or delinquent status.

863 ~~(f)(g)~~ Employ unlicensed persons to practice architecture
864 ~~or interior design.~~

865 ~~(g)(h)~~ Conceal information relative to violations of this
866 part.

867 (2) Any person who violates any provision of subsection
868 (1) commits a misdemeanor of the first degree, punishable as
869 provided in s. 775.082 or s. 775.083.

870 (3) (a) Notwithstanding chapter 455 or any other law to the
871 contrary, an affected person may maintain an action for
872 injunctive relief to restrain or prevent a person from violating
873 paragraph (1) (a), ~~paragraph (1) (b),~~ or paragraph (1) ~~(b) (e)~~. The

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

874 prevailing party is entitled to actual costs and attorney's
875 fees.

876 (b) For purposes of this subsection, the term "affected
877 person" means a person directly affected by the actions of a
878 person suspected of violating paragraph (1) (a), ~~paragraph~~
879 ~~(1) (b)~~, or paragraph (1) (b) ~~(e)~~ and includes, but is not limited
880 to, the department, any person who received services from the
881 alleged violator, or any private association composed primarily
882 of members of the profession the alleged violator is practicing
883 or offering to practice or holding himself or herself out as
884 qualified to practice.

885 Section 28. Section 481.2251, Florida Statutes, is
886 repealed.

887
888 Section 29. Subsections (5) through (8) of section
889 481.229, Florida Statutes, are amended to read:

890 481.229 Exceptions; exemptions from licensure.-

891 ~~(5) (a) Nothing contained in this part shall prevent a~~
892 ~~registered architect or a partnership, limited liability~~
893 ~~company, or corporation holding a valid certificate of~~
894 ~~authorization to provide architectural services from performing~~
895 ~~any interior design service or from using the title "interior~~
896 ~~designer" or "registered interior designer."~~

897 ~~(b) Notwithstanding any other provision of this part, all~~
898 ~~persons licensed as architects under this part shall be~~
899 ~~qualified for interior design licensure upon submission of a~~
900 ~~completed application for such license and a fee not to exceed~~
901 ~~\$30. Such persons shall be exempt from the requirements of s.~~
518261

Amendment No.

902 ~~481.209(2). For architects licensed as interior designers,~~
903 ~~satisfaction of the requirements for renewal of licensure as an~~
904 ~~architect under s. 481.215 shall be deemed to satisfy the~~
905 ~~requirements for renewal of licensure as an interior designer~~
906 ~~under that section. Complaint processing, investigation, or~~
907 ~~other discipline-related legal costs related to persons licensed~~
908 ~~as interior designers under this paragraph shall be assessed~~
909 ~~against the architects' account of the Regulatory Trust Fund.~~

910 ~~(c) Notwithstanding any other provision of this part, any~~
911 ~~corporation, partnership, or person operating under a fictitious~~
912 ~~name which holds a certificate of authorization to provide~~
913 ~~architectural services shall be qualified, without fee, for a~~
914 ~~certificate of authorization to provide interior design services~~
915 ~~upon submission of a completed application therefor. For~~
916 ~~corporations, partnerships, and persons operating under a~~
917 ~~fictitious name which hold a certificate of authorization to~~
918 ~~provide interior design services, satisfaction of the~~
919 ~~requirements for renewal of the certificate of authorization to~~
920 ~~provide architectural services under s. 481.219 shall be deemed~~
921 ~~to satisfy the requirements for renewal of the certificate of~~
922 ~~authorization to provide interior design services under that~~
923 ~~section.~~

924 ~~(6) This part shall not apply to:~~

925 ~~(a) A person who performs interior design services or~~
926 ~~interior decorator services for any residential application,~~
927 ~~provided that such person does not advertise as, or represent~~
928 ~~himself or herself as, an interior designer. For purposes of~~
929 ~~this paragraph, "residential applications" includes all types of~~
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

930 ~~residences, including, but not limited to, residence buildings,~~
931 ~~single-family homes, multifamily homes, townhouses, apartments,~~
932 ~~condominiums, and domestic outbuildings appurtenant to one-~~
933 ~~family or two-family residences. However, "residential~~
934 ~~applications" does not include common areas associated with~~
935 ~~instances of multiple-unit dwelling applications.~~

936 ~~(b) An employee of a retail establishment providing~~
937 ~~"interior decorator services" on the premises of the retail~~
938 ~~establishment or in the furtherance of a retail sale or~~
939 ~~prospective retail sale, provided that such employee does not~~
940 ~~advertise as, or represent himself or herself as, an interior~~
941 ~~designer.~~

942 ~~(5)-(7) Nothing in This part may not shall~~ be construed as
943 authorizing or permitting an interior designer to engage in the
944 business of, or to act as, a contractor within the meaning of
945 chapter 489, unless registered or certified as a contractor
946 pursuant to chapter 489.

947 ~~(6)-(8) A manufacturer of commercial food service equipment~~
948 ~~or the manufacturer's representative, distributor, or dealer or~~
949 ~~an employee thereof, who prepares designs, specifications, or~~
950 ~~layouts for the sale or installation of such equipment is exempt~~
951 ~~from licensure as an architect or interior designer, if:~~

952 (a) The designs, specifications, or layouts are not used
953 for construction or installation that may affect structural,
954 mechanical, plumbing, heating, air conditioning, ventilating,
955 electrical, or vertical transportation systems.

956 (b) The designs, specifications, or layouts do not
957 materially affect lifesafety systems pertaining to firesafety
518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

958 protection, smoke evacuation and compartmentalization, and
959 emergency ingress or egress systems.

960 (c) Each design, specification, or layout document
961 prepared by a person or entity exempt under this subsection
962 contains a statement on each page of the document that the
963 designs, specifications, or layouts are not architectural,
964 ~~interior design,~~ or engineering designs, specifications, or
965 layouts and not used for construction unless reviewed and
966 approved by a licensed architect or engineer.

967 Section 30. Subsection (1) of section 481.231, Florida
968 Statutes, is amended to read:

969 481.231 Effect of part locally.-

970 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
971 repeal, amend, limit, or otherwise affect any specific provision
972 of any local building code or zoning law or ordinance that has
973 been duly adopted, now or hereafter enacted, which is more
974 restrictive, with respect to the services of registered
975 architects ~~or registered interior designers,~~ than the provisions
976 of this part; ~~provided, however, that a licensed architect shall~~
977 ~~be deemed licensed as an interior designer for purposes of~~
978 ~~offering or rendering interior design services to a county,~~
979 ~~municipality, or other local government or political~~
980 ~~subdivision.~~

981 Section 31. Paragraph (c) of subsection (5) of section
982 553.79, Florida Statutes, is amended to read:

983 553.79 Permits; applications; issuance; inspections.-

984 (5)

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

985 (c) The architect or engineer of record may act as the
986 special inspector provided she or he is on the Board of
987 Professional Engineers' or the Board of Architecture's
988 ~~Architecture and Interior Design's~~ list of persons qualified to
989 be special inspectors. School boards may utilize employees as
990 special inspectors provided such employees are on one of the
991 professional licensing board's list of persons qualified to be
992 special inspectors.

993 Section 32. Subsection (7) of section 558.002, Florida
994 Statutes, is amended to read:

995 558.002 Definitions.—As used in this chapter, the term:

996 (7) "Design professional" means a person, as defined in s.
997 1.01, licensed in this state as an architect, ~~interior designer,~~
998 landscape architect, engineer, or surveyor.

999 Section 33. Subsection (1) of section 509.242, Florida
1000 Statutes, is amended to read:

1001 509.242 Public lodging establishments; classifications.—

1002 (1) A public lodging establishment shall be classified as
1003 a hotel, motel, resort condominium, nontransient apartment,
1004 transient apartment, ~~roominghouse,~~ bed and breakfast inn, or
1005 resort dwelling if the establishment satisfies the following
1006 criteria:

1007 (a) Hotel.—A hotel is any public lodging establishment
1008 containing sleeping room accommodations for 25 or more guests
1009 and providing the services generally provided by a hotel and
1010 recognized as a hotel in the community in which it is situated
1011 or by the industry.

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

1012 (b) Motel.—A motel is any public lodging establishment
1013 which offers rental units with an exit to the outside of each
1014 rental unit, daily or weekly rates, offstreet parking for each
1015 unit, a central office on the property with specified hours of
1016 operation, a bathroom or connecting bathroom for each rental
1017 unit, and at least six rental units, and which is recognized as
1018 a motel in the community in which it is situated or by the
1019 industry.

1020 (c) Resort condominium.—A resort condominium is any unit
1021 or group of units in a condominium, cooperative, or timeshare
1022 plan which is rented more than three times in a calendar year
1023 for periods of less than 30 days or 1 calendar month, whichever
1024 is less, or which is advertised or held out to the public as a
1025 place regularly rented for periods of less than 30 days or 1
1026 calendar month, whichever is less.

1027 (d) Nontransient apartment ~~or roominghouse~~.—A nontransient
1028 apartment ~~or roominghouse~~ is a building or complex of buildings
1029 in which 75 percent or more of the units are available for rent
1030 to nontransient tenants.

1031 (e) Transient apartment ~~or roominghouse~~.—A transient
1032 apartment ~~or roominghouse~~ is a building or complex of buildings
1033 in which more than 25 percent of the units are advertised or
1034 held out to the public as available for transient occupancy.

1035 ~~(f) Roominghouse.—A roominghouse is any public lodging~~
1036 ~~establishment that may not be classified as a hotel, motel,~~
1037 ~~resort condominium, nontransient apartment, bed and breakfast~~
1038 ~~inn, or transient apartment under this section. A roominghouse~~
1039 ~~includes, but is not limited to, a boardinghouse.~~

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

1040 ~~(f)(g)~~ Resort dwelling.—A resort dwelling is any
1041 individually or collectively owned one-family, two-family,
1042 three-family, or four-family dwelling house or dwelling unit
1043 which is rented more than three times in a calendar year for
1044 periods of less than 30 days or 1 calendar month, whichever is
1045 less, or which is advertised or held out to the public as a
1046 place regularly rented for periods of less than 30 days or 1
1047 calendar month, whichever is less.

1048 ~~(g)(h)~~ Bed and breakfast inn.—A bed and breakfast inn is a
1049 family home structure, with no more than 15 sleeping rooms,
1050 which has been modified to serve as a transient public lodging
1051 establishment, which provides the accommodation and meal
1052 services generally offered by a bed and breakfast inn, and which
1053 is recognized as a bed and breakfast inn in the community in
1054 which it is situated or by the hospitality industry.

1055 Section 34. Subsection (9) of section 509.221, Florida
1056 Statutes, is amended to read:

1057 509.221 Sanitary regulations.—

1058 (9) Subsections (2), (5), and (6) do not apply to any
1059 facility or unit classified as a resort condominium,
1060 nontransient apartment, or resort dwelling as described in s.
1061 509.242(1)(c), (d), and ~~(f)(g)~~.

1062 Section 35. Chapter 555, Florida Statutes, consisting of
1063 sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and
1064 555.08, is repealed.

1065 Section 36. Part VIII of chapter 559, Florida Statutes,
1066 consisting of sections 559.80, 559.801, 559.802, 559.803,

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

1067 559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is
1068 repealed.

1069 Section 37. Section 205.1971, Florida Statutes, is amended
1070 to read:

1071 205.1971 Sellers of travel; consumer protection.—A county
1072 or municipality may not issue or renew a business tax receipt to
1073 engage in business as a seller of travel pursuant to part X ~~XI~~
1074 of chapter 559 unless such business exhibits a current
1075 registration or letter of exemption from the Department of
1076 Agriculture and Consumer Services.

1077 Section 38. Subsection (20) of section 501.604, Florida
1078 Statutes, is amended to read:

1079 501.604 Exemptions.—The provisions of this part, except
1080 ss. 501.608 and 501.616(6) and (7), do not apply to:

1081 (20) A person who is registered pursuant to part X ~~XI~~ of
1082 chapter 559 and who is soliciting within the scope of the
1083 registration.

1084 Section 39. Paragraph (d) of subsection (3) of section
1085 721.11, Florida Statutes, is amended to read:

1086 721.11 Advertising materials; oral statements.—

1087 (3) The term "advertising material" does not include:

1088 (d) Any audio, written, or visual publication or material
1089 relating to the promotion of the availability of any
1090 accommodations or facilities, or both, for transient rental,
1091 including any arrangement governed by part X ~~XI~~ of chapter 559,
1092 so long as a mandatory tour of a timeshare plan or attendance at
1093 a mandatory sales presentation is not a term or condition of the
1094 availability of such accommodations or facilities, or both, and
518261

Amendment No.

1095 so long as the failure of any transient renter to take a tour of
1096 a timeshare plan or attend a sales presentation does not result
1097 in the transient renter receiving less than what was promised to
1098 the transient renter in such materials.

1099 Section 40. Section 686.201, Florida Statutes, is
1100 repealed.

1101 Section 41. Section 817.559, Florida Statutes, is
1102 repealed.

1103 Section 42. The Legislature recognizes that there is a
1104 need to conform the Florida Statutes to the policy decisions
1105 reflected in the provisions of this act. The Division of
1106 Statutory Revision of the Office of Legislative Services is
1107 requested to provide the relevant substantive committees and
1108 subcommittees of the Senate and the House of Representatives
1109 with assistance, upon request, to enable such committees or
1110 subcommittees to prepare draft legislation to conform the
1111 Florida Statutes to the provisions of this act.

1112 Section 43. This act shall take effect July 1, 2011.

1114 -----

1115 **T I T L E A M E N D M E N T**

1116 Remove the entire title and insert:

1117 A bill to be entitled

1118 An act relating to the deregulation of professions and
1119 occupations; amending s. 20.165, F.S.; renaming the Board
1120 of Architecture and Interior Design, to conform to changes
1121 made by the act; amending s. 468.385, F.S.; deleting
1122 licensure requirements for auctioneer apprentices;

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Amendment No.

1123 amending ss. 468.381, 468.384, 468.3855, 468.388, and
1124 468.391, F.S., to conform; amending s. 468.383, F.S.;
1125 exempting certain auctioneers conducting motor vehicle
1126 auction contests from licensure; amending s. 477.0132,
1127 F.S.; deleting provisions requiring the registration of
1128 persons whose occupation or practice is confined solely to
1129 hair braiding, hair wrapping, or body wrapping; providing
1130 that the Florida Cosmetology Act does not apply to such
1131 persons; amending ss. 477.019, 477.026, 477.0265, and
1132 477.029, F.S., to conform; amending s. 481.2131, F.S.;
1133 deleting provisions relating to the registration of
1134 interior designers and the regulation of interior design;
1135 providing that the practice of interior design does not
1136 require licensure; repealing s. 481.2251, F.S., relating
1137 to the disciplinary proceedings against registered
1138 interior designers; amending s. 481.201, F.S.; deleting
1139 legislative findings relating to the practice of interior
1140 design, to conform; amending s. 481.203, F.S.; revising
1141 definitions relating to the practice of architecture and
1142 the practice of interior design; amending s. 481.205,
1143 F.S.; renaming the Board of Architecture and Interior
1144 Design, to conform; revising membership of the board;
1145 conforming provisions; amending ss. 481.207, 481.209,
1146 481.211, 481.213, 481.215, and 481.217, F.S., to conform;
1147 amending s. 481.219, F.S.; deleting provisions permitting
1148 the practice of or offer to practice interior design
1149 through certain business organizations; deleting
1150 provisions requiring certificates of authorization for

518261

Approved For Filing: 5/5/2011 7:50:30 AM

Page 42 of 43

Amendment No.

1151 certain business organizations offering interior design
1152 services to the public; conforming provisions; amending
1153 ss. 481.221, 481.222, 481.223, 481.229, 481.231, and
1154 553.79, F.S., to conform; amending s. 558.002, F.S.;
1155 revising the definition of "design professional" for
1156 purposes of provisions relating to alternative dispute
1157 resolution of construction defects, to conform; amending
1158 s. 509.242, F.S.; revising the license classifications of
1159 public lodging establishments for purposes of provisions
1160 regulating such establishments; amending s. 509.221, F.S.;
1161 conforming a cross-reference; repealing chapter 555, F.S.,
1162 relating to the regulation of outdoor theaters in which
1163 audiences view performances from parked vehicles;
1164 repealing part VIII of chapter 559, F.S., relating to the
1165 Sale of Business Opportunities Act and the regulation of
1166 certain business opportunities; amending ss. 205.1971,
1167 501.604, and 721.11, F.S.; conforming a cross-reference;
1168 repealing s. 686.201, F.S., relating to contracts with
1169 sales representatives involving commissions; repealing s.
1170 817.559, F.S., relating to the labeling of television
1171 picture tubes; providing a directive to the Division of
1172 Statutory Revision; providing an effective date.