

Amendment No. 9

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Killebrew offered the following:

**Amendment (with title amendment)**

Remove line 162 and insert:

1. Board of Architecture and Interior Design, created

Remove lines 1158-1874 and insert:

Section 59. Subsection (5) of section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part:

(5) "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name ~~"Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design.~~

Section 60. Section 481.219, Florida Statutes, is amended

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17 to read:

18 481.219 Business organization; qualifying agents  
19 ~~Certification of partnerships, limited liability companies, and~~  
20 ~~corporations.-~~

21 (1) A licensee may ~~The practice of or the offer to~~  
22 practice architecture or interior design ~~by licensees~~ through a  
23 business organization that offers ~~corporation, limited liability~~  
24 ~~company, or partnership offering~~ architectural or interior  
25 design services to the public, or through ~~by~~ a business  
26 organization that offers ~~corporation, limited liability company,~~  
27 ~~or partnership offering~~ architectural or interior design  
28 services to the public through such licensees ~~under this part~~ as  
29 agents, employees, officers, or partners, ~~is permitted, subject~~  
30 ~~to the provisions of this section.~~

31 (2) If a licensee or an applicant proposes to engage in  
32 the practice of architecture or interior design as a business  
33 organization, the licensee or applicant must apply to qualify  
34 the business organization ~~For the purposes of this section, a~~  
35 ~~certificate of authorization shall be required for a~~  
36 ~~corporation, limited liability company, partnership, or person~~  
37 ~~practicing under a fictitious name, offering architectural~~  
38 ~~services to the public jointly or separately. However, when an~~  
39 ~~individual is practicing architecture in her or his own name,~~  
40 ~~she or he shall not be required to be certified under this~~  
41 ~~section. Certification under this subsection to offer~~

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42 ~~architectural services shall include all the rights and~~  
43 ~~privileges of certification under subsection (3) to offer~~  
44 ~~interior design services.~~

45 (a) An application to qualify a business organization  
46 must:

47 1. If the business is a partnership, state the names of  
48 the partnership and its partners.

49 2. If the business is a corporation, state the names of  
50 the corporation and its officers and directors and the name of  
51 each of its stockholders who is also an officer or a director.

52 3. If the business is operating under a fictitious name,  
53 state the fictitious name under which it is doing business.

54 4. If the business is not a partnership, a corporation, or  
55 operating under a fictitious name, state the name of such other  
56 legal entity and its members.

57 (b) The board may deny an application to qualify a  
58 business organization if the applicant or any person required to  
59 be named pursuant to paragraph (a) has been involved in past  
60 disciplinary actions or on any grounds for which an individual  
61 registration or certification may be denied.

62 (3) (a) A business organization may not engage in the  
63 practice of architecture unless its qualifying agent is a  
64 registered architect under this part. A business organization  
65 may not engage in the practice of interior design unless its  
66 qualifying agent is a registered architect or a registered

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67 interior designer under this part. A qualifying agent who  
68 terminates her or his affiliation with a business organization  
69 shall immediately notify the department of such termination. If  
70 the qualifying agent who terminates her or his affiliation is  
71 the only qualifying agent for a business organization, the  
72 business organization must be qualified by another qualifying  
73 agent within 60 days after the termination. Except as provided  
74 in paragraph (b), the business organization may not engage in  
75 the practice of architecture or interior design until it is  
76 qualified by a qualifying agent.

77 (b) In the event a qualifying architect or interior  
78 designer ceases employment with the business organization, the  
79 executive director or the chair of the board may authorize  
80 another registered architect or interior designer employed by  
81 the business organization to temporarily serve as its qualifying  
82 agent for a period of no more than 60 days. The business  
83 organization is not authorized to operate beyond such period  
84 under this chapter absent replacement of the qualifying  
85 architect or interior designer who has ceased employment.

86 (c) A qualifying agent shall notify the department in  
87 writing before engaging in the practice of architecture or  
88 interior design in her or his own name or in affiliation with a  
89 different business organization, and she or he or such business  
90 organization shall supply the same information to the department  
91 as required of applicants under this part ~~For the purposes of~~

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92 ~~this section, a certificate of authorization shall be required~~  
93 ~~for a corporation, limited liability company, partnership, or~~  
94 ~~person operating under a fictitious name, offering interior~~  
95 ~~design services to the public jointly or separately. However,~~  
96 ~~when an individual is practicing interior design in her or his~~  
97 ~~own name, she or he shall not be required to be certified under~~  
98 ~~this section.~~

99 (4) All final construction documents and instruments of  
100 service which include drawings, specifications, plans, reports,  
101 or other papers or documents that involve ~~involving~~ the practice  
102 of architecture which are prepared or approved for the use of  
103 the business organization ~~corporation, limited liability~~  
104 ~~company, or partnership~~ and filed for public record within the  
105 state must ~~shall~~ bear the signature and seal of the licensee who  
106 prepared or approved them and the date on which they were  
107 sealed.

108 (5) All drawings, specifications, plans, reports, or other  
109 papers or documents prepared or approved for the use of the  
110 business organization ~~corporation, limited liability company, or~~  
111 ~~partnership~~ by an interior designer in her or his professional  
112 capacity and filed for public record within the state must ~~shall~~  
113 bear the signature and seal of the licensee who prepared or  
114 approved them and the date on which they were sealed.

115 ~~(6) The department shall issue a certificate of~~  
116 ~~authorization to any applicant who the board certifies as~~

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117 ~~qualified for a certificate of authorization and who has paid~~  
118 ~~the fee set in s. 481.207.~~

119 ~~(6)-(7)~~ The board shall allow ~~certify~~ an applicant to  
120 qualify one or more business organizations ~~as qualified for a~~  
121 ~~certificate of authorization~~ to offer architectural or interior  
122 design services, or to use a fictitious name to offer such  
123 services, if one of the following criteria is met ~~provided that:~~

124 (a) One or more of the principal officers of the  
125 corporation or limited liability company, or one or more  
126 partners of the partnership, and all personnel of the  
127 corporation, limited liability company, or partnership who act  
128 in its behalf in this state as architects, are registered as  
129 provided by this part. ~~or~~

130 (b) One or more of the principal officers of the  
131 corporation or one or more partners of the partnership, and all  
132 personnel of the corporation, limited liability company, or  
133 partnership who act in its behalf in this state as interior  
134 designers, are registered as provided by this part.

135 ~~(8) The department shall adopt rules establishing a~~  
136 ~~procedure for the biennial renewal of certificates of~~  
137 ~~authorization.~~

138 ~~(9) The department shall renew a certificate of~~  
139 ~~authorization upon receipt of the renewal application and~~  
140 ~~biennial renewal fee.~~

141 ~~(7)-(10)~~ Each qualifying agent approved to qualify a

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142 business organization ~~partnership, limited liability company,~~  
143 ~~and corporation certified~~ under this section shall notify the  
144 department within 30 days after ~~of~~ any change in the information  
145 contained in the application upon which the qualification  
146 ~~certification~~ is based. Any registered architect or interior  
147 designer who qualifies the business organization shall ensure  
148 ~~corporation, limited liability company, or partnership as~~  
149 ~~provided in subsection (7)~~ shall be responsible for ensuring  
150 responsible supervising control of projects of the business  
151 organization ~~entity~~ and shall notify the department of the ~~upon~~  
152 termination of her or his employment with a business  
153 organization qualified ~~partnership, limited liability company,~~  
154 ~~or corporation certified~~ under this section shall notify the  
155 ~~department of the termination~~ within 30 days after such  
156 termination.

157 ~~(8) (11)~~ A business organization is not ~~No corporation,~~  
158 ~~limited liability company, or partnership~~ shall be relieved of  
159 responsibility for the conduct or acts of its agents, employees,  
160 or officers by reason of its compliance with this section.  
161 However, except as provided in s. 558.0035, the architect who  
162 signs and seals the construction documents and instruments of  
163 service is ~~shall be~~ liable for the professional services  
164 performed, and the interior designer who signs and seals the  
165 interior design drawings, plans, or specifications is ~~shall be~~  
166 liable for the professional services performed.

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167 ~~(12) Disciplinary action against a corporation, limited~~  
168 ~~liability company, or partnership shall be administered in the~~  
169 ~~same manner and on the same grounds as disciplinary action~~  
170 ~~against a registered architect or interior designer,~~  
171 ~~respectively.~~

172 ~~(9)-(13) Nothing in This section may not shall~~ be construed  
173 to mean that a certificate of registration to practice  
174 architecture or interior design must shall be held by a business  
175 organization ~~corporation, limited liability company, or~~  
176 ~~partnership. Nothing in This section does not prohibit a~~  
177 business organization from offering prohibits corporations,  
178 ~~limited liability companies, and partnerships from joining~~  
179 ~~together to offer~~ architectural, engineering, interior design,  
180 surveying and mapping, and landscape architectural services, or  
181 any combination of such services, to the public if the business  
182 organization, ~~provided that each corporation, limited liability~~  
183 ~~company, or partnership~~ otherwise meets the requirements of law.

184 ~~(10)-(14) A business organization that is qualified by a~~  
185 registered architect may Corporations, limited liability  
186 ~~companies, or partnerships holding a valid certificate of~~  
187 ~~authorization to practice architecture shall be permitted to use~~  
188 ~~in their title the term "interior designer" or "registered~~  
189 ~~interior designer" in its title. designer."~~

190 Section 61. Subsection (10) of section 481.221, Florida  
191 Statutes, is amended to read:

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192 481.221 Seals; display of certificate number.—

193 (10) Each registered architect or interior designer must,  
194 ~~and each corporation, limited liability company, or partnership~~  
195 ~~holding a certificate of authorization, shall include her or his~~  
196 license its certificate number in any newspaper, telephone  
197 directory, or other advertising medium used by the registered  
198 licensee architect, interior designer, corporation, limited  
199 liability company, or partnership. Each business organization  
200 must include the license number of the registered architect or  
201 interior designer who serves as the qualifying agent for that  
202 business organization in any newspaper, telephone directory, or  
203 other advertising medium used by the business organization, but  
204 is not required to display the license numbers of other  
205 registered architects or interior designers employed by the  
206 business organization ~~A corporation, limited liability company,~~  
207 ~~or partnership is not required to display the certificate number~~  
208 ~~of individual registered architects or interior designers~~  
209 ~~employed by or working within the corporation, limited liability~~  
210 ~~company, or partnership.~~

211 Section 62. Paragraphs (a) and (c) of subsection (5) of  
212 section 481.229, Florida Statutes, are amended to read:

213 481.229 Exceptions; exemptions from licensure.—

214 (5) (a) ~~Nothing contained in~~ This part does not prohibit  
215 ~~shall prevent~~ a registered architect or a qualified business  
216 organization ~~partnership, limited liability company, or~~

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217 ~~corporation holding a valid certificate of authorization to~~  
218 ~~provide architectural services from performing any interior~~  
219 ~~design service or from using the title "interior designer" or~~  
220 ~~"registered interior designer."~~

221 (c) Notwithstanding any other provision of this part, a  
222 registered architect or qualified business organization  
223 certified ~~any corporation, partnership, or person operating~~  
224 ~~under a fictitious name which holds a certificate of~~  
225 ~~authorization to provide architectural services~~ must ~~shall~~ be  
226 qualified, without fee, ~~for a certificate of authorization to~~  
227 provide interior design services upon submission of a completed  
228 application for qualification ~~therefor. For corporations,~~  
229 ~~partnerships, and persons operating under a fictitious name~~  
230 ~~which hold a certificate of authorization to provide interior~~  
231 ~~design services, satisfaction of the requirements for renewal of~~  
232 ~~the certificate of authorization to provide architectural~~  
233 ~~services under s. 481.219 shall be deemed to satisfy the~~  
234 ~~requirements for renewal of the certificate of authorization to~~  
235 ~~provide interior design services under that section.~~

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**T I T L E   A M E N D M E N T**

240

Remove lines 3-6 and insert:

241

occupations; amending s. 20.165, F.S.; deleting a provision

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7047 (2017)

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242           Remove lines 103-130 and insert:  
243 and 477.029; conforming provisions; amending s. 481.303, F.S.;