1988

Session Law 88-383

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation


This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
### COMMITTEE RECORDS

<table>
<thead>
<tr>
<th>H/S Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
<th>↓</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>88</td>
<td>HB 1502 (1st 2rd)</td>
<td>19/1906</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>88</td>
<td>HS 99</td>
<td>19/1907</td>
<td>✗</td>
</tr>
<tr>
<td>H</td>
<td>88</td>
<td>HR 1512 (1st 2nd)</td>
<td>19/1948</td>
<td>✗</td>
</tr>
</tbody>
</table>

☑ continued on reverse

### Senate/House Journals

<table>
<thead>
<tr>
<th>Page #</th>
<th>?</th>
<th>Date</th>
<th>Page #</th>
<th>?</th>
<th>Date</th>
</tr>
</thead>
</table>

### Committee/Floor Tapes

<table>
<thead>
<tr>
<th>H/S c/f</th>
<th>Committee/subcommittee name</th>
<th>Date</th>
<th>#</th>
<th>Location Cite</th>
</tr>
</thead>
</table>

### Other Documentation

<table>
<thead>
<tr>
<th>Record Series Title, folder title, etc.</th>
<th>Location Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>H/S</td>
<td>Committee</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
</tr>
<tr>
<td>5</td>
<td>ECC</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>F+T</td>
</tr>
<tr>
<td>5</td>
<td>Apps</td>
</tr>
</tbody>
</table>

NOTES
Specific regulations and actions regarding various bills.

### S 122 (CONTINUED)

For designation of public secondary school arts programs as arts programs of distinction, provides for state funding of such programs, prescribes procedure for criteria for participation, establishes student academic requirements for participation in program. Effective Date: 07/01/88 or upon becoming law, whichever occurs later.

### S 123 GENERAL BILL

By Corrections, Probation and Parole; Corrections, Probation and Parole (Similar CH 1548, Compare CS/ENG/H 1574)

Continue state health care, prescribe additional qualifications and additional duties for Corrections Dept. Asst Secretary for Health Services, exempts certain facilities providing inmate health care services from certificate-of-need requirements for health-related projects, from Public Medical Assistance Trust Fund assessments, and from Department of Environmental Regulation. Budget includes additional revenue from a license fee, and additional duties for Corrections Medical Authority, etc. Amends FS 12, effective:

- **Effective Date:** 07/01/88 or upon becoming law, whichever occurs later.
- **01/06/88** Senate Prefiled
- **10/29/88** Senate Introduced, referred to Appropriations—SJ 4
- **11/06/88** Senate On Committee agenda—Education, 04/19/88, 2:00 pm, Room-A, Extension of time granted Committee Education

### S 124 GENERAL BILL

By Corrections, Probation and Parole; Corrections, Probation and Parole (Similar CH 29, Compare CS/ENG/H 1574)

Create 125, amend 71, 266, repeal 701-708 Amendment: HB 702 (Ch 88--3431)

- **05/04/88** Senate Extension of time granted Committee Appropriations
- **05/19/88** Senate Died in Committee on Appropriations
- **06/07/88** Senate Died in Committee on Appropriations, Idem/Sim/Compare bill passed, refer to CS/HB 1574 (Ch 88--122)

### S 125 GENERAL BILL

By McPherson (Compare H 328, H 485)

Amend School Board authorization to license motor vehicle operation, requires the S M V. Dept. to deposit revenue in State Transportation Trust Fund; provides for reimbursement of certain abandoned vehicles, etc. Amends 320.20, 339.08, 713.78, effective Date: 10/01/88.

- **01/06/88** Senate Prefiled
- **01/15/88** Senate Referred to Transportation, Finance, Taxation and Claims, Appropriations

### S 126 GENERAL BILL

By McPherson and others (Similar CS/H 37, H 1064, S 103, S 855, S 1044)

- **10/29/88** Senate Extension of time granted Committee Transportation
- **06/07/88** Senate Died in Committee on Transportation

### S 127 GENERAL BILL

By Appropriations; Economic, Community and Consumer Affairs; McPherson and others (Similar CS/ENG/H 1502, Compare CS/ENG/H 1574)

- **05/04/88** Senate Extension of time granted Committee Appropriations
- **05/19/88** Senate Died in Committee on Appropriations

### S 128 GENERAL BILL

By Natural Resources and Conservation (Compare H 702)

Amend School Board authorization to license motor vehicle operation, requires the S M V. Dept. to deposit revenue in State Transportation Trust Fund; provides for reimbursement of certain abandoned vehicles, etc. Amends 320.20, 339.08, 713.78, effective Date: 10/01/88.

- **01/06/88** Senate Prefiled
- **01/15/88** Senate Referred to Natural Resources and Conservation

### HISTORY OF SENATE BILLS

- **01/15/88** Senate Referred to Natural Resources and Conservation
- **06/07/88** Senate Died in Committee on Natural Resources and Conservation

### GENERAL BILL

S 128 (CONTINUED)

Salvage Fishing Licenses, define term "marine fish", provides for such licenses & prohibits certain unlawful uses; provides for appropriation of funds, creates Mangrove Resources Conservation Trust Fund, creates additional positions, etc. Amends 370.01, 370.0605, 0606 Appropriation: $24,300,000 Effective Date: 03/01/88 except as & if take effect upon becoming law.

- **01/06/88** Senate Prefiled
- **01/15/88** Senate Referred to Natural Resources and Conservation, Finance, Taxation and Claims; Appropriations
- **04/05/88** Senate Introduction of time granted Committee Appropriations
- **04/29/88** Senate Extension of time granted Committee Natural Resources and Conservation

### HISTORY OF SENATE BILLS

- **05/13/88** Senate Extension of time granted Committee Natural Resources and Conservation
- **05/27/88** Senate Extension of time granted Committee Natural Resources and Conservation

### HISTORY OF SENATE BILL

- **05/04/88** Senate Extension of time granted Committee Appropriations

- **05/19/88** Senate Died in Committee on Appropriations

### HISTORY OF SENATE BILL

- **06/07/88** Senate Died in Committee on Natural Resources and Conservation
Special Reports (continued)

1988 Reports (continued)


A Review of

Chapter 481, Part I, Florida Statutes

Architecture

By Staff of

The Senate Economic, Community, and Consumer Affairs Committee

November, 1987
A Review of Chapter 481, Part I, Florida Statutes
Architecture

Table of Contents

I. Introduction ........................................................................................................... 1
II. Summary ................................................................................................................. 3
III. Findings ................................................................................................................ 6
A. The Law .................................................................................................................. 6
   1. History ................................................................................................................ 6
   2. Provisions ............................................................................................................. 10
      a. Purpose ............................................................................................................ 10
      b. Definitions ....................................................................................................... 10
      c. Board of Architecture .................................................................................. 11
      d. Authority to Make Rules ............................................................................. 11
      e. Fees ................................................................................................................ 11
      f. Examinations ................................................................................................... 12
      g. Experience ...................................................................................................... 12
      h. Licensure ......................................................................................................... 13
      i. Renewal of License ........................................................................................ 14
      j. Inactive Status ................................................................................................ 14
      k. Certification of Partnerships and Corporations ........................................... 15
      l. Seals .................................................................................................................. 16
      m. Prohibitions and Penalties ............................................................................ 17
      n. Disciplinary Proceedings .............................................................................. 18
      o. Prosecution of Criminal Violations .............................................................. 19
      p. Exceptions and Exemptions from Licensure ................................................. 19
      q. Effect of Chapter 481, part I, Florida Statutes, Locally ......................... 20
      r. Registrations That Remain in Force .............................................................. 21
B. Rules ..................................................................................................................... 21
   1. Provisions .......................................................................................................... 22
C. Enforcement ........................................................................................................... 27
   1. Review of the Board of Architecture ............................................................... 27
      a. Goal ................................................................................................................. 27
      b. Organizational Structure .............................................................................. 28
      c. Funding .......................................................................................................... 30
      d. Procedures ...................................................................................................... 33
         (1) Licensing .................................................................................................... 33
            (a) Individual Practitioners ......................................................................... 33
            (b) Corporate or Partnership Practice ....................................................... 39
            (c) Exemptions from Licensure ................................................................. 39
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Examination</td>
<td>41</td>
</tr>
<tr>
<td>(3) Post-Examination</td>
<td>45</td>
</tr>
<tr>
<td>(4) Foreign-Trained Professionals--Special Examination and License Provisions</td>
<td>46</td>
</tr>
<tr>
<td>e. Output</td>
<td>47</td>
</tr>
<tr>
<td>2. Administrative Hearings</td>
<td>51</td>
</tr>
<tr>
<td>3. Compliance with the Law</td>
<td>51</td>
</tr>
<tr>
<td>a. Agency Compliance</td>
<td>51</td>
</tr>
<tr>
<td>b. Practitioner Compliance</td>
<td>56</td>
</tr>
<tr>
<td>D. Costs and Benefits of Regulation</td>
<td>57</td>
</tr>
<tr>
<td>1. The Profession</td>
<td>57</td>
</tr>
<tr>
<td>a. Cost</td>
<td>57</td>
</tr>
<tr>
<td>b. Benefits</td>
<td>59</td>
</tr>
<tr>
<td>2. The Public</td>
<td>60</td>
</tr>
<tr>
<td>a. Cost</td>
<td>60</td>
</tr>
<tr>
<td>b. Benefits</td>
<td>60</td>
</tr>
<tr>
<td>E. Potential Impact of Non-Regulation</td>
<td>61</td>
</tr>
<tr>
<td>1. The Profession</td>
<td>61</td>
</tr>
<tr>
<td>2. The Public</td>
<td>63</td>
</tr>
<tr>
<td>F. Issues and Alternatives to Present Method of Regulation</td>
<td>66</td>
</tr>
<tr>
<td>IV. Conclusions and Recommendations</td>
<td>86</td>
</tr>
<tr>
<td>V. Appendices</td>
<td>96</td>
</tr>
<tr>
<td>A. Chapter 481, part I, Florida Statutes</td>
<td></td>
</tr>
<tr>
<td>B. Board of Architecture Rules</td>
<td></td>
</tr>
<tr>
<td>Chapter 21B, Florida Administrative Code</td>
<td></td>
</tr>
<tr>
<td>C. Complaint Process</td>
<td></td>
</tr>
</tbody>
</table>
IV. CONCLUSIONS AND RECOMMENDATIONS

The Regulatory Sunset Act, section 11.61, Florida Statutes, contains criteria which the Legislature shall consider in determining whether to reenact a regulatory chapter. These criteria and the conclusions based on the findings of this review are as follows:

1. Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?

Yes. The absence of regulation would have the potential to harm the public in a number of ways. As previously noted, the consumer would not be able to gauge the competency of architectural practitioners because licensing requirements and practice standards would not have to be met. The disciplinary process would be lost, which is the only consumer recourse that can prevent the architectural practitioner from continuing to provide substandard service. Substandard service could harm the consumer and their property. Deregulation would reduce the number of professional people responsible for determining whether buildings were designed to meet all applicable codes, fire safety standards, and other laws and regulations which have been approved by the Florida Legislature to protect the health, safety, and welfare of the public. It must be remembered that although building designs must be approved by building officials and built by contractors before posing a threat to the public, many facets of the design will never be reviewed by someone with
the authority and knowledge to find errors in judgment and design. Therefore the public could be harmed without architects being licensed. Finally, the repeal of chapter 481, part I, Florida Statutes, by reducing the number of professional people serving the public, may reduce the quality of service, thereby irreparably harming the public through an aesthetically inappropriate design.

2. *Is there a reasonable relationship between the exercise of the police power of the state and the protection of the public health, safety, and welfare?*

Yes. There is a reasonable relationship between the regulation of architects and the state's police power if the regulation applies directly to the primary potential for public harm. The potential for public harm in this instance is either physical or economic harm that incompetent, dishonest or fraudulent practitioners could cause to those relying on their services. The practice act invokes the state's police power in order to address the potential for harm by requiring that practitioners meet certain education and experience requirements and demonstrate their professional competence on a licensure exam before they become licensed in Florida. The act's disciplinary provisions also address the potential for harm to the public. The statutes and rules which regulate the architecture profession are consistent as applied to the primary potential for public harm and are not unlike the laws of other regulated professions in the state.
3. Is there a less restrictive method of regulation available which would adequately protect the public?

No. While there are other methods of regulation available, it is doubtful that these methods would adequately protect the public. The present method of regulation (licensure) is somewhat restrictive, however, most of the requirements appear necessary to protect the public for potential harm. Applicants for state licensure must satisfy certain educational and practical experience requirements and pass a licensure examination. Licensees must abide by the rules adopted by the board. Partnerships and corporations desiring to practice architecture in Florida must also apply for and be issued a certificate of authorization. The law also contains provisions pertaining to the use of seals as well as prohibitions, penalties and disciplinary proceedings. However, the regulatory provisions pertaining to corporate and partnership practice, requiring that at least one principal officer of a corporation or partner of a partnership be an architect, appear to be overly restrictive without significantly protecting the public. Therefore, the absence of this particular requirement would be a less restrictive approach to regulation which would leave the public adequately protected.

While other forms of regulation may protect the public to some degree, licensure is the only form of regulation that can protect the public and the consumer by attempting to ensure that competency and practice standards are met. Therefore, staff
concludes that regulation by licensure is the most appropriate form of regulation for the practice of architecture.

4. Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services, and if so, to what degree?

Yes. There are certain costs to the public associated with regulating architects. These costs can be categorized as either direct or indirect, and are generally passed on to the consumer and, ultimately, other members of the general public.

Section 455.219, Florida Statutes, requires that funds for all costs associated with regulating a profession be paid through licensing fees. These fees are paid by applicants and practitioners and passed on to the consumer as an expense of doing business. (See Table 11 in the cost and benefit section of the report.) As summarized in Table 4 of the report, during fiscal years 1985-86 and 1986-87, the DPR reported collecting, respectively, $583,138 and $967,006 in revenues for the Board of Architecture. These revenues represent a compilation of dollars from sources including application fees, license issuances, and fines. (The difference in revenue collected for the two-year period is due to a biennial license renewal fee.)

Without regulation, fees would not exist and presumably the savings would be passed on to the consumer. However, the biennial licensure renewal fee averages only $50 per year. If this fee is compared to that of other professions or routine business expenses, such as rent and salaries, the $50 fee does
not appear to be unduly burdensome, especially when these funds are used to pay for a program that is intended to protect the public by enforcing minimum competency and practice standards.

Other indirect costs (i.e., education, occupational licenses, etc.) to the practitioner may arise from compliance with regulation, meeting practice standards and costs associated with entry into the profession. However, staff was unable to estimate these costs.

5. Is the increase in the cost more harmful to the public than the harm which could result from the absence of regulation?

No. Although it is impossible to determine the precise effect this regulation has on the cost of architecture services, staff could not find any evidence to indicate that the costs associated with regulation are unduly burdensome to the practitioner or to the consumer. On the other hand, staff found that the absence of regulation could harm the public by eliminating state controlled competency and practice standards, risking irreparable harm to the public and the environment through incompetent practitioners, and removing the disciplinary process that is intended to ensure that practice standards are met. Therefore, any increase in the cost of architecture services attributable to these provisions is less harmful than the harm that would result in their absence.

6. Are any facets of the regulatory process designed for the purpose of benefiting, and do they have as their primary effect the benefit of, the regulated entity?
Yes. As previously mentioned, the regulatory provisions pertaining to corporate and partnership practice, requiring that at least one principal officer of a corporation or partner of a partnership be an architect, primarily benefit the regulated entity without adding any measure of protection for the public not already provided for by the disciplinary, seal, licensure and other corporate requirements in the statute, e.g. certificate of authorization.

Based upon these conclusions, and the other findings of this report, the following recommendations are made:

1. -- That continuing education should not be a mandatory requirement for license renewal. This is based on staff's conclusion that the proper studies have not been conducted which might show the positive effects of certain kinds of result-oriented educational programs on performance. In addition, staff has been presented with no evidence to link any disciplinary case to a lack of continuing education.

2. -- That section 481.209, Florida Statutes, should be amended to allow the board flexibility in determining whether a degree from a nonaccredited school or college of architecture is acceptable based on a review of course curriculum.

3. -- That section 481.209, Florida Statutes, be amended to require that 1 of the 3 years of architecture internship experience occur prior to the examination in
order to enhance the individual's chances of passing the exam. Most states have this requirement and Florida currently falls below the national average in exam passage rate.

4. -- That section 481.213, Florida Statutes, relating to licensure, be amended to eliminate the 10 year exception and provide in its place a process for the reciprocal licensing of those individuals from other states who: (1) lack Florida's 5 year degree requirement, but who have practiced as a registered architect in another state for less than 10 years, (2) have passed the national examination, and (3) are certified by the NCARB, if the board determines that the certificate is adequate. Florida's current 10 year exception does not serve to protect the public in the most effective and efficient manner and in fact may unduly restrict competition while potentially allowing individuals who have not passed the national exam to be licensed. The NCARB certificate serves as a more reasonable protection while giving the board flexibility to determine the outcome of such licensure on a case-by-case basis.

5. -- Staff has been unable to formulate recommendations on contract administration. To date, no particular problems have been brought to staff's attention. Nevertheless, a greater potential might exist for building failures or at least quality compromises if a
design professional is not involved throughout construction. Further information is needed on the cost implications for the public and the liability implications for the architect. There do appear to be alternative solutions to having periodic design professional involvement throughout the course of certain projects.

6. -- That subsection (1) of section 481.219, Florida Statutes, be amended to eliminate that there be a principle officer of a corporation or partner of a partnership who is an architect in order for the corporation or partnership to practice landscape architecture. This is based on staff's conclusion that adequate protection already exists in the law to prevent against undue influence.

7. -- That the farm building exemption in section 481.229, Florida Statutes, not be amended to cap the exemption of farm buildings at $200,000, thereby subjecting those who design farm buildings which cost in excess of $200,000 to the architecture practice act. Staff has been unable to determine that the current exemption harms the public.

8. -- That section 481.221, Florida Statutes, should be amended to require a registered architect to include its license number in certain advertising mediums. Staff concludes that this approach is reasonable to
address the findings in the Auditor General's 1987 performance audit, of the regulation of the practice of architecture, that the DPR should bolster its mechanism for uncovering unlicensed activity.

The following technical changes to chapter 481, part I, Florida Statutes, are also recommended:

-- That subsections (9) and (10) of section 481.203, Florida Statutes, be added to define the terms "Interim Architect" and "Good Moral Character."

-- That section 481.205, Florida Statutes, be amended to eliminate obsolete language.

-- That subsection (2) of section 481.209, Florida Statutes, be amended to clarify criteria for good moral character.

-- That section 481.211, Florida Statutes, be amended to clarify three years of internship experience and to eliminate obsolete language.

-- That section 481.213, Florida Statutes, (relating to licensure) apart from the 10 year exception (addressed previously) be amended to technically clarify wording.

-- That section 481.217, Florida Statutes, (relating to inactive status) be amended to technically clarify wording.
That section 481.233, Florida Statutes, (relating to registrations in effect on June 30, 1979) be repealed because the provision is no longer necessary.
V. APPENDICES

Appendix A  Chapter 481, part I, Florida Statutes
Appendix B  Board of Architecture Rules
            Chapter 21B, Florida Administrative Code
Appendix C  Complaint Process Chart
Committee on Regulatory Reform

Date of Meeting 4/14/88
Time 3:30 pm
Place 21 HOB

Bill No.: PCB 23

**FINAL ACTION:**
- Favorable
- Favorable with 8 Amendments
- Favorable with Substitute
- Unfavorable

**VOTE:**

<table>
<thead>
<tr>
<th>YEAL</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>BLOOM, Elaine</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>BROWN, Corrine</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GARDNER, Bud</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GORDON, Elaine</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GRINDLE, Art</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HARGRETT, Jim</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HARRIS, Bert</td>
<td></td>
</tr>
<tr>
<td></td>
<td>JONES, Dennis L.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KELLY, Everett</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LANGTON, Mike</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MACKAY, Randy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>METCALF, Betty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MORSE, Luis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MORTHAM, Sandra</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NERGARD, Chuck</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OSTRAU, Norm</td>
<td></td>
</tr>
<tr>
<td></td>
<td>REHM, Jerry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ROCHLIN, Irma</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SANSOM, Dixie</td>
<td></td>
</tr>
</tbody>
</table>

Total Yeas 20

Total Nays 0

APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Lambert</td>
<td>Interior Designers</td>
<td>225 S Adams Suite 250, Tall.</td>
</tr>
<tr>
<td>Angel C. Saguin</td>
<td>Miami CHAM. Architects</td>
<td>940 NE 79th St, E., Miami</td>
</tr>
</tbody>
</table>

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman.

(FILE WITH THE CLERK AND ATTACH SUBCOMMITTEE REPORT IF APPLICABLE)
Committee Information Record

Committee on Regulatory Reform

Date of meeting 4-19-76

Bill No. PCB 23

Final Action: Favorable with amendments

Vote:

<table>
<thead>
<tr>
<th>Yea</th>
<th>Member</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>BLOOM, Elaine</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>BROWN, Corrine</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>GARDNER, Bud</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>GORDON, Elaine</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>GRINDLE, Art</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>HARGRETT, Jim</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>HARRIS, Bert</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>JONES, Dennis</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>KELLY, Everett</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>LANGTON, Mike</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>MACKEY, Randy</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>METCALF, Betty</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>MORSE, Luis</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>MORTHAM, Sandra</td>
<td></td>
</tr>
</tbody>
</table>

Total Yeas: 20

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name: Paul Lambert
Representing: 
Address: 

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here.)
TO: Chairman, Committee on Regulatory Reform

Subcommittee on Professional Regulation
Date of Meeting 4/7/88
Time 10:00 am
Place 21 HOB

BILL NO. PCB 23

FINAL ACTION:
- Favorable
- Favorable with 2 Amendments
- Favorable with Proposed Substitute
- Unfavorable

<table>
<thead>
<tr>
<th>VOTE:</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>JONES, D.L.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>MACKEY</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>METCALF</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>MORSE</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>SANSOM</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>SAUNDERS</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>KELLY (Chair)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LIPPMAN (Ex Officio)</td>
<td></td>
</tr>
</tbody>
</table>

Total
Yeas 7

Total
Nays 0

APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Herb Coons</td>
<td>American Inst. of Architects</td>
<td>2333 Clare Dr, Tall.</td>
</tr>
<tr>
<td>Charles B. Reed</td>
<td>Board of Regents, Chancellor</td>
<td>210C Collins Bldg., Tall.</td>
</tr>
<tr>
<td>Mike Huey</td>
<td>FL Assoc. Amer. Inst. Arch.</td>
<td>PO Box 1794, Tall.</td>
</tr>
</tbody>
</table>

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman. 

Received by Parent Committee:

Date: ________________________________

Received by:

H-74(1988)
I. SUMMARY:

A. PRESENT SITUATION:

Chapter 481, Part I, Florida Statutes, is scheduled for Sunset repeal on October 1, 1988. The law regulates the practice of architecture. It is administered by the Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements. Criminal penalties may be imposed for various acts, including practicing architecture without a license.

Applicants for licensure must pass a written examination and complete an internship of diversified architectural experience approved by the Board. Prerequisites for examination are honesty, trustworthiness, and graduation from an approved architectural curriculum of 5 years or more, from a school or college which meets standards of accreditation set by the Board. Applicants may be licensed by endorsement if they have passed a substantially equivalent examination and have met the minimum education and internship requirements; or, if they hold a valid license in another state or territory where licensure criteria were substantially equivalent to Florida's criteria at the time of issuance; or, if they have practiced as a registered architect in another state for ten years.

Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in behalf of the business are registered architects. Corporations seeking certification must obtain prior approval from the
Applicants and licensees are required to pay fees set to cover the costs of regulation. All licenses must be renewed biennially or revert to inactive status. The only requirement for license renewal is payment of a fee. Continuing education may be required as a condition for reactivating an inactive license.

B. EFFECT OF PROPOSED CHANGES:

PCB 23 continues the existence of Chapter 481, Part I, Florida Statutes, regulating the practice of architecture. Many technical changes are made for clarification and to delete obsolete language. Three major substantive changes are made in the provisions of the statute.

The bill would no longer require the Board of Architecture to review and approve the architectural curriculum, school, or college of each applicant for examination. Graduates of architectural programs accredited by the National Architectural Accreditation Board (NAAB) could be approved for examination without further review upon verification of their degree. This change would apply directly to graduates of the accredited architectural programs in the State University System and at the University of Miami. Degrees from unaccredited schools or colleges of architecture would continue to be subject to review and approval according to standards adopted by the Board.

The bill creates a new alternative for licensure by endorsement. Under this alternative, applicants who have passed an equivalent licensure examination and obtained certification through the National Council of Architectural Registration Boards (NCARB) could be licensed. The effect of this change would be to retroactively phase Florida's mandatory education requirement. Florida eliminated provisions for accepting education and training equivalent to the 5-year degree in 1979, while NCARB phased in the degree requirement. (See the section by section analysis for a detailed discussion of NCARB certification requirements.)

The bill would no longer require that a principal officer or partner of a corporation or partnership be a registered architect in order for the corporation or partnership to obtain certification to practice architecture or offer architectural services. Public protection would not be diminished by this change. The bill retains the requirement that all personnel who practice architecture on behalf of a partnership or corporation be registered architects. Corporations and partnerships would also continue to be subject to discipline on the same grounds as a registered architect as provided in current law.
C. SECTION-BY-SECTION ANALYSIS:

1. Section 481.203, F.S., is amended to clarify definitions and reflect that the terms "architect" and "registered architect" are used interchangeably. The definition of "townhouse" is revised by deleting lengthy provisions related to the separation of each unit. Specific standards for the separation of townhouses exist in the Standard Building Code, adopted as part of the State Minimum Building Codes.

2. Section 481.2055, F.S., is amended to limit the Board's rule-making authority to the duties and authority conferred on it by the chapter and chapter 455, Florida Statutes. Other changes made by the bill further specify Board duties in carrying out provisions of the chapter.

3. Section 481.207, F.S., is amended to include fee caps for all licensure fees. Caps set by the bill reflect fees currently set by statute or Board rule to cover the costs of regulation.

4. Section 481.209, F.S., is amended to permit an applicant with a degree from a school or college of architecture accredited by the National Architectural Accreditation Board (NAAB) to sit for examination without further approval by the Board of Architecture. The Board of Architecture currently reviews the transcripts of all applicants. The bill would require review and approval of the curriculum and schools of only those applicants with degrees from unaccredited schools or colleges.

5. Section 481.211, F.S., is amended to eliminate obsolete language and to clarify existing internship requirements.

6. Section 481.213, F.S., is amended to include the existing prerequisite for licensure of passing the licensure examination. The Board is authorized to refuse to license an applicant who is under investigation in any jurisdiction for an offense or action that is prohibited or subject to disciplinary action under provisions of the regulation. Currently, only applicants under investigation in another state may be refused licensure on that basis.

The bill creates an additional alternative for licensure by endorsement. Under this alternative, licensure could be granted to architects who have passed the national examination, and have obtained certification from the National Council of Architectural Registration Boards (NCARB).

The National Council of Architectural Registration Boards is a federation of all registration boards in the United States. To obtain NCARB certification, an architect must be licensed by a NCARB member board; pass the national examination,
complete 3 years of training, and meet NCARB education standards. Since July 1, 1984, the NCARB education standard has required either: (1) a first professional degree (at least a 5-year curriculum) from an NAAB accredited program; (2) an unaccredited degree based on a curriculum equivalent to the 5-year accredited degree; or (3) broad experience as a registered architect with a minimum of 12 years of practice as a registered architect, including 8 years at the level of a principal. Applicants who satisfied NCARB's previous education standard by July 1, 1984, or who were licensed as a registered architect in any state on July 1, 1984, and subsequently satisfied that education standard, may receive NCARB certification based on education and/or experience. Some NCARB certified individuals, with a degree from an NAAB accredited program, may have been unable to take the licensure examination in Florida for failure to meet the curriculum requirements adopted by the Board of Architecture.

7. Section 481.217, F.S., is revised to clarify provisions related to reactivation of inactive licenses.

8. Section 481.219, F.S., is reorganized into more logical units and revised to include provisions for the issuance and renewal of certificates of authorization. The bill deletes two prerequisites for obtaining a certificate of authorization:. the requirement that one or more principal officers or partners be a registered architect and the requirement for approval by the Department before filing articles of incorporation. The bill retains the existing requirement that all personnel who perform architectural services for the corporation or partnership be registered architects. The bill requires licensees to notify the Department within 30 days of terminating employment with a corporation or partnership. Provisions related to the liability of corporations, partnerships, and other licensed professionals are deleted. The extent of liability for each of these entities is governed by other statutes.

9. Section 481.221, F.S., is amended to clarify requirements for the use of seals by licensees. The Board is authorized to adopt rules regarding the preparation or adoption of work under a licensees' seal. The bill would require individuals and firms to include their certificate of registration or certificate of authorization numbers in certain advertising media. Publication of certificate numbers should facilitate the Department's ability to monitor unlicensed activity and enable the public to identify licensees.
10. Section 481.223, F.S., is amended to prohibit the use of the term "architect" by unlicensed persons. "Architect" and "registered architect" are used interchangeably.

11. Section 481.225, F.S., is amended to provide that disciplinary action may be taken on the basis of disciplinary actions of another jurisdiction only if the act subject to discipline would be a violation of this practice act or Chapter 455, Florida Statutes. The section is further amended to allow a person subject to discipline as a result of a criminal conviction based on a plea of nolo contendere to provide evidence to the Board in rebuttal of his guilt. Case law provides that a plea of nolo contendere can only create a presumption of guilt and an applicant must be allowed to provide evidence relating to his guilt and the circumstances surrounding the plea. Ayala v. Department of Professional Regulation, 478 So.2d 1116 (Fla. App. 1 Dist., 1985). Two broadly stated disciplinary grounds are deleted related to accepting or offering anything of value in order to secure a contract or having any undisclosed significant financial interest in conflict with a client's or employer's interest. Misconduct, deceit, and negligence in the practice of architecture are included in existing grounds for discipline.

12. Section 481.231, F.S., is amended to clarify that more strict local controls over services provided by architects may be imposed if contained in adopted building codes or zoning ordinances.

13. Section 481.233, F.S., is repealed to delete obsolete provisions related to registrations in effect on June 30, 1979.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

Changes made by the bill should have minimal effects on current costs or revenues associated with this regulation. Licensure fees were capped without increase. A reduction in expenditures may result by eliminating costs associated with the review of transcripts from NAAB accredited programs. The Department reported an expenditure of $44,063 for the review and approval of all applicant's degrees for fiscal year 1986-87.

Actual expenditures for administering Chapter 481, Part I,

3. **Long Run Effects Other Than Normal Growth:**

None.

4. **Appropriations Consequences:**

Licensure fees paid by applicants and licensees are deposited in the Professional Regulation Trust Fund. Appropriations are made from the fund to the Department of Professional Regulation to cover costs of administering this regulation.

B. **FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:**

None.

2. **Recurring or Annualized Continuation Effects:**

None.

3. **Long Run Effects Other Than Normal Growth:**

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

Changes made by PCB 23 will have only minimal effects on direct costs to licensees. The bill caps licensure fees at current levels without increase. Licensees may incur limited additional costs in complying with the requirement that licensees publish their certificate numbers in certain advertising media. Corporations seeking certification may realize savings as a result of eliminating the requirement for departmental approval of their articles of incorporation. The bill reenacts Chapter 481, Part I, F.S., thereby continuing costs associated with meeting the minimum requirements for licensure and all licensure fees.

2. **Direct Private Sector Benefits:**

Limiting the practice of architecture to persons who have demonstrated minimum competencies and who are subject to oversight and discipline by the Board helps to protect the public from potential harm to their health, safety, and economic welfare as a result of incompetent practitioners.
3. Effects on Competition, Private Enterprise, and Employment Markets:

It is reasonable to assume that licensure costs like other costs of doing business would be passed on to the consumer in fees for professional services. The economic impact of these licensure costs are believed to be minimal.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:
None.

V. AMENDMENTS:
None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: ________________________________
Sheila Hill ________________________________

Staff Director: ________________________________
Cliff Nilson ________________________________

FINANCE & TAXATION:
Prepared by: ________________________________
Staff Director: ________________________________

APPROPRIATIONS:
Prepared by: ________________________________
Staff Director: ________________________________
SUMMARY OF AMENDMENT OF PCB 23

This amendment creates a regulatory structure combining a practice licensure act for architects and a title protection licensure act for interior designers. The Board of Architecture and Interior Design is created to regulate both groups. It has nine members: five architects, two interior designers and two lay persons. The regulatory provisions governing architects remain the same as in PCB 23. For details, see Staff Analysis of that bill.

The amendment adds and amends definitions as necessary and provides for the appointment of an advisory body to the board composed of three members, two of whom are the interior designer members of the board. This body will advise the board on matters relating to interior designers, such as examination, accreditation standards, curriculum and continuing education.

The amendment provides fee caps and for licensure by examination and by endorsement. It establishes scope of work and disclosure requirements for interior designers and contains the usual provisions for licensure, renewal, inactive status, and reactivation and other regulation. It requires continuing education for renewal and reactivation of the license.

Corporate and partnership use of the protected titles is provided for and the corporation remains liable for actions of its employees, agents, or officers. Interior designers providing services through a corporation remain liable for their professional acts. Discipline is administered against a corporation for the same reasons and in the same manner as against an individual.

Registered interior designers must have a seal which must be affixed to any document they produce which is being filed for public record. They are prohibited from affixing the seal to certain documents. Any registrant, whether a natural person or a corporation must display his registration number in any advertising.

No person may use the titles registered interior designer or interior designer or words to that effect unless licensed, and doing so is a misdemeanor of the first degree. Grounds and punishment for disciplinary violations are provided consistent with other practice acts.

The regulation allows architects to use the protected titles and does not prevent any person from providing
interior design services so long as they do not use the protected titles. Interior decorators are specifically exempted and "interior decorating services" is defined.

The amendment provides for licensure without examination of persons who have held a municipal or county occupational license in Florida for one year prior to the effective date of the act, or who have been teaching interior design courses or been engaged in other employment which does not require an occupational license. They must apply for a license within one year. They must have successfully completed the National examination or have practiced for at least six years.

Appropriate sunset language is provided and the effective date is October 1, 1988.

The amendment covers the content of House Bill 94 and the fiscal impact of this regulation is provided in the Staff Analysis of that bill. It is possible that the fees will be somewhat less than anticipated due to the increased number of licensees regulated by the existing board. The addition of two members to the current board is not expected to have major fiscal consequences.
I. SUMMARY:

PCB 23 saves Chapter 481, Part I, Florida Statutes, regulating the practice of architecture, from repeal. Current provisions of the statute related to practice of architecture are revised. A new regulatory structure is created requiring individuals, corporations and partnerships to be licensed prior to using the title "interior designer."

A. PRESENT SITUATION:

Chapter 481, Part I, Florida Statutes, is scheduled for Sunset repeal on October 1, 1988. The law regulates the practice of architecture. It is administered by a seven member Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements. Administrative penalties may be imposed by the Board for specified violations of the statute. Certain prohibited acts, including practicing architecture or using protected titles without a license, are subject to first degree misdemeanor penalties.

Applicants must pass a written examination and complete an internship prior to licensure as a registered architect. The prerequisites for examination are honesty, trustworthiness, and graduation from an approved architectural curriculum of 5 years or more, from a school or college that meets standards of accreditation set by the Board. Three alternatives are provided for licensure by endorsement.

Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in
behalf of the business are registered architects. Corporations seeking certification must obtain approval from the Department before filing or amending their articles of incorporation. Corporations and partnerships are subject to the same disciplinary actions as registered architects.

Florida law does not currently regulate the practice of interior design or restrict the use of the title "interior designer." Anyone may provide interior design services or use the title "interior designer." Local building and fire codes provide standards which must be met in designing the interiors of building.

B. EFFECT OF PROPOSED CHANGES:

The bill revises the current regulation of architects and creates a new requirement that persons, corporations, or partnerships using the title "interior designer" be licensed. Regulatory provisions for the two professions are combined by the bill. The regulation would be administered by a joint Board of Architecture and Interior Design within the Department. The expanded Board would include two additional members who must be registered interior designers. The bill permits the Board to appoint a three member interior design advisory body which would include the two interior designer members of the board. The advisory body would advise the Board on matters relating to interior designers.

Three major substantive changes are made in the current provisions governing the practice of architecture:

The bill would no longer require the Board to review and approve the architectural curriculum, school, or college of each applicant for examination and licensure as a registered architect. Graduates of architectural programs accredited by the National Architectural Accreditation Board (NAAB) could be approved for examination without further review upon verification of their degree. Graduates from unaccredited schools or colleges of architecture would continue to be subject to review and approval according to standards adopted by the Board.

Beginning on October 1, 1989, applicants would be required to complete one year of internship prior to examination. The bill also requires that one year of the existing internship requirement be completed after graduation. The bill does not change the total number of years of internship required.

A new alternative for licensure by endorsement is created and the alternative of practice as a registered architect for 10 years or more is eliminated. Applicants who have passed the prescribed licensure examination and have been certified by the National Council of Architectural Registration Boards (NCARB) could become licensed under this alternative. Applicants who obtained NCARB certification after July 1, 1984, and hold a degree in architecture would be subject to the same degree requirements as
applicants for examination. (See comments for NCARB certification requirements.)

The bill creates an entire regulatory structure related to interior designers by amending the existing and revised statutory provisions applicable to architects.

The bill restricts the use of the titles "registered interior designer" or "interior designer" or words to that effect to persons who meet specific requirements and obtain state licensure. Corporate and partnership use of the protected titles is also restricted to firms which obtain certification from the Department. Use of the protected titles without a license would be a misdemeanor of the first degree. Registered architects and corporations and partnerships licensed to practice architecture or provide architectural services would be allowed to use the protected titles. The bill does not prevent any person from providing interior design services so long as they do not use the protected titles.

Certain applicants could be licensed to use the title "interior designer" without examination, if they apply for licensure within one year after the act takes effect. This "grandfather clause" would apply to persons who, for one year prior to the effective date of the act, have used the title "interior designer" and held a municipal or county occupational license in Florida (unless an occupational license was not required) or have been teaching interior design courses. They also must have successfully completed the National Council for Interior Design Qualifications examination or have provided interior design services for at least six years.

The bill establishes education, experience, and examination prerequisites for licensure as an interior designer. Two alternatives are provided for licensure by endorsement. Continuing education is required for the renewal or reactivation of the interior design license. Practice and disclosure requirements for registered interior designers are created. The bill requires registered interior designers to affix their seal to any document they produce which is being filed for public record. Grounds and penalties for disciplinary violations are created for interior designers consistent with other practice acts.

The bill includes a requirement which should facilitate the Department's and the consumer's ability to discriminate between licensed and unlicensed architects and interior designers. Any architect or interior design registrant, whether a natural person, corporation or partnership, will be required to display his certificate of registration or certificate of authorization number in certain advertising media.
C. SECTION-BY-SECTION ANALYSIS:

Section 1. Renames the Board as the Board of Architecture and Interior Design in section 20.30, Florida Statutes.

Section 2. Declares legislative intent that use of the titles "interior designer" or "registered interior designer" should be limited to those having specified education and training.

Section 3. Amends definitions and defines "interior design." Existing definitions are revised to incorporate terms related to "interior designers." The term "townhouse" is revised to delete a contradiction implying that the definition may include structures which exceed three stories under some circumstances.

Section 4. Renames the Board of Architecture as the Board of Architecture and Interior Design. Membership of the existing board is increased by two interior design members. Requirements for the new members are specified. Provisions are made for an interior design advisory body to advise the Board on matters related to regulating interior designers.

Section 5. Limits the Board's rule-making authority to the duties and authority conferred on it by the chapter and chapter 455, Florida Statutes. Other changes made by the bill further specify Board duties in carrying out provisions of the statute.

Section 6. Creates fee caps for all licensure fees.

Section 7. Permits an applicant with a degree from a school or college of architecture accredited by the National Architectural Accreditation Board (NAAB) to sit for examination without further curriculum approval by the Board of Architecture. The Board of Architecture currently reviews the transcripts of all applicants. The bill would require review and approval of the curriculum and schools of only those applicants with degrees from unaccredited schools or colleges. As of October 1, 1989, each applicant for licensure as a registered architect would have to complete one year of internship experience prior to examination.

Education or training and experience prerequisites to sit for the interior design licensure examination are created. Education from interior design programs accredited by the Foundation for Interior Design Education Research would be accepted without review. The Board is authorized to adopt rules providing for the review and approval of unaccredited schools and colleges of interior design and courses of study.

Section 8. Requires that one year of the existing internship requirement for licensure as a registered architect be completed after graduation. This change would apply only to persons applying on or after October 1, 1989. Obsolete language is deleted.
Section 9. Incorporates the requirements for licensure as an interior designer. The Board is authorized to refuse to license an applicant who is under investigation in any jurisdiction for an offense or action that is prohibited or subject to disciplinary action. Currently, only applicants under investigation in another state may be refused licensure on that basis.

A new alternative for licensure by endorsement for architects is created. The alternative of 10 years registered practice as an architect is deleted. Licensure could be granted to architects who are registered in another state, have passed the national examination, and have obtained certification from the National Council of Architectural Registration Boards (NCARB). NCARB certificate holders with a degree in architecture would be subject to the same degree requirements as applicants for licensure by examination if they obtained their NCARB certificate after July 1, 1984.

Section 10. Establishes practice requirements for interior designers and requires certain disclosures to clients.

Section 11. Specifies continuing education requirement for renewing the interior design license.

Section 12. Clarifies provisions related to reactivation of inactive licenses. Continuing education which may be required for reactivating the interior design license is specified.

Section 13. Reorganizes section 481.219, F.S., into more logical units. The section is revised to include provisions for the issuance and renewal of certificates or authorization for architectural or interior design firms. The bill deletes the prerequisites for prior approval of articles of incorporation. The bill retains the existing requirements that a principal officer or partner and all personnel who perform architectural services for a certified architectural corporation or partnership be registered architects. A similar prerequisite is created for interior design firms. The bill requires licensees to notify the Department within 30 days of terminating employment with a corporation or partnership to facilitate enforcement of the section. Provisions related to the liability of corporations, partnerships, and other licensed professionals are deleted. The extent of liability for each of these entities is governed by other statutes.

Section 14. Provides for the use of a seal by registered interior designers. The bill clarifies existing provisions related to the use of seals by all licensees. Licensees are required to include their certificate of registration or certificate of authorization numbers in certain advertising media to facilitate identification of licensees by the Department and consumers.

Section 15. Prohibits the unlicensed use of the titles "architect", "interior designer", and "registered interior
designer." Violation of the section is subject to first degree misdemeanor penalties.

Section 16. Grounds for disciplining architects are revised by limiting certain circumstances in which disciplinary action may be taken and by specifying the effect of a plea of nolo contendere. Two broadly stated disciplinary grounds are deleted related to accepting or offering anything of value in order to secure a contract or having any undisclosed significant financial interest in conflict with a client's or employer's interest. Misconduct, deceit, and negligence in the practice of architecture are included in existing grounds for discipline.

Section 17. Creates disciplinary grounds related to interior designers. Disciplinary actions that may be taken by the Board are specified.

Section 18. Makes technical changes to conform language.

Section 19. Allows registered architects or corporations or partnerships with a valid certificate of authorization to offer architectural services to use the title "interior designer." Exempts persons holding themselves out as "interior decorators" or providing defined "interior decorator services." Clarifies that the act does not authorize an interior designer to act as a contractor unless the individual is registered or certified pursuant to chapter 489, Florida Statutes. Provides that anyone can provide interior design services as long as they do not call themselves "interior designers."

Section 20. Allows stricter local controls to be imposed on services provided by architects or interior designers if contained in adopted building codes or zoning ordinances.

Section 21. Creates a "grandfather" provision to allow certain persons to be licensed to use the title "interior designer" without having to take the licensure examination.

Section 22. Repeals section 481.233, F.S., to delete obsolete language.


II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   The Department anticipates non-recurring start-up costs of $34,644 related to the regulation of interior designers.

2. Recurring or Annualized Continuation Effects:

   Changes made by the bill should have minimal effects on current costs or revenues associated with the regulation of architects. Licensure fees were capped at current levels without increase. A reduction in expenditures may result from eliminating costs associated with the review of transcripts from NAAB accredited programs.

   The regulatory structure created by PCB 23 for interior designers is intended to be self-sustaining. Department projections indicate expenditures of approximately $500,000 annually for the regulation of interior designers under the Board of Architecture and Interior Design. Revenues from interior designer licensure fees were estimated at approximately $1.5 million for FY 88-89 (9 months), $344,000 for FY 89-90, and $1.35 million for FY 90-91. The Department's revenue estimates were based on fees set at caps provided by the bill and initially licensing 5,500 applicants. It appears from these estimates that fees would not have to be set at the cap to cover the cost of regulation.

3. Long Run Effects Other Than Normal Growth:

   None.

4. Appropriations Consequences:

   Fees paid by applicants and licensees are deposited in the Professional Regulation Trust Fund. Appropriations are made from the fund to the Department to cover costs of administering this regulation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

   None.

2. Recurring or Annualized Continuation Effects:

   None.
3. **Long Run Effects Other Than Normal Growth:**

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:**

Changes made by PCB 23 will have only minimal effects on direct costs to architectural licensees. The bill caps licensure fees at current levels without increase. Individuals, corporations, or partnerships who choose to use the title "interior designer" will incur costs associated with meeting the minimum requirements for licensure and through licensure fees.

All licensees may incur limited additional costs in complying with the requirement that licensees publish their certificate numbers in certain advertising media. Corporations seeking certification may realize savings as a result of eliminating the requirement for departmental approval of their articles of incorporation.

2. **Direct Private Sector Benefits:**

None.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

It is generally assumed that licensure costs, are passed on to the consumer in fees for professional services. The economic impact of these licensure costs are believed to be minimal.

D. **FISCAL COMMENTS:**

None.

III. **LONG RANGE CONSEQUENCES:**

IV. **COMMENTS:**

The National Council of Architectural Registration Boards is a federation of all registration boards in the United States. To obtain NCARB certification, an architect must be licensed by a NCARB member board; pass the national examination, complete 3 years of training, and meet NCARB education standards. Applicants who satisfied NCARB's previous education standard by July 1, 1984, or who were licensed as a registered architect in any state on July 1, 1984, and subsequently satisfied that education standard, may receive NCARB certification based on education and/or experience. Since July 1, 1984, the NCARB education standard has required either: (1) a first professional degree (at least a 5-year curriculum) from an NAAB accredited program; (2) an unaccredited degree based on a curriculum...
equivalent to the 5-year accredited degree; or (3) broad experience as a registered architect with a minimum of 12 years of practice as a registered architect, including 8 years at the level of a principal.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: ____________________________  Staff Director: ____________________________

______Sheila Hill_______________________  Cliff Nilson

FINANCE & TAXATION:
Prepared by: ____________________________  Staff Director: ____________________________

APPROPRIATIONS:
Prepared by: ____________________________  Staff Director: ____________________________
I. SUMMARY:

CS/HB 1502, Chapter 481, Part I, Florida Statutes, regulating the practice of architecture, from repeal. Current provisions of the statute related to practice of architecture are revised. A new regulatory structure is created requiring individuals, corporations and partnerships to be licensed prior to using the title "interior designer."

A. PRESENT SITUATION:

Chapter 481, Part I, Florida Statutes, is scheduled for Sunset repeal on October 1, 1988. The law regulates the practice of architecture. It is administered by a seven member Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements. Administrative penalties may be imposed by the Board for specified violations of the statute. Certain prohibited acts, including practicing architecture or using protected titles without a license, are subject to first degree misdemeanor penalties.

Applicants must pass a written examination and complete an internship prior to licensure as a registered architect. The prerequisites for examination are honesty, trustworthiness, and graduation from an approved architectural curriculum of 5 years or more, from a school or college that meets standards of accreditation set by the Board. Three alternatives are provided for licensure by endorsement.

Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in behalf of the business are registered architects. Corporations seeking certification must obtain approval from the Department before filing or amending their articles of incorporation. Corporations and partnerships are subject to the same disciplinary actions as registered architects.
Florida law does not currently regulate the practice of interior design or restrict the use of the title "interior designer." Anyone may provide interior design services or use the title "interior designer." Local building and fire codes provide standards which must be met in designing the interiors of building.

B. EFFECT OF PROPOSED CHANGES:

The bill revises the current regulation of architects and creates a new requirement that persons, corporations, or partnerships using the title "interior designer" be licensed. Regulatory provisions for the two professions are combined by the bill. The regulation would be administered by a joint Board of Architecture and Interior Design within the Department. The expanded Board would include two additional members who must be registered interior designers. The bill permits the Board to appoint a three member interior design advisory body which would include the two interior designer members of the board. The advisory body would advise the Board on matters relating to interior designers.

Three major substantive changes are made in the current provisions governing the practice of architecture:

The bill would no longer require the Board to review and approve the architectural curriculum, school, or college of each applicant for examination and licensure as a registered architect. Graduates of architectural programs accredited by the National Architectural Accreditation Board (NAAB) could be approved for examination upon verification that the graduate satisfied the curriculum required by the accredited program. Graduates from unaccredited schools or colleges of architecture would continue to be subject to review and approval according to standards adopted by the Board.

Beginning on October 1, 1989, applicants would be required to complete one year of internship prior to examination. The bill also requires that one year of the existing internship requirement be completed after graduation. The bill does not change the total number of years of internship required.

A new alternative for licensure by endorsement is created and the alternative of practice as a registered architect for 10 years or more is eliminated. Applicants who have passed the prescribed licensure examination and have been certified by the National Council of Architectural Registration Boards (NCARB) according to standards no less stringent than NCARB's present standards could become licensed under this alternative. Applicants who satisfied NCARB's educational eligibility requirements after July 1, 1984, and hold a degree in architecture would be subject to the same degree requirements as applicants for licensure by examination. (See comments for NCARB certification requirements.)

The bill creates an entire regulatory structure related to interior designers by amending the existing and revised statutory provisions applicable to architects.

The bill restricts the use of the titles "registered interior designer" or "interior designer" or words to that effect to persons who meet specific requirements and obtain state licensure. Corporate and partnership use of the protected titles is also restricted to firms which obtain certification from the Department. Use of the protected titles without a license would be a misdemeanor of the first degree. Registered architects and corporations and
partnerships licensed to practice architecture or provide architectural services would be allowed to use the protected titles. The bill does not prevent any person from providing interior design services so long as they do not use the protected titles.

The bill will allow certain individuals to be licensed as an interior designer without satisfying prescribed examination and experience requirements if they apply within one year after the effective date. This "grandfather clause" will apply to persons who have passed the profession's national qualifying examination and who have either used the title "interior designer" and held an occupational license as such in this state for one year prior to the effective date of the act or have provided interior design services as a principal of a firm for at least 6 years. Individuals currently enrolled in 2-year interior design programs at Florida community colleges will be grandfathered, if they apply for licensure and graduate by October 1, 1990.

The bill establishes education, experience, and examination prerequisites for licensure as an interior designer. Two alternatives are provided for licensure by endorsement. Continuing education is required for the renewal or reactivation of the interior design license. Practice and disclosure requirements for registered interior designers are created. The bill requires registered interior designers to affix their seal to any document they produce which is being filed for public record. Grounds and penalties for disciplinary violations are created for interior designers consistent with other practice acts.

The bill includes a requirement which should facilitate the Department's and the consumer's ability to discriminate between licensed and unlicensed architects and interior designers. Any architect or interior design registrant, whether a natural person, corporation or partnership, will be required to display his certificate of registration or certificate of authorization number in certain advertising media.

An appropriation of $169,829 and 4 positions is made from the Professional Regulation Trust Fund to the Department to cover anticipated FY 88-89 costs associated with the regulation of interior designers.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Renames the Board as the Board of Architecture and Interior Design in section 20.30, Florida Statutes.

Section 2. Declares legislative intent that use of the titles "interior designer" or "registered interior designer" should be limited to those having specified education and training.

Section 3. Amends definitions and defines "interior design." Existing definitions are revised to incorporate terms related to "interior designers." The term "townhouse" is revised to delete a contradiction implying that the definition may include structures which exceed three stories under some circumstances.

Section 4. Renames the Board of Architecture as the Board of Architecture and Interior Design. Membership of the existing board is increased by two interior design members. Requirements for the new members are specified. Provisions are made for an interior design advisory body to advise the Board on matters related to regulating interior designers.

1566
Section 5. Limits the Board's rule-making authority to the duties and authority conferred on it by the chapter and chapter 455, Florida Statutes. Other changes made by the bill further specify Board duties in carrying out provisions of the statute.

Section 6. Creates fee caps for all licensure fees.

Section 7. Permits an applicant with a degree from a school or college of architecture accredited by the National Architectural Accreditation Board (NAAB) to sit for examination if they satisfied the curriculum of the accredited program. Currently all transcript's are reviewed for compliance with a curriculum approved by the Board of Architecture. The bill will continue to require Board review and approval of the curriculum and schools of applicants with degrees from unaccredited schools or colleges. As of October 1, 1989, each applicant for licensure as a registered architect would have to complete one year of the existing internship requirement prior to examination.

Education and experience prerequisites to sit for the interior design licensure examination are created. The minimum requirement is graduation from a 2 year interior design program and 4 years of practical experience. Education from interior design programs accredited by the Foundation for Interior Design Education Research would be accepted without review. The Board is authorized to adopt rules providing for the review and approval of unaccredited schools and colleges of interior design and courses of study.

Section 8. Requires that one year of the existing internship requirement for licensure as a registered architect be completed after graduation. This change would apply only to persons applying on or after October 1, 1989. Obsolete language is deleted.

Section 9. Incorporates the requirements for licensure as an interior designer. The Board is authorized to refuse to license an applicant who is under investigation in any jurisdiction for an offense or action that is prohibited or subject to disciplinary action. Currently, only applicants under investigation in another state may be refused licensure on that basis.

A new alternative for licensure by endorsement for architects is created. The alternative of 10 years registered practice as an architect is deleted. Licensure could be granted to architects who are registered in another state, have passed the prescribed examination, and have obtained certification from the National Council of Architectural Registration Boards (NCARB). NCARB certificate holders with a degree in architecture would be subject to the same degree requirements as applicants for licensure by examination if they satisfied NCARB's education requirements after July 1, 1984.

Section 10. Establishes practice requirements for interior designers and requires certain disclosures to clients.

Section 11. Specifies continuing education requirement for renewing the interior design license.

Section 12. Clarifies provisions related to reactivation of inactive licenses. Continuing education which may be required for reactivating the interior design license is specified.
Section 13. Reorganizes section 481.219, F.S., into more logical units. The section is revised to include provisions for the issuance and renewal of certificates or authorization for architectural or interior design firms. The bill deletes the prerequisites for prior approval of articles of incorporation. The bill retains the existing requirements that a principal officer or partner and all personnel who perform architectural services for a certified architectural corporation or partnership be registered architects. A similar prerequisite is created for interior design firms. The bill requires licensees to notify the Department within 30 days of terminating employment with a corporation or partnership to facilitate enforcement of the section.

Section 14. Provides for the use of a seal by registered interior designers. The bill clarifies existing provisions related to the use of seals by all licensees. Licensees are required to include their certificate of registration or certificate of authorization numbers in certain advertising media to facilitate identification of licensees by the Department and consumers.

Section 15. Prohibits the unlicensed use of the titles "architect", "interior designer", and "registered interior designer." Violation of the section is subject to first degree misdemeanor penalties.

Section 16. Grounds for disciplining architects are revised by limiting certain circumstances in which disciplinary action may be taken and by specifying the effect of a plea of nolo contendere. Two broadly stated disciplinary grounds are deleted related to accepting or offering anything of value in order to secure a contract or having any undisclosed significant financial interest in conflict with a client's or employer's interest. Misconduct, deceit, and negligence in the practice of architecture are included in existing grounds for discipline. A provision is added that will allow the Board to impose administrative penalties for attempting to influence or override an architect's professional judgement, if the act would constitute negligence or endanger the public health, safety, and welfare.

Section 17. Creates disciplinary grounds related to interior designers. Disciplinary actions that may be taken by the Board are specified.

Section 18. Makes technical changes to conform language.

Section 19. Allows registered architects or corporations or partnerships with a valid certificate of authorization to offer architectural services to use the title "interior designer." Exempts persons holding themselves out as "interior decorators" or providing defined "interior decorator services." Clarifies that the act does not authorize an interior designer to act as a contractor unless the individual is registered or certified pursuant to chapter 489, Florida Statutes. Provides that anyone can provide interior design services as long as they do not call themselves "interior designers."

Section 20. Allows stricter local controls to be imposed on services provided by architects or interior designers if contained in adopted building codes or zoning ordinances.

Section 21. Creates a "grandfather" provision to allow certain persons to be licensed to use the title "interior designer" without having to take the licensure examination.
Section 22. Repeals section 481.233, F.S., to delete obsolete language.


Section 25. Repeals provisions for the interior design advisory body on October 1, 1989.

Section 26. Appropriates $169,829 and 4 positions from the Professional Regulation Trust Fund to the Department of Professional Regulation for the projected FY 88-89 expenditures for the interior designer regulation.

Section 27. Provides an effective date of 10-1-88.


II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   Expenditures:
   Department of Professional Regulation
   Proposed Regulation - Interior Designers
   Operating Capital Outlay $10,987
   Other Personal Services 19,157
   Travel Expenses - Design Advisory Group 4,500

   Total Non-recurring Expenditures $34,644

2. Recurring or Annualized Continuation Effects:

   Expenditures:
   Department of Professional Regulation
   Proposed Regulation - Interior Designers
   Salaries and Benefits (4 FTE's) 63,940 89,515 93,990
   Expenses for FTE's 26,869 30,933 32,479
   Other Personal Services 42,718 44,853 47,095
   Data Processing 1,658 1,740 1,827

   Total Recurring Expenditures: $135,185 $167,041 $175,391

   Revenues:
   Department of Professional Regulation
   Proposed Regulation - Interior Designers
   Application Fees $275,000 $40,000 $40,000
   Examination Fees 125,000 200,000 200,000
   Endorsement Fees 14,000 14,000 14,000
   Initial License Fees 1,080,000 75,000 150,000
   Renewal License Fees 0 0 900,000
   Initial Certif. of Authorization 15,000 15,000 0
   Renewal Certif. of Authorization 0 0 30,000

   Total Recurring Revenues: $1,509,000 $344,000 $1,334,000
3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Expenditures:
Professional Regulation Trust Fund $169,829 $167,041 $175,391

Revenues:
Professional Regulation Trust Fund $1,509,000 $344,000 $1,334,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Changes made by CS/HB 1502 will have only minimal effects on direct costs to architectural licensees. Individuals, corporations, or partnerships who choose to use the title "interior designer" will incur costs associated with meeting the minimum requirements for licensure and through licensure fees.

All licensees may incur limited additional costs in complying with the requirement that licensees publish their certificate numbers in certain advertising media. Corporations seeking certification may realize savings as a result of eliminating the requirement for departmental approval of their articles of incorporation.

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

It is generally assumed that licensure costs are passed on to the consumer in fees for professional services. The economic impact of these licensure costs is believed to be minimal.

D. FISCAL COMMENTS:

This bill continues existing regulation of architects by the Board of Architecture. Expenditures for FY 1988-89 are estimated to be $737,146, and revenues are estimated to be $1,034,800.
III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

The National Council of Architectural Registration Boards is a federation of all registration boards in the United States. To obtain NCARB certification, an architect must be licensed by a NCARB member board; pass the national examination, complete 3 years of training, and meet NCARB education standards. Applicants who satisfied NCARB's previous education standard by July 1, 1984, or who were licensed as a registered architect in any state on July 1, 1984, and subsequently satisfied that education standard, may receive NCARB certification based on education and/or experience. Since July 1, 1984, the NCARB education standard has required either: (1) a first professional degree (at least a 5-year curriculum) from an NAAB accredited program; (2) an unaccredited degree based on a curriculum equivalent to the 5-year accredited degree; or (3) broad experience as a registered architect with a minimum of 12 years of practice as a registered architect, including 8 years at the level of a principal.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: ________________________
                      Sheila Hill

FINANCE & TAXATION:
Prepared by: ________________________

APPROPRIATIONS:
Prepared by: ________________________
                      Lori L. E. Kilpatrick

Staff Director:
_______________________________
                      Cliff Nilson

Staff Director:
_______________________________

Staff Director:
_______________________________
                      Dr. James A. Zingale

1571
CS/HB 1502 saves Chapter 481, Part I, Florida Statutes, regulating the practice of architecture, from repeal. Current provisions of the statute related to practice of architecture are revised. A new regulatory structure is created requiring individuals, corporations, and partnerships to be licensed prior to using the title "interior designer."

A. PRESENT SITUATION:

Chapter 481, Part I, Florida Statutes, is scheduled for Sunset repeal on October 1, 1988. The law regulates the practice of architecture. It is administered by a seven member Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements. Administrative penalties may be imposed by the Board for specified violations of the statute. Certain prohibited acts, including practicing architecture or using protected titles without a license, are subject to first degree misdemeanor penalties.

Applicants must pass a written examination and complete an internship prior to licensure as a registered architect. The prerequisites for examination are honesty, trustworthiness, and
graduation from an approved architectural curriculum of 5 years or more, from a school or college that meets standards of accreditation set by the Board. Three alternatives are provided for licensure by endorsement.

Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in behalf of the business are registered architects. Corporations seeking certification must obtain approval from the Department before filing or amending their articles of incorporation. Corporations and partnerships are subject to the same disciplinary actions as registered architects.

Florida law does not currently regulate the practice of interior design or restrict the use of the title "interior designer." Anyone may provide interior design services or use the title "interior designer." Local building and fire codes provide standards which must be met in designing the interiors of building.

B. EFFECT OF PROPOSED CHANGES:

The bill revises the current regulation of architects and creates a new requirement that persons, corporations, or partnerships using the title "interior designer" be licensed. Regulatory provisions for the two professions are combined by the bill. The regulation will be administered by a joint Board of Architecture and Interior Design within the Department. The expanded Board will include two additional members who must be registered interior designers. The bill permits the Board to appoint a three member interior design advisory body which will include the two interior designer members of the board. The advisory body will advise the Board on matters relating to interior designers.

Three major substantive changes are made in the current provisions governing the practice of architecture:

The bill will no longer require the Board to review and approve the architectural curriculum, school, or college of each applicant for examination and licensure as a registered architect. Graduates of architectural programs accredited by the National Architectural Accreditation Board (NAAB) may be approved for examination upon verification that the graduate satisfied the curriculum required by the accredited program. Graduates from unaccredited schools or colleges of architecture will continue to be subject to review and approval according to standards adopted by the Board.

Beginning on October 1, 1989, applicants will be required to complete one year of internship prior to examination. The bill also requires that one year of the existing internship
requirement be completed after graduation. The bill does not change the total number of years of internship required.

A new alternative for licensure by endorsement is created and the alternative of practice as a registered architect for 10 years or more is eliminated. Applicants who have passed the prescribed licensure examination and have been certified by the National Council of Architectural Registration Boards (NCARB) according to standards no less stringent than NCARB's present standards may become licensed under this alternative. Applicants who satisfied NCARB's educational eligibility requirements after July 1, 1984, and hold a degree in architecture will be subject to the same degree requirements as applicants for licensure by examination. (See comments for NCARB certification requirements.)

The bill creates an entire regulatory structure related to interior designers by amending the existing and revised statutory provisions applicable to architects.

The bill restricts the use of the titles "registered interior designer" or "interior designer" or words to that effect to persons who meet specific requirements and obtain state licensure. Corporate and partnership use of the protected titles is also restricted to firms which obtain certification from the Department. Use of the protected titles without a license will be a misdemeanor of the first degree. Registered architects and corporations and partnerships licensed to practice architecture or provide architectural services will be allowed to use the protected titles. The bill does not prevent any person from providing interior design services so long as they do not use the protected titles.

The bill will allow certain individuals to be licensed as an interior designer without satisfying prescribed examination and experience requirements if they apply within one year after the effective date. This "grandfather clause" will apply to persons who have passed the profession's national qualifying examination and who have either used the title "interior designer" and held an occupational license as such in this state for one year prior to the effective date of the act or have provided interior design services as a principal of a firm for at least 6 years. Individuals currently enrolled in 2-year interior design program at Florida community colleges will be grandfathered, if they apply for licensure and graduate by October 1, 1990.

The bill establishes education, experience, and examination prerequisites for licensure as an interior designer. Two alternatives are provided for licensure by endorsement. Continuing education is required for the renewal or reactivation of the interior design license. Practice and disclosure requirements for registered interior designers are created. The bill requires registered interior designers to affix their seal to any document they produce which is being filed for public record. Grounds and penalties for disciplinary violations are
created for interior designers consistent with other practice acts.

The bill includes a requirement which should facilitate the Department's and the consumer's ability to discriminate between licensed and unlicensed architects and interior designers. Any architect or interior design registrant, whether a natural person, corporation or partnership, will be required to display his certificate of registration or certificate of authorization number in certain advertising media.

An appropriation of $169,829 and 4 positions is made from the Professional Regulation Trust Fund to the Department to cover anticipated FY 88-89 costs associated with the regulation of interior designers.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Renames the Board as the Board of Architecture and Interior Design in section 20.30, Florida Statutes.

Section 2. Revises purpose to more clearly reflect that architects are regulated to ensure minimum competency for safe practice. Declares legislative intent that use of the titles "interior designer" or "registered interior designer" should be limited to those having specified education and training.

Section 3. Amends definitions and defines "interior design." Existing definitions are revised to incorporate terms related to "interior designers." The term "townhouse" is revised to delete a contradiction implying that the definition may include structures which exceed three stories under some circumstances.

Section 4. Renames the Board of Architecture as the Board of Architecture and Interior Design. Membership of the existing board is increased by two interior design members. Requirements for the new members are specified. Provisions are made for an interior design advisory body to advise the Board on matters related to regulating interior designers.

Section 5. Limits the Board's rule-making authority to the duties and authority conferred on it by the chapter and chapter 455, Florida Statutes. Other changes made by the bill further specify Board duties in carrying out provisions of the statute.

Section 6. Creates fee caps for all licensure fees.

Section 7. Permits an applicant with a degree from a school or college of architecture accredited by the National Architectural Accreditation Board (NAAB) to sit for examination if they satisfied the curriculum of the accredited program. Currently all transcript's are reviewed for compliance with a curriculum approved by the Board of Architecture. The bill will continue to require Board review and approval of the curriculum and schools.
of applicants with degrees from unaccredited schools or colleges. As of October 1, 1989, each applicant for licensure as a registered architect would have to complete one year of the existing internship requirement prior to examination.

Education and experience prerequisites to sit for the interior design licensure examination are created. The minimum requirement is graduation from a 2 year interior design program and 4 years of practical experience. Education from interior design programs accredited by the Foundation for Interior Design Education Research would be accepted without review. The Board is authorized to adopt rules providing for the review and approval of unaccredited schools and colleges of interior design and courses of study.

Section 8. Requires that one year of the existing internship requirement for licensure as a registered architect be completed after graduation. This change would apply only to persons applying on or after October 1, 1989. Obsolete language is deleted.

Section 9. Incorporates the requirements for licensure as an interior designer. The Board is authorized to refuse to license an applicant who is under investigation in any jurisdiction for an offense or action that is prohibited or subject to disciplinary action. Currently, only applicants under investigation in another state may be refused licensure on that basis.

A new alternative for licensure by endorsement for architects is created. The alternative of 10 years registered practice as an architect is deleted. Licensure could be granted to architects who are registered in another state, have passed the prescribed examination, and have obtained certification from the National Council of Architectural Registration Boards (NCARB) according to specified criteria. NCARB certificate holders with a degree in architecture would be subject to the same degree requirements as applicants for licensure by examination if they satisfied NCARB's education requirements after July 1, 1984.

Section 10. Establishes practice requirements for interior designers and requires certain disclosures to clients.

Section 11. Specifies continuing education requirement for renewing the interior design license.

Section 12. Clarifies provisions related to reactivation of inactive licenses. Continuing education which may be required for reactivating the interior design license is specified.
Section 13. Reorganizes section 481.219, F.S., into more logical units. The section is revised to include provisions for the issuance and renewal of certificates or authorization for architectural or interior design firms. The bill deletes the prerequisites for prior approval of articles of incorporation. The bill retains the existing requirements that a principal officer or partner and all personnel who perform architectural services for a certified architectural corporation or partnership be registered architects. A similar prerequisite is created for interior design firms. The bill requires licensees to notify the Department within 30 days of terminating employment with a corporation or partnership to facilitate enforcement of the section.

Section 14. Provides for the use of a seal by registered interior designers. The bill clarifies existing provisions related to the use of seals by all licensees. Licensees are required to include their certificate of registration or certificate of authorization numbers in certain advertising media to facilitate identification of licensees by the Department and consumers.

Section 15. Prohibits the unlicensed use of the titles "architect", "interior designer", and "registered interior designer." Violation of the section is subject to first degree misdemeanor penalties.

Section 16. Grounds for disciplining architects are revised by limiting certain circumstances in which disciplinary action may be taken and by specifying the effect of a plea of nolo contendere. Two broadly stated disciplinary grounds are deleted related to accepting or offering anything of value in order to secure a contract or having any undisclosed significant financial interest in conflict with a client's or employer's interest. Misconduct, deceit, and negligence in the practice of architecture are included in existing grounds for discipline. A provision is added that will allow the Board to impose administrative penalties for attempting to influence or override an architect's professional judgement, if the act would constitute negligence or endanger the public health, safety, and welfare.

Section 17. Creates disciplinary grounds related to interior designers. Disciplinary actions that may be taken by the Board are specified.

Section 18. Makes technical changes to conform language.

Section 19. Allows registered architects or corporations or partnerships with a valid certificate of authorization to offer architectural services to use the title "interior designer." Exempts persons holding themselves out as "interior decorators" or providing defined "interior decorator services." Clarifies that the act does not authorize an interior designer to act as a contractor unless the individual is registered or certified.
pursuant to chapter 489, Florida Statutes. Provides that anyone can provide interior design services as long as they do not call themselves "interior designers."

Section 20. Allows stricter local controls to be imposed on services provided by architects or interior designers if contained in adopted building codes or zoning ordinances.

Section 21. Creates a "grandfather" provision to allow certain persons to be licensed to use the title "interior designer" without having to take the licensure examination.

Section 22. Repeals section 481.233, F.S., to delete obsolete language.


Section 25. Repeals provisions for the interior design advisory body on October 1, 1989.

Section 26. Appropriates $169,829 and 4 positions from the Professional Regulation Trust Fund to the Department of Professional Regulation for the projected FY 88-89 expenditures for the interior designer regulation.

Section 27. Provides an effective date of October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Expenditures:
Department of Professional Regulation
Proposed Regulation - Interior Designers
Operating Capital Outlay $10,987
Other Personal Services 19,157
Travel Expenses - Design Advisory Group 4,500

Total Non-recurring Expenditures $34,644

2. Recurring or Annualized Continuation Effects:

Expenditures:
Department of Professional Regulation
Proposed Regulation - Interior Designers
Salaries and Benefits (4 FTE's) 63,940 89,515 93,990
Expenses for FTE's 26,869 30,933 32,479
Other Personal Services 42,718 44,853 47,095
Data Processing 1,658 1,740 1,827
Total Recurring Expenditures: $135,185
Revenues:
Department of Professional Regulation
Proposed Regulation - Interior Designers
Application Fees $275,000
Examination Fees 125,000
Endorsement Fees 14,000
Initial License Fees 1,080,000
Renewal License Fees 0
Initial Certif. of Authorization 15,000
Renewal Certif. of Authorization 0
Total Recurring Revenues: $1,509,000

3. Long Run Effects Other Than Normal Growth:
None

4. Appropriations Consequences:
Expenditures:
Professional Regulation Trust Fund $169,829
Revenues:
Professional Regulation Trust Fund $1,509,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
None

2. Recurring or Annualized Continuation Effects:
None

3. Long Run Effects Other Than Normal Growth:
None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
Changes made by CS/HB 1502 will have only minimal effects on direct costs to architectural licensees. Individuals, corporations, or partnerships who choose to use the title "interior designer" will incur costs associated with meeting the minimum requirements for licensure and through licensure fees. All licensees may incur limited additional costs in complying with the requirement that licensees publish their certificate numbers in certain advertising media. Corporations seeking certification may realize savings
as a result of eliminating the requirement for departmental approval of their articles of incorporation.

2. **Direct Private Sector Benefits:**

None

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

It is generally assumed that licensure costs are passed on to the consumer in fees for professional services. The economic impact of these licensure costs is believed to be minimal.

D. **FISCAL COMMENTS:**

This bill continues existing regulation of architects by the Board of Architecture. Expenditures for FY 1988-89 are estimated to be $737,146, and revenues are estimated to be $1,034,800.

III. **LONG RANGE CONSEQUENCES:**

IV. **COMMENTS:**

The National Council of Architectural Registration Boards is a federation of all registration boards in the United States. To obtain NCARB certification, an architect must be licensed by a NCARB member board; pass the national examination, complete 3 years of training, and meet NCARB education standards. Applicants who satisfied NCARB's previous education standard by July 1, 1984, or who were licensed as a registered architect in any state on July 1, 1984, and subsequently satisfied that education standard, may receive NCARB certification based on education and/or experience. Since July 1, 1984, the NCARB education standard has required either: (1) a first professional degree (at least a 5-year curriculum) from an NAAB accredited program; (2) an unaccredited degree based on a curriculum equivalent to the 5-year accredited degree; or (3) broad experience as a registered architect with a minimum of 12 years of practice as a registered architect, including 8 years at the level of a principal.

Section 25 of Enrolled SB 1031 further amended the maximum application and examination fee for architects to include the department's actual per applicant cost for the national examination.
V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: 
Sheila Hill 
Staff Director: 
Cliff Nilson

FINANCE & TAXATION:
Prepared by: 
Staff Director: 

APPROPRIATIONS:
Prepared by: 
Lori L. E. Kilpatrick 
Staff Director: 
Dr. James A. Zingale
Journal
of the
Florida
House of Representatives

Ninetieth
Regular Session
since Statehood in 1845

April 5 through June 7, 1988

[Including a record of transmittal of Acts subsequent to sine die adjournment]
Amendment 1—On page 16, lines 21-24, strike said lines and insert committee created in this section shall cease to exist on March 1, 1989

Rep Kelly moved the adoption of the amendment, which was adopted without objection.

On motion by Rep Kelly, the rules were waived by two-thirds vote and HB 780, as amended, was read a third time by title. On passage, the vote was

Yeas—110

The Chair—Figg, Kelly, Rehm
Abraham—Frankel, King, Renke
Arnold—Friedman, Langdon, Rochlin
Ascher—Frishe, Lawson, Rudd
Bainter—Gonzalez-Lobato, Sample
Banjann—Quevedo, Lippman, Sanderson
Bankhead—Goode, Lockie, Sams
Bass—Gordon, Logan, Saunders
Bell—Grindle, Lombard, Silver
Bloom—Golder, Long, Simon
Bronson—Gustafson, Mackenzie, Simone
Brown—Gutman, Mackey, Smith
Burke—Hanson, Martin, Soto
Canady—Hargrett, Martinez, Starks
Carlton—Harris, McEwan, Stone
Carpenter—Hawkins, Meffert, Thomas
Casas—Held, Metcalf, Tobin
Clark—Hedges, Mitchell, Trammell
Clements—Holland, Morse, Troxler
Cratty—Hollendorf, Northam, Upchurch
Crist—Holtzendorf, Nergard, Wallace
Danthler—Hampson, Ostrow, Webster
Davie—Jennings, Patchett, Wetherell
Diaz-Balart—Johnson, B L, Peeples, Wise
Drape—Johnson, R C, Press, Woodruff
Dunbar—Jones, C F, Reaves, Young
Figg—Jones, D L, Reddick
Frankel—Kelly, Rehm

Nays—None

Votes after roll call

Yeas—Burnsed, Deutsch

So the bill passed and was immediately certified to the Senate

REPRESENTATIVE HODGES IN THE CHAIR

HB 780—A bill to be entitled An act relating to landscape architecture, amending s 481 301, F S, modifying purpose, amending s 481 303, F S, modifying a definition, amending s 481 305, F S, relating to the Board of Landscape Architecture, deleting obsolete language, deleting annual report requirements, amending s 481 306, F S., revising rulemaking authority; amending s 481 307, F S., expanding rulemaking authority relating to fees, providing a schedule of fees, amending ss 481 309 and 481 311, F S., revising and clarifying certain examination and licensing requirements, creating s 481 310, F S., requiring certain practical experience prior to licensure, amending s 481 315, F S., revising requirements for license revocation, amending s 481 317, F S., revising requirements for temporary certification, amending s 481 319, F S., deleting certain requirements relating to the practice of landscape architecture by a corporation or partnership, amending s 481 321, F S., providing for use of a seal by registered landscape architects, requiring use of certificate numbers in advertising, amending s 481 323, F S., providing a prohibition on the use of certain terms, amending s 481 325, F S., modifying and providing additional grounds for disciplinary actions, amending s 481 329, F S., revising an exemption for employees of state or local governments who perform landscape architectural services, requiring licensure under certain circumstances, repealing s 481 331, F S., relating to construction of statutes, creating a committee to delineate the conditions or circumstances under which landscape architects may submit permits for the design of stormwater management systems, saving part II of chapter 481, F S. from Sunset repeal, providing for future review and repeal, providing effective dates

was read the second time by title

The Committee on Appropriations offered the following amendment

CS/HB 1509—A bill to be entitled An act relating to architecture and interior design, amending s 20 30, F S., renaming the Board of Architecture, amending s 481 201, F S., providing legislative intent, amending s 481 203, F S., modifying and adding definitions; amending s 481 205, F S., providing for additional members of the board, providing for an interior design advisory body; amending s 481 2055, F S., revising rulemaking authority, amending s 481 207, F S., expanding rulemaking authority relating to fees; providing a schedule of fees; amending s 481 209, F S., revising and clarifying certain examination requirements, providing for acceptance of degrees from accredited or unaccredited schools or colleges, revising rulemaking authority relating to acceptance of certain degrees; providing a pre-examination internship requirement for architects, providing education and experience requirements for interior designers, amending s 481 211, F S., revising and clarifying certain internship requirements for architects, amending s 481 213, F S., revising and clarifying certain requirements for licensure and licensure by endorsement, creating s 481 2131, F S., providing practice requirements and for disclosure relative to interior designers; amending s 481 215, F S., providing a continuing education requirement for license renewal for interior designers, amending s 481 217, F S., revising requirements for license revocation, amending s 481 219, F S., providing certain requirements relating to practice of architecture or use of the title
"interior design" by a corporation or partnership, amending s 481 221, F S., providing for the use of a seal by licensees, requiring the use of certificate numbers in advertising, amending s 481 223, F S., providing a prohibition on the use of certain terms, amending s 481 225, F S., modifying grounds for disciplinary action against architects, creating s 481 2251, F S., providing disciplinary violations and penalties for interior designers, amending s 481 227, F S., conforming language, amending s 481 229, F S., providing exceptions and exemptions from licensure, amending s 481 231, F S., clarifying local effect, providing for waiver of examination requirements for interior designer license under certain circumstances, repealing s 481 233, F S., relating to the registration of certain architects, saving part 1 of chapter 481, F S., from Sunset repeal; providing for future review and repeal, repealing s 481 20531, F S., relating to the interior design advisory body, providing an appropriation, providing an effective date —was read the second time by title

Representative Lippman offered the following amendment

Amendment 1—On page 3, lines 1-9, strike said lines and insert Section 1. Paragraph (b) of subsection (4) of section 20 30, Florida Statutes, as amended by section 2 of chapter 88-1, Laws of Florida, is amended to read

20 30 Department of Professional Regulation—There is created a Department of Professional Regulation

(4) The following boards are established within the Department of Professional Regulation, Division of Professions

(b) Board of Architecture and Interior Design, created under part l of chapter 481

Rep Lippman moved the adoption of the amendment, which was adopted without objection.

Representative Kelly offered the following amendment

Amendment 2—On page 3, lines 12-19, strike said lines and insert

481 201 Purpose —The Legislature finds that the practice of architecture is a learned profession. The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fail below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. The Legislature further finds that it is in the interest of the public to limit the use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part. The Legislature finds that improper design and improper construction supervision by architects of buildings primarily designed for human habitation or use present a significant threat to the public.

Rep Kelly moved the adoption of the amendment, which was adopted.

Representative Kelly offered the following amendment

Amendment 3—On page 5, line 18, insert after the period: Except as provided herein, interior design shall not include services which require performance by an architect

Rep. Kelly moved the adoption of the amendment, which was adopted.

Representative Kelly offered the following amendment

Amendment 4—On page 29, line 20, insert after the period: Section 23 (1) There is hereby created a Committee for the Study of Architect and Engineer Construction Observation. The purpose of the committee shall be to research, review and analyze the use of and need for construction observation by design professionals, beyond the requirements of s 553.79, to assure construction conformance with permitted documents. The committee shall recommend construction observation measures deemed necessary to alleviate construction conditions, standards or practices which are detrimental to the public health, safety and welfare.

(2) The committee shall consist of five members to be appointed by the Secretary of the Department of Professional Regulation. The Secretary shall appoint one member from the Florida Home Builders Association, one member from the Florida Association of the American Institute of Architects one member from the Florida Engineering Society, one local Building Code official, and a representative from the Board of Building Codes and Standards, Department of Community Affairs. The committee shall select a chairman and vice-chairman from among its appointed members. The committee shall meet at the call of the chairman

(3) The committee shall research, review and analyze

(a) the current use of design professionals in construction observation, with the provisins of this section

(b) the harm or potential harm, including costs incurred by owners, designers and others, including the public

(c) the benefits or potential benefits achieved by construction observation beyond the requirements of s 553.79, and

(d) to whom the design professional should report regarding construction deficiencies noted during construction observation

(4) The committee shall continue in existence until its duties are terminated, but not later than June 30, 1989. The committee shall prepare and submit to the Governor and Legislature, no later than March 1, 1989, a report containing its findings, conclusions, and recommendations

(5) Members of the committee shall serve without compensation, but shall be entitled to reimbursement for travel expenses as provided in s 112.061.

(6) For administrative purposes, the committee shall be attached to the Department of Professional Regulation

(7) There is hereby appropriated $75,000 from the Professional Regulation Trust Fund to the Department of Professional Regulation for the fiscal year 1988-1989 for the purpose of paying administrative costs and travel expenses necessary to carry out the provisions of this section. The appropriation shall be funded by revenues collected pursuant to chapter 471, chapter 481, part 1, and chapter 489, part 1.

Rep Kelly moved the adoption of the amendment, which was adopted.

Without objection, one additional amendment by Rep Kelly was withdrawn.

On motion by Rep Kelly, the rules were waived by two-thirds vote and CS/HB 1502 was read a third time by title. On passage, the vote was

Yeas—107

The Chair—Davis
Abras—Diaz-Balart
Arnold—Draz
Ascherl—Dubnar
Bainter—Figg
Bannin—Frankel
Bankhead—Friedman
Bass—Frase
Bloom—Gardner
Bronson—Glickman
Brown—Gonzalez
Burnsed—Quevedo
Bucady—Goode
Carpenter—Guber
Casas—Gustafson
Clark—Gutman
Clements—Hanson
Cosgrove—Hargrett
Cody—Harr
Crotty—Hawkins
Dantzler—Healey
Dav—Hill
Diaz—Holland
Diaz—Holland
Dub—Irvine
Dun—Jeffers
Figg—Jamerson
Frank—Jennings
Friedman—Johnson
Frase—Johnson
Frase—Jones
Glickman—Jones
Gonzalez—Kelly
Quevedo—King
Goode—Langston
Grindle—Lawson
Guber—Lewis
Gustafson—Liberti
Gutman—Lippman
Hanson—Logan
Hargrett—Lombard
Harr—Long
Hawkins—Mackenzie
Healey—Mackey
Hill—Martin
Holland—Martin
Irvin—Meffert
Jamerson—Messer-smith
Jennings—Metcal
Johnson—Mitchell
Johnson—Morse
Jones—Northam
Jones—Nergard
Kelly—Ostrau
King—Patchett
Langton—Press
Lawson—Reaves
Lewis—Redick
Liberti—Rehm
Lippman—Renke
Logan—Rochlin
Lombard—Rudd
Long—Rush
Mackenzie—Sample
Mackey—Sanderson
Marte—Martin
Martin
Meffert
Messer-smith
Metcal
Mitchell
Morse
Northam
Nergard
Ostrau
Patchett
Press
Reaves
Redick
Rehm
Renke
Rochlin
Rudd
Rush
Sample
Sanderson
HB 1558—A bill to be entitled An act relating to water well contractors and drillers, creating § 373.302, F.S., providing legislative findings, amending § 373.333, F.S., revising the definition of “water well contractor”, amending § 373.308, F.S., to delete a cross-reference, amending § 373.323, F.S., providing for application for licensure, examination of applicants, preparation of examination, and issuance of license with respect to water well contractors, providing for action to be taken by a water management district when unlicensed activity occurs, providing for adoption of rules, deleting provisions relating to renewal of a license, suspension, or revocation of a license, delegation of authority, and registration of drillers and drilling equipment; requiring display of contractor’s license number on drilling equipment, creating § 373.324, F.S., providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof, creating § 373.325, F.S., providing for renewal or reactivation of inactive license, amending § 373.326, F.S., providing an exemption from licensing requirements under certain circumstances, amending § 373.329, F.S., providing licensure fee caps as established by rule, increasing maximum fees for application for licensure and penalty fees for license renewal, amending § 373.333, F.S., providing disciplinary guidelines by adoption of rules; providing grounds for disciplinary action, providing disciplinary actions, including license suspension or revocation; providing for notice; providing for reissuance of a suspended or revoked license, creating § 373.335, F.S.; creating a statewide clearinghouse allowing water management districts to access certain information; amending § 373.336, F.S., providing unlawful acts and penalties, creating § 373.337, F.S., providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts, amending § 373.342, F.S., to make technical changes, repealing § 373.339, F.S., relating to preservation of existing regulations, saving §§ 373.332, 373.326, 373.329, 373.333, 373.336, and 373.342, F.S., from Sunset repeal, providing for future review and repeal, providing an effective date.

—was read the second time by title. On motion by Rep. Brown, the rules were waived by two-thirds vote and the bill was read a third time by title. On passage, the vote was

Yea's—106

Nays—None

Votes after roll call

Yea's—Peeples, Deutsch, Titone

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1669 was taken up On motion by Rep. Lippman, SB 1064, a similar or companion measure, was substituted for HB 1669. Under the rule, the House bill was laid on the table and—

SB 1064—A bill to be entitled An act relating to periodic legislative review of regulatory functions and advisory bodies, commissions, and boards of trustees adjunct to executive agencies, repealing the following regulatory laws and providing for review of such laws pursuant to § 11.61, F.S., the Regulatory Sunset Act, in advance of their respective dates of repeal; § 395.032, § 395.035, and § 395.036, F.S., relating to the regulation of trauma centers, § 471.008, F.S., relating to the authority of the Board of Professional Engineers to make rules, § 554.1011-554.115, F.S., relating to boiler safety, § 593.101-593.117, F.S., relating to boil weevil eradication, and § 641.261, 641.411, F.S., relating to regulation of health maintenance organizations and prepaid health clinics, repealing the following laws relating to bodies adjunct to executive agencies and providing for review of such laws pursuant to § 11.61, F.S., the Sundown Act, in advance of their respective dates of repeal; § 228.0875(3), (4), F.S., relating to the Governor's Summer Colleges Council, § 250.551, F.S., relating to the Prepaid Postsecondary Education Expense Program, § 280.20, F.S., relating to the Security for Public Deposits Task Force; § 282.3061, 282.3062, 282.3115, 282.312, F.S., relating to the Information Resource Commission and information resources management operation plans and annual performance reports, § 316.54571, F.S., relating to the Commercial Motor Vehicle Review Board and unlawful weights and loads, § 406.075, F.S., relating to the Medical Examiners Commission and the discipline of medical examiners, § 413.0112, relating to the Advisory Council for the Blind, § 413.605, F.S., relating to the Advisory Council on Spinal Cord Injuries, and § 573.112, 573.113, F.S., relating to the advisory councils to the Department of Agriculture and Consumer Services in administering agricultural commodity marketing orders, amending § 13, ch. 87-106, Laws of Florida, to delete the requirement that the review of § 420.623, F.S., relating to local coalitions for the homeless, in advance of its expiration date be performed in accordance with § 11.61, F.S., amending § 5, ch. 87-131, Laws of Florida, to change the expiration date of § 399.2456, F.S., relating to the Florida Highway Beautification Council, amending § 3, ch. 87-185, F.S., to eliminate the scheduled expiration of § 284.50(1), (3), (4), F.S., relating to the state loss prevention program, amending § 8, ch. 87-328, Laws of Florida, to change the expiration date of the Florida Recreational Trails Council, amending § 33, ch. 87-387, Laws of Florida, to delete the requirement that the review of § 382.025(16), F.S., relating to birth and marriage records, in advance of its expiration be performed in accordance with § 11.61, F.S., providing an effective date.

—was read the second time by title. On motion by Rep. Lippman, the rules were waived by two-thirds vote and the bill was read a third time by title. On passage, the vote was

Yea's—111

Nays—None

Votes after roll call

Yea's—Titone, Deutsch

So the bill passed and was immediately certified to the Senate.
Journal of the
SENATE
State of Florida

TWENTIETH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 7, 1988
ment to review and revise bid procedures with respect to materials with recycled content, providing for coordination of activities related to solid and hazardous waste management conducted by state universities by the Board of Regents, providing for award of research contracts to independent contractors and universities to conduct research on the study of combining product packaging and requiring a report, creating s. 381.80, F.S.; providing for standards for the safe packaging, storage, treatment and disposal of hazardous waste, providing duties of the Department of Health and Rehabilitative Services and the Department of Environmental Regulation, providing for enforcement and penalties; amending s. 386.002, F.S., defining "biobased waste"; amending s. 395.0101, F.S., to conform; amending s. 377.709, F.S., relating to funding by electric utilities of local government solid waste facilities that generate electricity; revising a definition; directing the Public Service Commission to establish guidelines relating to purchase of capacity or energy by electric utilities from local government solid waste facilities, providing legislative intent that the state provide financial assistance for the establishment of Keep Florida Beautiful, Inc.; creating the Clean Florida Commission within the Department of Transportation to coordinate a statewide litter prevention program; providing its powers and duties; providing for grants to local government and nonprofit organizations; requiring report, directing placement of certain signs; amending s. 403.413, F.S.; revising the Florida Litter Law of 1971; providing definitions; prohibiting the dumping of litter in certain places; providing penalties; providing for injunctive relief; providing for forfeiture of certain property used in committing certain violations; providing for treble damages, attorneys' fees, and court costs; providing that a final judgment in a criminal proceeding estops the defendant from asserting certain issues in a subsequent civil action, providing a presumption; providing for the burden of certain proof in a criminal proceeding; providing for enforcement by specified law enforcement officers; amending s. 222.27, F.S.; providing for driver's license points to be assessed for violation of specified provisions of the Florida Litter Law; authorizing the Department of Transportation to contract for certain supplemental litter removal; providing for demonstration projects by the Department of Agriculture and Consumer Services and the Department of Environmental Regulation; providing for a multidisciplinary demonstration Center for Resource Recovery from Solid Organic Materials, and preparing its duties; creating an advisory committee; providing for contracting with private persons for solid waste management services; prohibiting certain discrimination; providing requirements with respect to non-ad valorem assessments; specifying information which must be contained in tax notices; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S., providing for notice of ad valorem taxes and non-ad valorem assessments; creating a mechanism relating to the method of collection of special assessments and service charges; restricting the application of such provisions; creating s. 197.3631, F.S., providing general requirements relating to non-ad valorem assessments, creating s. 197.3632, F.S., providing a uniform method for the levy, collection, enforcement, non-ad valorem assessments, creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.342, F.S., providing a title for a statement of tax information; providing for a waste newsprint disposal fee on newsprint, providing for credits; providing duties of the Department of Revenue; providing for administration and enforcement pursuant to chapter 212, F.S.; providing that the fee shall be rescinded or increased under certain circumstances; requiring producers and publishers to accept newsprint for recycling; providing for credits, providing for expiration, providing an advance disposal fee program; providing for disposition of proceeds of the fee; providing for administration and enforcement pursuant to chapter 212, F.S.; providing for rules; providing for refunds; providing for repeal and future review of such program; providing for deposits on containers; providing definitions; prescribing procedures for payment and refund of deposits; providing for notification of refundability; providing for establishment of redemption centers; providing for rules, requiring the distribution of certain information, preserving penalties; amending s. 212.12, F.S., revising the dealer's collection allowance for the collection of sales taxes; amending s. 212.04, F.S., to conform; amending s. 212.18, F.S., requiring an annual registration fee for persons who sell or distribute the use of tobacco; providing for the Solid Waste Management Trust Fund; creating s. 212.237, F.S., providing for the deposit of certain sales tax collections in the Solid Waste Management Trust Fund; amending s. 212.08, F.S.; exempting certain machinery and equipment related to recycling from sales tax; providing requirements with respect thereto, providing for repeal; amending s. 212.07, F.S.; conforming amendments to s. 403.7221, F.S.; providing for research, development, and demonstration permits for solid waste management facilities; amending s. 196.199 and 403.1834, F.S.; providing that a leasehold interest in property of the state or facilities thereon are not exempt from ad valorem taxation when the property is used by a nongovernmental lessee for a multipurpose hazardous waste treatment facility; providing appropriations and authorizing additional positions; providing effective dates.

On motion by Senator Kirkpatrick, the Conference Committee Report was adopted and CS for SB 1192 passed as recommended and the action of the Senate was certified to the House together with the Conference Committee Report. The vote on passage was:

Yes—35

Nays—None

Vote after roll call.

Yes—Barron, Crawford, Vogt

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1409—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; prohibiting disclosure and authorizing disclosure of certain information relating to the lottery under specified circumstances; amending s. 24.108, F.S., revising duties of the Division of Security of the Department of the Lottery; amending s. 24.111, F.S.; revising provisions which require certain vendors to post bond or deposit securities, authorizing filing of an irrevocable letter of credit; amending s. 24.112, F.S.; authorizing use of secretary's facsimile signature on contracts with retailers; revising provisions regarding access to lottery retailers for disabled persons, amending s. 24.116, F.S.; revising provisions which prohibit certain persons associated with vendors from purchasing lottery tickets; removing a prohibition against retailers, employees thereof, and their relatives purchasing lottery tickets on the retailer's premises; providing limitations on imposition of criminal sanctions for violations of s. 24.116, F.S., committed prior to the effective date of the act; amending s. 24.120, F.S.; authorizing funds in the Administrative Trust Fund to be invested by the Treasurer in annuities issued by insurance companies under certain conditions, amending s. 18.10, F.S. to conform, providing an effective date.

As amended.

Point of Order

Senator Scott raised a point of order that pursuant to Rule 4.8, HB 1409, as amended, should be referred to the Committee on Appropriations because of the fiscal impact of Amendment 1.

The Presiding Officer appointed Senators Langley, Crenshaw and Gordon as a committee to consider the point of order and to make a recommendation to the Senate.

Further consideration of HB 1409 was deferred.

On motions by Senator McPherson, by two-thirds vote CB for HB 1502 was withdrawn from the Committee on Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator McPherson—

CS for HB 1502—A bill to be entitled An act relating to architecture and interior design; amending s. 20.50, F.S., renaming the Board of Architecture; amending s. 481.201, F.S., providing legislative intent; amending s. 481.205, F.S., modifying and adding definitions; amending s. 481.205, F.S., providing for additional members of the board; providing for an interior design advisory body; amending s. 481.2055, F.S., revising rule-making authority; amending s. 481.207, F.S., expanding rule-making authority relating to fees, providing a schedule of fees; amending s. 481.209, F.S., revising and clarifying certain examination requirements,
providing for acceptance of degrees from accredited or unaccredited schools or colleges; revising rulemaking authority relating to acceptance of certain degrees; providing a pre-examination internship requirement for architects; providing education and experience requirements for interior designers; amending s. 481.211, F.S., revising and clarifying certain internship requirements for architects; amending s. 481.215, F.S., revising and clarifying certain requirements for licensure and licensure by endorsement; creating s. 481.231, F.S., providing practice requirements and for disclosure relative to interior designers, amending s. 481.215, F.S., providing a continuing education requirement for license renewal for interior designers; amending s. 481.217, F.S., revising requirements for license reactivation; amending s. 481.219, F.S., providing certain requirements for license renewal for architects; providing: education and experience requirements for interior designers; repealing s. 481.233, F.S., relating to the registration of certain architects; amending s. 481.223, F.S., providing a prohibition on the use of certain terms; amending s. 481.225, F.S., modifying grounds for disciplinary action against architects; creating s. 481.2251, F.S., providing disciplinary violations and penalties for interior designers; amending s. 481.227, F.S., conforming language; amending s. 481.229, F.S., providing exceptions and exemptions from licensure; amending s. 481.231, F.S., clarifying local effect; providing for waiver of examination requirements for interior designer license under certain circumstances, repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal; providing certain requirements for license renewal for architects; amending s. 481.211, F.S., relating to interior design by a corporation or partnership; amending s. 481.221, F.S., providing for the use of a seal by licensees, requiring the use of certificate numbers in advertising; amending s. 481.223, F.S., providing a prohibition on the use of certain terms; amending s. 481.225, F.S., modifying grounds for disciplinary action against architects; creating s. 481.2251, F.S., providing disciplinary violations and penalties for interior designers; amending s. 481.227, F.S., conforming language; amending s. 481.229, F.S., providing exceptions and exemptions from licensure; amending s. 481.231, F.S., clarifying local effect; providing for waiver of examination requirements for interior designer license under certain circumstances, repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 481.205(3), F.S., relating to the interior design advisory body; providing an appropriation; providing an effective date
—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Kirkpatrick and failed:

Amendment 1—On page 2, line 14, strike "(1)"

Amendment 2—On page 2, line 18, through page 6, line 14, strike all of said lines and insert: act, and shall continue in full force and effect as amended herein.

Section 3 Section 373.302, Florida Statutes, is created to read:

373.302 Legislative findings.—The Legislature recognizes that the practice of constructing, repairing, and abandoning water wells, if conducted by incompetent contractors, is potentially threatening to the health of the public and to the environment. The Legislature finds that a threat to the public and the environment exists if water resources become contaminated as a result of wells drilled by incompetent or dishonest contractors, and that to prevent contamination it is necessary to regulate the construction, repair, and abandonment of wells, and the persons and businesses responsible therefor.

Section 4. Subsection (6) of section 373.303, Florida Statutes, is amended to read:

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

(6) "Water well contractor" means a person who is responsible for the construction, repair, or abandonment of a water well and who is licensed under this part to engage any person, firm, or corporation engaged in the business of construction, repair, or abandonment of constructing water wells.

Section 5. Subsection (2) of section 373.306, Florida Statutes, is amended to read:

373.308 Implementation of programs for regulating water wells.—

(2) The department shall authorize the governing board of a water management district to exercise any power authorized to be exercised by the department under ss. 373.306, 373.313, 373.316, 373.319, 373.323, 373.329, and 373.333 and shall encourage the district to fully exercise such powers as soon as practicable.

Section 6. Section 373.323, Florida Statutes, is amended to read:

373.323 Licensure of water well contractors, applications, qualifications, and examinations, contractor license, dealer and drill rig equipment identification registration.

(1) WATER WELL CONTRACTOR LICENSES.

(a) Every person who wishes to engage in business as a water well contractor shall obtain from the water management district a license to conduct such business.

(b) Each person desiring to be licensed as a water well contractor shall apply to take the licensure examination. Application shall be made to the water management district in which the applicant resides or in which a principal place of business is located. A resident of another state shall apply to the water management district in which the most of the business of the applicant will take place. Application shall be made on forms provided by the water management district.

(3) An applicant who meets the following requirements shall be entitled to take the licensure examination to practice water well contracting:

(a) Is at least 18 years of age

(b) Has at least 2 years’ experience in constructing, repairing, or abandoning wells

(c) Has completed the application form and remitted a nonrefundable application fee

(4) The department may adopt and from time to time amend rules and regulations governing applications for water well contractor licenses. The water management district shall license as a water well contractor any person properly making application thereto who is an adult for all legal purposes, has knowledge of rules and regulations adopted under this part, and has had not less than 2 years’ experience in the work for which
I. SUMMARY:

A. Present Situation:

A report in 1987 by representatives of the "Florida Coalition of Interior Designers," estimated that there are approximately 5,000 interior designers in Florida. The practice of interior design includes the selection of fabrics for use in the interior of homes and office buildings and the design of the use of space within these interiors. According to the report and a recent supplement to the report provided to staff by representatives of the Coalition, incompetent practice could result in harm to the public, primarily in the form of unnecessary death and destruction caused by fires which could have been prevented or minimized had proper design techniques been used. Other harm could exist in the form of interior pollution from artificial fabrics and substances used in decorating and designing interior space. Also, economic harm may be suffered by consumers if interior design services are performed incompetently.

The American Society of Interior Designers (ASID) and the Institute of Business Designers (IBD), are associations of the interior design profession representing over 50,000 interior designers nationally. The Coalition is made up of members of these two groups, as well as unaffiliated interior designers. Members in the ASID are required to pass a comprehensive examination administered by the National Council for Interior Design Qualifications (NCIDQ). NCIDQ is an independent organization, consisting of members appointed by the various professional groups and interior design educators, which sets standards for professional interior designers and develops the national competency examination. ASID members also are required to hold a five year bachelor's degree and have one year of post graduate experience. The IBD also sets similar standards which its members must meet, according to representatives of the Coalition.

Florida law does not currently regulate the interior design profession. Anyone may perform services which might be considered interior design and may use the title interior designer. There is state licensure of architecture, which is defined in s. 481.203, F.S., as 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. According to representatives of the Coalition, Alabama, Louisiana, Connecticut, and the District of Columbia currently regulate interior designers. The District of Columbia has enacted a practice act, the other three states have title acts (certification). Interior design regulation bills are pending in 12 or more states.
Local building and fire codes currently provide standards which must be met in designing the interiors of buildings. The federal Flammable Fabrics Act, 15 U.S.C. 1191-1204, and rules thereunder at 16 CFR 1602-1632, also provide a level of protection to consumers.

B. Effect of Proposed Changes:

The bill creates the Interior Designers Act to operate as a title act regulating the individuals who hold themselves out as interior designers. Thus, the act does not prevent anyone from practicing interior design but only protects the use of the title "interior design."

The following sections provide:

Section 1
Provides for a short title; "Interior Designers Licensing Act.

Section 2
Provides statement of legislative intent. The Legislature finds the practice of interior design by unskilled and incompetent practitioners presents a significant danger to the public health, safety, and welfare; that it is necessary to prohibit the use of the title "interior designer" by persons not licensed in order to ensure the competence of those who hold themselves out as interior designers. The section also exempts persons who hold themselves out as interior decorators.

Section 3
Defines interior design as the "performance of or offer to perform, services which include consultations, studies, drawings, specifications in connection with space utilization, furnishings, or fabrication of non-structural elements within the surrounding interior spaces of buildings," and interior designer as one who does this. Contains substantive language regarding scope of work of interior designers.

Sections 4, 5, and 6
Grant the Department of Professional Regulation (DPR) the authority to adopt rules. Require that the fees received by the act be deposited in the Professional Regulation Trust Fund and grant the department the authority to administer oaths, summon witnesses and take testimony on matters pertaining to the act.

Section 7
Requires an applicant for examination to meet certain educational and experience criteria.

Section 8
Provides that the licensure examination be conducted at least twice per year, and requires each person to successfully pass the examination prior to being issued a license. Allows the DPR to determine the content and the basis of grading the licensure examination.

Section 9
Provides for licensure without examination for persons who have had a municipal or county occupational license for at least one year prior to the effective date of the act, and
who have for at least one year been identified as, or has provided interior designing services. This exemption also applies to persons who regularly teach interior design at an accredited college, university or professional school. Persons who wish to be so licensed must do so within one year after the effective date of the act. The DPR is allowed to license without examination after the one year requisite period, persons who present evidence of licensure in another state whose standards are at least equivalent to those required under the act.

Section 10

Provides for the issuance of a license provided a person meets all the requirements and pays the necessary fee. It requires the DPR to develop a rule for biennial licensure and provides that a license shall automatically revert to inactive status if not renewed.

Section 11

Requires persons to attain not more than 20 hours per year of continuing education as a condition for license renewal. The DPR may make exceptions for continuing education in emergency and hardship cases.

Section 12

The inactive status provision grants the DPR the authority to develop rules determining the length of time, not less than 2 nor more than 4 years, a license can remain inactive. The provision also grants the DPR rule-making authority relating to the reactivation of an inactive license, and allows for a reactivation fee not to exceed $50.

Section 13

Requires interior designers to fully disclose the scope of a project and the means by which payment is to be made prior to entering into a verbal or written contract with a customer. It also describes the kinds of services a designer may offer and the methods of payment.

Section 14

Outlines grounds for which a designer can be disciplined and describes actions the DPR may take in disciplining a designer.

Section 15

Requires the DPR to develop a seal to be used by licensed interior designers. It requires each licensed designer to obtain the seal and affix it to all plans, specifications and other documents that are to be filed for public record. The seal, signature and date by an interior designer are evidence of the authenticity of documents prepared by a designer. A designer is required to surrender the seal within 30 days to the DPR should his license be suspended or revoked. A designer is restricted from affixing the seal and his signature to a document which depicts work he cannot perform, or to a document he did not prepare. It also mandates that local building code agencies may not reject plans and specifications prepared for nonstructural interior spaces solely on the basis that they were prepared by an interior designer, if a building permit is required by the local agency.

Section 16
Allows interior designers to associate in a partnership or corporation with architects, engineers, landscape architects, surveyors or other interior designers. It allows a firm to use the term "interior designer" in its title if one or more partners or directors is licensed as an interior designer. It also requires the DPR to identify any such corporation and mandate that it file pertinent information with the department.

Section 17

Grants the DPR authority to apply to any court to issue an injunction against illegal activity. Additionally, it shall be unnecessary to prove to the court that an inadequate remedy at law, that irreparable damage would result or that administrative remedies have been exhausted in order to obtain the order.

Section 18

Outlines fee caps for the DPR to establish fees. For examination, reexamination or licensure in lieu of an examination the fee shall not exceed $350. It also allows for annual renewal fee cap of $100 although biennial licensure is called for in another section. A $25 fee cap is established for an original or duplicate license certificate.

Section 19

An advisory committee is established composed of five members; three interior designer professional, an architect and a public member. The DPR is to "give great weight and consideration to the advice given by the advisory committee."

Section 20

Provides for criminal penalties should an unlicensed person use the title or be identified as an interior designer.

Section 21

Provides for an exemption from licensure to an architect who practices interior design, and allows an architect to use the term "interior designer." It also clarifies that the act does not apply to an interior decorator.

Section 22

Clarifies that a licensed designer is not required to be licensed as a contractor, nor should an interior designer engage in the construction business unless registered or certified as a contractor pursuant to chapter 489, F.S.

Sections 23 and 24

Allow for repeal and review of the advisory committee and the act, pursuant to chapter 11.611 and 11.61, F.S.

Section 25

Makes the act effective October 1, 1988, except that the section on injunctions (Section 17) will not become effective until March 1, 1989.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
Persons who apply for examination, reexamination or licensure will be charged a fee not to exceed $350. The annual fee for license renewal shall not exceed $100. A $25 fee will be charged to duplicate a licensed certificate. A fee not to exceed $50 is provided for the reactivation of inactive licenses. It is generally assumed that the cost of regulation is passed on to consumers through higher fees for services.

B. Government:

The Department of Professional Regulation has estimated the following fiscal impact:

<table>
<thead>
<tr>
<th>Year</th>
<th>Est. Revenue</th>
<th>Est. Disbursements</th>
<th>Est. Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,910,000</td>
<td>$192,432</td>
<td>$1,717,568</td>
</tr>
<tr>
<td>2</td>
<td>$ 537,500</td>
<td>$211,599</td>
<td>$ 325,901</td>
</tr>
<tr>
<td>3</td>
<td>$ 547,500</td>
<td>$213,105</td>
<td>$ 334,395</td>
</tr>
<tr>
<td></td>
<td>Est. Total Revenue</td>
<td></td>
<td>$2,377,864</td>
</tr>
<tr>
<td></td>
<td>End of Year 3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figures are estimated based on the fee caps in the bill for 5,000 applicants being grandfathered in the first year and 100 applicants applying for licensure each year.

Note: The anticipated revenue, especially during the first year, appears unnecessarily high. According to the DPR, the estimate is based on the maximum fee allowed by the bill and does not reflect the actual fee the DPR will likely set to cover the cost of regulation.

III. COMMENTS:

Section 17 of SB 127 grants the DPR the authority to enjoin or restrain a person should they continue an unlawful act under the interior designers act. Section 455.228, F.S., presently allows the DPR to issue cease and desist orders to unlicensed persons who have violated any provisions of a practice act which the DPR has under its jurisdiction. The DPR may also issue, on behalf of the state, an injunction or a writ of mandamus against any person to enforce the cease and desist order.

An identical House Bill 94 has been filed for the 1988 legislative session.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Chapter 481, Part I, Florida Statutes, regulating the practice of architecture, is scheduled for Sunset repeal on October 1, 1988. The practice of architecture, which is defined in s.481.203, F.S., means 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. It is administered by a seven member Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements and provide for three alternative methods for licensure by endorsement. Administrative penalties may be imposed by the Board for specified violations of the statute. Certain prohibited acts, including practicing architecture or using protected titles without a license, are subject to first degree misdemeanor penalties. Applicants must pass a written examination and complete an internship prior to licensure as a registered architect. The prerequisites for examination are honesty, trustworthiness, and graduation from an approved architectural curriculum of 5 years or more, from a school or college that meets standards of accreditation set by the Board. Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in behalf of the business are registered architects. Corporations seeking certification must obtain approval from the Department before filing or amending their articles of incorporation. Corporations and partnerships are subject to the same disciplinary actions as registered architects.

A report in 1987 by representatives of the "Florida Coalition of Interior Designers," estimated that there are approximately 5,000 interior designers in Florida. The practice of interior design includes the selection of fabrics for use in the interior of homes and office buildings and the design of the use of space within these interiors. According to the report and a recent supplement to the report provided to staff by representatives of the Coalition, incompetent practice could result in harm to the public, primarily in the form of unnecessary death and destruction caused by fires which could have been prevented or minimized had proper design techniques been used. Other harm could exist in the form of interior pollution from artificial fabrics and substances used in decorating and designing interior space. Also, economic harm
may be suffered by consumers if interior design services are performed incompetently.

The American Society of Interior Designers (ASID) and the Institute of Business Designers (IBD), are associations of the interior design profession representing over 50,000 interior designers nationally. The Coalition is made up of members of these two groups, as well as unaffiliated interior designers. Members in the ASID are required to pass a comprehensive examination administered by the National Council for Interior Design Qualifications (NCIDQ). NCIDQ is an independent organization, consisting of members appointed by the various professional groups and interior design educators, which sets standards for professional interior designers and develops the national competency examination. ASID members also are required to hold a five year bachelor's degree and have one year of post graduate experience. The IBD also sets similar standards which its members must meet, according to representatives of the Coalition.

Florida law does not currently regulate the interior design profession or restrict the use of the title "interior designer." Anyone may perform services which might be considered interior design and may use the title "interior designer." According to representatives of the Coalition, Alabama, Louisiana, Connecticut, and the District of Columbia currently regulate interior designers. The District of Columbia has enacted a practice act, the other three states have title acts (certification). Interior design regulation bills are pending in 12 or more states.

Local building and fire codes currently provide standards which must be met in designing the interiors of buildings. The federal Flammable Fabrics Act, 15 U.S.C. 1191-1204, and rules thereunder at 16 CFR 1602-1632, also provide a level of protection to consumers.

B. Effect of Proposed Changes:

The bill revises the current regulation of architects and creates a new requirement that persons, corporations, or partnerships using the title "interior designer" be licensed. Regulatory provisions for the two professions are combined by the bill. The regulation would be administered by a joint Board of Architecture and Interior Design within the Department. The expanded Board would include two additional members (nine total) who must be registered interior designers. The bill permits the Board to appoint a three member interior design advisory body which would include the two interior design members of the board. The advisory body would advise the Board on matters relating to interior design such as examination, accreditation standards, curriculum and continuing education. The bill adds and amends definitions as necessary.

Essentially the bill creates an entire regulatory structure related to interior designers by amending the existing and revised statutory provisions applicable to architects. Since the regulatory provisions governing architects remain the same as in CS/SB 153, those provisions are discussed in that bill analysis. The remainder of this analysis will focus on the interior design provisions.

Regarding interior design, the bill restricts the use of the titles "registered interior designer" or "interior designer" or words to that effect to persons who meet specific requirements and obtain state licensure. Corporate and partnership use of the protected titles is also restricted to firms which obtain certification from the Department. Use of the protected titles without a license would be a misdemeanor of the first degree. Registered architects and corporations and partnerships licensed to practice architecture or provide architectural services
would be allowed to use the protected titles. The bill does not prevent any person from providing interior design services so long as they do not use the protected titles.

Certain applicants could be licensed to use the title "interior designer" without examination, if they apply for licensure within one year after the act takes effect. This "grandfather clause" would apply to persons who, for one year prior to the effective date of the act, have used the title "interior designer" and held a municipal or county occupational license in Florida (unless an occupational license was not required) or have been teaching interior design course. They also must have successfully completed the National Council for Interior Design Qualifications examination or have provided interior design services for at least six years.

The bill establishes education, experience, and examination prerequisites for licensure as an interior designer and provides for licensure by endorsement. The bill contains the usual provisions for licensure, renewal, inactive status, reactivation, and other regulation. Continuing education is required for the renewal or reactivation of the interior design license. Practice and disclosure requirements for registered interior designers are created. The bill requires registered interior designers to affix their seal to any document they produce which is being filed for public record. Grounds and penalties for disciplinary violations are created for interior designers consistent with other practice acts.

The bill includes a requirement which should facilitate the Department's and the consumer's ability to discriminate between licensed and unlicensed architects and interior designers. Any architect or interior design registrant, whether a natural person, corporation or partnership, will be required to display his certificate of registration or certificate of authorization number in certain advertising media.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Regarding interior design (architect analysis is contained in CS/SB 153) persons who apply for examination, reexamination or licensure will be charged a fee not to exceed $400. The biennial renewal fee shall not exceed $200. A fee not to exceed $50 is provided for the reactivation of inactive licenses. It is generally assumed that the cost of regulation is passed on to consumers through higher fees for services.

B. Government:

Regarding interior design (architect analysis is contained in CS/SB 153) the Department of Professional Regulation has estimated the following fiscal impact:

<table>
<thead>
<tr>
<th>Year</th>
<th>Est. Revenue Year 1</th>
<th>Est. Disbursements Year 1</th>
<th>Est. Balance Year 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$1,910,000</td>
<td>&lt;192,432&gt;</td>
<td>$1,717,568</td>
</tr>
<tr>
<td>Year 2</td>
<td>$537,500</td>
<td>&lt;211,599&gt;</td>
<td>$325,901</td>
</tr>
</tbody>
</table>
The above figures are estimated based on the fee caps in the bill for 5,000 applicants being grandfathered in the first year and 100 applicants applying for licensure each year.

Note: The anticipated revenue, especially during the first year, appears unnecessarily high. According to the DPR, the estimate is based on the maximum fee ($350 for licensure and $100 for renewal) allowed by the original SB 127 but does not reflect the actual fee the DPR will likely set to cover the cost of regulation. (The fee limits in this bill--$400 for licensure and $200 for renewal--are based on those existing fees deemed adequate for the regulation of the practice of architecture which is now combined with the regulation of the title practice of interior design.)

### III. COMMENTS:

A similar proposed house committee bill (PCB 23) is being considered in the House Regulatory Reform Committee during the 1988 legislative session.

### IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Chapter 481, Part I, Florida Statutes, regulating the practice of architecture, is scheduled for Sunset repeal on October 1, 1988. The practice of architecture, which is defined in s.481.203, F.S., means 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. It is administered by a seven member Board of Architecture within the Department of Professional Regulation. The law requires that individuals, corporations, and partnerships be licensed by the Department before practicing architecture in this state or using protected titles indicating he or she is a "registered architect." The statute provides several exceptions and exemptions from the licensure requirements and provide for three alternative methods for licensure by endorsement. Administrative penalties may be imposed by the Board for specified violations of the statute. Certain prohibited acts, including practicing architecture or using protected titles without a license, are subject to first degree misdemeanor penalties. Applicants must pass a written examination and complete an internship prior to licensure as a registered architect. The initial application and examination fee cap is $400 and the biennial renewal fees are capped at $200. The current initial application and examination fee is $350, with a $100 biennial renewal fee. The prerequisites for examination are honesty, trustworthiness, and graduation from an approved architectural curriculum of 5 years or more, from a school or college that meets standards of accreditation set by the Board. Corporations or partnerships may obtain a certificate of authorization to practice architecture or offer architectural services through licensees if one or more of the principal officers or partners and all personnel who act as architects in behalf of the business are registered architects. Corporations seeking certification must obtain approval from the Department before filing or amending their articles of incorporation. Corporations and partnerships are subject to the same disciplinary actions as registered architects.

A report in 1987 by representatives of the "Florida Coalition of Interior Designers," estimated that there are approximately 5,000 interior designers in Florida. The practice of interior design includes the selection of fabrics for use in the interior of homes and office buildings and the design of the use of space within these interiors. According to the report and a recent supplement to the report provided to staff by representatives of the Coalition, incompetent practice could result in harm to the public, primarily in the form of unnecessary death and destruction caused by fires which could
have been prevented or minimized had proper design techniques been used. Other harm could exist in the form of interior pollution from artificial fabrics and substances used in decorating and designing interior space. Also, economic harm may be suffered by consumers if interior design services are performed incompetently.

The American Society of Interior Designers (ASID) and the Institute of Business Designers (IBD), are associations of the interior design profession representing over 50,000 interior designers nationally. The Coalition is made up of members of these two groups, as well as unaffiliated interior designers. Members in the ASID are required to pass a comprehensive examination administered by the National Council for Interior Design Qualifications (NCIDQ). NCIDQ is an independent organization, consisting of members appointed by the various professional groups and interior design educators, which sets standards for professional interior designers and develops the national competency examination. ASID members also are required to hold a five year bachelor's degree and have one year of post graduate experience. The IBD also sets similar standards which its members must meet, according to representatives of the Coalition.

Florida law does not currently regulate the interior design profession or restrict the use of the title "interior designer." Anyone may perform services which might be considered interior design and may use the title "interior designer." According to representatives of the Coalition, Alabama, Louisiana, Connecticut, and the District of Columbia currently regulate interior designers. The District of Columbia has enacted a practice act, the other three states have title acts (certification). Interior design regulation bills are pending in 12 or more states.

Local building and fire codes currently provide standards which must be met in designing the interiors of buildings. The federal Flammable Fabrics Act, 15 u.s.c. 1191-1204, and rules thereunder at 16 CFR 1602-1632, also provide a level of protection to consumers.

B. Effect of Proposed Changes:

Committee Substitute for CS/127 revises and reenacts part I of Chapter 481, Florida Statutes, regulating the practice of architecture, deletes obsolete language and makes many technical and clarifying changes. Incorporates a newly created title protection act for interior designers into the revised or existing statutes related to architecture. Merges the newly created interior design provisions into existing sections. Major substantive difference are listed below.

Architecture

1. Degree Prerequisites for Examination:

Committee Substitute for CS/SB 127 accepts National Architecture Accreditation Board accredited degrees without board approval and authorizes the Board to approve schools and colleges and authorizes the Board to approve schools and colleges and curricula for graduates of unaccredited programs.

2. Internship:

Requires one year of required internship to occur prior to exam and one year of required internship to occur post-graduation. The Bill applies this requirement on October 1, 1989.

3. Licensure by Endorsement:
a. Accepts the prescribed licensure exam for licensure by endorsement and a substantially equivalent examination from another jurisdiction.

b. Deletes the 10 year exception of licensure by endorsement and creates conformity with national standards; clarifies that the applicable national standards are those that presently exist (on April 1, 1988).

4. Certificates of Authorization Comparisons and Partnerships:

Substantially rewords the section, incorporating interior design and revising architecture provisions.

5. Seals:

Substantially rewords the section, clarifying architecture and incorporating interior design.

Interior Design

1. Grandfather Clause:

Requires six years experience as a principle and passage of an exam to use the title interior design.

2. Education Requirements:

Modifies the education requirements to allow education to be from an accredited or board approved community college plus four years of experience.

3. Interior Decorator Definition and Exemption:

Defines and exempts interior decorators by stating interior decorator services is that such as listed services, in order to not limit the definition to only those services listed.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Architects will continue to pay the fees associated with regulation with the readoption of Chapter 481, Part I, F.S.

Persons wishing to use the title of "interior designer" must apply for licensure with the Department of Professional Regulation. The fee for initial application and examination can not exceed $400 and the biennial renewal fee can not exceed $200. A fee not to exceed $50 is provided for the reactivation of inactive licenses.

B. Government:

The accrued expenditure's or costs of administering Chapter 481, Part I, F.S., in fiscal year 1986-87 was $645,315. The total license revenues received in fiscal year 1986-87 from the regulation of architecture was $773,455. With the reenactment of Chapter 481, Part I, F.S., the state regulatory costs and the license revenues will continue.

The Department of Professional Regulation has estimated the following fiscal impact resulting from the regulation of interior design:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenues</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988-89</td>
<td>$1,432,500</td>
<td>&lt;144,324&gt;</td>
</tr>
<tr>
<td>Total</td>
<td>$1,288,176</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td><strong>1989-90</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$ 537,500</td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>&lt;211,599&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 325,901</td>
<td></td>
</tr>
</tbody>
</table>

The above figures are estimated based on an annual license and examination fee of $350 and a renewal fee of $100 for 5,000 applicants being grandfathered in the first year and 100 applicants applying for licensure each year. Four positions and $169,829 from the Department of Professional Regulation Trust Fund were appropriated.

### III. COMMENTS:

**HB 1502 is similar to CS/CS/SB 127.**

This bill will take effect October 1, 1988.

### IV. AMENDMENTS:

None.
Committee Substitute for CS/SB 127 revises and reenacts Part I of Chapter 681, Florida Statutes, regulating the practice of architecture. Deletes obsolete language and makes many technical and clarifying changes. Incorporates a newly created title protection act for interior designers into the revised or existing statutes related to architecture. Merges the newly created interior design provisions into existing sections.
I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act repeals chapter 481, part I, F.S., relating to architecture, on October 1, 1988, unless the Legislature revives and readopts it in the public interest.

Chapter 481, part I, F.S., requires licensure pursuant to the chapter's provisions in order to practice architecture. The chapter states the purpose of the law (s. 481.201, F.S.), provides definitions (s. 481.203, F.S.), establishes a Board of Architecture (s. 481.205, F.S.), and its authority to make rules (s. 481.2055, F.S.) and establish fees (s. 481.207, F.S.). The current fees for initial application and examination are capped at $400 and biennial renewal fees are capped at $200. The chapter also provides for examination (s. 481.209, F.S.), and internship experience (s. 481.211, F.S.), prior to licensure as an architect (s. 481.213, F.S.), and mandates education as a prerequisite to eligibility to take the examination (s. 481.209, F.S.). Also included in the statute are provisions concerning the renewal of licenses (s. 481.215, F.S.), inactive status (s. 481.217, F.S.), corporate and partnership practice (s. 481.219, F.S.), and use of seals by architects (s. 481.221, F.S.). The act provides for numerous prohibitions, violations of which are a misdemeanor of the first degree (s. 481.223, F.S.), as well as, numerous acts which constitute grounds for disciplinary actions (s. 481.225, F.S.). The act provides that the board shall report any criminal violations of the act to the proper prosecuting authority for prompt prosecution (s. 481.227, F.S.). Finally, the act provides for reasonable exceptions and exemptions from licensure (s. 481.229, F.S.), and that the act shall not limit more restrictive local building codes or ordinances with respect to architectural services (s. 481.231, F.S.). Section 481.231, F.S., also provides that counties or municipalities shall not issue building permits if it is apparent from the application that provisions of this act have been violated.

B. Effect of Proposed Changes:

The provisions of chapter 481, part I, F.S., are revived and readopted with the following amendments as described:

1. Section 481.209, F.S., relating to examination eligibility, is amended to:

   (a) allow the board flexibility to determine whether a degree from a nonaccredited school or college of architecture is acceptable based on a review of course curriculum; and,
(b) mandate that 1 year of the 2 or 3 years of required architecture internship experience occur prior to the examination in order to enhance the examination passage rate.

2. Section 481.213, F.S., relating to licensure, is amended to eliminate the 10 year practice option for licensure by endorsement for individuals from other states. In its place is provided an alternative process for the reciprocal licensing of individuals from other states. This process entails passage of the national examination and possession of a certificate issued by the National Council of Architectural Registration Boards if the board determines the adequacy of the certificate.

3. Subsection (1) of s. 481.219, F.S., is amended to eliminate that there be a principal officer of a corporation or partner of a partnership who is an architect in order for the corporation or partnership to practice architecture. Also, accompanying the elimination of the principal officer requirement is an amendment to subsection (1) of s. 481.225, F.S., relating to disciplinary proceedings. A new provision is added to the grounds for disciplinary action of an architect or corporate or partnership entity providing architecture services. The added ground for disciplinary action consists of attempting to influence or overrule the professional judgment of an architect such that the act, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with professionally accepted standards of practice or would threaten the public health, safety, or welfare.

4. Section 481.221, F.S., is amended to enhance the ability of the DPR to uncover unlicensed activity by requiring a registered architect and each corporation or partnership holding a certificate of authorization to include its license number in certain advertising mediums.

The following technical changes are made:

1. Subsections (8) and (9) of s. 481.203, F.S., are added to define the terms "Interim Architect" and "Architect."

2. Subsections (2) of s. 481.209, F.S., is amended to eliminate obsolete language related to honesty and trustworthiness.

3. Section 481.211, F.S., is amended to clarify three years of internship experience and to eliminate obsolete language.

4. Section 481.213, F.S., (relating to licensure) apart from the 10 year exception (addressed previously) is amended to clarify wording.

5. Section 481.217, F.S., (relating to inactive status) is amended to clarify wording.

6. Section 481.233, F.S., (relating to registrations in effect on June 30, 1979) is repealed because the provision is no longer necessary.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Presently the act and board rules have established fees for application and examination, reexamination, biennial license renewal, and renewal of inactive licenses. If chapter 481, part I, F.S., is allowed to repeal on October 1, 1988, as provided by section 11.61, F.S., applicants and practitioners will no longer be required to pay these fees. However, this bill revives and readopts the chapter, which will result in applicants and practitioners continuing to pay those fees after
October 1, 1988. Assuming these costs are passed on to consumers, the public would continue to be responsible for these costs. However, as noted in staff's sunset report on architecture, the effects on the public of the regulation of architectural services are minimal.

B. Government:

The accrued expenditures or cost of administering chapter 481, part I, F.S., in FY 1986-87 was $645,315. The cost is paid through fees paid by applicants and practitioners which are deposited in the DPR's Trust Fund. If the act is repealed, these costs would no longer be incurred by state government after October 1, 1986. This bill reenacts chapter 481, part I, F.S., and would cause these state regulatory costs to continue after October 1, 1988.

III. COMMENTS:

1. The substantive and technical recommendations contained in the bill are based upon staff's discussion of the issues (contained in the Sunset report, pages 66-85) and staff's conclusions and recommendations (contained in the Sunset report, pages 86-95).

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act repeals chapter 481, part I, F.S., relating to architecture, on October 1, 1988, unless the Legislature revives and readopts it in the public interest.

Chapter 481, part I, F.S., requires licensure pursuant to the chapter's provisions in order to practice architecture. The chapter states the purpose of the law (s. 481.201, F.S.), provides definitions (s. 481.203, F.S.), establishes a Board of Architecture (s. 481.205, F.S.), and its authority to make rules (s. 481.2055, F.S.) and establish fees (s. 481.207, F.S.). The current fees for initial application and examination are capped at $400 and biennial renewal fees are capped at $200. The chapter also provides for examination (s. 481.209, F.S.), and internship experience (s. 481.211, F.S.), prior to licensure as an architect (s. 481.213, F.S.), and mandates education as a prerequisite to eligibility to take the examination (s. 481.209, F.S.). Also included in the statute are provisions concerning the renewal of licenses (s. 481.215, F.S.), inactive status (s. 481.217, F.S.), corporate and partnership practice (s. 481.219, F.S.), and use of seals by architects (s. 481.221, F.S.). The act provides for numerous prohibitions, violations of which are a misdemeanor of the first degree (s. 481.223, F.S.), as well as, numerous acts which constitute grounds for disciplinary actions (s. 481.225, F.S.). The act provides that the board shall report any criminal violations of the act to the proper prosecuting authority for prompt prosecution (s. 481.227, F.S.). Finally, the act provides for reasonable exceptions and exemptions from licensure (s. 481.229, F.S.), and that the act shall not limit more restrictive local building codes or ordinances with respect to architectural services (s. 481.231, F.S.). Section 481.231, F.S., also provides that counties or municipalities shall not issue building permits if it is apparent from the application that provisions of this act have been violated.

B. Effect of Proposed Changes:

The provisions of chapter 481, part I, F.S., are revived and readopted with the following amendments as described:

1. Section 481.209, F.S., relating to examination eligibility, is amended to:

   (a) allow the board flexibility to determine whether a degree from a nonaccredited school or college of architecture is acceptable based on a review of course curriculum; and,

   (b) mandate that 1 year of the 2 or 3 years of required architecture internship experience occur prior to the
2. Section 481.213, F.S., relating to licensure, is amended to eliminate the 10 year practice option for licensure by endorsement for individuals from other states. In its place is provided an alternative process for the endorsement licensing of individuals from other states. This process entails passage of the national examination and possession of a certificate issued by the National Council of Architectural Registration Boards, (NCARB) provided that if the certificate was obtained after July 1, 1984 and the applicant holds a degree in architecture, that the degree will be equivalent to that required in s. 481.209. The effect of this change is to retroactively phase in Florida's mandatory education according to national (NCARB) standards.

In order for an applicant to receive an NCARB certificate, the NCARB has established standards which relate to pre-1984 applicants and post-1984 applicants. For post-1984 NCARB certificate applicants, NCARB standards require mandatory education (either a degree from a school accredited by the National Architectural Accrediting Board (NAAB) according to NAAB's qualitative standards which are accepted by the NCARB or a degree from a school which meets standards established by the NCARB) plus 3 years of internship or 12 years of broad experience as a registered architect (according to NCARB standards) in another state(s). Regarding the mandatory education option, although NCARB education standards are equivalent to Florida education standards, NAAB degrees (accepted by the NCARB) may not in all instances equate to Florida's educational standards. So, provision is made for degrees obtained after 1984 to meet Florida's education standards. Prior to 1984, the NCARB allows for a combination education/experience based on NCARB equivalency standards in order to receive an NCARB certificate.

To receive endorsement licensing under the provision in this bill, an out-of-state applicant for licensure in Florida, who was issued an NCARB certificate prior to 1984 based on a combination of education/experience, will have had to have passed the same national exam as offered in Florida, will have had significant architecture education/experience, and will still be subject to Florida's disciplinary guidelines in licensure based on his past track record. Since Florida adopted mandatory education in 1979, this provision would primarily affect a few older architects, who qualified under the NCARB education/experience equivalency standards between 1979 and 1984, by allowing them to gain licensure by endorsement and thus practice in Florida, thereby promoting competition while protecting the public health, safety, and welfare based on NCARB standards.

In contrast, the prior 10-year practice rule (deleted in this bill), as a method for licensure by endorsement, waived all requirements for licensure in Florida without regard to how the applicant was initially registered (other than 10 years practice in another state at a level which the Board of Architecture deemed appropriate). As such, the previous 10-year practice rule would prevent certain applicants from being licensed by endorsement to practice architecture in Florida if they had less than 10 years of experience (unless they had a 5-year degree meeting Florida's education standard) even though they met NCARB standards (which included a combination of 10 years worth of education and experience) and passed the same national examination as is offered in Florida.

3. Section 481.221, F.S., is amended to: (1) update statutory language to reflect present professional usage of terms, (2) clarify the signing, sealing, and dating requirements, (3) allow the board to adopt rules which further delineate examination in order to enhance the examination passage rate.
responsible supervisory control, and (4) enhance the ability of the DPR to uncover unlicensed activity by requiring a registered architect and each corporation or partnership holding a certificate of authorization to include its license number in certain advertising mediums.

The following technical changes are made:

1. Subsection (3) of s. 481.203, F.S., (relating to definitions) is amended to reflect that the terms "architect" or "registered architect" are terms used interchangeably throughout the statute and subsection (8) of s. 481.203, Florida Statutes is added to define the term "Intern Architect".

2. Section 481.209, F.S., (relating to examinations) is also amended to eliminate obsolete language related to honesty and trustworthiness and to clarify existing statutory language by making explicit the requirement that an applicant must pass the licensure exam.

3. Section 481.211, F.S., (relating to experience) is amended to eliminate obsolete language and to clarify that one year of the required internship experience shall be gained subsequent to graduation.

4. Section 481.213, F.S., (relating to licensure), apart from the change from the licensure by endorsement 10 year practice rule (addressed previously), is also amended to clarify wording.

5. Section 481.217, F.S., (relating to inactive status) is amended to clarify wording.

6. Section 481.219, F.S., (relating to corporate/partnership practice) is amended to reflect present professional usage of terms and to clarify that the architect who signs and seals construction documents and instruments of service shall be personally liable for his/her misconduct or malpractice in professional services rendered. This change is not intended to alter existing traditional partnership/corporate law principals as they may relate to liability thereof with respect to architects.

7. Section 481.223, F.S., (relating to prohibitions and penalties) is amended to reflect that the terms "architect" or "registered architect" are terms used interchangeably throughout the statute.

8. Subsection (1) of section 481.225, F.S., (relating to disciplinary proceedings) is amended to create a new ground for disciplinary action of an architect.

9. Subsection (1) of section 481.231, F.S., (relating to the effect of the architect practice act locally) clarifies that more strict local controls over the practice of architecture must be contained in local codes or ordinances (rather than existing as unwritten policies).

10. Section 481.233, F.S., (relating to registrations in effect on June 30, 1979) is repealed because the provision is no longer necessary.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Presently the act and board rules have established fees for application and examination, reexamination, biennial license renewal, and renewal of inactive licenses. If chapter 481, part I, F.S., is allowed to repeal on October 1, 1988, as
provided by section 11.61, F.S., applicants and practitioners will no longer be required to pay these fees. However, this bill revives and readopts the chapter, which will result in applicants and practitioners continuing to pay those fees after October 1, 1988. Assuming these costs are passed on to consumers, the public would continue to be responsible for these costs. However, as noted in staff's sunset report on architecture, the effects on the public of the regulation of architectural services are minimal.

B. Government:

The accrued expenditures or cost of administering chapter 481, part I, F.S., in FY 1986-87 was $645,315. The cost is paid through fees paid by applicants and practitioners which are deposited in the DPR's Trust Fund. If the act is repealed, these costs would no longer be incurred by state government after October 1, 1986. This bill reenacts chapter 481, part I, F.S., and would cause these state regulatory costs to continue after October 1, 1988.

III. COMMENTS:

This bill is the result of a sunset report on architecture (November 1987) by staff, in particular, staff's discussion of the issues (contained in the sunset report, pages 66-85).

IV. AMENDMENTS:

None.
HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS

BILL #: HB 94

RELATING TO: Interior Designers

SPONSOR(S): Representative Kelly and Dunbar

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS: 

OTHER COMMITTEES OF REFERENCE: (1) Finance & Taxation
(2) Appropriations

I. SUMMARY:

HB 94 Creates the Interior Designers Act

Section 1. Provides for a short title; "Interior Designers Licensing Act.

Section 2. Provides statement of legislative intent. The Legislature finds the practice of interior design by unskilled and incompetent practitioners presents a significant danger to the public health, safety, and welfare; that it is necessary to prohibit the use of the title "interior designer" by persons not licensed in order to ensure the competence of those who hold themselves out as interior designers. The section also exempts persons who hold themselves out as interior decorators.

Section 3. Defines interior design as the "performance of or offer to perform, services which include consultations, studies, drawings, specifications in connection with space utilization, furnishings, or fabrication of non-structural elements within the surrounding interior spaces of buildings," and interior designer as one who does this. Contains substantive language regarding scope of work of interior designers.

Sections 4., 5. & 6. Grant the Department of Professional Regulation the authority to adopt rules. Require that the fees received by the act be deposited in the Professional Regulation Trust Fund and grant the department the authority to administer oaths, summon witnesses and take testimony on matters pertaining to the act.
Section 7. Requires an applicant for examination to meet certain educational and experience criteria.

Section 8. Provides that the licensure examination be conducted at least twice per year, and requires each person to successfully pass the examination prior to being issued a license. Allows the department to determine the content and the basis of grading the licensure examination.

Section 9. Provides for licensure without examination for persons who have had a municipal or county occupational license for at least one year prior to the effective date of the act, and who have for at least one year been identified as, or has provided interior designing services. This exemption also applies to persons who regularly teach interior design at an accredited college, university or professional school. Persons who wish to be so licensed must do so within one year after the effective date of the act. The department is allowed to license without examination after the one year requisite period, persons who present evidence of licensure in another state whose standards are at least equivalent to those required under the act.

Section 10. Provides for the issuance of a license provided a person meets all the requirements and pays the necessary fee. It requires the department to develop a rule for biennial licensure and provides that a license shall automatically revert to inactive status if not renewed.

Section 11. Requires persons to attain not more than 20 hours per year of continuing education as a condition for license renewal. The department may make exceptions for continuing education in emergency and hardship cases.

Section 12. The inactive status provision grants the department the authority to develop rules determining the length of time, not less than 2 nor more than 4 years, a license can remain inactive. The provision also grants the department rule-making authority relating to the reactivation of an inactive license, and allows for a reactivation fee not to exceed $50.

Section 13. Requires interior designers to fully disclose the scope of a project and the means by which payment is to be made prior to entering into a verbal or written contract with a customer. It also describes the kinds of services a designer may offer and the methods of payment.

Section 14. Outlines grounds for which a designer can be disciplined and describes actions the department may take in disciplining a designer.

Section 15. Requires a department to develop a seal to be used by
licensed interior designers. It requires each licensed designer to obtain the seal and affix it to all plans, specifications and other documents that are to be filed for public record. The seal, signature and date by an interior designer are evidence of the authenticity of documents prepared by a designer. A designer is required to surrender the seal within 30 days to the department should his license be suspended or revoked. A designer is restricted from affixing the seal and his signature to a document which depicts work he cannot perform, or to a document he did not prepare. It also mandates that local building code agencies may not reject plans and specifications prepared for nonstructural interior spaces solely on the basis that they were prepared by an interior designer, if a building permit is required by the local agency.

Section 16. Section 16 allows interior designers to associate in a partnership or corporation with architects, engineers, landscape architects, surveyors or other interior designers. It allows a firm to use the term "interior designer" in its title if one or more partners or directors is licensed as an interior designer. It also requires the department to identify any such corporation and mandate that it file pertinent information with the department.

Section 17. Grants the department the authority to apply to any court to issue an injunction against illegal activity. Additionally, it shall be unnecessary to prove to the court that an inadequate remedy at law, that irreparable damage would result or that administrative remedies have been exhausted in order to obtain the order.

Section 18. Outlines fee caps for the department to establish fees. For examination, re-examination or licensure in lieu of an examination the fee shall not exceed $350. It also allows for annual renewal fee cap of $100 although biennial licensure is called for in another section. A $25 fee cap is established for an original or duplicate license certificate.

Section 19. An advisory committee is established composed of five members; three interior designer professionals, an architect and a public member. The department is to "give great weight and consideration to the advice given by the advisory committee."

Section 20. Provides for criminal penalties should an unlicensed person use the title or be identified as an interior designer.

Section 21. Provides for an exemption from licensure to an architect.
who practices interior design, and allows an architect to use the term "interior designer." It also clarifies that the act does not apply to an interior decorator.

Section 22. Clarifies that a licensed designer is not required to be licensed as a contractor, nor should an interior designer engage in the construction business unless registered or certified as a contractor pursuant to chapter 489, Florida Statutes.

Section 23 & 24. Allow for repeal and review of the advisory committee and the act, pursuant to chapter 11.611 and 11.61, Florida Statutes.

Section 25. Makes the act effective October 1, 1988, except that the section on injunctions (Section 17) will not become effective until March 1, 1989.

II. ECONOMIC IMPACT:

A. Public:

Persons who apply for examination, reexamination or licensure will be charged a fee not to exceed $350. The annual fee for license renewal shall not exceed $100. A $25 fee will be charged to duplicate a licensed certificate.

B. Government:

The department has estimated first year expenditures for the administration of the act to be $183,279. First year revenues are estimated to be $1,910,000. Second year expenditures are estimated at $201,523 and revenues at $537,500. These estimates are based on 5,000 applicants being grandfathered in the first year, and 100 applicants for licensure each year. The estimated number of applicants was supplied by the Interior Designers Coalition. It is anticipated that revenues will be lower because of a lower examination and licensure fee. However revenue is expected to be more than adequate to meet the costs of the regulation.

III. STATE COMPREHENSIVE PLAN IMPACT:

There is no reference to interior designing in the state comprehensive plan.

IV. COMMENTS:

Section 17 of HB 94 grants the department the authority to enjoin or restrain a person should they continue an unlawful act under the interior designers act. Florida statutes 455.228 presently allows the department to issue cease and desist orders to unlicensed persons who have violated any provisions of a practice act which the department has under its jurisdiction. The department may also
issue, on behalf of the state, an injunction or a writ of mandamus against any person to enforce the cease and desist order.

The bill is a title protection act in addition to a licensing act.

Several inconsistencies in the language of the bill would require amendments.

The limited inactive status provision as prescribed is appropriate for health care professionals. Whether limited inactive status is beneficial to the public health safety and welfare for interior designers is questionable.

V. AMENDMENTS:
None.

VI. PREPARED BY: John Thomas, Legislative Analyst
                 Joyce Davis, Staff Attorney

VII. STAFF DIRECTOR: Cliff Nilson
Florida House of Representatives - 1988

By the Committee on Regulatory Reform and Representatives Lippman, Kelly

A bill to be entitled

An act relating to architecture and interior

design; amending s. 20.30, F.S., renaming the

Board of Architecture; amending s. 481.201,

F.S., providing legislative intent; amending s.

481.203, F.S., modifying and adding
definitions; amending s. 481.205, F.S.,

providing for additional members of the board;

providing for an interior design advisory body;

amending s. 481.2055, F.S., revising rulemaking

authority; amending s. 481.207, F.S., expanding

rulemaking authority relating to fees;

providing a schedule of fees; amending s.

481.209, F.S., revising and clarifying certain

examination requirements; providing for

acceptance of degrees from accredited or

unaccredited schools or colleges; revising

rulemaking authority relating to acceptance of

certain degrees; providing a pre-examination

internship requirement for architects;

providing education and experience requirements

for interior designers; amending s. 481.211,

F.S., revising and clarifying certain

internship requirements for architects;

amending s. 481.213, F.S., revising and

clarifying certain requirements for licensure

and licensure by endorsement; creating s.

481 2131, F.S., providing practice requirements

and for disclosure relative to interior

designers; amending s. 481.215, F.S., providing

a continuing education requirement for license

1

CODING: Words stricken are deletions; words underlined are additions.
renewal for interior designers; amending s. 481.217, F.S., revising requirements for license reactivation; amending s. 481.219, F.S., providing certain requirements relating to practice of architecture or use of the title "interior design" by a corporation or partnership; amending s. 481.221, F.S., providing for the use of a seal by licensees; requiring the use of certificate numbers in advertising; amending s. 481.223, F.S., providing a prohibition on the use of certain terms; amending s. 481.225, F.S., modifying grounds for disciplinary action against architects; creating s. 481.2251, F.S., providing disciplinary violations and penalties for interior designers; amending s. 481.227, F.S., conforming language; amending s. 481.229, F.S., providing exceptions and exemptions from licensure; amending s. 481.231, F.S., clarifying local effect; providing for waiver of examination requirements for interior designer license; repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 481.205(3), F.S., relating to the interior design advisory body; providing an effective date.

Be It Enacted by the Legislature of the State of Florida.

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Paragraph (c) of subsection (4) of section 20.30, Florida Statutes, is amended to read:

20.30 Department of Professional Regulation.--There is created a Department of Professional Regulation.

(4) The following boards are established within the Department of Professional Regulation, Division of Professions:

(c) Board of Architecture and Interior Design, created under part I of chapter 481.

Section 2. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.--The Legislature finds that improper design and improper construction supervision by architects of buildings primarily designed for human habitation or use present a significant threat to the public. The Legislature further finds that it is in the interest of the public to limit the use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part.

Section 3. Subsections (1), (3), (4), (5), (6), and (7) of section 481.203, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

481.203 Definitions.--As used in this part:

(1) "Board" means the Board of Architecture and Interior Design.

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

(4) "Certificate of registration" means a license issued by the department to a natural person to engage in the

CODING: Words stricken are deletions; words underlined are additions.
practice of architecture or to use the title "registered
interior designer" or "interior designer".

(5) "Certificate of authorization authority" means a
certificate license issued by the department to a corporation
or partnership to practice architecture or to use the title
"interior designer".

(6) "Architecture" means 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. These
services include planning, providing preliminary study
designs, drawings and specifications, architectural
supervision, job-site inspection, and administration of
construction contracts.

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

(a) Such wall shall provide not less than 2 hours of
fire resistance. Plumbing, piping, ducts, or electrical or
other building services shall not be installed within or
through the 2-hour wall unless such materials and methods of

CODING: Words stricken are deletions; words underlined are additions.
penetration have been tested in accordance with the Standard Building Code.

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

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

(8) "Interior design" means design services which do not necessarily require performance by an architect, including consultations, studies, drawings, and specifications in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings, but specifically excluding mechanical and electrical systems, except for specification of fixtures and their location within interior spaces.

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

Section 4. Section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.--

(1) There is created in the Department of Professional Regulation a Board of Architecture and Interior Design. The board shall consist of nine seven members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; two members must be registered interior designers who have been offering interior design services.
design services for at least 5 years, and two members must be lay persons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. The initial interior designer members must have been offering interior design services for at least 5 years, be otherwise eligible to be registered, and become registered within 1 year of the effective date of this act. At least one member of the board must be 60 years of age or older.

(2) Members shall be appointed for 4-year terms.

(3) Upon motion adopted by the board, the chairman shall appoint an interior design advisory body to develop recommendations to the board on matters pertaining to examination of interior designers, accreditation standards of interior design curricula, continuing education of interior designers, and design of the seal for use by interior designers, as needed. The interior design advisory body shall be composed of three members, two of whom shall be the interior designer members of the board.

Section 5. Section 481.2055, Florida Statutes, is amended to read:

481.2055 Authority to make rules.--The board may adopt such rules, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by this part chapter and chapter 455 as may be necessary to protect the health, safety, and welfare of the public.

Section 6. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.--The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and

CODING: Words stricken are deletions; words underlined are additions.
reactivation of inactive licenses, reinstatement, and
recordmaking and recordkeeping. The examination fee shall be
in an amount which covers the cost of obtaining and
administering the examination and shall be refunded if the
applicant is found ineligible to sit for the examination. -- The
application fee shall be nonrefundable. -- The fee for initial
application and examination shall not exceed $600. -- The
biennial renewal fee shall not exceed $600. The board may
also establish, by rule, a late renewal penalty. The board
shall establish fees which are adequate to ensure the
continued operation of the board and to fund the proportionate
expenses incurred by the department which are allocated to the
regulation of architects and interior designers, respectively.
Fees shall be based on department estimates of the revenue
required to implement this part and the provisions of law with
respect to the regulation of architects and interior
designers.

(1) The application fee shall not exceed $50 and shall
be nonrefundable.

(2) The examination fee shall not exceed $350 and
shall be refundable if the applicant is found to be ineligible
to take the licensure examination.

(3) The initial license fee shall not exceed $200.

(4) The biennial renewal fee for a certificate of
registration or a certificate of authorization shall not
exceed $100.

(5) The fee for licensure by endorsement shall not
exceed $200.

(6) The fee for a certificate of authorization shall
not exceed $100.
(7) The fee for an application for inactive status or for reactivation of an inactive license shall not exceed $50.

(8) The late renewal penalty shall not exceed $100.

Section 7. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.--

(1) A person desiring to be licensed as a registered architect or architect-intern shall apply to the department to take the licensure examination. The department shall administer the licensure examination to each applicant who...

(2) An applicant shall be entitled to take the licensure examination to practice in this state as a registered architect if the applicant:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination; is honest and trustworthy and

(b) Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board or

2. Is a graduate of an approved architectural curriculum of 5-years-or-more, evidenced by a degree from an accredited a school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study which meets standards-of-accreditation-adopted-by-the-board-by-rule based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States.
States, including those schools and colleges accredited by the National Architectural Accreditation Board; and:

(c) Beginning on October 1, 1989, has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

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

(a) Is a graduate from an accredited interior design program of 5 years or more;

(b) Is a graduate from an accredited interior design program of 4 years or more;

(c) Has completed at least 3 years in an approved interior design curriculum; or

(d) Is a graduate of an approved interior design curriculum, evidenced by a degree from an unaccredited school or college of interior design approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of accredited schools and colleges of interior design in the United States, including those schools and colleges accredited by the Foundation for Interior Design Education Research.

Except as provided in paragraph (d), all such education shall have been obtained in a school or college of interior design accredited by the Foundation for Interior Design Education.

CODING: Words stricken are deletions; words underlined are additions.
Research. In addition, each applicant shall have from 1 to 3 years of diversified interior design experience approved by the board, inversely correlated to the number of years of education.

Section 8. Section 481.211, Florida Statutes, is amended to read:

481.211 Internship required Experience.--
(1) An applicant for licensure as a registered architect shall complete, prior to licensure, who passes the examination, shall be entitled to be licensed as a registered architect pursuant to section 481.213, if the applicant completes an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the degree of Master of Architecture.

(2) Beginning on October 1, 1989, each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).

Any person who was engaged in a program consisting of 7 years or more of diversified training in an office of registered practicing architects on July 1, 1969, and who notified the board of his training within 1 year after July 1, 1969, shall, if otherwise qualified, be permitted to take the examination required by s. 481.209 only if diversified training was completed before July 1, 1985.

CODING: Words struck are deletions; words underlined are additions.
Section 9. Section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.--

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee.

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

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

(a) Qualifies to take the examination as set forth in s. 481.209; has passed a national, regional, state, or United States territorial licensing examination which is substantially equivalent to the examination required by s. 481.209, for architects or interior designers, as applicable, and has satisfied the internship experience requirements set forth in s. 481.211, for architects;

(b) Holds a valid license to practice architecture, or to use the title "interior designer," as applicable, issued by another jurisdiction state-or-territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria which existed in this state at the time the license was issued, or

(c) Has passed the prescribed licensure examination and holds a certificate issued by the National Council of Architectural Registration Boards, provided that if the certificate was obtained after July 1, 1984, and the applicant

CODING: Words stricken are deletions; words underlined are additions.
holds a degree in architecture, such degree shall be
equivalent to that required in s. 481.209. Has-engaged-in-the
practice-of-architecture-as-a-registered-architect-in-another
state-for-not-less-than-18-years:

(4) -- The board shall certify as qualified for licensure
any-applicant-corporation-or-partnership-which-satisfies-the
requirements-of-s.: 481.219:

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

(5) The board may refuse to certify any applicant
who is under investigation in any jurisdiction another-state
for any act which would constitute a violation of this part
act or of chapter 455 until such time as the investigation is
complete and disciplinary proceedings have been terminated.

(6) The board shall adopt rules to implement the
provisions of this part act relating to the examination,
internship, and licensure of applicants.

Section 10. Section 481.2131, Florida Statutes, is
created to read:

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

(1) A registered interior designer is authorized to
perform "interior design" as defined in s. 481.203. Interior
design documents prepared by a registered interior designer
shall contain a statement that the document is not an
architectural or engineering study, drawing, specification, or
design and is not to be used for construction of any load-
bearing columns, load-bearing framing or walls of structures,
or issuance of any building permit, except as otherwise
provided by law.

CODING: Words stricken are deletions; words underlined are additions.
(2) An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or mark-up. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind.

Section 11. Subsection (1) of section 481.215, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

481.215 Renewal of license.--
(1) Subject to the requirement of subsection (5), the department shall renew a license upon receipt of the renewal application and renewal fee.
(5) No license renewal shall be issued to an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to his application for renewal, he has participated in not less than 20 hours per year of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.

Section 12. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.--

CODING: Words stricken are deletions; words underlined are additions.
A license which has become inactive may be reactivated pursuant to this section s. 481.215 upon application to the department and payment of an inactive status application fee and a reactivation fee.

(a) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect shall not exceed 12 contact classroom hours for each year the license was inactive. The continuing education requirement for reactivating a license for a registered interior designer shall not exceed 12 hours approved by the board for each year the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.

(2) The board shall adopt promulgate rules relating to application procedures for inactive status and for the reactivation of inactive licenses which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.
Section 13. Section 481.219, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 481.219, F.S., for present text.)

481.219 Certification of partnerships and corporations.--

(1) The practice of or the offer to practice architecture by licensees through a corporation or partnership offering architectural services to the public, or by a corporation or partnership offering architectural services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in his own name, he shall not be required to be certified under this section.

(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, or person operating under a fictitious name, using the title interior design or interior designer. However, an individual using such titles in his own name shall not be required to be certified under this section.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture which are prepared or approved for the use of the corporation or partnership and filed for public record

CODING: Words stricken are deletions; words underlined are additions.
within the state shall bear the signature and seal of the
licensee who prepared or approved them and the date on which
they were sealed.
(5) All drawings, specifications, plans, reports, or
other papers or documents prepared or approved for the use of
the corporation or partnership by an interior designer in his
professional capacity and filed for public record within the
state shall bear the signature and seal of the licensee who
prepared or approved them and the date on which they were
sealed.
(6) The department shall issue a certificate of
authorization to any applicant who the board certifies as
qualified for a certificate of authorization and who has paid
the fee set in s. 481.207.
(7) The board shall certify an applicant as qualified
for a certificate of authorization to offer architecture
services or use the title "interior designer," as appropriate,
provided that:
(a) One or more of the principal officers of the
corporation or one or more partners of the partnership, and
all personnel of the corporation or partnership who act in its
behalf in this state as architects, are registered as provided
by this part; or
(b) One or more of the principal officers of the
corporation or one or more partners of the partnership, and
all personnel of the corporation or partnership who act in its
behalf in this state as interior designers, are registered as
provided by this part.
(8) The department shall adopt rules establishing a
procedure for the biennial renewal of certificates of
authorization.

CODING: Words stricken are deletions; words underlined are additions.
(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.

(10) Each partnership and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who terminates his employment with a partnership or corporation certified under this section shall notify the department of the termination within 30 days.

(11) No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section.

(12) The fact that any natural registrant provides services through a corporation or partnership shall not relieve the registrant from personal liability for his professional acts.

(13) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

(14) Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or use the title "interior designer" shall be held by a corporation or partnership. Nothing in this section prohibits corporations and partnerships from joining together to offer architectural, engineering, interior design, land surveying, and landscape architectural services, or any combination of such services, to the public, provided that

CODING: Words stricken are deletions; words underlined are additions.
each corporation or partnership otherwise meets the
requirements of law.

(15) Corporations or partnerships holding a valid
certificate of authorization to practice architecture shall be
permitted to use in their title the term "interior designer."

Section 14. Section 481.221, Florida Statutes, is
amended to read:

(Substantial rewording of section. See
s. 481.221, F.S., for present text.)

481.221 Seals; display of certificate number.--

(1) The board shall prescribe, by rule, distinctively
different seals to be used by registered architects and
interior designers, respectively, holding valid certificates
of registration.

(a) Each registered architect shall obtain an
impression-type metal seal, and all final construction
documents and instruments of service which include drawings,
plans, specifications, or reports prepared or issued by the
registered architect and being filed for public record shall
bear the signature and seal of the registered architect who
prepared or approved the document and the date on which they
were sealed. The signature, date, and seal shall be evidence
of the authenticity of that to which they are affixed.

(b) Each registered interior designer shall obtain a
seal as prescribed by the board, and all drawings, plans,
specifications, or reports prepared or issued by the
registered interior designer and being filed for public record
shall bear the signature and seal of the registered interior
designer who prepared or approved the document and the date on
which they were sealed. The signature, date, and seal shall
be evidence of the authenticity of that to which they are
affixed.

(2) No registered architect shall affix, or permit to
be affixed, his seal or signature to any final construction
document or instrument of service which includes any plan,
specification, drawing, or other document which depicts work
which he is not competent to perform.

(3) No registered interior designer shall affix, or
permit to be affixed, his seal or signature to any plan,
specification, drawing, or other document which depicts work
which he is not competent or licensed to perform.

(4) No registered architect shall affix his signature
or seal to any final construction document or instrument of
service which includes drawings, plans, specifications, or
architectural documents which were not prepared by him or
under his responsible supervising control or by another
registered architect and reviewed, approved, or modified and
adopted by him as his own work according to rules adopted by
the board.

(5) No registered interior designer shall affix his
signature or seal to any plans, specifications, or other
documents which were not prepared by him or under his
responsible supervising control or by another registered
interior designer and reviewed, approved, or modified and
adopted by him as his own work according to rules adopted by
the board.

(6) Final construction documents or instruments of
service which include plans, drawings, specifications, or
other architectural documents prepared by a registered
architect as part of his architectural practice shall be of a
sufficiently high standard to clearly and accurately indicate

CODING: Words stricken are deletions; words underlined are additions.
or illustrate all essential parts of the work to which they refer.

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

(8) Each registered architect or interior designer, and each corporation or partnership holding a certificate of authorization, shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, interior designer, corporation, or partnership. A corporation or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation or partnership.

(9) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the board, the registered architect or interior designer shall surrender his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

Section 15. Paragraphs (a), (b), (e), and (g) of subsection (1) of section 481.223, Florida Statutes, are amended to read:

481.223 Prohibitions; penalties.—

(1) No person shall knowingly:

CODING: Words stricken are deletions; words underlined are additions.
(a) Practice architecture unless the person is an architect or a registered architect;
(b) 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 act;
(e) Use or attempt to use an architect or interior designer license which has been suspended, revoked, or placed on inactive status;
(g) Conceal information relative to violations of this part act.
(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsection (1) of section 481.225, Florida Statutes, is amended to read:
481.225 Disciplinary proceedings against registered architects.--
(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:
(a) Violating provision of s. 481.221, s. 481.223, or s. 455.227(1) or any rule of the board or department lawfully adopted pursuant to this part or chapter 455;
(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;
(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state,

CODING: Words struck are deletions; words underlined are additions.
territory, or country, for any act which would constitute a
violation of this part or of chapter 455;

(d) Being convicted or found guilty, regardless of
adjudication, of a crime in any jurisdiction which directly
relates to the practice of architecture or the ability to
practice architecture. A plea of nolo contendere shall create
a rebuttable presumption of guilt to the underlying criminal
charges. However, the board shall allow the person being
disciplined to present any evidence relevant to the underlying
charges and the circumstances surrounding his plea;

(e) Violation of any provision of s. 455.021;

(f) Using his seal, or performing any other act, as a
licensee, while his certificate of registration is suspended or
when current renewals have not been obtained;

(g) Making or filing a report or record which the
licensee knows to be false, willfully failing to file a report
or record required by state or federal law, willfully impeding
or obstructing such filing, or inducing another person to
impede or obstruct such filing. Such reports or records shall
include only those which are prepared signed in the capacity
of a registered architect;

(h) Advertising goods or services in a manner which
is fraudulent, false, deceptive, or misleading in form or
content;

(i) Committing an act upon proof that the licensee
is guilty of fraud or deceit, or of negligence, incompetency,
or misconduct, in the practice of architecture;

(j) Violation of any rule adopted pursuant to this act
or chapter 455;

(k) Practicing on a revoked, suspended, or inactive
license;

CODING: Words stricken are deletions; words underlined are additions.
Florida House of Representatives - 1988
190-505B-4-8

Section 17. Section 481.2251, Florida Statutes, is created to read:

481.2251 Disciplinary proceedings against registered interior designers.--

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to use the title "interior designer;"

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo

CODING: Words stricken are deletions; words underlined are additions.
contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.

(d) False, deceptive, or misleading advertising;

(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;

(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer;

(i) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;

(j) Accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent or licensed to perform;

(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;

(l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would

CODING: Words stricken are deletions; words underlined are additions.
tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services;

(m) Acceptance of compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2); or

(n) Rendering or offering to render architectural services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure;
(b) Refusal to renew an existing license;
(c) Revocation or suspension of a license;
(d) Imposition of an administrative fine, not to exceed $1,000 for each violation or separate offense; or
(e) Issuance of a reprimand.

Section 18. Section 481.227, Florida Statutes, is amended to read:

481.227 Prosecution of criminal violations.--The board shall report any criminal violation of this part act to the proper prosecuting authority for prompt prosecution.

Section 19. Subsections (2) and (3) of section 481.229, Florida Statutes, are amended, and subsections (4), (5), (6), and (7) are added to said section, to read:

481.229 Exceptions; exemptions from licensure --

(2) Nothing contained in this part act shall be construed to prevent any employee of an architect from acting in any capacity under the instruction, control, or supervision

CODING. Words stricken are deletions; words underlined are additions.
of the architect or to prevent any person from acting as a contractor in the execution of work designed by an architect.

(3) Notwithstanding the provisions of this part or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his architectural practice. However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

(4) Nothing contained in this part shall prevent a registered architect or a partnership or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."

(5) This part shall not apply to unlicensed persons holding themselves out as "interior decorators" or offering "interior decorator services," which means the selection or assistance in selecting surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes.

(6) Nothing in this part shall be construed as authorizing or permitting an interior designer to engage in

CODING: Words stricken are deletions; words underlined are additions.
1 the business of, or to act as, a contractor within the meaning
2 of chapter 489, unless registered or certified as a contractor
3 pursuant to chapter 489.
4 (7) Nothing contained in this act shall prevent any
5 person from rendering interior design services, provided that
6 such person shall not be permitted to use or be identified by
7 the title "interior designer," unless licensed in accordance
8 with this part.
9 Section 20. Section 481.231, Florida Statutes, is
10 amended to read:
11 481.231 Effect of ss. 481.201-481.233 locally.--
12 (1) Nothing contained in this part act shall be
13 construed to repeal, amend, limit, or otherwise affect any
14 specific provision of any local building code or zoning law or
15 ordinance that has been duly adopted, now or hereafter
16 enacted, which is more restrictive, with respect to the
17 services of registered architects or registered interior
18 designers, than the provisions of this part act.
19 (2) Counties or municipalities which issue building
20 permits shall not issue permits if it is apparent from the
21 application for the building permit that the provisions of
22 this part act have been violated, provided, however, that
23 this subsection shall not authorize the withholding of
24 building permits in any cases involving the exceptions and
25 exemptions set out in s. 481.229 within-the-exempt-classes-set
26 forth-in-this-act.
27 Section 21. Licensure without examination.--Any person
28 who has used or has been identified by the title of "interior
29 designer" and, unless not required for regular employment as
30 an interior designer or for teaching as provided in this
31 section, has maintained a municipal or county occupational

CODING: Words stricken are deletions; words underlined are additions.
license within the state for at least 1 year prior to the
effective date of this act may apply for and secure a license
from the department without taking the written examination or
meeting the qualifications for taking the examination,
provided such person applies for the license within 1 year
after the effective date of this act and has successfully
completed the examination administered by the National Council
for Interior Design Qualifications or has at least 6 years of
experience of practice as an interior designer. A person
shall be deemed to have used or been identified by the title
"interior designer" within the meaning and intent of this
section if, during the requisite 1-year period, such person
was, either on his own account or in the course of regular
employment, rendering or offering to render to another person
interior design services or was regularly engaged in the
teaching of interior design at a college, university, or
professional school with a program accredited by the
Foundation for Interior Design Education Research. Any
combination of the rendering of such services and teaching
during the 1-year period shall satisfy the requirements of
this section.

Section 22. Section 481.233, Florida Statutes, is
hereby repealed.

Section 23. Notwithstanding the provisions of the
Regulatory Sunset Act or of any other provision of law which
provides for review and repeal in accordance with s. 11.61,
Florida Statutes, and except as otherwise specifically
provided herein, part I of chapter 481, Florida Statutes,
shall not stand repealed on October 1, 1988, and shall
continue in full force and effect as amended herein.

CODING: Words struck are deletions; words underlined are additions.
Section 24. Part I of chapter 481, Florida Statutes, is repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 25. Subsection (3) of section 481.205, Florida Statutes, is repealed on October 1, 1989.

Section 26. This act shall take effect October 1, 1988.

CODING: Words stricken are deletions; words underlined are additions.
Revises various provisions regulating the practice of architecture and provides for regulation of the use of the title "interior designer." Provides legislative intent. Provides definitions. Renames the Board of Architecture as the Board of Architecture and Interior Design, and expands membership to include 2 registered interior designers. Provides for appointment of an interior design advisory body to assist the board. Repeals said advisory body on October 1, 1989.

Revises provisions relating to qualifications for examination, internship requirements, and licensure requirements for applicants for a certificate of registration to practice architecture, and provides for certain acceptance of degrees from accredited or unaccredited schools or colleges. Provides parallel requirements for applicants for a certificate of registration to use the title "registered interior designer" or "interior designer." Waives the examination requirement for certain practicing interior designers. Revises provisions relating to practice of architecture or use of the title "registered interior designer" or "interior designer" by corporations or partnerships.

Provides a schedule of fees relating to licensure of architects and interior designers. Authorizes fees for inactive status and reactivation of a license. Provides practice requirements for performance of interior design services. Requires certain disclosure of compensation. Revises requirements relating to continuing education, use of seals, prohibited acts, and disciplinary proceedings for registered architects, and provides parallel requirements with respect to registered interior designers. Provides requirements for both professions, and for corporations and partnerships, relating to the display of certificate numbers in advertising.

Specifies exemptions from the application of part I of chapter 481, F.S. Reschedules Sunset of said part from October 1, 1988, to October 1, 1998.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled

An act relating to architecture and interior
design; amending s. 20.30, F.S., renaming the
Board of Architecture; amending s. 481.201,
F.S., providing legislative intent; amending s.
481.203, F.S., modifying and adding
definitions; amending s. 481.205, F.S.,
providing for additional members of the board;
providing for an interior design advisory body;
amending s. 481.2055, F.S., revising rulemaking
authority; amending s. 481.207, F.S., expanding
rulemaking authority relating to fees;
providing a schedule of fees; amending s.
481.209, F.S., revising and clarifying certain
examination requirements; providing for
acceptance of degrees from accredited or
unaccredited schools or colleges; revising
rulemaking authority relating to acceptance of
certain degrees; providing a pre-examination
internship requirement for architects;
providing education and experience requirements
for interior designers; amending s. 481.211,
F.S., revising and clarifying certain
internship requirements for architects;
amending s. 481.213, F.S., revising and
clarifying certain requirements for licensure
and licensure by endorsement; creating s.
481.2131, F.S., providing practice requirements
and for disclosure relative to interior
designers; amending s. 481.215, F.S., providing
a continuing education requirement for license

CODING: Words stricken are deletions; words underlined are additions.
renewal for interior designers; amending s. 481.217, F.S., revising requirements for license reactivation; amending s. 481.219, F.S., providing certain requirements relating to practice of architecture or use of the title "interior design" by a corporation or partnership; amending s. 481.221, F.S., providing for the use of a seal by licensees; requiring the use of certificate numbers in advertising; amending s. 481.223, F.S., providing a prohibition on the use of certain terms; amending s. 481.225, F.S., modifying grounds for disciplinary action against architects; creating s. 481.2251, F.S., providing disciplinary violations and penalties for interior designers; amending s. 481.227, F.S., conforming language; amending s. 481.229, F.S., providing exceptions and exemptions from licensure; amending s. 481.231, F.S., clarifying local effect; providing for waiver of examination requirements for interior designer license under certain circumstances; repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 481.205(3), F.S., relating to the interior design advisory body; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Paragraph (c) of subsection (4) of section 20.30, Florida Statutes, is amended to read:

20.30 Department of Professional Regulation.--There is created a Department of Professional Regulation.

(4) The following boards are established within the Department of Professional Regulation, Division of Professions:

(c) Board of Architecture and Interior Design, created under part I of chapter 481.

Section 2. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.--The Legislature finds that improper design and improper construction supervision by architects of buildings primarily designed for human habitation or use present a significant threat to the public. The Legislature further finds that it is in the interest of the public to limit the use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part.

Section 3. Subsections (1), (3), (4), (5), (6), and (7) of section 481.203, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

481.203 Definitions.--As used in this part act:

(1) "Board" means the Board of Architecture and

Interior Design:

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

(4) "Certificate of registration" means a license issued by the department to a natural person to engage in the
practice of architecture or to use the title "registered
interior designer" or "interior designer".

(5) "Certificate of authorization authority" means a
certificate license issued by the department to a corporation
or partnership to practice architecture or to use the title
"interior designer".

(6) "Architecture" means 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. These
services include planning, providing preliminary study
designs, drawings and specifications, architectural
supervision, job-site inspection, and administration of
construction contracts.

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

(a) Such wall shall provide not less than 2 hours of
fire resistance. Plumbing, piping, ducts, or electrical or
other building services shall not be installed within or
through the 2-hour wall unless such materials and methods of

CODING: Words stricken are deletions; words underlined are additions.
penetration have been tested in accordance with the Standard Building Code.

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

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

(5) "Interior design" means design services which do not necessarily require performance by an architect, including consultations, studies, drawings, and specifications in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings, but specifically excluding mechanical and electrical systems, except for specification of fixtures and their location within interior spaces.

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

Section 4. Section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.--

(1) There is created in the Department of Professional Regulation a Board of Architecture and Interior Design which is created in the Department of Professional Regulation. The board shall consist of nine seven members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; two members must be registered interior designers who have been offering interior

CODING: Words stricken are deletions; words underlined are additions.
design services for at least 5 years; and two members must be
lay persons who are not, and have never been, architects,
interior designers, or members of any closely related
profession or occupation. The initial interior designer
members must have been offering interior design services for
at least 5 years; be otherwise eligible to be registered; and
become registered within 1 year of the effective date of this
act. At least one member of the board must be 60 years of age
or older.

(2) Members shall be appointed for 4-year terms.

(3) Upon motion adopted by the board, the chairman
shall appoint an interior design advisory body to develop
recommendations to the board on matters pertaining to
examination of interior designers, accreditation standards of
interior design curricula, continuing education of interior
designers, and design of the seal for use by interior
designers, as needed. The interior design advisory body shall
be composed of three members, two of whom shall be the
interior designer members of the board.

Section 5. Section 481.2055, Florida Statutes, is
amended to read:

481.2055 Authority to make rules.--The board may adopt
such rules, not inconsistent with law, as may be necessary to
carry out the duties and authority conferred upon the board by
this part chapter and chapter 455 as may be necessary to
protect the health, safety, and welfare of the public.

Section 6. Section 481.207, Florida Statutes, is
amended to read:

481.207 Fees.--The board, by rule, may establish fees
to be paid for applications, examination, reexamination,
licensing and renewal, inactive status application and

CODING: Words stricken are deletions; words underlined are additions.
reactivation of inactive licenses, reinstatement, and
recordmaking and recordkeeping. The examination fee shall be
in an amount which covers the cost of obtaining and
administering the examination and shall be refunded if the
applicant is found ineligible to sit for the examination. The
application fee shall be nonrefundable. The fee for initial
application and examination shall not exceed $400. The
biennial renewal fee shall not exceed $200. The board may
also establish, by rule, a late renewal penalty. The board
shall establish fees which are adequate to ensure the
continued operation of the board and to fund the proportionate
to the regulation of architects and interior designers, respectively.
Fees shall be based on department estimates of the revenue
required to implement this part and the provisions of law with
respect to the regulation of architects and interior
designers.

(1) The application fee shall not exceed $50 and shall
be nonrefundable.

(2) The examination fee shall not exceed $350 and
shall be refundable if the applicant is found to be ineligible
to take the licensure examination.

(3) The initial license fee shall not exceed $200.

(4) The biennial renewal fee for a certificate of
registration or a certificate of authorization shall not
exceed $100.

(5) The fee for licensure by endorsement shall not
exceed $200.

(6) The fee for a certificate of authorization shall
not exceed $100.
(7) The fee for an application for inactive status or
for reactivation of an inactive license shall not exceed $50.

(8) The late renewal penalty shall not exceed $100.

Section 7, Section 481.209, Florida Statutes, is
amended to read:

481.209 Examinations.--
(1) A person desiring to be licensed as a registered
architect or architect-intern shall apply to the department to
take the licensure examination. The department shall
administer the licensure examination to each applicant who the
board certifies, for licensure:

(2) An applicant shall be entitled to take the
licensure examination to practice in this state as a
registered architect if the applicant:

(a) Has completed the application form and remitted a
nonrefundable application fee and an examination fee which is
refundable if the applicant is found to be ineligible to take
the examination; is honest and trustworthy; and

(b1) Has successfully completed all architectural
curriculum courses required by and is a graduate of a school
or college of architecture accredited by the National
Architectural Accreditation Board; or
2. Is a graduate of from an approved architectural
curriculum of 5-years or more, evidenced by a degree from an
unaccredited a school or college of architecture approved by
the board. The board shall adopt rules providing for the
review and approval of unaccredited schools and colleges of
architecture and courses of architectural study which meets
standards of accreditation adopted by the board by rule based
on a review and inspection by the board of the curriculum of
accredited schools and colleges of architecture in the United

CODING: Words stricken are deletions; words underlined are additions.
States, including those schools and colleges accredited by the
National Architectural Accreditation Board, and:

(c) Beginning on October 1, 1989, has completed, prior
to examination, 1 year of the internship experience required
by s. 481.211(1).

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

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

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

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

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

All such education shall have been obtained in a program,
school, or college of interior design accredited by the
Foundation for Interior Design Education Research or in an
unaccredited program, school, or college of interior design
approved by the board. The board shall adopt rules providing
for the review and approval of unaccredited programs, schools,
and colleges of interior design and courses of interior design

CODING: Words stricken are deletions; words underlined are additions.
Section II. Section 481.211, Florida statutes, is amended to read:

481.211 Internship required Experience.—

1. (1) An applicant for licensure as a registered architect shall complete, prior to licensure, who passes the examination shall be entitled to be licensed as a registered architect pursuant to s. 481.213, if the applicant completes an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the professional degree of Master of Architecture.

2. (2) Beginning on October 1, 1969, each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.2091.

Any person who was engaged in a program consisting of 7 years or more of diversified training in an office of registered practicing architects on July 1, 1969, and who notified the board of his training within 1 year after July 1, 1969, shall, if otherwise qualified, be permitted to take the examination.
Section 9. Section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.--

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee.

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

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

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, has passed a licensing-examination which is substantially equivalent to-the examination-required-by-s.-481.209 and has satisfied the internship experience requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture, or to use the title "interior designer," as applicable, issued by another jurisdiction state-or-territory of the United States, if the criteria for issuance of such license were

CODING: Words stricken are deletions; words underlined are additions.
substantially equivalent to the licensure criteria which
existed in this state at the time the license was issued; or
(c) Has passed the prescribed licensure examination
and holds a valid certificate issued by the National Council
of Architectural Registration Boards pursuant to standards of
that council that are no less stringent than those in effect
on April 1, 1988, provided that if the applicant satisfied the
educational eligibility requirements for issuance of the
certificate after July 1, 1984, and the applicant holds a
degree in architecture, such degree shall be equivalent to
that required in s. 481.209. Has-engaged-in-the-practice-of
architecture-as-a-registered-architect-in-another-state-for
not-less-than-10-years;
4 +4+---The-board-shall-certificate-as-qualified-for-licensure
any-applicant-corporation-or-partnership-which-satisfies-the
requirements-of-s-481+239r;
15 [4]+5+ The board may refuse to certify any applicant
who has violated any of the provisions of s. 481.223, s.
481.225, or s. 481.2251, as applicable.
19 (5)+6+ The board may refuse to certify any applicant
who is under investigation in any jurisdiction another-state
for any act which would constitute a violation of this part
act or of chapter 455 until such time as the investigation is
complete and disciplinary proceedings have been terminated.
25 [6]+7+ The board shall adopt rules to implement the
provisions of this part relating to the examination,
internship, and licensure of applicants.
27 Section 10. Section 481.2131, Florida Statutes, is
created to read:
29 481.2131 Interior design practice requirements;
30 disclosure of compensation for professional services.--
31

CODING: Words stricken are deletions; words underlined are additions.
(1) A registered interior designer is authorized to perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law.

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

Section 11. Subsection (1) of section 481.215, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

481.215 Renewal of license.--

(1) Subject to the requirement of subsection (5), the department shall renew a license upon receipt of the renewal application and renewal fee.

(5) No license renewal shall be issued to an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to his application for renewal, he has participated in not
Section 12. Section 481.217, Florida Statutes, is amended to read: 481.217 Inactive status.--

(1) A license which has become inactive may be reactivated pursuant to this section s-481.215 upon application to the department and payment of an inactive status application fee and a reactivation fee.

(a) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect shall not exceed 12 contact classroom hours for each year the license was inactive. The continuing education requirement for reactivating a license for a registered interior designer shall not exceed 24 contact classroom hours approved by the board for each year the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.

CODING: Words stricken are deletions; words underlined are additions.
The board shall adopt promulgate rules relating to
application procedures for inactive status and for the
reactivation of inactive licenses licenses—which-have-become
inactive—and-for-the-renewal-of-inactive-licenses—The-board
shall-prescribe-by-rule-a-fee-not-to-exceed-$50-for-the
reactivation-of-an-inactive-license-and-a-fee-not-to-exceed
$50-for-the-renewal-of-an-inactive-license.

Section 13. Section 481.219, Florida Statutes, is
amended to read:

(Substantial rewording of section. See
a. 481.219, F.S., for present text.)
481.219 Certification of partnerships and
corporations.—

(1) The practice of, or the offer to practice
architecture by licensees through a corporation or partnership
offering architectural services to the public, or by a

corporation or partnership offering architectural services to
the public through licensees under this part as agents,
employees, officers, or partners, is permitted, subject to the
provisions of this section.

(2) For the purposes of this section, a certificate of
authorization shall be required for a corporation;
partnership; or person practicing under a fictitious name,
offering architectural services to the public jointly or
separately. However, when an individual is practicing
architecture in his own name, he shall not be required to be
certified under this section.

(3) For the purposes of this section, a certificate of
authorization shall be required for a corporation;
partnership; or person operating under a fictitious name;
using the title interior designer or interior designer.

CODING: Words stricken are deletions; words underlined are additions.
However, an individual using such titles in his own name shall not be required to be certified under this section.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture which are prepared or approved for the use of the corporation or partnership and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

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

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

(7) The board shall certify an applicant as qualified for a certificate of authorization to offer architecture services or use the title "interior designer," as appropriate, provided that:

(a) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation or partnership who act in its behalf in this state as architects, are registered as provided by this part.
(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

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

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

(10) Each partnership and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who terminates his employment with a partnership or corporation certified under this section shall notify the department of the termination within 30 days.

(11) No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, the architect who signs and seals the construction documents and instruments of service shall be liable for the professional services performed and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

(12) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

CODING: Words stricken are deletions; words underlined are additions.
(13) Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or use the title "interior designer" shall be held by a corporation or partnership. Nothing in this section prohibits corporations and partnerships from joining together to offer architectural, engineering, interior design, land surveying, and landscape architectural services, or any combination of such services, to the public, provided that each corporation or partnership otherwise meets the requirements of law.

(14) Corporations or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer."

Section 14. Section 481.221, Florida Statutes, is amended to read:

[Substantial rewording of section. See 481.221, F.S., for present text.]

481.221 Seals; display of certificate number.--

1. The board shall prescribe, by rule, distinctively different seals to be used by registered architects and interior designers, respectively, holding valid certificates of registration.

(a) Each registered architect shall obtain an impression-type metal seal, and all final construction documents and instruments of services which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.
(b) Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(2) No registered architect shall affix, or permit to be affixed, his seal or signature to any plan, specification, drawing, or other document which depicts work which he is not competent to perform.

(3) No registered interior designer shall affix, or permit to be affixed, his seal or signature to any document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which he is not competent or licensed to perform.

(4) No registered architect shall affix his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by him or under his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by him as his own work according to rules adopted by the board.

(5) No registered interior designer shall affix his signature or seal to any plan, specifications, or other documents which were not prepared by him or under his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and

CODING: Words stricken are deletions; words underlined are additions.
adopted by him as his own work according to rules adopted by
the board.

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

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

(8) Each registered architect or interior designer,
and each corporation or partnership holding a certificate of
authorization, shall include its certificate number in any
newspaper, telephone directory, or other advertising medium
used by the registered architect, interior designer,
corporation, or partnership. A corporation or partnership is
not required to display the certificate number of individual
registered architects or interior designers employed by or
working within the corporation or partnership.

(9) When the certificate of registration of a
registered architect or interior designer has been revoked or
suspended by the board, the registered architect or interior
designer shall surrender his seal to the secretary of the
board within a period of 30 days after the revocation or
suspension has become effective. If the certificate of the
registered architect or interior designer has been suspended

CODING: Words struck are deletions; words underlined are additions.
for a period of time, his seal shall be returned to him upon
expiration of the suspension period.

Section 15. Paragraphs (a), (b), (e), and (g) of
subsection (1) of section 481.223, Florida Statutes, are
amended to read:

481.223 Prohibitions; penalties.--
(1) No person shall knowingly:
(a) Practice architecture unless the person is an
architect or a registered architect;
(b) 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
sect;
(e) Use or attempt to use an architect or interior
designer license which has been suspended, revoked, or placed
on inactive status;
(g) Conceal information relative to violations of this
part sect.
(2) Any person who violates any provision of this
section is guilty of a misdemeanor of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

Section 16. Subsection (1) of section 481.225, Florida
Statutes, is amended to read:
481.225 Disciplinary proceedings against registered
architects.--
(1) The following acts constitute grounds for which
the disciplinary actions in subsection (3) may be taken:
(a) Violating Violation of any provision of s.
481.221, s. 481.223, or s. 455.227(1) or any rule of the board

CODING: Words stricken are deletions; words underlined are additions.
or department lawfully adopted pursuant to this part or chapter 455;

(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act which would constitute a violation of this part or of chapter 455;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture. A plea of no contest shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;

(e) Violation of any provision of ss. 461.021-461.041;

(f) Using his seal or performing any other act, as a licensee while his certificate of registration is suspended or when current renewals have not been obtained;

(g) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are prepared signed in the capacity of a registered architect;

(h) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

CODING: Words stricken are deletions; words underlined are additions.
(g) Committing an act upon proof that the licensee
is guilty of fraud or deceit, or of negligence, incompetency,
or misconduct, in the practice of architecture;

(f) Violation of any rule adopted pursuant to this act
or chapter 455;

(h) Practicing on a revoked, suspended, or inactive
license;

(i) Offering or accepting anything of value for the
purpose of securing a commission, influencing his engagement
or employment, or influencing the award of a contract;

(m) Having any undisclosed significant financial
interest which conflicts with the interests of his client or
employer;

(n) Aiding, assisting, procuring, or advising any
unlicensed person to practice architecture contrary to this
part chapter or to a rule of the department or the board; or

(o) Failing to perform any statutory or legal
obligation placed upon a registered architect.

(k) Attempting to influence or overrule the
professional judgment of an architect by an act that, if
carried out, would constitute negligence contrary to the
exercise of professional judgment in accordance with
professionally accepted standards of practice or would
threaten the public health, safety, or welfare.

Section 17. Section 481.2251, Florida Statutes, is
created to read:

481.2251 Disciplinary proceedings against registered
interior designers.--

(1) The following acts constitute grounds for which
the disciplinary actions specified in subsection (2) may be
taken:

CODING: Words stricken are deletions; words underlined are additions.
(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to use the title "interior designer";

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against; including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;

(d) False, deceptive, or misleading advertising;

(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;

(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing

CODING: Words stricken are deletions; words underlined are additions.
another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer:

(1) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;

(1) Accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent or licensed to perform;

(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;

(1) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services;

(m) Acceptance of compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2)1 or

(n) Rendering or offering to render architectural services,

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure;

(b) Refusal to renew an existing license;

(c) Revocation or suspension of a license;

(d) Imposition of an administrative fine, not to exceed $1,000 for each violation or separate offense; or
Section 18. Section 481.227, Florida Statutes, is amended to read:

481.227 Prosecution of criminal violations.--The board shall report any criminal violation of this part of the proper prosecuting authority for prompt prosecution.

Section 19. Subsections (2) and (3) of section 481.229, Florida Statutes, are amended, and subsections (4), (5), (6), and (7) are added to said section, to read:

481.229 Exceptions; exemptions from licensure.--

(2) Nothing contained in this part of the act shall be construed to prevent any employee of an architect from acting in any capacity under the instruction, control, or supervision of the architect or to prevent any person from acting as a contractor in the execution of work designed by an architect.

(3) Notwithstanding the provisions of this part of the act or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his architectural practice.

However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

(4) Nothing contained in this part shall prevent a registered architect or a partnership or corporation holding a

CODING: Words struck out are deletions; words underlined are additions.
Section 2.0. Section 4111.231, Florida Statutes, is amended to read:

4111.231 Effect of ss. 481.201-481.233 locally.--
(1) Nothing contained in this part act shall be construed to repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects or registered interior designers, than the provisions of this part act.

CODING: Words stricken are deletions; words underlined are additions.
(2) Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part of the Act have been violated, provided, however, that this subsection shall not authorize the withholding of building permits in any cases involving the exceptions and exemptions set out in s. 481.229 within-the-exempt-classes-set forth-in-this-act.

Section 21. Licensure without examination.--

(1) Any person who applies for licensure as a registered interior designer and remits the application and initial licensure fees within 1 year after the effective date of this Act shall be licensed by the Department without taking the written examination or otherwise meeting the qualifications of s. 481.209(2), provided that the applicant:

(a) For at least 1 year prior to the effective date of this Act, has used or been identified by the title "interior designer" and has maintained a municipal or county occupational license as an interior designer within this state, unless such a license is not required for regular employment as an interior designer or for teaching interior design as provided in this section; and

2. Has passed the examination administered by the National Council for Interior Design Qualifications; or

(b) Has used or been identified by the title "interior designer" and has at least 6 years of interior design experience as a principal of a firm offering interior design services; and

2. Has passed the examination administered by the National Council for Interior Design Qualifications.

CODING: Words stricken are deletions; words underlined are additions.
(2) Any person who is currently enrolled in an existing 2-year interior design program at a public community college within this state, applies for licensure as a registered interior designer, and remits the application and initial licensure fees prior to October 1, 1990, shall be licensed by the department without taking the written examination or otherwise meeting qualifications of § 481.209(2), provided that the applicant graduates from such program by October 1, 1990.

(3) A person shall be deemed to have used or been identified by the title "interior designer" within the meaning of this section if such person was, either on his own account or in the course of regular employment, rendering or offering to render to another person interior design services or was regularly engaged in the teaching of interior design at a college, university, or professional school with a program accredited by the Foundation for Interior Design Research or approved by the board.

Section 22. Section 481.233, Florida Statutes, is hereby repealed.

Section 23. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with § 11.61, Florida Statutes, and except as otherwise specifically provided herein, Part I of chapter 481, Florida Statutes, shall not stand repealed on October 1, 1998, and shall continue in full force and effect as amended herein.

Section 24. Part I of chapter 481, Florida Statutes, is repealed on October 1, 1999, and shall be reviewed by the Legislature pursuant to § 11.61, Florida Statutes.

CODING: Words stricken are deletions; words underlined are additions.
Section 25. Subsection (3) of section 491.295, Florida Statutes, is repealed on October 1, 1989.

Section 26. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Professional Regulation for fiscal year 1988-1989 the sum of $167,622 and four career service positions to implement the provisions of this act.

Section 27. This act shall take effect October 1, 1989.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words strucken are deletions; words underlined are additions.
A bill to be entitled
An act relating to interior design; creating
the "Interior Designers Licensing Act";
providing legislative findings; providing
definitions; providing powers and duties of the
Department of Professional Regulation;
providing for disposition of fees; providing
for examination and eligibility; providing for
the contents of the examination and
administration; providing for licensure without
examination; providing for license issuance and
renewal; providing for continuing education;
providing for inactive status licenses;
providing for disclosure of compensation for
professional services; providing for grounds
for disciplinary actions and for actions by the
department; providing for a license and seal;
authorizing the practice of interior design by
firms and corporations; providing injunctive
relief; providing for fees; creating an
advisory committee; providing penalties;
providing exemptions; providing exceptions;
providing for review and repeal; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited as the
"Interior Designers Licensing Act."

Section 2. Legislative findings.--The Legislature
finds that the practice of interior design by unskilled and

CODING: Words struck are deletions; words underlined are additions.
incompetent practitioners presents a significant danger to the public health, safety, and welfare. The Legislature finds further that it is difficult for the public to make an informed choice about interior designers and that the consequences of a wrong choice could endanger their welfare.

The Legislature recognizes that there is a public need for independent and objective interior designers and that it is necessary to regulate the practice of interior design to assure the minimum competence of interior designers and to protect the public from dishonest practitioners and, therefore, deems it necessary in the interest of public welfare to regulate the practice of interior design in this state by prohibiting the use of the title "interior designer" by persons not licensed. The Legislature further finds that it is necessary to prohibit the use of the title "interior designer" by persons not licensed, so as to ensure the minimum competence of those holding themselves out to be interior designers in order to protect the public from potential economic loss. It is the intent of the Legislature that this act not apply to any person, not licensed under the act, who holds himself out as an "interior decorator" or who offers "interior decorator services" which include the selection or assistance in selection of surface materials, window treatments, wallcovering, paint, floor coverings, surface mounted lights, or loose furnishings not included in an environment regulated by state, county, or municipal building codes where those materials or furnishings are subject to code enforcement.

Section 3. Definitions.—As used in this act, the term:

CODING: Words stricken are deletions; words underlined are additions.
"Department" means the Department of Professional Regulation.

"Interior designer" means a person who is engaged in, or offers to engage in, the practice of interior design in this state, and who has been duly licensed by the department in accordance with the provisions of this act.

"Interior design" means the performance of, or offer to perform, services which include consultations, studies, drawings, specifications in connection with space utilization, furnishings, or fabrication of non-structural elements within the surrounding interior spaces of buildings. Any interior design drawing shall contain a statement thereon that the drawing is not to be used for construction of load-bearing columns, framing, or walls of structures. No interior designer shall render or offer to render any services which currently require the services of an architect licensed under chapter 481, Florida Statutes.

Section 4. Powers and duties of the department.--The department is empowered and authorized to administer and enforce the provisions of this act. The department may adopt such rules as are necessary to carry out the purposes of this act and may initiate disciplinary action as provided by this act, and shall establish fees based on its estimates of the revenue required to administer this act, which fees shall not exceed the amounts provided in this act.

Section 5. Disposition of fees.--All fees received under this act shall be deposited into the Professional Regulation Trust Fund. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this act. The department shall prepare and CODING: Words stricken are deletions; words underlined are additions.
submit a proposed budget for administration of the provisions of this act in accordance with law.

Section 6. Additional powers and duties of the department.--The department may administer oaths, summon witnesses, and take testimony in all matters relating to its duties pursuant to this act. Further, the department has all powers and duties given to it or imposed upon it under ss. 455.20-455.244, Florida Statutes, in the administration and enforcement of this act.

Section 7. Examination; eligibility.--Except as otherwise provided in this act, each applicant for licensure shall successfully complete an examination prior to being issued a license. Each applicant for licensure shall apply to the department on forms and in the manner prescribed by it, for admittance to the licensure examination. To qualify for the examination, an applicant shall submit satisfactory evidence of meeting one of the following criteria:

(1) Completion of a 5-year degree in interior design, plus 1 year of practical professional experience;
(2) Completion of a 4-year degree in interior design, plus 2 years of practical professional experience;
(3) Completion of a 3-year degree in interior design, plus 3 years of practical professional experience;
(4) Completion of a 2-year degree in interior design, plus 4 years of practical professional experience;
(5) Completion of 1 year of interior design education, plus 5 years of practical professional experience; or
(6) A high school diploma, plus 6 years of practical professional experience.
Equivalent educational credits may be substituted for any of
the above six categories.

Section 8. Contents of examination; administration.--
All examinations given pursuant to this act shall be conducted
by the department or its duly authorized representative at
such times and places as may be determined by the department,
but no fewer than two examinations shall be held in each year.
Except as otherwise provided in this act, each applicant for
licensure shall pass the examination prior to being issued a
license. The examination shall cover such subjects and be
graded on such basis as the department shall establish by
rule. The department may adopt substantially all or part of
the examination and recommended grading procedures of the
National Council for Interior Design Qualifications.

Section 9. Licensure without examination.--
(1) Any person who has used or has been identified by
the title of "interior designer" and maintained a municipal or
county occupational license within the State of Florida for at
least one year prior to the effective date of this act may
apply for and secure a license from the department without
taking the written examination or meeting the qualifications
for taking the examination, provided such person applies for
the license within one year after the effective date of this
act. A person shall be deemed to have used or been identified
by the title "interior designer" within the meaning and intent
of this section if during the requisite one year period such
person was, either on his own account or in the course of
regular employment, rendering or offering to render to another
person interior design services or was regularly engaged in
the teaching of interior design at an accredited college,
university, or professional school with a program recognized

CODING: Words stricken are deletions; words underlined are additions.
by the department and leading to a degree related to interior design. Any combination of the rendering of such services and teaching during the one-year period shall satisfy the requirements of this section.

(2) When an application for licensure has not been filed within the requisite one-year period, as specified in subsection (1), the department may, in lieu of an examination, accept satisfactory evidence of licensure in another state or country where the qualifications, in the opinion of the department, are as of the date of application in this state at least equivalent to those required by this act, and where the applicant is a licensee in good standing. Upon receipt of such satisfactory evidence, a license may be issued to such applicant.

Section 10. Issuance of license; renewal.--
(1) Except as otherwise provided in this act, a license shall be issued to any person who presents satisfactory evidence of possessing the qualifications as to education, experience, and examination performance required by this act and by the rules of the department, provided that such applicant pays the required fee and furnishes proof that the applicant is at least 18 years of age.

(2) The department shall prescribe by rule a method for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the license meets the other qualifications for reactivation as provided in section 11 of this act.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the
section 11. continuing education.--

(1) no license renewal shall be issued by the department until the licensee submits proof satisfactory to the department that during the two years prior to his application for renewal he has participated in not more than 20 hours per year of continuing education, as determined by the department in courses approved by the department.

(2) the department shall approve only those courses that build upon the basic courses required for the practice of interior design.

(3) the department may make exception to the requirements of this section in emergency or hardship cases.

(4) the department may adopt rules within the requirements of this section that are necessary for its implementation.

section 12. inactive status.--

(1) a license which has become inactive may be reactivated pursuant to section 10 of this act upon application to the department. the department shall by rule determine the length of time, not less than 2 nor more than 4 years, within which an inactive status license shall automatically expire unless it has been reactivated. once a license has expired, it shall become null and void without any further action by the department. one year prior to expiration, the department shall give notice to the licensee of impending expiration.

(2) the department shall promulgate rules relating to the reactivation of inactive licenses and shall prescribe by

CODING: Words stricken are deletions; words underlined are additions
rule or fee not to exceed $50 for the reactivation of inactive licenses.

Section 13. Disclosure of compensation for professional services.--An interior designer shall, before entering into a verbal or written contract, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, and/or supplier on the basis of a fee, percentage, or mark-up. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer is forbidden, under this code, to accept any form of compensation from a supplier of goods and services in cash or in kind.

Section 14. Grounds for disciplinary action by the department.--

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, or obtaining or renewing, by bribery, by fraudulent misrepresentation, or through an error of the department, a license to practice interior design.

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of interior design or to the ability

CODING: Words stricken are deletions; words underlined are additions.
(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person the licensee knows is in violation of this act or the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this act or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed interior designer.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed interior designer.

(j) Making deceptive, untrue, or fraudulent representations in the practice of interior design or employing a trick or scheme in the practice of interior design.

(k) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know he is not competent to perform.

(l) Violating any provision of this act, any rule of the department, or a lawful order of the department previously
entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(m) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services or representing himself as an interior designer prior to the time of issuance of a license to him, except as authorized by this act.

(n) Aiding and abetting any person not licensed pursuant to this act in the violation of any provision of this act or rule of the department.

(2) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure.

(b) Refusal to renew an existing license.

(c) Revocation or suspension of a license.

(d) Imposition of an administrative fine not to exceed $1,000 for each violation or separate offense.

(e) Issuance of a reprimand.

Section 15. License seal.--

(1) An applicant for licensure who complies with all requirements established therefor, including passing the examination unless otherwise exempted, shall be issued a license by the department. The department shall prescribe, by rule, a form of seal to be used by licensed interior designers holding valid certificates of licensure. Each licensed interior designer shall obtain an impression-type metal seal, and all plans, specifications, or reports prepared or issued by the licensed interior designer and being filed for public

CODING: Words stricken are deletions; words underlined are additions.
records shall be signed by the licensed interior designer, dated, and stamped with his seal. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(2) When the certificate of licensure of a licensed interior designer has been revoked or suspended by the board, the licensed interior designer shall surrender his seal to the secretary of the department within a period of 30 days after the revocation or suspension has become effective. In the event the certificate of the licensed interior designer has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

(3) No licensed interior designer shall affix, or permit to be affixed, his seal or name to any study, drawing, or specification or other document which depicts work which he is not competent to perform.

(4) No licensed interior designer shall affix his signature or seal to any study, drawing, or specification which was not prepared by him or under his responsible supervising control or by another licensed interior designer and reviewed, approved, or modified and adopted by him as his own work with full responsibility as a licensed interior designer for such documents.

(5) Studies, drawings, specifications and other related documents prepared by a licensed interior designer as part of his interior design practice shall be of a sufficiently high standard to assure the users thereof against misunderstanding of the requirements intended to be illustrated or described by them. To be of the required standard, such documents should clearly and accurately...
1 indicate the design of the nonstructural elements and of all
2 other essential parts of the work to which they refer.
3
4 (6) Notwithstanding any other provision of law, if a
5 building permit is required for any study, drawing, or
6 specification in connection with space utilization,
7 furnishing, or fabrication of nonstructural elements within
8 and surrounding the interior spaces of a building authorized
9 to be prepared pursuant to this act, then any such study,
10 drawing, or specification which bears the seal of an interior
11 designer licensed pursuant to this act shall be acceptable for
12 issuance of the permit and shall not be rejected solely on the
13 basis that the study, drawing, or specification was prepared
14 and sealed by a licensed interior designer.

15 Section 16. Practice by firms, corporations, etc.:
16
17 (1) Nothing in this act shall prevent an interior
18 designer licensed pursuant to the provisions of this act from
19 associating with one or more interior designers, architects,
20 professional engineers, landscape architects, surveyors, or
21 other persons in a partnership, joint venture, or corporation.
22
23 (2) A firm shall be permitted to use in its title the
24 term "interior designer" and to be so identified on any sign,
25 card, stationery, device, or other means of identification if
26 at least one partner, director, or officer of such firm is
27 licensed as an interior designer in this state. A firm shall
28 not be required to include the names of all partners,
29 directors, or officers in its title.
30
31 (3) The department shall require any firm identified
32 by the term "interior designer" to file with it the name,
33 address, and other pertinent information of each director and
34 each officer, if a corporation, or of each partner, if a
35 partnership or joint venture.

CODING: Words stricken are deletions; words underlined are additions.
Section 17. Injunction -- The department is authorized to apply to any court of competent jurisdiction for an order enjoining or restraining the continuance of any alleged unlawful act under this act. The court shall grant such injunction or restraining order or such other temporary or permanent relief as it deems just and proper. In such proceeding, it shall be unnecessary to allege or prove an inadequate remedy at law, that irreparable damage would result if such order were not granted, or that administrative remedies have been exhausted. This remedy shall be in addition to any other remedy provided by law.

Section 18. Fees. -- The department shall establish fees as follows:

1. For examination, re-examination, or licensure in lieu of examination, the fee shall not exceed $350.
2. For each timely annual renewal, the fee shall not exceed $100.
3. For issuance of an original or duplicate license certificate, the fee shall not exceed $25.

Section 19. Advisory committee. -- The department shall appoint an advisory committee composed of five members. Three members shall each have been in active practice or engaged in the teaching of interior design for a combined total of not less than 15 years, one member shall be an architect licensed by the state, with at least 10 years experience in the practice or the teaching of architecture, and one member shall be a member of the public. The department shall give great weight and consideration to the advice given by the advisory committee.

Section 20. Penalties. -- Any person not holding a valid license under this act who uses or is identified by the title...
or designation "interior designer" is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084, Florida Statutes.

Section 21. Exemptions.--

(1) Nothing contained in this act shall be interpreted to prohibit any architect licensed by the state under chapter 481, Florida Statutes, from practicing interior design or using the title "interior designer."

(2) Nothing contained in this act shall prevent any person from rendering any of the services which constitute the practice of interior design, provided that such person shall not be permitted to use or be identified by the title "interior designer," unless licensed in accordance with this act.

(3) This act does not apply to any person, not licensed under the act, who holds himself out as an "interior decorator" or who offers "interior decorator services" which include the selection or assistance in selection of surface materials, window treatments, wall coverings, paints, floor coverings, surface mounted lights, or loose furnishings not included in an environment regulated by state, county, or municipal building codes where those materials or furnishings are subject to code enforcement.

Section 22. Exceptions.--No person licensed as an interior designer under this act shall be required to obtain a license under chapter 489, Florida Statutes, in order to practice interior design. Nothing in this act shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, Florida Statutes, unless duly

CODING: Words stricken are deletions; words underlined are additions.
registered or certified as a contractor pursuant to that chapter.

Section 23. Section 19 is repealed on October 1, 1997, and the advisory committee created therein shall be reviewed by the Legislature pursuant to s. 11.611.

Section 24. Sections 1 through 22 of this act are repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.61.

Section 25. This act shall take effect October 1, 1988; however, the department shall not seek an injunction pursuant to section 17 of this act, nor shall criminal penalties be sought under section 20 of this act for any violation of this act occurring before March 1, 1989.

*****************************************************************************************

HOUSE SUMMARY

Creates the "Interior Designers Licensing Act" to regulate the practice of interior design by the Department of Professional Regulation.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions
A bill to be entitled
An act relating to architecture; amending s. 481.203, F.S.; providing definitions; amending s. 481.209, F.S.; revising prerequisites that entitle an applicant to take the licensure examination; amending s. 481.211, F.S.; revising certain internship requirements; amending s. 481.213, F.S.; revising requirements for licensure by endorsement; amending s. 481.217, F.S.; providing for license reactivation; amending s. 481.219, F.S.; deleting certain requirements relating to the practice of architecture by a partnership or corporation; amending s. 481.221, F.S.; providing for the use of license numbers by registered architects; amending s. 481.225, F.S.; providing additional grounds for disciplinary action; repealing s. 481.233, F.S., relating to the registrations of certain architects; saving part I of ch. 481, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (4), (5), (6), and (7) of section 481.203, Florida Statutes, are renumbered as subsections (6), (7), (8), and (9), respectively, and new subsections (4) and (5) are added to said section to read:

481.203 Definitions.—As used in this act:

CODING: words struck are deletions; words underlined are additions.
(4) "Architect" means a person who is engaged in the practice of architecture, as defined in this section.

(5) "Architect intern" means a person who is registered with the department and is enrolled in or a graduate of a degree program in architecture approved by the board.

Section 2. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.--

(1) A person desiring to be licensed as a registered architect or architect-intern shall apply to the department for licensure.

(2) An applicant shall be entitled to take the licensure examination to practice in this state as a registered architect if the applicant:

(a) Has completed at least 1 year of preexamination internship experience that is approved by the board is-honest and-trustworthy; and

(b) Is a graduate from an approved school or college of architecture approved by the board, as architectural curriculum-of-5-years-or-more evidenced by a degree from a school or college of architecture whose course of study meets the rules of the board which-meets-standards-of-accreditation adopted-by-the-board-by-rule-based-on-a-review-and-inspection by-the-board-of-the-curriculum-of-accredited-schools-and colleges-of-architecture-in-the-United-States—including-those schools-and-colleges-accredited-by-the-National-Architectural Accreditation-Board. The board shall adopt rules providing for the review and approval of schools and colleges of architecture and courses of architectural study. The board may accept and utilize standards adopted by a nationally

CODING: Words stricken are deletions; words underlined are additions.
accepted accreditation organization for schools and colleges of architecture and courses of architectural study.

Section 3. Section 481.211, Florida Statutes, is amended to read:

481.211 Internship required Experience.--

(1) An applicant for licensure as a registered architect must complete, prior to licensure, who-passes-the examination-shall-be-entered-to-be-licensed-as-a-registered architect-pursuant-to-s.481.211-if-the-applicant-completes an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding a board-approved first professional degree in architecture the-degree-of-Bachelor-of-Architecture; or

(b) Two years for an applicant holding the degree of Master of Architecture.

(2) One year of preexamination internship experience required in s. 481.209 shall be included in and count towards the internship period required by this section. Any person who-was-engaged-in-a-program-consisting-of-7-years-or-more-of diversified-training-in-an-office-of-registered-practicing architects-on-July-17-1969-and-who-notified-the-board-of-his training-within-1-year-after-July-17-1969-shall-if-otherwise qualified-be-permitted-to-take-the-examination-required-by-s. 481.209-only-if-diversified-training-is-completed-before-July 17-1985:

Section 4. Section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.--
(1) The department shall license any applicant who the
board certifies is qualified for licensure.

(2) The board shall certify for licensure any
applicant who successfully passes the prescribed licensure
examination and satisfies the requirements of ss. 481.209 and
481.211.

(3) The board shall certify as qualified for a license
by endorsement an applicant who:

(a) Qualifies to take the prescribed licensure
examination, and has passed the prescribed licensure
examination in another jurisdiction, as set forth in s.
481.209; has passed a nationally-recognized, state- or United
States-territorial-licensing-examination-which-is
substantially-equivalent-to-the-examination-required-by-
481.209; and has satisfied the internship experience
requirements set forth in s. 481.211;

(b) Holds a valid license to practice architecture
issued by another jurisdiction state-or-territory-of-the
United-States, if the criteria for issuance of such license
were substantially equivalent to the licensure criteria which
existed in this state at the time the license was issued; or

(c) Has passed the prescribed licensure examination
and holds a certificate issued by the National Council of
Architectural Registration Boards. Has-engage-in-the
practice-of-architecture-as-a-registered-architect-in-another
state-for-not-less-than-10-years;

(4) The board shall certify as qualified for licensure
any applicant corporation or partnership which satisfies the
requirements of s. 481.219.
(5) The board may refuse to certify any applicant who
has violated any of the provisions of s. 481.223 or s.
481.225.

(6) The board may refuse to certify any applicant who
is under investigation in another jurisdiction state for any
act which would constitute a violation of this act or of
chapter 455 until such time as the investigation is complete
and disciplinary proceedings have been terminated.

(7) The board shall adopt rules to implement the
provisions of this act relating to the examination,
internship, and licensure of applicants.

Section 5. Section 481.217, Florida Statutes, is
amended to read:

481.217 Inactive status.--

(1) A license which has become inactive may be
reactivated pursuant to s. 481.215 upon application to the
department. The board may prescribe by rule continuing
education requirements as a condition of reactivating a
license. The continuing education requirements for
reactivating a license shall not exceed 12 contact class hours for each year the license was inactive. Any such
license which has been inactive for more than 4 years shall
automatically expire if the licensee has not made application
for reactivation renewal of such license. Once a license
expires, it becomes null and void without any further action
by the board or department. One year prior to expiration of
the license, the department shall give notice to the licensee.

(2) The board shall promulgate rules relating to
licenses which have become inactive and for the reactivation
renewal of inactive licenses. The board shall prescribe by
rule a fee not to exceed $50 for the reactivation of an

CODING: Words struck are deletions; words underlined are additions.
inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 6. Subsections (1) and (4) of section 481.219, Florida Statutes, are amended to read:

481.219 Certification of partnerships and corporations.--

(1) The practice of or the offer to practice architecture by licensees through a corporation or partnership offering architectural services to the public, or by a corporation or partnership offering architectural services to the public through licensees under this act as agents, employees, officers, or partners, is permitted, subject to the provisions of this act, provided that:

(a) One or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as architects in this state are registered as provided by this act; and

(b) The corporation or partnership has been issued a certificate of authorization by the department as provided in s. 481.213.

(4) No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing architecture, engineering, or land surveying be relieved of responsibility for professional services performed by reason of his employment or relationship with a corporation or partnership.

Section 7. Subsection (6) is added to section 481.221, Florida Statutes, to read:

481.221 Seals.--
Each registered architect, and each corporation or partnership holding a certificate of authorization, shall include its license number in any newspaper, telephone directory, or other advertising medium used by the registered architect, corporation, or partnership. A corporation or partnership is not required to display the license number of individual registered architects employed by or practicing with the corporation or partnership.

Section 8. Subsection (1) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings.--
(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:
(a) Violation of any provision of s. 481.223 or s. 455.227(1);
(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;
(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;
(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture;
(e) Violation of any provision of s. 481.221;
(f) Using his seal, or performing any other act, as a licensee while his certificate of registration is suspended or when current renewals have not been obtained;
(g) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report.

CODING: Words stricken are deletions; words underlined are additions.
311-369C-88

or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are prepared signed in the capacity of a registered architect;

(h) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

(i) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture;

(j) Violation of any rule adopted pursuant to this act or chapter 455;

(k) Practicing on a revoked, suspended, or inactive license;

(l) Offering or accepting anything of value for the purpose of securing a commission, influencing his engagement or employment, or influencing the award of a contract;

(m) Having any undisclosed significant financial interest which conflicts with the interests of his client or employer;

(n) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this chapter or to a rule of the department or the board; or

(o) Failing to perform any statutory or legal obligation placed upon a registered architect; or

(p) Attempting to influence or overrule the professional judgment of an architect by an act that, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with

CODING: Words stricken are deletions; words underlined are additions.
professionally accepted standards of practice or would threaten the public health, safety, or welfare.

Section 9. Section 481.233, Florida Statutes, is hereby repealed.

Section 10. Notwithstanding the provisions of chapters 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229, and 481.231, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such laws, but said sections, as amended, are hereby revived and readopted.

Section 11. Sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229, and 481.231, Florida Statutes, are repealed effective October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 12. This act shall take effect October 1, 1988.

CODING: Words stricken are deletions; words underlined are additions.
SENATE SUMMARY

Pursuant to Sunset review, continues the provisions of part I, ch. 481, P.S., relating to the regulation of architects. Defines "architect intern." Revises certain qualification requirements for licensure examination. Revises internship requirements. Revises requirements for certification for licensure by endorsement. Provides for reactivation of an inactive license. Deletes the requirement that a principal officer of a corporation or a partner of a partnership offering architectural services be a registered architect. Provides requirements for the display of license numbers by registered architects. Provides additional grounds for disciplinary action. Repeals obsolete language.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to architecture, amending s. 481.203, F.S.; providing definitions; amending s. 481.209, F.S.; mandating passage of the licensure examination and revising prerequisites that entitle an applicant to take the licensure examination; amending s. 481.211, F.S.; revising certain internship requirements; amending s. 481.213, F.S.; revising requirements for licensure by endorsement; amending s. 481.217, F.S.; providing for license reactivation; amending s. 481.219, F.S.; revising requirements to clarify the practice of architecture by a partnership or corporation; amending s. 481.221, F.S.; reflecting present professional usage of terms, providing for rules to be adopted by the board which delineate responsible supervisory control, and providing for the use of license numbers by registered architects; amending s. 481.223, F.S.; reflecting the interchangeable use of terms; amending s. 481.225, F.S.; providing additional grounds for disciplinary action; amending s. 481.231, F.S.; revising the effect of the architecture practice act locally; repealing s. 481.233, F.S., relating to the registrations of certain architects; saving part I of ch. 481, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (3) and (6) of section 481.203, Florida Statutes, are amended, and new subsection (8) is added to said section to read:

481.203 Definitions.--As used in this act:

(3) "Architect" or "registered architect" means a person who is licensed under this act to engage in the practice of architecture.

(6) "Architecture" means 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. These services include planning, providing preliminary study designs, drawings and specifications, architectural supervision, job-site inspection, and administration of construction contracts.

(8) "Architect intern" means a person who is registered with the department and is enrolled in or a graduate of a degree program in architecture approved by the board.

Section 2. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.--

(1) A person desiring to be licensed as a registered architect or architect-intern shall apply to the department for licensure.

(2) The department shall license any applicant who the board certifies is qualified to practice architecture and who has passed the licensing examination.

CODING: Words stricken are deletions; words underlined are additions.
An applicant shall be entitled to take the licensure examination to practice in this state as a registered architect if the applicant:

(a) Has completed at least 1 year of preexamination internship experience that is approved by the board which shall be included in and count toward the internship requirements contained in s. 481.211 is-honest-and trustworthy; and

(b) Is a graduate from an approved school or college of architecture approved by the board, as architectural curriculum-of-5-years-or-more evidenced by a degree from a school or college of architecture whose course of study meets the rules of the board which-meets-standards-of-accreditation adopted-by-the-board-by-rule-based-on-a-review-and-inspection by-the-board-of-the-curriculum-of-accredited-schools-and colleges-of-architecture-in-the-United-States-including-those schools-and-colleges-accredited-by-the-National-Architectural Accreditation-Board. The board shall adopt rules providing for the review and approval of schools and colleges of architecture and courses of architectural study. The board may accept and utilize standards adopted by a nationally accepted accreditation organization for schools and colleges of architecture and courses of architectural study.

Section 3. Section 481.211, Florida Statutes, is amended to read:

481.211 Internship required Experience.--

(1) An applicant for licensure as a registered architect must complete, prior to licensure, who-passes-the examination-shall-be-entitled-to-be-licensed-as-a-registered architect-pursuant-to-s: 481.213 if-the-applicant-completes an internship of diversified architectural experience approved by

CODING: Words stricken are deletions; words underlined are additions.
the board in the design and construction of structures which
have as their principal purpose human habitation or use. The
internship shall be for a period of:

(a) Three years for an applicant holding a board-
approved first professional degree in architecture the-degree
of Bachelor of Architecture; or

(b) Two years for an applicant holding the degree of
Master of Architecture.

(2) One year of internship experience must have been
gained subsequent to graduation from an approved school or
college of architecture as defined in s. 481.209(2)(b). Any
person who was engaged in a program consisting of 7 years or
more of diversified training in an office of registered
practicing architects on July 1, 1969, and who notified the
board of his training within 1 year after July 1, 1969, shall
if otherwise qualified be permitted to take the examination
required by s. 481.209 only if diversified training is
completed before July 1, 1985.

Section 4. Section 481.213, Florida Statutes, is
amended to read:

481.213 Licensure.--

(1) The department shall license any applicant who the
board certifies is qualified for licensure.

(2) The board shall certify for licensure any
applicant who successfully passes the prescribed licensure
examination and satisfies the requirements of ss. 481.209 and
481.211.

(3) The board shall certify as qualified for a license
by endorsement an applicant who:

(a) Qualifies to take the prescribed licensure
examination, and has passed the prescribed licensure
examination in another jurisdiction, as set forth in s. 481.209; has passed a national or state or territorial licensing examination which is substantially equivalent to the examination required by s. 481.209; and has satisfied the internship experience requirements set forth in s. 481.211;

(b) Holds a valid license to practice architecture issued by another jurisdiction state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria which existed in this state at the time the license was issued; or

(c) Has passed the prescribed licensure examination and holds a certificate issued by the National Council of Architectural Registration Boards, provided that if the certificate was obtained after July 1, 1984, and the applicant holds a degree in architecture, such degree must be equivalent to that required in s. 481.209. Has engaged in the practice of architecture as a registered architect in another state for not less than 10 years;

(4) The board shall certify as qualified for licensure any applicant corporation or partnership which satisfies the requirements of s. 481.219.

(5) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223 or s. 481.225.

(6) The board may refuse to certify any applicant who is under investigation in another jurisdiction state for any act which would constitute a violation of this act or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

CODING: Words stricken are deletions, words underlined are additions.
(7) The board shall adopt rules to implement the provisions of this act relating to the examination, internship, and licensure of applicants.

Section 5. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.--

(1) A license which has become inactive may be reactivated pursuant to s. 481.215 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 contact classroom hours for each year the license was inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.

(2) The board shall promulgate rules relating to licenses which have become inactive and for the reactivation renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

Section 6. Subsections (2) and (4) of section 481.219, Florida Statutes, are amended to read:

481.219 Certification of partnerships and corporations.--

(2) All final construction documents and instruments of service, which include drawings, specifications, plans,
reports, or other papers or documents involving the practice
of architecture which are prepared or approved for the use of
the corporation or partnership, and filed for delivery to any
person or for public record within the state shall be dated
and bear the signature and seal of the licensee who prepared
or approved them with date, seal, and signature applied.

(4) No corporation or partnership shall be relieved of
responsibility for the conduct or acts of its agents,
employees, or officers by reason of its compliance with this
section. However, the architect who signs and seals the
construction documents and instruments of service is liable
for the professional services performed. Nor shall any
individual-practicing-architecture-engineering-or-land
surveying-be-relieved-of-responsibility-for-professional
services-performed-by-reason-of-his-employment-or-relationship
with-a-corporation-or-partnership.

Section 7. Section 481.221, Florida Statutes, is
amended to read:

481.221 Seals.--
(1) The board shall prescribe, by rule, a form of seal
to be used by registered architects holding valid certificates
of registration. Each registered architect shall obtain an
impression-type metal seal, and all final construction
documents and instruments of service, which include drawings,
plans, specifications, or reports prepared or issued by the
registered architect and being filed for public record shall
bear the signature and seal of the architect who prepared or
approved the document and the date on which they were sealed
be-signed-by-the-registered-architect-dated-and-stamped-with
his-seal. The signature, date, and seal shall be evidence of
the authenticity of that to which they are affixed.

CODING: Words struck are deletions; words underlined are additions.
When the certificate of registration of a registered architect has been revoked or suspended by the board, the registered architect shall surrender his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. In the event the certificate of the registered architect has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

No registered architect shall affix, or permit to be affixed, his seal or signature name to any final construction documents or instruments of service, which include any plan, specification, drawing, or other document which depicts work which he is not competent to perform.

No registered architect shall affix his signature or seal to any final construction documents or instruments of service which include drawings, plans, specifications, or architectural documents which were not prepared by him or under his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by him as his own work according to rules adopted by the board with full responsibility as a registered architect for such documents.

Final construction documents or instruments of service which include plans, drawings, specifications, reports or and other architectural related documents prepared by a registered architect as part of his architectural practice shall be of a sufficiently high standard to clearly and accurately indicate or illustrate all assure-the-users-thereof against-misunderstanding-of-the-requirements-intended-to-be illustrated-or-described-by-them---to-be-of-the-required standards; such documents should clearly-and-accurately
indicate the design of the structural elements and of all other essential parts of the work to which they refer.

(6) Each registered architect, and each corporation or partnership holding a certificate of authorization, shall include its license number in any newspaper, telephone directory, or other advertising medium used by the registered architect, corporation, or partnership. A corporation or partnership is not required to display the license number of individual registered architects employed by or practicing with the corporation or partnership.

Section 8. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties.—

(1) No person shall knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Use the name or title "architect" or "registered architect" or words to that effect when the person is not then the holder of a valid license issued pursuant to this act;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;

(e) Use or attempt to use an architect license which has been suspended, revoked, or placed on inactive status;

(f) Employ unlicensed persons to practice architecture; or

(g) Conceal information relative to violations of this act.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree.
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Subsection (1) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 481.223 or s. 455.227(1);

(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture;

(e) Violation of any provision of s. 481.221;

(f) Using his seal, or performing any other act, as a licensee while his certificate of registration is suspended or when current renewals have not been obtained;

(g) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are prepared signed in the capacity of a registered architect;

CODING: Words stricken are deletions; words underlined are additions.
(h) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

(1) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture;

(j) Violation of any rule adopted pursuant to this act or chapter 455;

(k) Practicing on a revoked, suspended, or inactive license;

(l) Offering or accepting anything of value for the purpose of securing a commission, influencing his engagement or employment, or influencing the award of a contract;

(m) Having any undisclosed significant financial interest which conflicts with the interests of his client or employer;

(n) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this chapter or to a rule of the department or the board; or

(o) Failing to perform any statutory or legal obligation placed upon a registered architect; or

(p) Attempting to influence or overrule the professional judgment of an architect by an act that, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with professionally accepted standards of practice or would threaten the public health, safety, or welfare.

Section 10. Subsection (1) of section 481.231, Florida Statutes, is amended to read:

481.231 Effect of ss. 481.201-481.233 locally.--

CODING: Words struck are deletions; words underlined are additions.
Nothing contained in this act shall be construed to repeal, amend, limit or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects, than the provisions of this act.

Section 11. Section 481.233, Florida Statutes, is hereby repealed.

Section 12. Notwithstanding the provisions of chapters 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229, and 481.231, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such laws, but said sections, as amended, are hereby revived and readopted.

Section 13. Sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229, and 481.231, Florida Statutes, are repealed effective October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 14. This act shall take effect October 1, 1988.

CODING: Words struck are deletions; words underlined are additions.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 153

1. Updates statutory language to reflect present professional usage of terms.

2. Clarifies the requirement that the architect who signs and seals documents is personally liable for any misconduct or malpractice, without altering the applicability of general corporate/partnership law principals regarding liability thereof with respect to architects.

3. Allows the board to adopt rules which further delineate responsible supervisory control.

4. Clarifies that more strict local controls over the practice of architecture must be contained in local codes or ordinances.

5. Reinserts the requirement that one or more of the principal officers of corporation or partner in a partnership must be a registered architect if the corporation or partnership is to offer architecture services to the public.
By Senators McPherson, Dudley, Kiser, Grant, and Meek

A bill to be entitled
An act relating to interior design; creating
the "Interior Designers Licensing Act";
providing legislative findings; providing
definitions; providing powers and duties of the
Department of Professional Regulation;
providing for disposition of fees; providing
for examination and eligibility; providing for
the contents of the examination and
administration; providing for licensure without
examination; providing for license issuance and
renewal; providing for continuing education;
providing for inactive status licenses;
providing for disclosure of compensation for
professional services; providing for grounds
for disciplinary actions and for actions by the
department; providing for a license and seal;
authorizing the practice of interior design by
firms and corporations; providing injunctive
relief; providing for fees; creating an
advisory committee; providing penalties;
providing exemptions; providing exceptions;
providing for review and repeal; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited as the
"Interior Designers Licensing Act."

Section 2. Legislative findings.--The Legislature
finds that the practice of interior design by unskilled and
incompetent practitioners presents a significant danger to the public health, safety, and welfare. The Legislature finds further that it is difficult for the public to make an informed choice about interior designers and that the consequences of a wrong choice could endanger their welfare. The Legislature recognizes that there is a public need for independent and objective interior designers and that it is necessary to regulate the practice of interior design to assure the minimum competence of interior designers and to protect the public from dishonest practitioners and, therefore, deems it necessary in the interest of public welfare to regulate the practice of interior design in this state by prohibiting the use of the title "interior designer" by persons not licensed. The Legislature further finds that it is necessary to prohibit the use of the title "interior designer" by persons not licensed, so as to ensure the minimum competence of those holding themselves out to be interior designers in order to protect the public from potential economic loss. It is the intent of the Legislature that this act not apply to any person, not licensed under the act, who holds himself out as an "interior decorator" or who offers "interior decorator services" which include the selection or assistance in selection of surface materials, window treatments, wall covering, paint, floor coverings, surface mounted lights, or loose furnishings not included in an environment regulated by state, county, or municipal building codes where those materials or furnishings are subject to code enforcement.

Section 3. Definitions.—As used in this act, the term:

CODING: Words strucken are deletions; words underlined are additions.
(1) "Department" means the Department of Professional Regulation.

(2) "Interior designer" means a person who is engaged in, or offers to engage in, the practice of interior design in this state, and who has been duly licensed by the department in accordance with the provisions of this act.

(3) "Interior design" means the performance of, or offer to perform, services which include consultations, studies, drawings, specifications in connection with space utilization, furnishings, or fabrication of nonstructural elements within the surrounding interior spaces of buildings. Any interior design drawing shall contain a statement thereon that the drawing is not to be used for construction of load-bearing columns, framing, or walls of structures. No interior designer shall render or offer to render any services which currently require the services of an architect licensed under chapter 481, Florida Statutes.

Section 4. Powers and duties of the department -- The department is empowered and authorized to administer and enforce the provisions of this act. The department may adopt such rules as are necessary to carry out the purposes of this act and may initiate disciplinary action as provided by this act, and shall establish fees based on its estimates of the revenue required to administer this act, which fees shall not exceed the amounts provided in this act.

Section 5. Disposition of fees.--All fees received under this act shall be deposited into the Professional Regulation Trust Fund. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this act. The department shall prepare and

CODING: Words stricken are deletions; words underlined are additions.
submit a proposed budget for administration of the provisions of this act in accordance with law.

Section 6. Additional powers and duties of the department.--The department may administer oaths, summon witnesses, and take testimony in all matters relating to its duties pursuant to this act. Further, the department has all powers and duties given to it or imposed upon it under ss. 455.20-455.244, Florida Statutes, in the administration and enforcement of this act.

Section 7. Examination; eligibility.--Except as otherwise provided in this act, each applicant for licensure shall successfully complete an examination prior to being issued a license. Each applicant for licensure shall apply to the department, on forms and in the manner prescribed by it, for admittance to the licensure examination. To qualify for the examination, an applicant shall submit satisfactory evidence of meeting one of the following criteria:

1. Completion of a 5-year degree in interior design, plus 1 year of practical professional experience;
2. Completion of a 4-year degree in interior design, plus 2 years of practical professional experience;
3. Completion of a 3-year degree in interior design, plus 3 years of practical professional experience;
4. Completion of a 2-year degree in interior design, plus 4 years of practical professional experience;
5. Completion of 1 year of interior design education, plus 5 years of practical professional experience, or
6. A high school diploma, plus 6 years of practical professional experience.
Equivalent educational credits may be substituted for any of the above six categories.

Section 8. Contents of examination; administration.--
All examinations given pursuant to this act shall be conducted by the department or its duly authorized representative at such times and places as may be determined by the department, but no fewer than two examinations shall be held in each year. Except as otherwise provided in this act, each applicant for licensure shall pass the examination prior to being issued a license. The examination shall cover such subjects and be graded on such basis as the department shall establish by rule. The department may adopt substantially all or part of the examination and recommended grading procedures of the National Council for Interior Design Qualifications.

Section 9. Licensure without examination.--
(1) Any person who has used or has been identified by the title of "interior designer" and maintained a municipal or county occupational license within the State of Florida for at least one year prior to the effective date of this act may apply for and secure a license from the department without taking the written examination or meeting the qualifications for taking the examination, provided such person applies for the license within one year after the effective date of this act. A person shall be deemed to have used or been identified by the title "interior designer" within the meaning and intent of this section if during the requisite one-year period such person was, either on his own account or in the course of regular employment, rendering or offering to render to another person interior design services or was regularly engaged in the teaching of interior design at an accredited college, university, or professional school with a program recognized by the National Council for Interior Design Qualifications.
by the department and leading to a degree related to interior design. Any combination of the rendering of such services and teaching during the one-year period shall satisfy the requirements of this section.

(2) When an application for licensure has not been filed within the requisite one-year period, as specified in subsection (1), the department may, in lieu of an examination, accept satisfactory evidence of licensure in another state or country where the qualifications, in the opinion of the department, are as of the date of application in this state at least equivalent to those required by this act, and where the applicant is a licensee in good standing. Upon receipt of such satisfactory evidence, a license may be issued to such applicant.

Section 10. Issuance of license; renewal.--

(1) Except as otherwise provided in this act, a license shall be issued to any person who presents satisfactory evidence of possessing the qualifications as to education, experience, and examination performance required by this act and by the rules of the department, provided that such applicant pays the required fee and furnishes proof that the applicant is at least 18 years of age.

(2) The department shall prescribe by rule a method for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the license meets the other qualifications for reactivation as provided in section 11 of this act.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the
Section 11. Continuing education --

(1) No license renewal shall be issued by the department until the licensee submits proof satisfactory to the department that during the two years prior to his application for renewal he has participated in not more than 20 hours per year of continuing education, as determined by the department in courses approved by the department.

(2) The department shall approve only those courses that build upon the basic courses required for the practice of interior design.

(3) The department may make exception to the requirements of this section in emergency or hardship cases.

(4) The department may adopt rules within the requirements of this section that are necessary for its implementation.

Section 12. Inactive status.--

(1) A license which has become inactive may be reactivated pursuant to section 10 of this act upon application to the department. The department shall by rule determine the length of time, not less than 2 nor more than 4 years, within which an inactive status license shall automatically expire unless it has been reactivated. Once a license has expired, it shall become null and void without any further action by the department. One year prior to expiration, the department shall give notice to the licensee of impending expiration.

(2) The department shall promulgate rules relating to the reactivation of inactive licenses and shall prescribe by
rule or fee not to exceed $50 for the reactivation of inactive licenses.

Section 13. Disclosure of compensation for professional services.--An interior designer shall, before entering into a verbal or written contract, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, and/or supplier on the basis of a fee, percentage, or mark-up. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer is forbidden, under this code, to accept any form of compensation from a supplier of goods and services in cash or in kind.

Section 14. Grounds for disciplinary actions; action by the department.--

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, or obtaining or renewing, by bribery, by fraudulent misrepresentation, or through an error of the department, a license to practice interior design.

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of interior design or to the ability
to practice interior design. Any plea of nolo contendere shall be considered a conviction for purposes of this act.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person the licensee knows is in violation of this act or the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this act or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed interior designer.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed interior designer.

(j) Making deceptive, untrue, or fraudulent representations in the practice of interior design or employing a trick or scheme in the practice of interior design.

(k) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know he is not competent to perform.

(l) Violating any provision of this act, any rule of the department, or a lawful order of the department previously

CODING: Words struck en are deletions; words underlined are additions.
entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(m) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services or representing himself as an interior designer prior to the time of issuance of a license to him, except as authorized by this act.

(n) Aiding and abetting any person not licensed pursuant to this act in the violation of any provision of this act or rule of the department.

(2) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure.
(b) Refusal to renew an existing license.
(c) Revocation or suspension of a license.
(d) Imposition of an administrative fine not to exceed $1,000 for each violation or separate offense.
(e) Issuance of a reprimand.

Section 15. License, seal.--

(1) An applicant for licensure who complies with all requirements established therefor, including passing the examination unless otherwise exempted, shall be issued a license by the department The department shall prescribe, by rule, a form of seal to be used by licensed interior designers holding valid certificates of licensure. Each licensed interior designer shall obtain an impression-type metal seal, and all plans, specifications, or reports prepared or issued by the licensed interior designer and being filed for public

CODING: Words struck are deletions; words underlined are additions.
records shall be signed by the licensed interior designer, dated, and stamped with his seal. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(2) When the certificate of licensure of a licensed interior designer has been revoked or suspended by the board, the licensed interior designer shall surrender his seal to the secretary of the department within a period of 30 days after the revocation or suspension has become effective. In the event the certificate of the licensed interior designer has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

(3) No licensed interior designer shall affix, or permit to be affixed, his seal or name to any study, drawing, or specification or other document which depicts work which he is not competent to perform.

(4) No licensed interior designer shall affix his signature or seal to any study, drawing, or specification which was not prepared by him or under his responsible supervising control or by another licensed interior designer and reviewed, approved, or modified and adopted by him as his own work with full responsibility as a licensed interior designer for such documents.

(5) Studies, drawings, specifications, and other related documents prepared by a licensed interior designer as part of his interior design practice shall be of a sufficiently high standard to assure the users thereof against misunderstanding of the requirements intended to be illustrated or described by them. To be of the required standard, such documents should clearly and accurately

CODING: Words struck are deletions; words underlined are additions
indicate the design of the nonstructural elements and of all other essential parts of the work to which they refer.

(6) Notwithstanding any other provision of law, if a building permit is required for any study, drawing, or specification in connection with space utilization, furnishing, or fabrication of nonstructural elements within and surrounding the interior spaces of a building authorized to be prepared pursuant to this act, then any such study, drawing, or specification which bears the seal of an interior designer licensed pursuant to this act shall be acceptable for issuance of the permit and shall not be rejected solely on the basis that the study, drawing, or specification was prepared and sealed by a licensed interior designer.

Section 16. Practice by firms, corporations, etc.—

(1) Nothing in this act shall prevent an interior designer licensed pursuant to the provisions of this act from associating with one or more interior designers, architects, professional engineers, landscape architects, surveyors, or other persons in a partnership, joint venture, or corporation.

(2) A firm shall be permitted to use in its title the term "interior designer" and to be so identified on any sign, card, stationery, device, or other means of identification if at least one partner, director, or officer of such firm is licensed as an interior designer in this state. A firm shall not be required to include the names of all partners, directors, or officers in its title.

(3) The department shall require any firm identified by the term "interior designer" to file with it the name, address, and other pertinent information of each director and each officer, if a corporation, or of each partner, if a partnership or joint venture.

CODING: Words struck are deletions; words underlined are additions.
Section 17. Injunction.--The department is authorized to apply to any court of competent jurisdiction for an order enjoining or restraining the continuance of any alleged unlawful act under this act. The court shall grant such injunction or restraining order or such other temporary or permanent relief as it deems just and proper. In such proceeding, it shall be unnecessary to allege or prove an inadequate remedy at law, that irreparable damage would result if such order were not granted, or that administrative remedies have been exhausted. This remedy shall be in addition to any other remedy provided by law.

Section 18. Fees.--The department shall establish fees as follows:

(1) For examination, re-examination, or licensure in lieu of examination, the fee shall not exceed $350.
(2) For each timely annual renewal, the fee shall not exceed $100.
(3) For issuance of an original or duplicate license certificate, the fee shall not exceed $25.

Section 19. Advisory committee.--The department shall appoint an advisory committee composed of five members. Three members shall each have been in active practice or engaged in the teaching of interior design for a combined total of not less than 15 years, one member shall be an architect licensed by the state, with at least 10 years' experience in the practice or the teaching of architecture, and one member shall be a member of the public. The department shall give great weight and consideration to the advice given by the advisory committee.

Section 20. Penalties.--Any person not holding a valid license under this act who uses or is identified by the title

CODING: Words stricken are deletions, words underlined are additions.
or designation "interior designer" is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084, Florida Statutes.

Section 21. Exemptions.--

(1) Nothing contained in this act shall be interpreted to prohibit any architect licensed by the state under chapter 481, Florida Statutes, from practicing interior design or using the title "interior designer."

(2) Nothing contained in this act shall prevent any person from rendering any of the services which constitute the practice of interior design, provided that such person shall not be permitted to use or be identified by the title "interior designer," unless licensed in accordance with this act.

(3) This act does not apply to any person, not licensed under the act, who holds himself out as an "interior decorator" or who offers "interior decorator services" which include the selection or assistance in selection of surface materials, window treatments, wall coverings, paints, floor coverings, surface mounted lights, or loose furnishings not included in an environment regulated by state, county, or municipal building codes where those materials or furnishings are subject to code enforcement.

Section 22. Exceptions.--No person licensed as an interior designer under this act shall be required to obtain a license under chapter 489, Florida Statutes, in order to practice interior design. Nothing in this act shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, Florida Statutes, unless duly

CODING: Words struck are deletions, words underlined are additions.
registered or certified as a contractor pursuant to that chapter.

Section 23. Section 19 is repealed on October 1, 1997, and the advisory committee created therein shall be reviewed by the Legislature pursuant to s. 11.611.

Section 24. Sections 1 through 22 of this act are repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.61.

Section 25. This act shall take effect October 1, 1986; however, the department shall not seek an injunction pursuant to section 17 of this act, nor shall criminal penalties be sought under section 20 of this act for any violation of this act occurring before March 1, 1989.

HOUSE SUMMARY

Creates the "Interior Designers Licensing Act" to regulate the practice of interior design by the Department of Professional Regulation.

CODING: Words struck are deletions; words underlined are additions
A bill to be entitled
An act relating to architecture and interior
design; amending s. 20.30, F.S.; providing for
a joint Board of Architecture and Interior
Design; amending s. 481.201, F.S.; delineating
purpose; amending s. 481.203, F.S.; providing
definitions; amending s. 481.205, F.S.;
designating a Board of Architecture and
Interior Design; amending s. 481.207, F.S.;
providing fees for the newly designated Board
of Architecture and Interior Design; amending
s. 481.209, F.S.; mandating, for architects,
passage of the licensure examination and
revising prerequisites that entitle an
applicant to take the licensure examination and
providing for examination and education
requirements for interior designers; amending
s. 481.211, F.S.; revising certain internship
requirements; amending s. 481.213, F.S.;
revising requirements for licensure by
endorsement; creating s. 481.2131, F.S.;
providing for interior design practice
requirements; amending s. 481.215, F.S.;
providing for license renewal; amending s.
481.217, F.S.; providing for license
reactivation; amending s. 481.219, F.S.;
revising requirements to clarify the practice
of architecture by a partnership or corporation
and creating such requirements in relation to
interior design; amending s. 481.221, F.S.;
reflecting present professional usage of terms;

CODING: Words stricken are deletions; words underlined are additions.
providing for rules to be adopted by the board
which delineate responsible supervisory
control; providing for the use of license
numbers by registered architects; providing for
the use of a seal by interior designers;
amending s. 481.223, F.S.; reflecting the
interchangeable use of terms; amending s.
481.225, F.S.; providing additional grounds for
disciplinary action; creating s. 481.2291,
P.S.; providing for disciplinary proceedings
against registered interior designers; amending
s. 481.229, F.S.; creating licensure exceptions
for interior designers; amending s. 481.231,
P.S.; revising the effect of the architecture
practice act locally; providing for licensure
without examination; repealing s. 481.233,
F.S., relating to the registrations of certain
architects; saving part I of ch. 481, F.S.,
from Sunset repeal and providing for future
review and repeal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (4) of section
20.30, Florida Statutes, as amended by section 2 of chapter
88-1, Laws of Florida, is amended to read:

20.30 Department of Professional Regulation.--There is
created a Department of Professional Regulation.

(4) The following boards are established within the
Department of Professional Regulation, Division of
Professions:

CODING: Words stricken are deletions; words underlined are additions.
(b) Board of Architecture and Interior Design, created under part I of chapter 481.

Section 2. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.--The Legislature finds that improper design and improper construction supervision by architects of buildings primarily designed for human habitation or use present a significant threat to the public. The Legislature further finds that it is in the interest of the public to limit the use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part.

Section 3. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.--As used in this act:
(1) "Board" means the Board of Architecture and Interior Design.
(2) "Department" means the Department of Professional Regulation.
(3) "Architect" or "registered architect" means a person who is licensed under this part of the practice of architecture.
(4) "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or to use the title "registered interior designer" or "interior designer".
(5) "Certificate of authorization authority" means a certificate issued by the department to a corporation or partnership to practice architecture or to use the title "interior design".

CODING: Words stricken are deletions; words underlined are additions.
(6) "Architecture" means 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. These services include planning, providing preliminary study designs, drawings and specifications, architectural supervision, job-site inspection, and administration of construction contracts.

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

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

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.
required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 6. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.--
(1) A person desiring to be licensed as a registered architect or architec-t-intern shall apply to the department for licensure.

(2) The department shall license any applicant who the board certifies is qualified to practice architecture and who has passed the licensing examination.

(3) An applicant shall be entitled to take the licensure examination to practice in this state as a registered architect if the applicant:
(a) Has completed at least 1 year of preexamination internship experience that is approved by the board which shall be included in and count toward the internship requirements contained in s. 481.211 as honest and trustworthy; and
(b) Is a graduate from an approved school or college of architecture approved by the board, as architectural curriculum-of-5-years-or-more, evidenced by a degree from a school or college of architecture whose course of study meets the rules of the board which meets standards-of-accreditation adopted-by-the-board-by-rule-based-on-a-review-and-inspection by-the-board-of-the-curriculum-of-accredited-schools-and colleges-of-architecture-in-the-united-states, including those schools-and-colleges-accredited-by-the-National-Architectural Accreditation-Board. The board shall adopt rules providing for the review and approval of schools and colleges of...
architecture and courses of architectural study. The board may accept and utilize standards adopted by a nationally accepted accreditation organization for schools and colleges of architecture and courses of architectural study.

(4) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The examination shall cover such subjects and be graded on such basis as the board establishes by rule. The board may adopt substantially all or part of the examination and recommended grading procedures of the National Council for Interior Design Qualifications. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and whom the board certifies:

(a) Is a graduate from an accredited interior design program of 5 years or more;

(b) Is a graduate from an accredited interior design program of 4 years or more; or

(c) Has completed at least 3 years in an approved interior design curriculum.

All such education must have been obtained in a school or college of interior design which meets the standards of accreditation, adopted by the board by rule, based on a review and inspection by the board of the curriculum of accredited schools and colleges of interior design in the United States, including those schools and colleges accredited by the Foundation for Interior Design Education Research. In addition, each applicant must have from 1 to 3 years of
Section 7. Section 481.211, Florida Statutes, is amended to read:

481.211 Internship required Experience.--

(1) An applicant for licensure as a registered architect must complete, prior to licensure, who-passes-the examination-shall-be-entitled-to-be-licensed-as-a-registered architect-pursuant-to-s-481219-if-the-applicant-completes an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding a board-approved first professional degree in architecture the-degree of-Bachelor-of-Architecture; or

(b) Two years for an applicant holding the degree of Master of Architecture.

(2) One year of internship experience must have been gained subsequent to graduation from an approved school or college of architecture as defined in s. 481.209(2)(b). Any person-who-was-engaged-in-a-program-consisting-of-7-years-or more-of-diversified-training-in-an-office-of-registered practicing-architects-on-july-1-1969-and-who-notified-the board-of-his-training-within-1-year-after-july-1-1969-shall-y if-otherwise-qualified-be-permitted-to-take-the-examination required-by-s-481209-only-if-diversified-training-is completed-before-july-1-1985.

Section 8. Section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.--

CODING: Words stricken are deletions; words underlined are additions.
(1) Persons who are licensed to practice architecture under this part are not required to be licensed as interior designers in order to offer interior design services or use the title "interior designer" or "registered interior designer."

(2) The department shall license any applicant who the board certifies is qualified for licensure.

(3) The board shall certify for licensure any applicant who successfully passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211 for architects, or the requirements of s. 481.209 for interior designers.

(4) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination in another jurisdiction, as set forth in s. 481.209 for architects, as applicable; has passed a nationally-recognized state or United States territorial licensing examination which is substantially equivalent to the examination required by s. 481.209; and has satisfied the internship experience requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture, or to use the title "interior designer," as applicable, issued by another jurisdiction state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria which existed in this state at the time the license was issued; or
(c) Has passed the prescribed licensure examination and holds a certificate issued by either the National Council of Architectural Registration Boards or the National Council for Interior Designers, as applicable, provided that if the certificate applicable to architects was obtained after July 1, 1984, and the applicant holds a degree in architecture, such degree must be equivalent to that required in s. 481.209.

Has engaged in the practice of architecture as a registered architect in another state for not less than 10 years.

(5) The board shall certify as qualified for licensure any applicant corporation or partnership which satisfies the requirements of s. 481.219.

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

(7) The board may refuse to certify any applicant who is under investigation in another jurisdiction state for any act which would constitute a violation of this act or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(8) The board shall adopt rules to implement the provisions of this act relating to the examination, internship, and licensure of applicants.

Section 9. Section 481.2131, Florida Statutes, is created to read:

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

(1) A registered interior designer is authorized to perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer must contain a statement that the document is not an

CODING: Words stricken are deletions; words underlined are additions.
architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law.

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

Section 10. Subsection (1) of section 481.215, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

481.215 Renewal of license.--

(1) Subject to the requirements of subsection (5), the department shall renew a license upon receipt of the renewal application and renewal fee.

(5) A license renewal may not be issued to an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to his application for renewal, he has participated in not less than 20 hours per year of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of interior
design. The board may make exception from the requirements of
continuing education in emergency or hardship cases.

Section 11. Section 481.217, Florida Statutes, is
amended to read:

481.217 Inactive status.--

(1) A license which has become inactive may be
reactivated pursuant to this section upon
application to the department and payment of an inactive
status application fee and a reactivation fee.

(a) The board may prescribe by rule continuing
education requirements as a condition of reactivating a
license. The continuing education requirements for
reactivating a license for a registered architect shall not
exceed 12 contact hours for each year the license
was inactive. The continuing education requirement for
reactivating a license for a registered interior designer
shall not exceed 12 hours approved by the board for each year
the license was inactive. The board shall only approve
continuing education that builds upon the basic knowledge of
interior design.

(b) Any such license which has been inactive for more
than 4 years shall automatically expire if the licensee has
not made application for reactivation renewal of such license.
Once a license expires, it becomes null and void without any
further action by the board or department. One year prior to
expiration of the inactive license, the department shall give
notice to the licensee at the licensee's last address of
record.

(2) The board shall promulgate rules relating to
licenses which have become inactive and for the reactivation
renewal of inactive licenses. The board shall prescribe by

CODING: Words stricken are deletions; words underlined are additions.
rule a fee not to exceed $50 for the reactivation of an
inactive license and a fee not to exceed $50 for the renewal
of an inactive license.

Section 12. Subsections (2) and (4) of section
481.219, Florida Statutes, are amended and subsections (10),
(11), (12), (13), and (14) are added to said section to read:

481.219 Certification of partnerships and
corporations.—

(2) All final construction documents and instruments
of service, which include drawings, specifications, plans,
reports, or other papers or documents involving the practice
of architecture which are prepared or approved for the use of
the corporation or partnership, and filed for delivery to any
person or for public record within the state shall be dated
and bear the signature and seal of the licensee who prepared
or approved them with date, seal, and signature applied.

(4) No corporation or partnership shall be relieved of
responsibility for the conduct or acts of its agents,
employees, or officers by reason of its compliance with this
section. However, the architect who signs and seals the
construction documents and instruments of service is liable
for the professional services performed, nor shall any
individual practicing architecture, engineering, or land
surveying be relieved of responsibility for professional
services performed by reason of his employment or relationship
with a corporation or partnership.

(10) For the purposes of this section, a certificate
of authorization is required for a corporation, partnership,
or person operating under a fictitious name, using the title
"interior design" or "interior designer." However, an

CODING: Words stricken are deletions; words underlined are additions.
individual using such titles in his own name is not required
to be certified under this section.

(11) All drawings, specifications, plans, reports, or
other papers or documents prepared or approved for the use of
the corporation or partnership by an interior designer in his
professional capacity and filed for public record within the
state must bear the signature and seal of the licensee who
prepared or approved them and the date on which they were
sealed.

(12) The board shall certify an applicant as qualified
for a certificate of authorization to use the title "interior
designer" if one or more of the principal officers of the
corporation or one or more partners of the partnership, and
all personnel of the corporation or partnership who act in its
behalf in this state as interior designers, are registered as
provided by this part.

(13) Nothing in this section shall be construed to
mean that a certificate of registration to use the title
"interior designer" must be held by a corporation or
partnership. Nothing in this section prohibits corporations
and partnerships from joining together to offer architectural,
engineering, interior design, land surveying, and landscape
architectural services, or any combination of such services,
to the public, provided that each corporation or partnership
otherwise meets the requirements of law.

(14) Corporations or partnerships holding a valid
certificate of authorization to practice architecture shall be
permitted to use in their title the term "interior designer."

Section 13. Section 481.221, Florida Statutes, is
amended to read:

481.221 Seals.--
(1) The board shall prescribe, by rule, a form of seal to be used by registered architects holding valid certificates of registration. Each registered architect shall obtain an impression-type metal seal, and all final construction documents and instruments of service, which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(2) When the certificate of registration of a registered architect has been revoked or suspended by the board, the registered architect shall surrender his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. In the event the certificate of the registered architect has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

(3) No registered architect shall affix, or permit to be affixed, his seal or signature name to any final construction documents or instruments of service, which include any plan, specification, drawing, or other document which depicts work which he is not competent to perform.

(4) No registered architect shall affix his signature or seal to any final construction documents or instruments of service which include drawings, plans, specifications, or architectural documents which were not prepared by him or under his responsible supervising control or by another registered architect and reviewed, approved, or modified and

CODING: Words stricken are deletions; words underlined are additions.
adopted by him as his own work according to rules adopted by
the board with full responsibility as a registered architect
for such documents.

(5) Final construction documents or instruments of
service which include plans, drawings, specifications,
reports, or and other architectural related documents prepared
by a registered architect as part of his architectural
practice shall be of a sufficiently high standard to clearly
and accurately indicate or illustrate all assure-the-users
thereof against misunderstanding of the requirements intended
to be illustrated or described by them—to be of the required
standard, such documents should clearly and accurately
indicate the design of the structural elements and of all
other essential parts of the work to which they refer.

(6) Each registered architect, and each corporation or
partnership holding a certificate of authorization, shall
include its license number in any newspaper, telephone
directory, or other advertising medium used by the registered
architect, corporation, or partnership. A corporation or
partnership is not required to display the license number of
individual registered architects employed by or practicing
with the corporation or partnership.

(7) The board shall prescribe, by rule, a form of seal
distinctively different from the form of seal prescribed for
registered architects to be used by registered interior
designers holding licenses under this part. Each registered
interior designer must sign and seal all studies, drawings,
specifications, or reports prepared or issued by the interior
designer and being filed for public record.

(8) When the certificate of registration of a
registered interior designer has been revoked or suspended by
the board, the registered interior designer must surrender his
seal to the secretary of the board within a period of 30 days
after the revocation or suspension has become effective. The
seal shall be returned to the licensee upon expiration of any
suspension period.

(9) A registered interior designer may not affix, or
permit to be affixed, his seal or name to any study, drawing,
specification, or other document which depicts work which he
is not competent to perform.

(10) A registered interior designer may not affix his
signature or seal to any study, drawing, or specification
which was not prepared by him or under his responsible
supervising control or by another registered interior designer
and reviewed, approved, or modified and adopted by him as his
own work pursuant to rules adopted by the board with full
responsibility as a registered interior designer for such
documents.

(11) Studies, drawings, specifications, and other
related documents prepared by a registered interior designer
as part of his interior design practice must be of a
sufficiently high standard to clearly and accurately indicate
all essential parts of the work to which they refer.

Section 14. Section 481.223, Florida Statutes, is
amended to read:

481.223 Prohibitions; penalties.--
(1) No person shall knowingly:
(a) Practice architecture unless the person is an
architect or a registered architect;
(b) Use the name or title "architect" or "registered
architect" or "registered interior designer" or "interior
designer" or words to that effect when the person is not then
the holder of a valid license issued pursuant to this part;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;

(e) Use or attempt to use an architect or interior design license which has been suspended, revoked, or placed on inactive status;

(f) Employ unlicensed persons to practice architecture; or

(g) Conceal information relative to violations of this part set.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Subsection (1) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings.--

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 481.223 or s. 455.227(1);

(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly

CODING: Words struck are deletions; words underlined are additions.
relates to the practice of architecture or the ability to practice architecture;

(e) Violation of any provision of s. 481.221;

(f) Using his seal, or performing any other act, as a licensee while his certificate of registration is suspended or when current renewals have not been obtained;

(g) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are prepared signed in the capacity of a registered architect;

(h) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

(i) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture;

(j) Violation of any rule adopted pursuant to this act or chapter 455;

(k) Practicing on a revoked, suspended, or inactive license;

(l) Offering or accepting anything of value for the purpose of securing a commission, influencing his engagement or employment, or influencing the award of a contract;

(m) Having any undisclosed significant financial interest which conflicts with the interests of his client or employer;
(n) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this chapter or to a rule of the department or the board; or
(o) Failing to perform any statutory or legal obligation placed upon a registered architect; or
(p) Attempting to influence or overrule the professional judgment of an architect by an act that, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with professionally accepted standards of practice or would threaten the public health, safety, or welfare.

Section 16. Section 481.2251, Florida Statutes, is created to read:

481.2251 Disciplinary proceedings against registered interior designers.--

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to use the title "interior designer";

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo contendere

CODING: Words stricken are deletions; words underlined are additions.
shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;

(d) False, deceptive, or misleading advertising;
(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;
(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;
(g) Failing to perform any statutory or legal obligation placed upon a licensed interior designer;
(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing the filing of a required report or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer;
(i) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;
(j) Accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent or licensed to perform;
(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;
(l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would

CODING: Words struck out are deletions; words underlined are additions.
assistance in selecting surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes.

(6) Nothing in this part shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.

(7) Nothing contained in this act shall prevent any person from rendering interior design services, provided that such person shall not be permitted to use or be identified by the title "interior designer," unless licensed in accordance with this part.

Section 18. Section 481.231, Florida Statutes, is amended to read:

481.231 Effect of ss. 481.201-481.233 locally.--

(1) Nothing contained in this part act shall be construed to repeal, amend, limit or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects or registered interior designers, than the provisions of this part act.

(2) Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part act have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in this part act.

CODING: Words stricken are deletions; words underlined are additions.
Section 19. Licensure without examination.--Any person who has used or has been identified by the title of "interior designer" and, unless not required for regular employment as an interior designer or for teaching as provided in this section, has maintained a municipal or county occupational license within the state for at least 1 year prior to the effective date of this act may apply for and secure a license from the department without taking the written examination or meeting the qualifications for taking the examination, provided such person applies for the license within 1 year after the effective date of this act and has successfully completed the examination administered by the National Council for Interior Design Qualifications or has at least 6 years of experience or practice as an interior designer. A person shall be deemed to have used or been identified by the title "interior designer" within the meaning and intent of this section if, during the requisite 1-year period, such person was, either on his own account or in the course of regular employment, rendering or offering to render to another person interior design services or was regularly engaged in the teaching of interior design at a college, university, or professional school with a program accredited by the Foundation for Interior Design Education Research. Any combination of the rendering of such services and teaching during the 1-year period shall satisfy the requirements of this section.

Section 20. Section 481.233, Florida Statutes, is hereby repealed.

Section 21. Notwithstanding the provisions of chapters 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211,
481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229, and 481.231, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such laws, but said sections, as amended, are hereby revived and readopted.

Section 22. Sections 481.201, 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211, 481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225, 481.2251, 481.227, 481.229, and 481.231, Florida Statutes, are repealed effective October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 23. This act shall take effect October 1, 1988.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Bill 127

1. The interior design title act is made part of the architect statute.
2. Both professions, interior design and architecture, are licensed and regulated by the same board as contrasted with a DPR advisory committee overseeing interior design.
3. The Board of Architecture is expanded by adding two interior designers and the name is changes from the Board of Architecture to the Board of Architecture and Interior Design.
4. The definition of interior design is clarified to make it more precise.
5. The examination and experience requirements for interior design are modified so that the maximum amount of experience allowed is 3 years instead of 5 years.
6. The language of SB 127 is rearranged and reworded where necessary to accommodate insertion into the architecture statute.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to architecture and interior design; amending s. 20.30, F.S.; renaming the Board of Architecture as the Board of Architecture and Interior Design; amending s. 481.201, F.S.; providing legislative intent; amending s. 481.203, F.S.; revising and providing additional definitions; amending s. 481.205, F.S.; providing for additional members of the board; providing for an interior design advisory body; amending s. 481.2055, F.S.; revising rulemaking authority; amending s. 481.207, F.S.; expanding rulemaking authority relating to fees; providing a schedule of fees; amending s. 481.209, F.S.; revising and clarifying certain examination requirements; providing for acceptance of degrees from accredited or unaccredited schools or colleges; revising rulemaking authority relating to acceptance of certain degrees; providing a preexamination internship requirement for architects; providing education and experience requirements for interior designers; amending s. 481.211, F.S.; revising and clarifying certain internship requirements for architects; amending s. 481.213, F.S.; revising and clarifying certain requirements for licensure and licensure by endorsement; creating s. 481.213l, F.S.; providing practice requirements for interior designers; amending s. 481.215, F.S.; providing a continuing education 1

CODING: Words struck are deletions; words underlined are additions.
requirement for license renewal for interior designers; amending s. 481.217, F.S.; revising requirements for license reactivation; amending s. 481.219, F.S.; providing certain requirements relating to practice of architecture and use of the title "interior design" by a corporation or partnership; amending s. 481.221, F.S.; providing for the use of a seal by licensees; requiring the use of certificate numbers in advertising; amending s. 481.223, F.S.; providing prohibitions on the use of certain terms; amending s. 481.225, F.S.; revising grounds for disciplinary action against architects; creating s. 481.2251, F.S.; providing grounds for disciplinary actions against interior designers; providing penalties; amending s. 481.227, F.S.; conforming language; amending s. 481.229, F.S.; providing exceptions and exemptions from licensure; amending s. 481.231, F.S.; clarifying local effect; providing a waiver of examination requirements for licensure as an interior designer prior to a specified date; repealing s. 481.233, F.S., relating to the registration of certain architects; saving part I of chapter 481, F.S., from Sunset repeal and providing for future review and repeal; repealing s. 481.205(3), F.S., relating to the interior design advisory body; providing an appropriation; providing an effective date.

CODING: Words stricken are deletions; words underlined are additions.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (4) of section 20.30, Florida Statutes, as amended by section 2 of chapter 88-1, Laws of Florida, is amended to read:

20.30 Department of Professional Regulation.--There is created a Department of Professional Regulation.

(4) The following boards are established within the Department of Professional Regulation, Division of Professions:

(b) Board of Architecture and Interior Design, created under part I of chapter 481.

Section 2. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.--The Legislature finds that improper design and improper construction supervision by architects of buildings primarily designed for human habitation or use present a significant threat to the public. The Legislature further finds that it is in the interest of the public to limit the use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part.

Section 3. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.--As used in this part, the term act:

(1) "Board" means the Board of Architecture and Interior Design.

(2) "Department" means the Department of Professional Regulation.

CODING: Words stricken are deletions, words underlined are additions.
(3) "Architect" or "registered architect" means a natural person who is licensed under this part act to engage in the practice of architecture.

(4) "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or to use the title "registered interior designer" or "interior designer."

(5) "Certificate of authorization authority" means a certificate license issued by the department to a corporation or partnership to practice architecture or to use the title "interior designer."

(6) "Architecture" means 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. These services include planning, providing preliminary study designs, drawings and specifications, architectural supervision, job-site inspection, and administration of construction contracts.

(7) "Townhouse" is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall, or—when not more than three stories in height—may be separated by a single wall meeting the following requirements.

CODING: Words stricken are deletions; words underlined are additions.
(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

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

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

(8) "Interior design" means design services which do not necessarily require performance by an architect, including consultations, studies, drawings, and specifications in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings, but specifically excluding mechanical and electrical systems, except for specification of fixtures and their location within interior spaces.

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

Section 4. Section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.--

(1) There is created in the Department of Professional Regulation a Board of Architecture and Interior Design.

CODING: Words stricken are deletions; words underlined are additions.
board shall consist of nine seven members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; two members must be registered interior designers who have been offering interior design services for at least 5 years; and two members must be lay persons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. The initial interior designer members must have been offering interior design services for at least 5 years, be otherwise eligible to be registered, and become registered within 1 year after October 1, 1988. At least one member of the board must be 60 years of age or older.

(2) Members shall be appointed for 4-year terms.

(3) Upon motion adopted by the board, the chairman shall appoint an interior design advisory body to develop recommendations to the board on matters pertaining to examination of interior designers, accreditation standards of interior design curricula, continuing education of interior designers, and design of the seal for use by interior designers, as needed. The interior design advisory body shall be composed of three members, two of whom shall be the interior designer members of the board.

Section 5. Section 481.2055, Florida Statutes, is amended to read:

481.2055 Authority to make rules.—The board may adopt such rules, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by this part chapter and chapter 455 as may be necessary to protect the health, safety, and welfare of the public.
Section 6. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination.—The application fee shall be nonrefundable.—The fee for initial application and examination shall not exceed $400.—The biennial renewal fee shall not exceed $200. The board may also establish, by rule, a late renewal penalty. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and interior designers, respectively. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

(1) The application fee shall not exceed $50 and shall be nonrefundable.

(2) The examination fee shall not exceed $350 and shall be refundable if the applicant is found to be ineligible to take the licensure examination.

(3) The initial license fee shall not exceed $200.

(4) The biennial renewal fee for a certificate of registration or a certificate of authorization shall not exceed $100.
The fee for licensure by endorsement shall not exceed $200.

The fee for a certificate of authorization shall not exceed $100.

The fee for an application for inactive status or for reactivation of an inactive license shall not exceed $50.

The late renewal penalty shall not exceed $100.

Section 7. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.--

1. A person desiring to be licensed as a registered architect or architect-intern shall apply to the department to take the licensure examination for licensure. The department shall administer the licensure examination to each applicant who the board certifies:

(a) An applicant shall be entitled to take the licensure examination to practice in this state as a registered architect if the applicant:

(b) 1. Has successfully completed all architectural curriculum courses required by and is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum of 5 years or more, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of
architecture and courses of architectural study which meets standards-of-accreditation-adopted-by-the-board-by-rule based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, including those schools and colleges accredited by the National Architectural Accreditation Board; and-

(c) Beginning on October 1, 1989, has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

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

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

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

(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience, or

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

All such education must have been obtained in a program, school, or college of interior design accredited by the Foundation for Interior Design Education Research or in an
unaccredited program, school, or college of interior design approved by the board. The board shall adopt rules providing for the review and approval of unaccredited programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of accredited programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.

Section 8. Section 481.211, Florida Statutes, is amended to read:

481.211 Internship required Experience.--

(1) An applicant for licensure as a registered architect must complete, prior to licensure, the examination shall be entitled to be licensed as a registered architect pursuant to s. 481.213 if the applicant completes an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the professional degree of Master of Architecture.

(2) Beginning on October 1, 1989, each applicant for licensure must complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).

Any person who was engaged in a program consisting of 7 years

CODING: Words struck are deletions; words underlined are additions.
Section 9. Section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee.

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

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

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, has passed a national, regional, state, or United States territorial licensing examination which is substantially equivalent to the examination required by s. 481.209; and has satisfied the internship experience requirements set forth in s. 481.211 for architects;

CODING: Words stricken are deletions; words underlined are additions.
(b) Holds a valid license to practice architecture, or to use the title "interior designer," as applicable, issued by another jurisdiction state-or-territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria which existed in this state at the time the license was issued; or

c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Board pursuant to standards of that council that are no less stringent than those in effect on April 1, 1988, provided that if the applicant satisfied the educational eligibility requirements for issuance of the certificate after July 1, 1984, and the applicant holds a degree in architecture, such degree must be equivalent to that required under s. 481.209.

has engaged in the practice of architecture as a registered architect in another state for not less than 10 years;

The board shall certify as qualified for licensure any applicant corporation or partnership which satisfies the requirements of s. 481.219.

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

(5) The board may refuse to certify any applicant who is under investigation in any jurisdiction another state for any act which would constitute a violation of this part or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(6) The board shall adopt rules to implement the provisions of this part relating to the examination, internship, and licensure of applicants.

CODING: Words stricken are deletions; words underlined are additions.
Section 10. Section 481.2131, Florida Statutes, is created to read:

481.2131 Interior design; practice requirements; disclosure of compensation for professional services.—

(1) A registered interior designer is authorized to perform interior design as defined in s. 481.203. Interior design documents prepared by a registered interior designer must contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law.

(2) An interior designer must, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or mark-up. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer may not accept any form of compensation from a supplier of goods and services in cash or in kind.

Section 11. Subsection (1) of section 481.215, Florida Statutes, is amended, and subsection (5) is added to said section to read:

481.215 Renewal of license.—

(1) Subject to subsection (5), the department shall renew a license upon receipt of the renewal application and renewal fee.

CODING: Words stricken are deletions; words underlined are additions.
(5) A license renewal may not be issued to an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to his application for renewal, he has participated in not less than 20 hours per year of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.

Section 12. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.--

(1) A license which has become inactive may be reactivated pursuant to this section at-481:215 upon application to the department and payment of an inactive status application fee and a reactivation fee.

(a) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect shall not exceed 12 contact classroom hours for each year the license was inactive. The continuing education requirement for reactivating a license for a registered interior designer shall not exceed 12 hours approved by the board for each year the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation renewal of such license. Once a license expires, it becomes null and void without any

CODING: Words stricken are deletions; words underlined are additions.
further action by the board or department. One year prior to
expiration of the inactive license, the department shall give
notice to the licensee at the licensee’s last address of
record.

(2) The board shall adopt promulgate rules relating to
application procedures for inactive status and for the
reactivation of inactive licenses licenses—which-have-become
inactive—and—for—the—renewal—of—inactive—licenses. The-board
shall-prescribe-by-rule—a-fee—not-to-exceed-$50—for-the
reactivation—of—an—inactive—license—and—a-fee—not-to-exceed
$50—for—the—renewal—of—an—inactive—license;

Section 13. Section 481.219, Florida Statutes, is
amended to read:

(Substantial rewording of section. See
s. 481.219, F.S., for present text.)

481.219 Certification of partnerships and
corporations.—

(1) The practice of or the offer to practice
architecture by licensees through a corporation or partnership
offering architectural services to the public, or by a
corporation or partnership offering architectural services to
the public through licensees under this part as agents,
employees, officers, or partners, is permitted, subject to the
provisions of this section.

(2) For the purposes of this section, a certificate of
authorization shall be required for a corporation,
partnership, or person practicing under a fictitious name,
offering architectural services to the public jointly or
separately. However, an individual practicing architecture in
his own name is not required to be certified under this
section.

CODING: Words strucken are deletions; words underlined are additions.
(3) For the purposes of this section, a certificate of authorization is required for a corporation, partnership, or person operating under a fictitious name, using the title interior design or interior designer. However, an individual using such titles in his own name is not required to be certified under this section.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture that are prepared or approved for the use of the corporation or partnership and filed for public record within the state must bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation or partnership by an interior designer in his professional capacity and filed for public record within the state must bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set under s. 481.207.

(7) The board shall certify an applicant as qualified for a certificate of authorization to offer architecture services or use the title "interior designer," as appropriate, provided that:

(a) One or more of the principal officers of the corporation or one or more partners of the partnership, and
all personnel of the corporation or partnership who act in its behalf in this state as architects, are registered as provided by this part; or

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

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

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

(10) Each partnership and corporation certified under this section must notify the department, within 30 days, of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who terminates his employment with a partnership or corporation certified under this section must notify the department of the termination within 30 days.

(11) A corporation or partnership shall not be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, the architect who signs and seals the construction documents and instruments of service shall be liable for the professional services performed and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

CODING: Words struck are deletions; words underlined are additions.
Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or use the title "interior designer" shall be held by a corporation or partnership. This section does not prohibit corporations and partnerships from joining together to offer architectural, engineering, interior design, land surveying, and landscape architectural services, or any combination of such services, to the public, provided that each corporation or partnership otherwise meets the requirements of law.

Corporations or partnerships holding a valid certificate of authorization to practice architecture may use in their title the term "interior designer."

Section 14. Section 481.221, Florida Statutes, is amended to read:

(1) The board shall prescribe, by rule, distinctively different seals to be used by registered architects and interior designers, respectively, holding valid certificates of registration.

(a) Each registered architect shall obtain an impression-type metal seal, and all final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record must...
bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(b) Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record must bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(2) A registered architect may not affix, or permit to be affixed, his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which he is not competent to perform.

(3) A registered interior designer may not affix, or permit to be affixed, his seal or signature to any plan, specification, drawing, or other document which depicts work which he is not competent or licensed to perform.

(4) A registered architect may not affix his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by him or under his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by him as his own work according to rules adopted by the board.
(5) A registered interior designer may not affix his signature or seal to any plans, specifications, or other documents which were not prepared by him or under his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by him as his own work according to rules adopted by the board.

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

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

(8) Each registered architect or interior designer, and each corporation or partnership holding a certificate of authorization, must include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, interior designer, corporation, or partnership. A corporation or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation or partnership.

(9) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the board, the registered architect or interior

CODING: Words struck are deletions; words underlined are additions.
designer shall surrender his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, his seal shall be returned to him upon expiration of the suspension period.

Section 15. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties.--

(1) No person shall knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Use the name or title "architect," "registered architect," "interior designer," "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 act;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;

(e) Use or attempt to use an architect or interior designer license which has been suspended, revoked, or placed on inactive status;

(f) Employ unlicensed persons to practice architecture; or

(g) Conceal information relative to violations of this part act.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

CODING: Words struck are deletions; words underlined are additions.
Section 16. Subsection (1) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings against registered architects.--

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 481.221, s. 481.223, or s. 455.227(1) or any rule of the board or department lawfully adopted pursuant to this part or chapter 455;

(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act which would constitute a violation of this part or of chapter 455;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea:

(1) Violation of any provision of s. 481.221;

(2) Using his seal or performing any other act as a licensee while his certificate of registration is suspended or when current renewals have not been obtained;

(3) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report

CODING: Words stricken are deletions; words underlined are additions.
or record required by state or federal law, willfully impeding
or obstructing such filing, or inducing another person to
impede or obstruct such filing. Such reports or records shall
include only those which are prepared signed in the capacity
of a registered architect;

(f) Advertising goods or services in a manner which
is fraudulent, false, deceptive, or misleading in form or
content;

(g) Committing an act, upon proof that the licensee
is guilty of fraud or deceit, or of negligence, incompetency,
or misconduct, in the practice of architecture;

(h) Violation of any rule adopted pursuant to this act
or chapter 455;

(i) Practicing on a revoked, suspended, or inactive
license,

(j) Offering or accepting anything of value for the
purpose of securing a commission, influencing his engagement
or employment or influencing the award of a contract;

(k) Having any undisclosed significant financial
interest which conflicts with the interests of his client or
employer;

(l) Aiding, assisting, procuring, or advising any
unlicensed person to practice architecture contrary to this
part chapter or to a rule of the department or the board; or

(m) Failing to perform any statutory or legal
obligation placed upon a registered architect; or

(n) Attempting to influence or overrule the
professional judgment of an architect by an act that, if
carried out, would constitute negligence contrary to the
exercise of professional judgment in accordance with
professionally accepted standards of practice or would threaten the public health, safety, or welfare.

Section 17. Section 481.2251, Florida Statutes, is created to read:

481.2251 Disciplinary proceedings against registered interior designers.--

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to use the title "interior designer";

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;

(d) False, deceptive, or misleading advertising;

(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;

CODING: Words stricken are deletions; words underlined are additions.
(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer,

(i) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;

(j) Accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent or licensed to perform;

(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;

(l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services;

(m) Accepting compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2); or

(n) Rendering or offering to render architectural services.

CODING: Words struck out are deletions; words underlined are additions.
(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure;
(b) Refusal to renew an existing license;
(c) Revocation or suspension of a license;
(d) Imposition of an administrative fine, not to exceed $1,000 for each violation or separate offense; or
(e) Issuance of a reprimand.

Section 18. Section 481.227, Florida Statutes, is amended to read:

481.227 Prosecution of criminal violations.—The board shall report any criminal violation of this part set to the proper prosecuting authority for prompt prosecution.

Section 19. Subsections (2) and (3) of section 481.229, Florida Statutes, are amended and subsections (4), (5), (6), and (7) are added to said section to read:

481.229 Exceptions; exemptions from licensure.—

(2) Nothing contained in this part does not act shall be construed to prevent any employee of an architect from acting in any capacity under the instruction, control, or supervision of the architect or to prevent any person from acting as a contractor in the execution of work designed by an architect.

(3) Notwithstanding the provisions of this part act or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his engineering

CODING: Words stricken are deletions; words underlined are additions.
practice, nor is any registered architect, or employee or
subordinate under the responsible supervision or control of
such architect, precluded from performing engineering services
which are purely incidental to his architectural practice.
However, no engineer shall practice architecture or use the
designation "architect" or any term derived therefrom, and no
architect shall practice engineering or use the designation
"engineer" or any term derived therefrom.

(4) Nothing contained in this part shall prevent a
registered architect or a partnership or corporation holding a
valid certificate of authorization to provide architectural
services from performing any interior design service or from
using the title "interior designer" or "registered interior
designer."

(5) This part does not apply to unlicensed persons
holding themselves out as interior decorators or offering
interior decorator services, such as the selection or
assistance in selecting surface materials, window treatments,
wallcoverings, paint, floor coverings, surface-mounted
lighting, or loose furnishings not subject to regulation under
applicable building codes.

(6) This part does not authorize or permit an interior
designer to engage in the business of, or to act as, a
contractor within the meaning of chapter 489, unless
registered or certified as a contractor pursuant to chapter
489.

(7) This part does not prevent any person from
rendering interior design services, provided that such person
may not use or be identified by the title "interior designer,"
unless licensed in accordance with this part.
Section 20. Section 481.231, Florida Statutes, is amended to read:

481.231 Effect of ss. 481.201-481.233 locally.—

(1) Nothing contained in this part act shall be construed to repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects or registered interior designers, than the provisions of this part act.

(2) Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part act have been violated. However, this subsection does not authorize the withholding of building permits in any cases involving the exceptions and exemptions set out in s. 481.229 within-the-exempt-classes-set-forth-in-this-act.

Section 21. Licensure without examination.—

(1) Any person who applies for licensure as a registered interior designer and remits the application and initial licensure fees within 1 year after the effective date of this act shall be licensed by the department without taking the written examination or otherwise meeting the qualifications of s. 481.209(2), provided that the applicant:

(a)1. For at least 1 year prior to the effective date of this act, has used or been identified by the title "interior designer" and has maintained a municipal or county occupational license as an interior designer within this state, unless such a license is not required for regular employment as an interior designer or for teaching interior design as provided in this section; and

CODING: Words stricken are deletions; words underlined are additions.
2. Has passed the examination administered by the National Council for Interior Design Qualifications; or
   (b) Has used or been identified by the title "interior designer" and has at least 6 years of interior design experience as a principal of a firm offering interior design services; and

2. Has passed the examination administered by the National Council for Interior Design Qualifications.

(2) Any person who is currently enrolled in an existing 2-year interior design program at a public community college within this state, applies for licensure as a registered interior designer, and remits the application and initial licensure fees prior to October 1, 1990, shall be licensed by the department without taking the written examination or otherwise meeting the qualifications of s. 481.209(2), provided that the applicant graduates from such program by October 1, 1990.

(3) A person shall be deemed to have used or been identified by the title "interior designer" within the meaning of this section if such person was, either on his own account or in the course of regular employment, rendering or offering to render to another person interior design services or was regularly engaged in the teaching of interior design at a college, university, or professional school with a program accredited by the Foundation for Interior Design Research or approved by the board.

Section 22. Section 481.233, Florida Statutes, is hereby repealed.

Section 23. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61,

CODING: Words stricken are deletions; words underlined are additions.
Florida Statutes, and except as otherwise specifically provided herein, part I of chapter 481, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 24. Part I of chapter 481, Florida Statutes, is repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 25. Subsection (3) of section 481.205, Florida Statutes, is repealed on October 1, 1989.

Section 26. There is hereby appropriated $169,829 for fiscal year 1988-1989 from the Department of Professional Regulation Trust Fund to, and four additional positions are authorized for, the Department of Professional Regulation to comply with the provisions of this act.

Section 27. This act shall take effect October 1, 1988.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR CS/SB 127

Committee Substitute for CS/SB 127 revises and reenacts Part I of Chapter 481, Florida Statutes, regulating the practice of architecture. Deletes obsolete language and makes many technical and clarifying changes. Incorporates a newly created title protection act for interior designers into the revised or existing statutes related to architecture. Merges the newly created interior design provisions into existing sections.

CODING: Words stricken are deletions; words underlined are additions.