

1988

Session Law 88-383

Florida Senate & House of Representatives

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House of Representatives, Florida Senate &, "Session Law 88-383" (1988). *Staff Analysis*. 873.
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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>23-333</i>	Sec. #	LOF cite
Prime Bill # <i>H 1502</i>	Comp./Sim. Bills <i>SB 1271, H 94, SB 153</i>	
JLHC Hist. Cites	Senate	Comms. of Ref.
	House	
	Senate <i>ECCM</i>	House <i>F. R. Reform</i>

COMMITTEE RECORDS					
H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	<i>F. R. Reform</i>	<i>23</i>	<i>HB 1502 (F. R. 23)</i>	<i>19/1906</i>	<i>✓</i>
H	<i>H. R. Reform</i>	<i>88</i>	<i>HS 99</i>	<i>19/1907</i>	<i>✓</i>
H	<i>APPROPS</i>	<i>38</i>	<i>HB 1502 (No. 1502)</i>	<i>19/1748</i>	<i>X</i>
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Senate/House Journals					
Page #	?	Date	Page #	?	Date

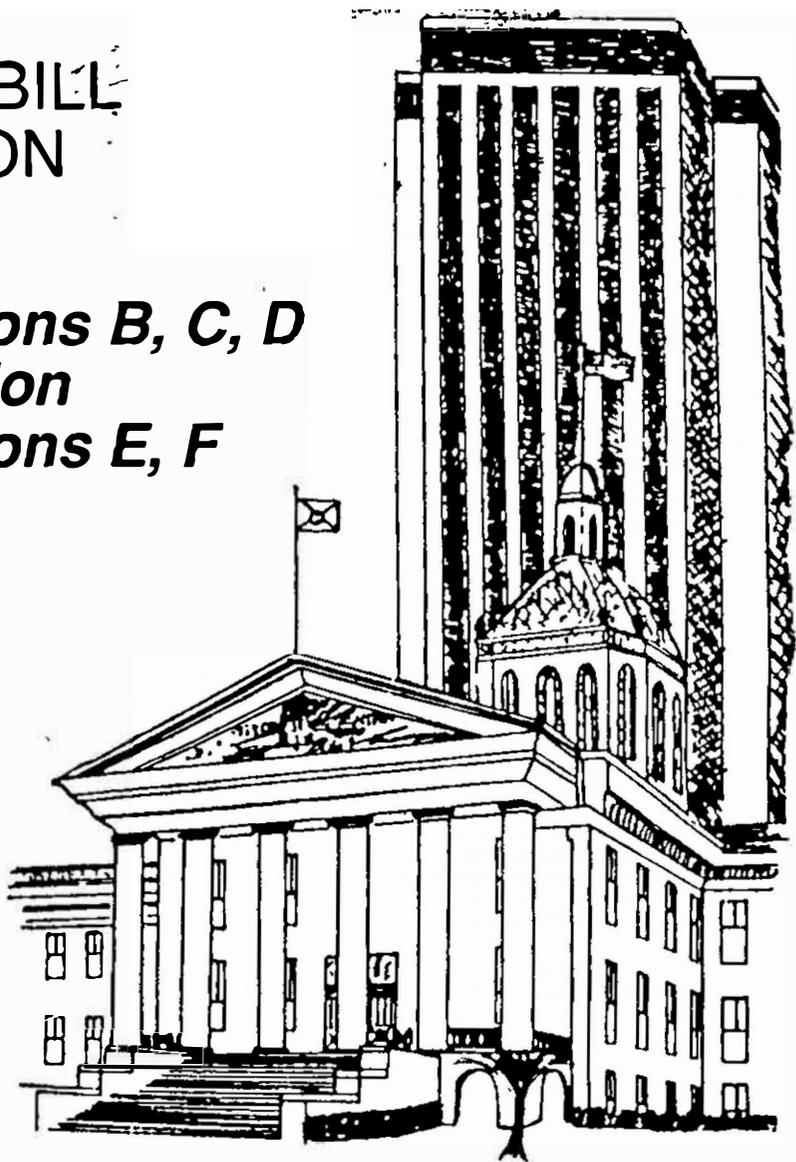
Committee/Floor Tapes					
H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation	
Record Series Title, folder title, etc.	Location Cite

FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION

***1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F***



prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371

HISTORY OF HOUSE BILLS

- H 1500 (CONTINUED)**
 06/07/88 SENATE Died in Committee on Natural Resources and Conservation
- H 1501 GENERAL BILL/ENG by Governmental Operations; Mackenzie; Hodges (Similar CS/S 1134, Compare ENG/H 1504) Information Resources Management**, provides for D G S. to delegate certain procurement functions to State University System, provides for State Board of Education to review specified procurements; designates information resource managers to serve Justice Administrative Commission & state attorney office & public defender office of each judicial circuit, etc Amends 240 225, 282 308, 311.,3115, 314, 287 062.,073 Effective Date. 07/01/88 or upon becoming law, whichever occurs later
 04/21/88 HOUSE Filed
 04/25/88 HOUSE Introduced, referred to Appropriations -HJ 248
 05/04/88 HOUSE Withdrawn from Appropriations -HJ 335, Placed on Calendar
 05/31/88 HOUSE Placed on Special Order Calendar, Read second time -HJ 1080, Amendments adopted, Read third time, Passed as amended, YEAS 114 NAYS 0 -HJ 1081
 05/31/88 SENATE In Messages
 06/01/88 SENATE Received, referred to Governmental Operations, Education, Appropriations -SJ 621
 06/07/88 SENATE Died in Committee on Governmental Operations, Iden./Sim/Compare bill passed, refer to HB 1504 (Ch 88-384)
- H 1502 GENERAL BILL/CS/ENG by Appropriations; Regulatory Reform; Lippman; Kelly (Similar CS/CS/S 127, Compare H 94, CS/S 153) Architecture & Interior Design**, (SUNSET) renames Bd of Architecture as Bd of Architecture & Interior Design, provides for additional members, provides for interior design advisory body, revises & clarifies certain exam requirements, provides for acceptance of degrees from accredited or unaccredited schools or colleges, provides pre-examination internship requirement for architects, etc Amends/revives/readopts Part I, Ch 481, amends 20 30, repeals 481 205(3) Appropriation \$169,829 Effective Date 10/01/88
 04/21/88 HOUSE Filed
 04/25/88 HOUSE Introduced, referred to Finance & Taxation, Appropriations -HJ 248
 05/09/88 HOUSE On Committee agenda—Finance & Taxation, 05/11/88, 1 30 pm, 21—HOB—For subreferral only
 05/12/88 HOUSE Withdrawn from Finance & Taxation -HJ 470, Now in Appropriations -HJ 470
 05/17/88 HOUSE On Committee agenda—Appropriations, 05/19/88, 1 15 pm, Morris Hall
 05/19/88 HOUSE Preliminary Committee Action by Appropriations Favorable as a Committee Substitute
 05/23/88 HOUSE Comm Report. CS by Appropriations, placed on Calendar -HJ 633, CS read first time -HJ 631
 05/30/88 HOUSE Placed on Special Order Calendar, Read second time -HJ 828, Amendments adopted, Read third time, CS passed as amended, YEAS 107 NAYS 0 -HJ 829
 05/30/88 SENATE In Messages
 06/01/88 SENATE Received, referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims; Appropriations -SJ 621
 06/03/88 SENATE Withdrawn from Economic, Community and Consumer Affairs, Finance, Taxation and Claims, Appropriations -SJ 982, Substituted for CS/CS/SB 127, CS passed as amended, YEAS 34 NAYS 0 -SJ 983
 06/03/88 HOUSE In Messages
 06/06/88 HOUSE Concurred, CS passed as further amended, YEAS 116 NAYS 0 -HJ 1525
 06/06/88 Ordered engrossed, then enrolled
 06/21/88 Signed by Officers and presented to Governor
 07/06/88 Approved by Governor; Chapter No 88-383
- H 1503 GENERAL BILL by Wise; Frisbe (Identical S 1334) Guardians/Fees/Background Checks**, requires clerk of circuit court, upon request of chief judge of judicial circuit, to assess fee against each individual who applies for appointment as guardian in that county & against each individual who is then serving as guardian in that county, to be used for purpose of conducting background checks on such individuals to determine their qualifications to serve as guardians, etc Effective Date Upon becoming law
 04/21/88 HOUSE Filed
 04/27/88 HOUSE Introduced, referred to Judiciary, Finance & Taxation, Appropriations -HJ 263
 05/02/88 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law, On Committee agenda—Judiciary, 05/04/88, 8 00 am, 214C—For ratification of subreferral
 06/07/88 HOUSE Died in Committee on Judiciary
- H 1504 GENERAL BILL/ENG by Governmental Operations; Hodges (Compare ENG/H 1501, CS/ENG/S 784, CS/S 1134) Public Procurement**, modifies exemption for sealed bids or proposals received, exempts subscriber records supplied by telecommunications companies to governmental agencies, provides notice requirements for exceptional purchase decisions of Purchasing Division of D G S., requires Economic Estimating Confer-
- H 1504 (CONTINUED)**
 ence to project financial condition of employee group health self-insurance plan, etc Amends FS Effective Date 07/06/88
 04/21/88 HOUSE Filed
 04/27/88 HOUSE Introduced, placed on Calendar -HJ 263
 05/25/88 HOUSE Placed on Special Order Calendar, Read second time -HJ 693; Amendments adopted -HJ 694, Amendment reconsidered, left pending -HJ 694
 05/26/88 HOUSE Substitute amendment to pending amendment adopted, Read third time, Passed as amended; YEAS 113 NAYS 0 -HJ 732
 05/26/88 SENATE In Messages
 05/30/88 SENATE Received, referred to Governmental Operations, Appropriations -SJ 472
 06/02/88 SENATE Withdrawn from—Appropriations -SJ 773
 06/03/88 SENATE Withdrawn from Governmental Operations -SJ 998, Placed on Special Order Calendar -SJ 773
 06/06/88 SENATE Placed on Special Order Calendar -SJ 1010, Passed as amended, YEAS 31 NAYS 0 -SJ 1087
 06/07/88 HOUSE In Messages; Was taken up -HJ 1837; Concurred in amendments totaling 9, Refused to concur in one amendment, Requested Senate to recede, Passed as amended, YEAS 113 NAYS 0 -HJ 1640
 06/07/88 SENATE In Messages, Receded, Passed as amended, YEAS 35 NAYS 0 -SJ 1155
 06/07/88 Ordered engrossed, then enrolled
 06/21/88 Signed by Officers and presented to Governor
 07/06/88 Approved by Governor, Chapter No 88-384
- H 1505 GENERAL BILL by International Trade & Economic Development, Bass (Compare CS/CS/ENG/H 1571, S 880, ENG/S 955, CS/S 1102) International Trade & Development**, provides additional powers & duties to Economic Development Div of Commerce Dept re international trade & development, requires report, saves provision, re department exemptions from specified provisions of state law in connection with establishment, management, & operation of any of its offices in a foreign country, from scheduled repeal & provides for future review & repeal. Amends 288 03, revives/readopts 288 012(2) Effective Date Upon becoming law
 04/21/88 HOUSE Filed
 04/27/88 HOUSE Introduced, referred to Appropriations -HJ 263
 05/04/88 HOUSE Withdrawn from Appropriations -HJ 335, Placed on Calendar
 05/31/88 HOUSE Placed on Special Order Calendar, Withdrawn from Calendar, Indefinitely postponed, Iden /Sim /Compare Bill passed, refer to SB 955 (Ch 88-201) -HJ 1084
- H 1506 GENERAL BILL by International Trade & Economic Development, Bass (Similar CS/S 1095, Compare CS/CS/ENG/H 1571, ENG/S 955, CS/S 1102) Fla International Advisory Council**, creates said council, provides functions, duties, & membership, authorizes employment of executive director & staff, provides for per diem & travel reimbursement, requires annual report, provides for review & repeal Effective Date Upon becoming law
 04/21/88 HOUSE Filed
 04/27/88 HOUSE Introduced, referred to Appropriations -HJ 263
 05/23/88 HOUSE Subreferred to Subcommittee on General Government, On Committee agenda—Appropriations, 05/24/88, 8 00 am, Morris Hall—For ratification of subreferral
 06/07/88 HOUSE Died in Committee on Appropriations, Iden /Sim /Compare bill passed, refer to SB 955 (Ch 88-201)
- H 1507 GENERAL BILL/ENG by Retirement, Personnel & Collective Bargaining; Martinez (Similar ENG/S 480, Compare S 476) County Officials/Compensation**, increases salaries of clerks of circuit courts, county comptrollers, tax collectors, property appraisers, & supervisor of elections Amends 145 051.,09, 10, 11 Effective Date 10/01/88.
 04/21/88 HOUSE Filed
 04/27/88 HOUSE Introduced, referred to Appropriations -HJ 263
 05/17/88 HOUSE On Committee agenda—Appropriations, 05/19/88, 1 15 pm, Morris Hall—Removed from agenda by motion on House floor, 05/18/88, replaced on agenda by motion, 05/18/88 -HJ 561
 05/19/88 HOUSE Preliminary Committee Action by Appropriations Favorable
 05/20/88 HOUSE Comm Report Favorable by Appropriations, placed on Calendar -HJ 633
 05/26/88 HOUSE Placed on Special Order Calendar
 05/30/88 HOUSE Read second time -HJ 846, Amendments adopted, Read third time, Passed as amended, YEAS 92 NAYS 11 -HJ 847
 05/30/88 SENATE In Messages
 06/01/88 SENATE Received, referred to Economic, Community and Consumer Affairs, Appropriations -SJ 622
 06/07/88 SENATE Died in Committee on Economic, Community and Consumer Affairs, Iden /Sim /Compare bill passed, refer to SB 480 (Ch 88-175)

HISTORY OF SENATE BILLS

§ 122 (CONTINUED)

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

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Education, Appropriations
- 04/05/88 SENATE Introduced, referred to Education; Appropriations -SJ 17
- 04/15/88 SENATE On Committee agenda—Education, 04/19/88, 2:00 pm, Room-A, Extension of time granted Committee Education
- 04/19/88 SENATE Comm. Report: Favorable by Education -SJ 142
- 04/20/88 SENATE Now in Appropriations -SJ 142
- 05/04/88 SENATE Extension of time granted Committee Appropriations
- 05/19/88 SENATE Extension of time granted Committee Appropriations
- 06/07/88 SENATE Died in Committee on Appropriations

§ 123 GENERAL BILL/CS by Corrections, Probation and Parole; Corrections, Probation and Parole (Similar H 1548, Compare CS/ENG/H 1574)

Corrections/Inmate Health Care, prescribes alternative qualifications & 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, & from Hospital Cost Containment Bd. budget review; prescribes additional duties for Correctional Medical Authority, etc. Amends F S Effective Date: 07/01/88 or upon becoming law, whichever occurs later

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Corrections, Probation and Parole, Appropriations
- 01/19/88 SENATE On Committee agenda—Corrections, Probation and Parole, 02/02/88, 9 00 am, Room-B
- 02/02/88 SENATE Comm Report. CS by Corrections, Probation and Parole, Now in Appropriations
- 04/05/88 SENATE Introduced, referred to Corrections, Probation and Parole, Appropriations -SJ 17; Comm Report. CS by Corrections, Probation and Parole -SJ 53, CS read first time -SJ 55; Now in Appropriations -SJ 53
- 05/04/88 SENATE Extension of time granted Committee Appropriations
- 05/19/88 SENATE Extension of time granted Committee Appropriations
- 06/07/88 SENATE Died in Committee on Appropriations, Iden/Sim / Compare bill passed, refer to CS/HB 1574 (Ch 88-122)

§ 124 GENERAL BILL by Corrections, Probation and Parole (Similar CS/H 789, Compare CS/ENG/H 1574)

Crime Convictions/Inmates & Families; provides conditions under which court may postpone sentencing of pregnant defendant until specified time after childbirth, provides that certain inmates may be permitted extended visit with their newborn child & family outside correctional institution, requires Corrections Dept. to implement pilot support program for inmates & their children, etc. Creates 921 125, amends 944 24, 705, repeals 944 701- 708 Appropriation: \$100,000 Effective Date: 10/01/88.

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Corrections, Probation and Parole, Appropriations
- 04/05/88 SENATE Introduced, referred to Corrections, Probation and Parole, Appropriations -SJ 17; On Committee agenda—Corrections, Probation and Parole, 04/05/88, 3 00 pm, Room-B, Comm. Report. Favorable by Corrections, Probation and Parole -SJ 67
- 04/06/88 SENATE Now in Appropriations -SJ 67
- 05/04/88 SENATE Extension of time granted Committee Appropriations
- 05/19/88 SENATE Extension of time granted Committee Appropriations
- 06/07/88 SENATE Died in Committee on Appropriations, Iden/Sim./ Compare bill passed, refer to CS/HB 1574 (Ch. 88-122)

§ 125 GENERAL BILL by McPherson (Compare H 328, H 455)

Abandoned Motor Vehicle/Towing Costs; levies additional license tax on motor vehicle operation, requires H S M V. Dept. to deposit revenue in State Transportation Trust Fund; prescribes use of funds, authorizes D O T to expend revenue deposited in trust fund to reimburse owners & operators of motor vehicle towing, storing & disposing of certain abandoned vehicles, etc Amends 320.20, 339.05, 713 75. Effective Date. 10/01/88

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Transportation, Finance, Taxation and Claims, Appropriations
- 04/05/88 SENATE Introduced, referred to Transportation, Finance, Taxation and Claims; Appropriations -SJ 18
- 04/15/88 SENATE Extension of time granted Committee Transportation
- 04/29/88 SENATE Extension of time granted Committee Transportation
- 05/02/88 SENATE On Committee agenda—Transportation, 05/04/88, 9:00 am, Room-C—Temporarily postponed
- 05/13/88 SENATE Extension of time granted Committee Transportation
- 05/27/88 SENATE Extension of time granted Committee Transportation
- 06/07/88 SENATE Died in Committee on Transportation

§ 126 GENERAL BILL by McPherson and others (Similar CS/H 37, H 1054, S 103, S 855, S 1044)

§ 126 (CONTINUED)

Saltwater Fishing Licenses, defines term "marine fish", provides for such licenses & prohibits certain unlawful uses; provides for appointment of subagents, provides for disposition of license fees, creates Marine Resources Conservation Trust Fund, creates additional positions, etc Amends 370 01, creates 370 0605, 0606 Appropriation: \$2,430,590 Effective Date 03/01/89 except as 6 & 9 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 Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims; Appropriations -SJ 18
- 04/15/88 SENATE Extension of time granted Committee Natural Resources and Conservation
- 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation
- 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
- 06/07/88 SENATE Died in Committee on Natural Resources and Conservation

§ 127 GENERAL BILL/CS/CS by Appropriations; Economic, Community and Consumer Affairs; McPherson and others (Similar CS/ENG/H 1502, Compare H 94)

Architecture & Interior Design, (SUNSET) renames Bd. of Architecture as Bd of Architecture & Interior Design, provides for additional members; provides for interior design advisory body, revises & clarifies certain exam requirements; provides for acceptance of degrees from accredited or unaccredited schools or colleges, provides pre-examination internship requirement for architects, etc Amends/revives/readopts Part I, Ch 481, amends 20 30; repeals 481 205(3). Appropriation \$169,829 Effective Date 10/01/88.

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims, Appropriations
- 04/05/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims, Appropriations -SJ 18
- 04/12/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 04/14/88, 9 00 am, Room-H
- 04/14/88 SENATE Comm. Report: CS by Economic, Community and Consumer Affairs -SJ 129
- 04/19/88 SENATE CS read first time -SJ 133, Now in Finance, Taxation and Claims -SJ 129
- 04/22/88 SENATE On Committee agenda—Finance, Taxation and Claims, 04/26/88, 2 00 pm, Room-1C
- 04/26/88 SENATE Comm Report: Favorable by Finance, Taxation and Claims -SJ 193
- 04/27/88 SENATE Now in Appropriations -SJ 193
- 05/04/88 SENATE Extension of time granted Committee Appropriations
- 05/18/88 SENATE On Committee agenda—Appropriations, 05/19/88, 2:00 pm, Room-A -SJ 341
- 05/19/88 SENATE Comm Report CS/CS by Appropriations, placed on Calendar -SJ 366
- 05/24/88 SENATE CS read first time -SJ 367
- 06/02/88 SENATE Placed on Special Order Calendar -SJ 713 & -SJ 715
- 06/03/88 SENATE Placed on Special Order Calendar -SJ 773, -SJ 866 & -SJ 924, Iden./Sim House Bill substituted, Laid on Table under Rule, Iden/Sim /Compare Bill passed, refer to CS/HB 1502 (Ch 88-383) -SJ 983

§ 128 GENERAL BILL by Natural Resources and Conservation (Compare H 702)

Environmental Regulation Commission; (SUNDOWN) revives & readopts provision re Environmental Regulation Commission & its membership, notwithstanding repeal scheduled pursuant to Sundown Act, provides for future review & repeal of said section Revives/readopts 20 261(3) Effective Date Upon becoming law

- 01/06/88 SENATE Prefiled
- 01/15/88 SENATE Referred to Natural Resources and Conservation
- 04/05/88 SENATE Introduced, referred to Natural Resources and Conservation -SJ 18, On Committee agenda—Natural Resources and Conservation, 04/06/88, 2:00 pm, Room-H
- 04/06/88 SENATE Comm Report. Favorable by Natural Resources and Conservation, placed on Calendar -SJ 68
- 04/19/88 SENATE Placed on Special Order Calendar -SJ 129, Passed, YEAS 38 NAYS 0 -SJ 137, Immediately certified -SJ 141 in Messages
- 04/19/88 HOUSE Received, placed on Calendar -HJ 251
- 05/30/88 HOUSE Placed on Special Order Calendar
- 06/01/88 HOUSE Retained on Regular Calendar
- 06/07/88 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to HB 702 (Ch 88-343)

HISTORY OF HOUSE BILLS

H 91 GENERAL BILL by Canady and others (Identical S 233)

Uniform Trade Secrets Act, creates said act, authorizes enjoining of misappropriation of trade secrets; provides for damages & award of attorney's fees, provides for preservation of secrecy of trade secrets by court, provides statute of limitations, specifies effect on other laws, provides for construction; provides for applicability, etc Effective Date 10/01/88

11/18/87 HOUSE Prefiled
 12/09/87 HOUSE Referred to Commerce, Appropriations
 02/11/88 HOUSE Subreferred to Subcommittee on General Commerce
 02/12/88 HOUSE On subcommittee agenda—Commerce, 03/02/88, 1 00 pm, 317C
 03/02/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
 04/05/88 HOUSE Introduced, referred to Commerce, Appropriations—HJ 15; Subreferred to Subcommittee on General Commerce; Subcommittee Recommendation pending ratification by full Committee Favorable
 04/14/88 HOUSE On Committee agenda—Commerce, 04/18/88, 1 15 pm, 317C—For ratification of subreferral, On Committee agenda—Commerce, 04/18/88, 1 15 pm, 317C
 04/18/88 HOUSE Preliminary Committee Action by Commerce Favorable
 04/20/88 HOUSE Comm Report: Favorable by Commerce—HJ 229, Now in Appropriations—HJ 229
 05/03/88 HOUSE Withdrawn from Appropriations—HJ 314, Placed on Calendar
 05/10/88 HOUSE Placed on Special Order Calendar
 05/16/88 HOUSE Read second time—HJ 483
 05/17/88 HOUSE Read third time, Passed, YEAS 111 NAYS 0—HJ 508
 05/18/88 SENATE In Messages
 05/23/88 SENATE Received, referred to Commerce, Judiciary—Civil—SJ 362
 05/27/88 SENATE Extension of time granted Committee Commerce
 06/01/88 SENATE Withdrawn from Commerce, Judiciary—Civil—SJ 707, Substituted for SB 233; Passed, YEAS 35 NAYS 0—SJ 708
 06/01/88 Ordered enrolled
 06/21/88 Signed by Officers and presented to Governor
 07/05/88 Approved by Governor, Chapter No 88-254

H 92 GENERAL BILL/ENG by Hodges (Similar CS/S 553)

Pari mutuel Wagering/Sundays, authorizes horseracing, harness racing, greyhound dogracing, & pari mutuel permit holders to operate on Sundays subject to certain limitations Amends 550 51, 04, 081, 083, 0831, 291, 34, 43, 45, 551 11 Effective Date. Upon becoming law

11/20/87 HOUSE Prefiled
 12/09/87 HOUSE Referred to Regulated Industries & Licensing, Appropriations
 12/15/87 HOUSE Subreferred to Subcommittee on Pari-mutuels and the Lottery, On Committee agenda—Regulated Industries & Licensing, 01/05/88, 2 00 pm, 413C—For ratification of subreferral
 01/15/88 HOUSE On subcommittee agenda—Regulated Industries & Licensing, 02/03/88, 9 00 am, 413C
 02/03/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 1 amendment
 02/19/88 HOUSE On Committee agenda—Regulated Industries & Licensing, 03/09/88, 2 00 pm, 413C
 03/09/88 HOUSE Preliminary Committee Action by Regulated Industries & Licensing Favorable with 1 amendment
 03/11/88 HOUSE Comm. Report. Favorable with 1 amendment(s) by Regulated Industries & Licensing, Now in Appropriations
 04/05/88 HOUSE Introduced, referred to Regulated Industries & Licensing; Appropriations—HJ 15; Subreferred to Subcommittee on Pari-mutuels and the Lottery, Subcommittee Recommendation pending ratification by full Committee Favorable with 1 amendment, Preliminary Committee Action by Regulated Industries & Licensing Favorable with 1 amendment, Comm Report. Favorable with 1 amendment(s) by Regulated Industries & Licensing—HJ 79; Now in Appropriations—HJ 79
 04/18/88 HOUSE On Committee agenda—Appropriations, 04/20/88, 1 15 pm, 21-HOB
 04/21/88 HOUSE Comm Report. Favorable by Appropriations, placed on Calendar—HJ 230
 04/25/88 HOUSE Placed on Special Order Calendar
 04/26/88 HOUSE Read second time—HJ 255, Amendment pending—HJ 255
 05/17/88 HOUSE Pending amendment adopted—HJ 537
 05/18/88 HOUSE Read third time, Passed as amended, YEAS 76 NAYS 41—HJ 552
 05/19/88 SENATE In Messages
 05/23/88 SENATE Received, referred to Commerce, Finance, Taxation and Claims—SJ 364
 05/27/88 SENATE Extension of time granted Committee Commerce
 06/07/88 SENATE Died in Committee on Commerce

H 93 GENERAL BILL by Trammell (Similar CS/S 1247)

Lease Agreement/Failure to Comply, provides that failure to comply with lease does not constitute theft under certain circumstances, provides exceptions &

H 93 (CONTINUED)

penalties, applies to all actions pending on or after 10/01/88 Amends 812 014 Effective Date 10/01/88
 11/20/87 HOUSE Prefiled
 12/09/87 HOUSE Referred to Criminal Justice
 01/15/88 HOUSE Subreferred to Subcommittee on Crimes, Penalties and Prosecutions, On subcommittee agenda—Criminal Justice, 02/02/88, 2 00 pm, 317C
 02/02/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
 02/15/88 HOUSE On Committee agenda—Criminal Justice, 03/08/88, 10 00 am, 21-HOB—Not considered
 04/05/88 HOUSE Introduced, referred to Criminal Justice—HJ 15, Subreferred to Subcommittee on Crimes, Penalties and Prosecutions, Subcommittee Recommendation pending ratification by full Committee Favorable
 04/18/88 HOUSE On Committee agenda—Criminal Justice, 04/20/88, 3 30 pm, Morris Hall
 04/20/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable
 04/22/88 HOUSE Comm Report. Favorable by Criminal Justice, placed on Calendar—HJ 233
 04/28/88 HOUSE Placed on Special Order Calendar; Read second time—HJ 285
 05/04/88 HOUSE Read third time; Passed, YEAS 114 NAYS 0—HJ 330
 05/05/88 SENATE In Messages
 05/10/88 SENATE Received, referred to Judiciary—Civil—SJ 253
 05/13/88 SENATE Extension of time granted Committee Judiciary—Civil
 05/27/88 SENATE Extension of time granted Committee Judiciary—Civil
 06/01/88 SENATE Withdrawn from Judiciary—Civil, Substituted for CS/SB 1247, Passed; YEAS 32 NAYS 0—SJ 697
 Ordered enrolled
 06/21/88 Signed by Officers and presented to Governor
 07/06/88 Approved by Governor, Chapter No 88-312

H 94 GENERAL BILL by Kelly; Dunbar and others (Compare CS/ENG/H 1502, CS/CS/S 127)

Interior Designers Licensing Act, creates said act, provides for examination & eligibility & for contents of exam & administration, provides for licensure without exam, continuing education & for inactive status licensees, provides for grounds for disciplinary actions & for actions by D P R., authorizes practice of interior design by firms & corporations, creates advisory committee; provides applicability, etc Effective Date 10/01/88

11/23/87 HOUSE Prefiled
 12/09/87 HOUSE Referred to Regulatory Reform, Finance & Taxation, Appropriations
 12/15/87 HOUSE Subreferred to Subcommittee on Professional Regulation, On subcommittee agenda—Regulatory Reform, 01/05/88, 1 00 pm, Morris Hall, On Committee agenda, pending subcommittee action—Regulatory Reform, 01/05/88, 4 00 pm, Morris Hall
 04/05/88 HOUSE Introduced, referred to Regulatory Reform, Finance & Taxation; Appropriations—HJ 15; Subreferred to Subcommittee on Professional Regulation, On subcommittee agenda—Regulatory Reform, 04/06/88, 8 00 am, Morris Hall—Temporarily passed; or 04/07/88, 10 00 am, Morris Hall—Not considered
 06/07/88 HOUSE Died in Committee on Regulatory Reform, Iden /Sim / Compare bill passed, refer to CS/HB 1502 (Ch 88-383)

H 95 GENERAL BILL by Burke

Relief/Pitta & Lee, provides appropriation as compensation for having been victims of a miscarriage of justice Claim with Appropriation \$900,000 Effective Date 07/01/88.

11/23/87 HOUSE Prefiled
 12/09/87 HOUSE Referred to Select Committee on Claims, Appropriations
 04/05/88 HOUSE Introduced, referred to Select Committee on Claims, Appropriations—HJ 15
 06/07/88 HOUSE Died in Committee on Select Committee on Claims

H 96 MEMORIAL by Banjanin

Strategic Defense System/Funding, urges US Congress to fund research & development of a strategic defense system

11/24/87 HOUSE Prefiled
 12/15/87 HOUSE Referred to Science & Technology
 04/05/88 HOUSE Introduced, referred to Science & Technology—HJ 15
 06/07/88 HOUSE Died in Committee on Science & Technology

H 97 GENERAL BILL by Banjanin and others (Compare ENG/H 1653, ENG/S 331)

Illegal Decals/Motor Vehicles, prohibits persons who own or operate motor vehicle from affixing to such vehicle any sticker, decal, emblem or other device containing certain obscene descriptions, photographs or depictions, provides penalty Creates 847 002 Effective Date 10/01/88

12/01/87 HOUSE Prefiled
 12/15/87 HOUSE Referred to Judiciary, Appropriations
 04/05/88 HOUSE Introduced, referred to Judiciary, Appropriations—HJ 16

HISTORY OF SENATE BILLS

S 148 (CONTINUED)

05/31/88 SENATE In Messages
 06/01/88 SENATE Concurred; Passed as amended; YEAS 32 NAYS 0 -SJ 636
 06/01/88 Ordered engrossed, then enrolled -SJ 636
 06/16/88 Signed by Officers and presented to Governor
 07/01/88 Approved by Governor, Chapter No 88-154

S 149 GENERAL BILL/ENG by Education (Compare H 770, H 1349, S 1283, S 1321)

Direct-Support Org./School Boards. (OPEN GOVERNMENT SUNSET REVIEW) provides for replenishment of accounts under self-insurance programs by specified means, amends provision which provides exemption from public records requirements for certain info contained in annual audit reports of organizations, revises qualifications for such organizations, provides for future review & repeal, includes additional info in audit reports, etc. Amends 237 211,.40. Effective Date 10/01/88.

01/13/88 SENATE Prefiled
 01/15/88 SENATE Referred to Education
 01/19/88 SENATE On Committee agenda—Education, 02/03/88, 9:00 am, Room-1C
 02/03/88 SENATE Comm. Report. Favorable by Education, placed on Calendar
 04/05/88 SENATE Introduced, referred to Education -SJ 20, Comm Report: Favorable by Education, placed on Calendar -SJ 53
 04/12/88 SENATE Placed on Special Order Calendar -SJ 67; Passed, YEAS 37 NAYS 0 -SJ 85, Immediately certified -SJ 90
 04/12/88 HOUSE In Messages
 04/13/88 HOUSE Received, referred to Education, K - 12 -HJ 156
 04/22/88 HOUSE On subcommittee agenda—Education, K - 12, 04/26/88, 1:15 pm, 317-HOB
 04/26/88 HOUSE On Committee agenda—Education, K - 12, 04/27/88, 3:30 pm, 214C
 04/29/88 HOUSE On Committee agenda—Education, K - 12, 05/03/88, 3:30 pm, 214C
 05/06/88 HOUSE Comm Report Favorable with 2 amendment(s) by Education, K - 12, placed on Calendar -HJ 365
 05/30/88 HOUSE Placed on Special Order Calendar
 05/31/88 HOUSE Read second time -HJ 943; Amendments adopted, Read third time, Passed as amended, YEAS 99 NAYS 6 -HJ 944
 06/31/88 SENATE In Messages
 06/02/88 SENATE Concurred, Passed as amended, YEAS 32 NAYS 0 -SJ 723
 06/02/88 Ordered engrossed, then enrolled -SJ 723
 06/16/88 Signed by Officers and presented to Governor
 07/01/88 Approved by Governor, Chapter No 88-155

S 150 GENERAL BILL/CS/ENG by Appropriations; Hollingsworth and others (Compare CS/CS/ENG/H 145, H 438, CS/ENG/H 1497, S 891, CS/S 1343)

F.R.S./Contributions/Special Risk; increases rate of employer contributions re members of special risk class of F.R.S.; increases monthly retirement benefit re special risk services. Amends 121 071, 091 Effective Date 10/01/88

01/13/88 SENATE Prefiled
 01/15/88 SENATE Referred to Personnel, Retirement and Collective Bargaining; Appropriations
 04/05/88 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining; Appropriations -SJ 20
 04/07/88 SENATE On Committee agenda—Personnel, Retirement and Collective Bargaining, 04/12/88, 2:00 pm, Room-C
 04/12/88 SENATE Comm Report Favorable with 1 amendment(s) by Personnel, Retirement and Collective Bargaining -SJ 91
 04/13/88 SENATE Now in Appropriations -SJ 91
 05/02/88 SENATE On Committee agenda—Appropriations, 05/04/88, 1 00 pm, Room-A—Temporarily postponed
 06/04/88 SENATE Extension of time granted Committee Appropriations
 05/19/88 SENATE Extension of time granted Committee Appropriations
 05/26/88 SENATE On Committee agenda—Appropriations, 05/27/88, 9:00 am, Room-A—Temporarily postponed -SJ 430
 06/01/88 SENATE On Committee agenda—Appropriations, 06/02/88, 9:00 am, Room-A -SJ 708
 06/02/88 SENATE Comm Report CS by Appropriations, placed on Calendar -SJ 716
 06/03/88 SENATE CS read first time -SJ 787, Placed on Special Order Calendar -SJ 866 & -SJ 924
 06/06/88 SENATE Placed on Special Order Calendar -SJ 1010; Amendment pending -SJ 1034
 06/07/88 SENATE Placed on Special Order Calendar -SJ 1089; CS passed as amended, YEAS 33 NAYS 1 -SJ 1136
 06/07/88 HOUSE In Messages, Received, placed on Calendar -HJ 1695; Read second time, Read third time, CS passed, YEAS 99 NAYS 12 -HJ 1695
 06/07/88 Ordered enrolled -SJ 1272
 06/20/88 Signed by Officers and presented to Governor
 07/05/88 Approved by Governor, Chapter No. 88-238

S 151 GENERAL BILL by Judiciary-Civil (Similar H 204, S 112)

Voter Registration Records/Evidence; provides that electronically reproduced

(PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS AND NOT FINAL BOUND JOURNALS)

S 151 (CONTINUED)

copies of voter registration records are admissible as evidence in court & have same force & effect as original records Creates 92.295. Effective Date: 10/01/88

01/13/88 SENATE Prefiled
 01/15/88 SENATE Referred to Judiciary-Civil
 04/05/88 SENATE Introduced, referred to Judiciary-Civil -SJ 20
 04/14/88 SENATE On Committee agenda—Judiciary-Civil, 04/19/88, 2:00 pm, Room-B—Temporarily postponed
 04/15/88 SENATE Extension of time granted Committee Judiciary-Civil
 04/29/88 SENATE Extension of time granted Committee Judiciary-Civil
 05/13/88 SENATE Extension of time granted Committee Judiciary-Civil
 06/27/88 SENATE Extension of time granted Committee Judiciary-Civil
 06/07/88 SENATE Died in Committee on Judiciary-Civil, Iden /Sim / Compare bill passed, refer to HB 204 (Ch 88-45)

S 152 GENERAL BILL/ENG by Judiciary-Civil (Similar H 4, H 806, Compare CS/H 309, H 1360, S 228, S 707)

Marital Assets & Liabilities; authorizes courts to equitably distribute such assets & liabilities & prescribes factors for court to consider in making such distributions, establishes date for determining such assets & liabilities & value thereof, provides for consideration of alimony award, provides that court may consider adultery of either spouse in determining amount of alimony, etc Creates 61 075; amends 61 08, 352.023, 741.02, 28 101 Effective Date 10/01/88 except as otherwise provided

01/13/88 SENATE Prefiled
 01/15/88 SENATE Referred to Judiciary-Civil
 04/05/88 SENATE Introduced, referred to Judiciary-Civil -SJ 20; On Committee agenda—Judiciary-Civil, 04/06/88, 2:00 pm, Room-B
 04/06/88 SENATE Comm Report: Favorable with 2 amendment(s) by Judiciary-Civil, placed on Calendar -SJ 68
 04/19/88 SENATE Placed on Special Order Calendar -SJ 129, Passed as amended, YEAS 33 NAYS 0 -SJ 140, Immediately certified -SJ 141
 04/19/88 HOUSE In Messages
 04/25/88 HOUSE Received, placed on Calendar -HJ 235
 05/04/88 HOUSE Placed on Special Order Calendar
 05/09/88 HOUSE Substituted for HB 806, Read second time, Amendments adopted -HJ 374
 05/10/88 HOUSE Read third time, Passed as amended; YEAS 118 NAYS 0 -HJ 392
 05/11/88 SENATE In Messages
 05/17/88 SENATE Was taken up -SJ 299; Amendments to House amendments adopted, Concurred in House amendments as amended, Requested House to concur, Refused to concur in amendments totaling 2, Requested House to recede, Passed as amended, YEAS 33 NAYS 0 -SJ 300
 05/18/88 HOUSE In Messages
 05/25/88 HOUSE Concurred in Senate amendment to House amendment, Amendment to Senate amendment to House amendment adopted; Concurred in Senate amendment to House amendment as amended, Receded from amendments totaling 2, Passed as further amended; YEAS 116 NAYS 0 -HJ 678
 05/25/88 SENATE In Messages
 05/26/88 SENATE Concurred, Passed as amended; YEAS 31 NAYS 0 -SJ 431
 05/26/88 Ordered engrossed, then enrolled -SJ 431
 06/01/88 Signed by Officers and presented to Governor -SJ 713
 06/16/88 Approved by Governor; Chapter No 88-98

S 153 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Economic, Community and Consumer Affairs (Compare CS/ENG/H 1502)

Architecture/Revision. (SUNSET) mandates passage of & revises prerequisites that entitle applicant to take licensure examination, revises certain internship requirements, provides for license reactivation; revises requirements to clarify practice of architecture by partnership of corporation, provides additional grounds for disciplinary action; provides for future review & repeal, etc Amends/revises/readopts Ch 481 Effective Date 10/01/88

01/13/88 SENATE Prefiled
 01/15/88 SENATE Referred to Economic, Community and Consumer Affairs
 02/15/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 03/01/88, 9:30 am, Room-H
 03/01/88 SENATE Comm Report: CS by Economic, Community and Consumer Affairs, placed on Calendar
 04/05/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 20; Comm Report. CS by Economic, Community and Consumer Affairs, placed on Calendar -SJ 53, CS read first time -SJ 55
 06/07/88 SENATE Died on Calendar, Iden./Sum /Compare Bill passed, refer to CS/HB 1502 (Ch 88-383)

S 154 GENERAL BILL by Johnson and others (Similar H 311)

Full-School Utilization Programs; provides for planning & implementation of said programs; provides contents of plan, provides grant application & award procedures, provides for monitoring & evaluation, provides rulemaking authori-

(CONTINUED ON NEXT PAGE)

Special Reports (continued)

1988 Reports (continued)

011G. Senate. Economic, Community, and Consumer Affairs Committee. [Sunset Review], A Review of Chapter 475, Florida Statutes, Real Estate Brokers, Salesmen, and Schools, [sunset] and Section 475.045, Florida Statutes, Florida Real Estate Commission Education and Research Foundation Advisory Committee, [sundown], December, 1987. [part 1] 131 pp. [59 pp., appendices], [part 2], 22 pp. [3 pp., appendices]. (affected session law number: 88-20).

012G. Senate. Economic, Community, and Consumer Affairs Committee. [Sunset Review], A Review of Chapter 481, Part I, Florida Statutes, Architecture, November, 1987, 96 pp. [41 pp., appendices]. (affected session law number: 88- 383).

013G. Senate. Economic, Community, and Consumer Affairs Committee. [Sunset Review], A Review of Chapter 489, Part I, Florida Statutes, Construction Contracting, December, 1987, 112 pp. [67 pp., appendices].(affected session law number: 88-156).

014G. Senate. Economic, Community, and Consumer Affairs Committee. [Sunset Review], A Review of Chapter 489, Part II, Florida Statutes, Relating to Electrical Contracting, and ss. 633.70 - 633.72, Florida Statutes, Relating to Alarm Systems, November, 1987. 89 pp. [37 pp., appendices]. (affected session law numbers: 88-149 and 88-156).

015G. Senate. Economic, Community, and Consumer Affairs Committee. A Review of Chapter 498, Florida Statutes, Land Sales Practices [Sunset Review] and Section 498.015 Florida Statutes, Advisory Council Appointed to Advise the Division of Land Sales and Condominiums in Land Sales Matters [Sunset Review], December, 1987. 129 pp. [appendices, 58 pp.]. (affected session law number: 88- 90).

016G. Senate. Education Committee. A Review of Public Records Law Exemptions of the Joint Legislative Management Committee in Accordance with Open Government Sunset Review Act, March, 1988, 268 pp. (Includes questionnaire used by committee, certification of exemptions by the Division of Statutory Revision, and 20 open government sunset reviews).

017G. Senate. Finance, Taxation and Claims Committee. Exemptions from Taxation of Property Used for Exempt Purposes. February, 1988. 20 pp.

018G. Senate. Finance, Taxation and Claims Committee. Situs of Tangible Personal Property for Ad Valorem Taxation. February, 1988. 30 pp.

019G. Senate. Governmental Operations Committee. [Sunset Report]. A Review of the Governor's Mansion Commission in the Department of General Services [Section 272.18 F.S.], October, 1987. 84 pp. (affected session law number: 88-15).

020G. Senate. Governmental Operations Committee. A Review of the Status of the Florida Commission on Ethics, February, 1988, 90 pp. (Affected session law number: 88-29).

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

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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

	Page
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

(2) Examination	41
(3) Post-Examination	45
(4) Foreign-Trained Professionals--Special Examination and License Provisions	46
e. Output	47
2. Administrative Hearings	51
3. Compliance with the Law	51
a. Agency Compliance	51
b. Practitioner Compliance	56
D. Costs and Benefits of Regulation	57
1. The Profession	57
a. Cost	57
b. Benefits	59
2. The Public	60
a. Cost	60
b. Benefits	60
E. Potential Impact of Non-Regulation	61
1. The Profession	61
2. The Public	63
F. Issues and Alternatives to Present Method of Regulation	66
IV. Conclusions and Recommendations	86
V. Appendices	96
A. Chapter 481, part I, Florida Statutes	
B. Board of Architecture Rules Chapter 21B, Florida Administrative Code	
C. Complaint Process	

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

STORAGE NAME: 8spcb23.shn
Date: 4-4-88

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: PCB 23
RELATING TO: Architecture
SPONSOR(S): Committee on Regulatory Reform
EFFECTIVE DATE: 10-1-88
COMPANION BILL(S): CS/SB 153
OTHER COMMITTEES OF REFERENCE: (1) 19 1906
(2) _____

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

Department before filing or amending their articles of incorporation.

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,

F.S., totalled \$645,315 for fiscal year 1986-87. Revenues for the period totalled \$996,807.68. The Department projects expenditures for FY 1987-88 at \$587,045 and revenues at \$211,000. In FY 1988-89, expenditures are anticipated at \$737,746 with estimated revenues of 1,044,800 for a projected unencumbered cash balance of \$868,374 as June 30, 1989.

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.

STORAGE NAME: 8spcb23r.shn
Date: 4/14/88

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: PCB 23 (HE 1505)
RELATING TO: Architecture/Interior Design
SPONSOR(S): Committee on Regulatory Reform and Reps. Lippman and Kelly
EFFECTIVE DATE: October 1, 1988
COMPANION BILL(S): CS/SB 153, HB 94, SB 127
OTHER COMMITTEES OF REFERENCE: (1) _____
(2) _____

***** 1986 *****

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.

Sections 23, 24, & 25. Saves Part I of Chapter 481, F.S., from repeal and schedules future review and repeal, pursuant to section 11.61, F.S., on October 1, 1998. Repeals provisions for the interior design advisory body on October 1, 1989.

Section 26. Provides an effective date of October 1, 1988.

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:

Sheila Hill

Staff Director:

Cliff Nilson 

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: h1502s.ap
Date: May 19, 1988

As Reported to Clerk

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
(As Revised by the Committee on Appropriations)
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

CS/HB 1502

BILL #: CS/HB 1502

RELATING TO: Architecture/Interior Design

SPONSOR(S): Committees on Appropriations and Regulatory Reform and Reps. Lippman and Kelly

EFFECTIVE DATE: October 1, 1988

COMPANION BILL(S): CS/CS SB 127, CS/SB 153, HB 94

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2) _____

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.

1564 **MAY 30 1988**

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.

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 transcripts 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.

1568

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

Sections 23 & 24. Saves Part I of Chapter 481, F.S., from repeal and schedules future review and repeal, pursuant to section 11.61, F.S., on October 1, 1998.

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.

Section 26. 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	\$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	

1569

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Expenditures:

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

Professional Regulation Trust Fund	\$1,509,000	\$344,000	\$1,334,000
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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.

1570

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

Staff Director:

Cliff Nilson

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Lori L. E. Kilpatrick
Lori L. E. Kilpatrick

Staff Director:

James A. Zingale
Dr. James A. Zingale

STORAGE NAME: h1502-f.rr
Date: 6-14-88

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 1502

RELATING TO: Architecture/Interior Design

SPONSOR(S): Committees on Appropriations and Regulatory Reform and
Reps. Lippman and Kelly

EFFECTIVE DATE: October 1, 1988

DATE BECAME LAW: 6-21-88

CHAPTER #: 88-383 Laws of Florida

COMPANION BILL(S): CS/SB 127, CS/SB 153, HB 94

OTHER COMMITTEES OF REFERENCE: (1) Finance and Taxation

(2) Appropriations

I. SUMMARY:

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

Page 5
Bill #: CS/HB 1502
Date: 6-14-88

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

Total Recurring Expenditures:	\$135,185	\$167,041	\$175,391
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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	<u>0</u>	<u>0</u>	<u>30,000</u>

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

None

4. Appropriations Consequences:

Expenditures:

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

Professional Regulation Trust Fund	\$1,509,000	\$344,000	\$1,334,000
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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.

Page 10
Bill #: CS/HB 1502
Date: 6-14-88

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]

Yeas—113

The Chair	Friedman	King	Renke
Abrams	Frishe	Langton	Rochlin
Arnold	Gardner	Lawson	Rudd
Ascherl	Glickman	Lewis	Rush
Bainter	Gonzalez-	Liberti	Sample
Banjanin	Quevedo	Lippman	Sanderson
Bankhead	Goode	Locke	Sansom
Bass	Gordon	Logan	Saunders
Bell	Grindle	Lombard	Silver
Bloom	Guber	Long	Simon
Bronson	Gustafson	Mackenzie	Simone
Brown	Gutman	Mackey	Smith
Burke	Hanson	Martin	Souto
Canady	Hargrett	Martinez	Starks
Carlton	Harris	McEwan	Stone
Carpenter	Hawkins	Meffert	Thomas
Casas	Healey	Messersmith	Tobiasen
Clark	Hill	Metcalf	Tobin
Clements	Hodges	Mitchell	Trammell
Cosgrove	Holland	Morse	Troxler
Crady	Holzendorf	Mortham	Upchurch
Crotty	Irvine	Nergard	Wallace
Dantzier	Jamerson	Ostrau	Webster
Davis	Jennings	Patchett	Wetherell
Diaz-Balart	Johnson, B L	Peebles	Wise
Drage	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 reactivation, 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

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
Abrams	Frankel	King	Renke
Arnold	Friedman	Langton	Rochlin
Ascherl	Frishe	Lawson	Rudd
Bainter	Gardner	Lewis	Rush
Banjanin	Glickman	Lippman	Sample
Bankhead	Gonzalez-	Locke	Sanderson
Bass	Quevedo	Logan	Sansom
Bell	Goode	Lombard	Saunders
Bloom	Gordon	Long	Simon
Bronson	Grindle	Mackenzie	Simone
Brown	Guber	Mackey	Smith
Burke	Gustafson	Martin	Souto
Burnsed	Gutman	Martinez	Starks
Canady	Hanson	McEwan	Stone
Carlton	Hargrett	Meffert	Thomas
Carpenter	Harris	Messersmith	Tobiasen
Casas	Hawkins	Metcalf	Tobin
Clark	Healey	Mitchell	Trammell
Clements	Hill	Morse	Troxler
Cosgrove	Holland	Mortham	Upchurch
Crady	Holzendorf	Nergard	Wallace
Crotty	Irvine	Ostrau	Webster
Dantzier	Jamerson	Patchett	Wetherell
Davis	Jennings	Peebles	Wise
Diaz-Balart	Johnson, B L	Press	Woodruff
Drage	Jones, C F	Reaves	Young
Dunbar	Jones, D L	Reddick	

Nays—None

Votes after roll call

Yeas—Deutsch, Titone

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

CS/HB 1502—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 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

—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 I 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 fall 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,*

(b) *the harm or potential harm, including costs incurred by owners, designers and others, resulting from the lack of construction observation by design professionals,*

(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 I, and chapter 489, part I*

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	Hill	Martin
Abrams	Diaz-Balart	Holland	Martinez
Arnold	Drage	Holzendorf	McEwan
Ascherl	Dunbar	Irvine	Meffert
Bainter	Figg	Jamerson	Messersmith
Banjanin	Frankel	Jennings	Metcalf
Bankhead	Friedman	Johnson, B. L.	Mitchell
Bass	Frishe	Johnson, R. C.	Morse
Bloom	Gardner	Jones, C. F.	Mortham
Bronson	Glickman	Jones, D. L.	Nergard
Brown	Gonzalez-	Kelly	Ostrau
Burnsed	Quevedo	King	Patchett
Canady	Goode	Langton	Press
Carlyon	Grindle	Lawson	Reaves
Carpenter	Guber	Lewis	Reddick
Casas	Gustafson	Liberti	Rehm
Clark	Gutman	Lippman	Renke
Clements	Hanson	Logan	Rochlin
Cosgrove	Hargrett	Lombard	Rudd
Crady	Harris	Long	Rush
Crotty	Hawkins	Mackenzie	Sample
Dantzler	Healey	Mackey	Sanderson

Sansom	Smith	Tobiassen	Wallace
Saunders	Souto	Tobin	Webster
Silver	Starke	Trammell	Wise
Simon	Stone	Troxler	Woodruff
Simone	Thomas	Upchurch	Young

Patchett	Rush	Souto	Wallace
Peeples	Sample	Starks	Webster
Reaves	Sanderson	Stone	Wetherell
Reddick	Sansom	Thomas	Wise
Rehm	Saunders	Tobiassen	Woodruff
Renke	Silver	Tobin	Young
Rochlin	Simon	Trammell	
Rudd	Simone	Troxler	

Nays—None

Nays—None

Votes after roll call

Votes after roll call

Yeas—Peeples, Deutsch, Titone

Yeas—Titone, Deutsch

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

So the bill passed and was immediately certified to the Senate

HB 1558—A bill to be entitled An act relating to water well contractors and drillers, creating s 373 302, F S, providing legislative findings, amending s 373 303, F S, revising the definition of "water well contractor", amending s 373 308, F S, to delete a cross-reference, amending s 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 s. 373 324, F S, providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof, creating s 373 325, F S, providing for renewal or reactivation of inactive license, amending s 373 326, F S, providing an exemption from licensing requirements under certain circumstances, amending s 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 s 373.333, F S, providing for 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 s 373 335, F S; creating a statewide clearinghouse allowing water management districts to access certain information; amending s. 373 336, F S, providing unlawful acts and penalties, creating s 373 337, F S., providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts, amending s 373 342, F S, to make technical changes, repealing s. 373 339, F S, relating to preservation of existing regulations, saving ss 373 323, 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.

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 s 11 61, F S, the Regulatory Sunset Act, in advance of their respective dates of repeal ss 395.032, 395 035, and 395 036, F S, relating to the regulation of trauma centers, s 471 008, F S, relating to the authority of the Board of Professional Engineers to make rules, ss 554 1011-554 115, F S, relating to boiler safety, ss 593 101-593 117, F S, relating to boll weevil eradication, and ss. 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 s 11 611, F S, the Sundown Act, in advance of their respective dates of repeal ss 228 0875(3), (4), F S, relating to the Governor's Summer Colleges Council, s 240 551, F S, relating to the Prepaid Postsecondary Education Expense Program, s 280 20, F S, relating to the Security for Public Deposits Task Force; ss 282 3061, 282 3062, 282 3115, 282 312, F S, relating to the Information Resource Commission and information resources management operating plans and annual performance reports, s 316 545(7), F S, relating to the Commercial Motor Vehicle Review Board and unlawful weights and loads, s 406 075, F S, relating to the Medical Examiners Commission and the discipline of medical examiners, s 413 011(2), relating to the Advisory Council for the Blind, s 413 605, F S, relating to the Advisory Council on Spinal Cord Injuries, and ss 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 s 13, ch 87-106, Laws of Florida, to delete the requirement that the review of s 420 623, F S, relating to local coalitions for the homeless, in advance of its expiration date be performed in accordance with s 11 611, F S, amending s 5, ch 87-131, Laws of Florida, to change the expiration date of s 339 2405, F S, relating to the Florida Highway Beautification Council, amending s 3, ch 87-185, F S, to eliminate the scheduled expiration of s 284 50(1), (3), (4), F S, relating to the state loss prevention program, amending s 8, ch 87-328, Laws of Florida, to change the expiration date of the Florida Recreational Trails Council, amending s 33, ch 87-387, Laws of Florida, to delete the requirement that the review of s 382 025(16), F S, relating to birth and marriage records, in advance of its expiration be performed in accordance with s 11 61, F S, 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

—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

Yeas—106

Yeas—111

The Chair	Cosgrove	Gutman	Lewis
Abrams	Crady	Hanson	Lippman
Arnold	Crotty	Harden	Locke
Ascherl	Dantzler	Hargrett	Logan
Banjanin	Davis	Harris	Lombard
Bankhead	Diaz-Balart	Hawkins	Long
Bass	Drage	Healey	Mackenzie
Bell	Dunbar	Hill	Mackey
Bloom	Figg	Holland	Martin
Bronson	Frankel	Irvine	Martinez
Brown	Friedman	Jamerson	McEwan
Burke	Frishe	Jennings	Meffert
Burnsed	Gardner	Johnson, B L	Messersmith
Canady	Glickman	Johnson, R C	Metcalf
Carlton	Goode	Jones, C F	Mitchell
Carpenter	Gordon	Jones, D L	Morse
Casas	Grindle	King	Mortham
Clark	Guber	Langton	Nergard
Clements	Gustafson	Lawson	Ostrau

Abrams	Banjanin	Bloom	Burnsed
Arnold	Bankhead	Bronson	Canady
Ascherl	Bass	Brown	Carlton
Banter	Bell	Burke	Casas

Journal
of the
S E N A T E
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 colleges and universities; providing for a study of commercial product packaging and requiring a report, creating s. 381.80, F.S.; providing for standards for the safe packaging, storage, treatment and disposal of biohazardous waste, providing duties of the Department of Health and Rehabilitative Services and the Department of Environmental Regulation, providing for enforcement and penalties; amending s. 395.002, F.S., defining "biohazardous 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 governments and nonprofit organizations; requiring reports, 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, attorney's 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. 322.27, 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; creating the Applications Demonstration Center for Resource Recovery from Solid Organic Materials, and prescribing 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; amending s. 197.363, F.S.; revising provisions 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, and enforcement of 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 newspaper disposal fee on newspaper; 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 newspaper 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, prescribing 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 registered under said section; providing for penalties; 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. 290.007, F.S.; correcting references; amending s. 403.7221, F.S.; providing for research, development, and demonstration

permits for solid waste management facilities; amending ss. 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 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:

Yeas—35

Bear	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Deratany	Hollingsworth	McPherson	Thurman
Dudley	Jennings	Meek	Weinstein
Frank	Johnson	Myers	Wenstock
Girardeau	Kirkpatrick	Peterson	Woodson
Gordon	Kiser	Plummer	

Nays—None

Vote after roll call

Yea—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 CS for HB 1502 was withdrawn from the Committees 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. 20.30, 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 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. 481.213, 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 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

—a companion measure, was substituted for CS for CS for SB 127 and read the second time by title.

Senator Margolis moved the following amendment which was adopted:

Amendment 1—On page 29, line 31; on page 30, lines 1-31; and on page 31, lines 1-20, strike all of said lines and renumber subsequent sections

On motion by Senator McPherson, by two-thirds vote CS for HB 1502 as amended was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—34

Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crenshaw	Hill	Margolis	Weinstein
Deratany	Hollingsworth	McPherson	Weinstock
Dudley	Jenne	Meek	Woodson
Frank	Jennings	Myers	
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call.

Yea—Crawford, Stuart

CS for SB 522—A bill to be entitled An act relating to water management, repealing s. 373.339, F.S., which excludes certain areas from regulation under specified laws relating to the regulation of wells; reviving and readopting ss. 373.0693, 373.0695, 373.073-373.087, 373.089-373.103, F.S., notwithstanding repeal scheduled under the Sundown Act; reviving and readopting ss. 373.323-373.336, 373.342, F.S., notwithstanding repeal scheduled under that act; providing for future repeal and review of ss. 373.323-373.336, F.S., providing for future repeal and review of water management district regulatory programs and consideration of the report of the Environmental Efficiency Study Commission, amending s. 373.342, F.S., providing for delegation of certain authority by a governing board of a water management district to its executive director; amending s. 373.323, F.S., transferring from the Department of Environmental Regulation to the water management districts authority over licensing of water well contractors and registration of water well drillers; specifying prerequisites for driller registration; providing that registrations for drilling methods are valid throughout the state; amending s. 373.326, F.S., transferring to water management districts the authority to grant exemptions from the provisions of law relating to the regulation of wells; amending s. 373.329, F.S.; specifying fees with respect to well driller registrations; 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 373.308, 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. 373.309, 373.313, 373.316, 373.319, 373.323, 373.326, 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, application, qualifications, and examinations, contractor licenses, driller and drilling 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.

(2) 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 his principal place of business is located. A resident of another state shall apply to the water management district in which 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)(b) 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 therefor 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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick</u> KH	<u>Buck</u> OB	1. <u>ECCA</u>	_____
2. _____	_____	2. <u>FTC</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Interior Design

BILL NO. AND SPONSOR:

SB 127 by
Senator McPherson

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 tfor 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:

Year 1

Est. Revenue Year 1	\$1,910,000
Est. Disbursements Year 1	<u><192,432></u>
Est. Balance Year 1	\$1,717,568

Year 2

Est. Revenue Year 2	\$ 537,500
Est. Disbursements Year 2	<u><211,599></u>
Est. Balance Year 2	\$ 325,901

Year 3

Est. Revenue Year 3	\$ 547,500
Est. Disbursements Year 3	<u><213,105></u>
Est. Balance Year 3	\$ 334,395

Est. Total Revenue End of Year 3	\$2,377,864
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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.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Hetrick <u>KK</u>	Buck <u>DB</u>	1. ECCA	FAV/CS
2. _____	_____	2. FTC	_____
3. _____	_____	3. AP	_____
4. _____	_____	4. _____	_____

SUBJECT:

Interior Design

BILL NO. AND SPONSOR:

CS/SB 127 by
Senator McPherson

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 coporations 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 complete 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:

Year 1

Est. Revenue Year 1	\$1,910,000
Est. Disbursements Year 1	<192,432>
Est. Balance Year 1	\$1,717,568

Year 2

Est. Revenue Year 2	\$ 537,500
Est. Disbursements Year 2	<211,599>
Est. Balance Year 2	\$ 325,901

Year 3

Est. Revenue Year 3	\$ 547,500
Est. Disbursements Year 3	<u><213,105></u>
Est. Balance Year 3	\$ 334,395

Est. Total Revenue End of Year 3	\$2,377,864
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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.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick</u>	<u>Buck</u>	1. <u>ECCA</u>	<u>Fav/CS</u>
2. <u>Keating</u>	<u>Beggs</u>	2. <u>FTC</u>	<u>Fav</u>
3. <u>Seay</u>	<u>Smith</u>	3. <u>AP</u>	<u>Fav/CS</u>
4. _____	_____	4. _____	_____

SUBJECT:

Interior Design

BILL NO. AND SPONSOR:

CS/CS/SB 127 by
Appropriations Committee,
Senator McPherson

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:

1988-89 (9 months)

Revenues	\$1,432,500
Expenditures	<144,324>

Total	\$1,288,176
<u>1989-90</u>	
Revenues	\$ 537,500
Expenditures	<u><211,599></u>
Total	\$ 325,901

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.

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.

Committee on Appropriations


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick KH</u>	<u>Buck DB</u>	1. <u>ECCA</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Architecture

BILL NO. AND SPONSOR:

PCB 06 by Senate Committee on Economic, Community and and Consumer Affairs

18 1629

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 principle 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.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Hetrick <i>KH</i>	Buck <i>DB</i>	1. ECCA	FAV/CS
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Architecture

BILL NO. AND SPONSOR: CS/SB 153 by Senate Committee on Economic, Community and Consumer Affairs

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 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

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.

STORAGE NAME: 8shb94.jtm
Date: 1/4/88
Revised: _____
Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS

14 1907

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 }

By the Committee on Regulatory Reform and Representatives
Lippman, Kelly

1 A bill to be entitled

2 An act relating to architecture and interior
3 design; amending s. 20.30, F.S., renaming the
4 Board of Architecture; amending s. 481.201,
5 F.S., providing legislative intent; amending s.
6 481.203, F.S., modifying and adding
7 definitions; amending s. 481 205, F.S ,
8 providing for additional members of the board;
9 providing for an interior design advisory body;
10 amending s. 481.2055, F.S , revising rulemaking
11 authority; amending s. 481.207, F.S., expanding
12 rulemaking authority relating to fees;
13 providing a schedule of fees; amending s.
14 481.209, F.S., revising and clarifying certain
15 examination requirements; providing for
16 acceptance of degrees from accredited or
17 unaccredited schools or colleges; revising
18 rulemaking authority relating to acceptance of
19 certain degrees; providing a pre-examination
20 internship requirement for architects;
21 providing education and experience requirements
22 for interior designers; amending s. 481.211,
23 F.S., revising and clarifying certain
24 internship requirements for architects;
25 amending s. 481.213, F.S., revising and
26 clarifying certain requirements for licensure
27 and licensure by endorsement; creating s.
28 481 2131, F.S., providing practice requirements
29 and for disclosure relative to interior
30 designers; amending s. 481.215, F.S., providing
31 a continuing education requirement for license

1 renewal for interior designers; amending s.
2 481.217, F.S., revising requirements for
3 license reactivation; amending s. 481.219,
4 F.S., providing certain requirements relating
5 to practice of architecture or use of the title
6 "interior design" by a corporation or
7 partnership; amending s. 481.221, F.S.,
8 providing for the use of a seal by licensees;
9 requiring the use of certificate numbers in
10 advertising; amending s. 481.223, F.S.,
11 providing a prohibition on the use of certain
12 terms; amending s. 481.225, F.S., modifying
13 grounds for disciplinary action against
14 architects; creating s. 481.2251, F.S.,
15 providing disciplinary violations and penalties
16 for interior designers; amending s. 481.227,
17 F.S., conforming language; amending s. 481.229,
18 F.S., providing exceptions and exemptions from
19 licensure; amending s. 481.231, F.S.,
20 clarifying local effect; providing for waiver
21 of examination requirements for interior
22 designer license; repealing s. 481.233, F.S.,
23 relating to the registration of certain
24 architects; saving part I of chapter 481, F.S.,
25 from Sunset repeal; providing for future review
26 and repeal; repealing s. 481.205(3), F.S.,
27 relating to the interior design advisory body;
28 providing an effective date.
29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Paragraph (c) of subsection (4) of section
2 20.30, Florida Statutes, is amended to read:

3 20.30 Department of Professional Regulation.--There is
4 created a Department of Professional Regulation.

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

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

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

12 481.201 Purpose.--The Legislature finds that improper
13 design and improper construction supervision by architects of
14 buildings primarily designed for human habitation or use
15 present a significant threat to the public. The Legislature
16 further finds that it is in the interest of the public to
17 limit the use of the terms "interior designer" and "registered
18 interior designer" to those persons having interior design
19 education and training as provided in this part.

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

23 481.203 Definitions.--As used in this part act:

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

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

(4) "Certificate of registration" means a license
30 issued by the department to a natural person to engage in the
31

1 practice of architecture or to use the title "registered
2 interior designer" or "interior designer".

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

7 (6) "Architecture" means the rendering or offering to
8 render services in connection with the design and construction
9 of a structure or group of structures which have as their
10 principal purpose human habitation or use, and the utilization
11 of space within and surrounding such structures. These
12 services include planning, providing preliminary study
13 designs, drawings and specifications, ~~architectural~~
14 ~~supervision~~, job-site inspection, and administration of
15 construction contracts.

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

27 (a) Such wall shall provide not less than 2 hours of
28 fire resistance. Plumbing, piping, ducts, or electrical or
29 other building services shall not be installed within or
30 through the 2-hour wall unless such materials and methods of
31

1 penetration have been tested in accordance with the Standard
2 Building Code.

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

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

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

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

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

24 481.205 Board of Architecture and Interior Design.--

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

1 design services for at least 5 years; and two members must be
2 lay persons who are not, and have never been, architects,
3 interior designers, or members of any closely related
4 profession or occupation. The initial interior designer
5 members must have been offering interior design services for
6 at least 5 years, be otherwise eligible to be registered, and
7 become registered within 1 year of the effective date of this
8 act. At least one member of the board must be 60 years of age
9 or older.

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

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

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

22 481.2055 Authority to make rules.--The board may adopt
23 such rules, not inconsistent with law, as may be necessary to
24 carry out the duties and authority conferred upon the board by
25 this part chapter and chapter 455 ~~as may be necessary to~~
26 ~~protect the health, safety, and welfare of the public.~~

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

29 481.207 Fees.--The board, by rule, may establish fees
30 to be paid for applications, examination, reexamination,
31 licensing and renewal, inactive status application and

1 ~~reactivation of inactive licenses~~, reinstatement, and
2 recordmaking and recordkeeping. ~~The examination fee shall be~~
3 ~~in an amount which covers the cost of obtaining and~~
4 ~~administering the examination and shall be refunded if the~~
5 ~~applicant is found ineligible to sit for the examination. The~~
6 ~~application fee shall be nonrefundable. The fee for initial~~
7 ~~application and examination shall not exceed \$400. The~~
8 ~~biennial renewal fee shall not exceed \$200.~~ The board may
9 also establish, by rule, a late renewal penalty. The board
10 shall establish fees which are adequate to ensure the
11 continued operation of the board and to fund the proportionate
12 expenses incurred by the department which are allocated to the
13 regulation of architects and interior designers, respectively.
14 Fees shall be based on department estimates of the revenue
15 required to implement this part and the provisions of law with
16 respect to the regulation of architects and interior
17 designers.

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

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

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

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

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

29 (6) The fee for a certificate of authorization shall
30 not exceed \$100.

31

1 (7) The fee for an application for inactive status or
2 for reactivation of an inactive license shall not exceed \$50.

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

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

6 481.209 Examinations.--

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

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

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

19 (b)1. Is a graduate of a school or college of
20 architecture accredited by the National Architectural
21 Accreditation Board; or

22 2. Is a graduate of from an approved architectural
23 curriculum of 5-years or more, evidenced by a degree from an
24 unaccredited a school or college of architecture approved by
25 the board. The board shall adopt rules providing for the
26 review and approval of unaccredited schools and colleges of
27 architecture and courses of architectural study which-meets
28 ~~standards-of-accreditation-adopted-by-the-board-by-rule~~ based
29 on a review and inspection by the board of the curriculum of
30 accredited schools and colleges of architecture in the United
31

1 States, including those schools and colleges accredited by the
2 National Architectural Accreditation Board; and
3 (c) Beginning on October 1, 1989, has completed, prior
4 to examination, 1 year of the internship experience required
5 by s. 481.211(1).

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

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

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

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

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

28
29 Except as provided in paragraph (d), all such education shall
30 have been obtained in a school or college of interior design
31 accredited by the Foundation for Interior Design Education

1 Research. In addition, each applicant shall have from 1 to 3
2 years of diversified interior design experience approved by
3 the board, inversely correlated to the number of years of
4 education.

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

7 481.211 Internship required Experience.--

8 (1) An applicant for licensure as a registered
9 architect shall complete, prior to licensure, who-passes-the
10 examination-shall-be-entitled-to-be-licensed-as-a-registered
11 architect-pursuant-to-s.-481-213-if-the-applicant-completes an
12 internship of diversified architectural experience approved by
13 the board in the design and construction of structures which
14 have as their principal purpose human habitation or use. The
15 internship shall be for a period of:

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

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

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

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

1 Section 9. Section 481.213, Florida Statutes, is
2 amended to read:

3 481.213 Licensure.--

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

7 (2) The board shall certify for licensure by
8 examination any applicant who passes the prescribed licensure
9 examination and satisfies the requirements of ss. 481.209 and
10 481.211, for architects, or the requirements of s. 481.209,
11 for interior designers.

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

15 (a) Qualifies to take the examination as set forth in
16 s. 481.209; has passed a national, regional, state, or United
17 States territorial licensing examination which is
18 substantially equivalent to the examination required by s.
19 481.209, for architects or interior designers, as applicable,
20 and has satisfied the internship experience requirements set
21 forth in s. 481.211, for architects;

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

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

1 holds a degree in architecture, such degree shall be
2 equivalent to that required in s. 481.209. Has-engaged-in-the
3 practice-of-architecture-as-a-registered-architect-in-another
4 state-for-not-less-than-10-years.

5 ~~(4)--The-board-shall-certify-as-qualified-for-licensure~~
6 ~~any-applicant-corporation-or-partnership-which-satisfies-the~~
7 ~~requirements-of-s.-481-219.~~

8 ~~(4)(5)~~ The board may refuse to certify any applicant
9 who has violated any of the provisions of s. 481.223, s.
10 481.225, or s. 481.2251, as applicable.

11 ~~(5)(6)~~ The board may refuse to certify any applicant
12 who is under investigation in any jurisdiction another-state
13 for any act which would constitute a violation of this part
14 act or of chapter 455 until such time as the investigation is
15 complete and disciplinary proceedings have been terminated.

16 ~~(6)(7)~~ The board shall adopt rules to implement the
17 provisions of this part act relating to the examination,
18 internship, and licensure of applicants.

19 Section 10. Section 481 2131, Florida Statutes, is
20 created to read:

21 481.2131 Interior design; practice requirements;
22 disclosure of compensation for professional services.--

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

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

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

5 481.215 Renewal of license.--

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

19 (5) No license renewal shall be issued to an interior
20 designer by the department until the licensee submits proof
21 satisfactory to the department that, during the 2 years prior
22 to his application for renewal, he has participated in not
23 less than 20 hours per year of continuing education approved
24 by the board. The board shall approve only continuing
25 education that builds upon the basic knowledge of interior
26 design. The board may make exception from the requirements of
27 continuing education in emergency or hardship cases.

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

30 481.217 Inactive status.--

31

1 (1) A license which has become inactive may be
2 reactivated pursuant to this section s--481-215 upon
3 application to the department and payment of an inactive
4 status application fee and a reactivation fee.

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

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

24 (2) The board shall adopt promulgate rules relating to
25 application procedures for inactive status and for the
26 reactivation of inactive licenses ~~licenses-which-have-become~~
27 ~~inactive-and-for-the-renewal-of-inactive-licenses;--The-board~~
28 ~~shall-prescribe-by-rule-a-fee-not-to-exceed-\$50-for-the~~
29 ~~reactivation-of-an-inactive-license-and-a-fee-not-to-exceed~~
30 ~~\$50-for-the-renewal-of-an-inactive-license.~~

31

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

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

5 481.219 Certification of partnerships and
6 corporations.--

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

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

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

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

1 within the state shall bear the signature and seal of the
2 licensee who prepared or approved them and the date on which
3 they were sealed.

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

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

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

19 (a) One or more of the principal officers of the
20 corporation or one or more partners of the partnership, and
21 all personnel of the corporation or partnership who act in its
22 behalf in this state as architects, are registered as provided
23 by this part; or

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

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

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

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

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

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

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

23 (14) Nothing in this section shall be construed to
24 mean that a certificate of registration to practice
25 architecture or use the title "interior designer" shall be
26 held by a corporation or partnership. Nothing in this section
27 prohibits corporations and partnerships from joining together
28 to offer architectural, engineering, interior design, land
29 surveying, and landscape architectural services, or any
30 combination of such services, to the public, provided that
31

1 each corporation or partnership otherwise meets the
2 requirements of law.

3 (15) Corporations or partnerships holdin~~g~~ a valid
4 certificate of authorization to practice architecture shall be
5 permitted to use in their title the term "interior designer."

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

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

10 481.221 Seals; display of certificate number.--

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

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

24 (b) Each registered interior designer shall obtain a
25 seal as prescribed by the board, and all drawings, plans,
26 specifications, or reports prepared or issued by the
27 registered interior designer and being filed for public record
28 shall bear the signature and seal of the registered interior
29 designer who prepared or approved the document and the date on
30 which they were sealed. The signature, date, and seal shall

1 be evidence of the authenticity of that to which they are
2 affixed.

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

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

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

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

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

1 or illustrate all essential parts of the work to which they
2 refer.

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

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

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

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

29 481.223 Prohibitions; penalties.--

30 (1) No person shall knowingly:
31

1 (a) Practice architecture unless the person is an
2 architect or a registered architect;

3 (b) Use the name or title "architect" or "registered
4 architect," or "interior designer" or "registered interior
5 designer," or words to that effect when the person is not then
6 the holder of a valid license issued pursuant to this part
7 act;

8 (c) Use or attempt to use an architect or interior
9 designer license which has been suspended, revoked, or placed
10 on inactive status;

11 (d) Conceal information relative to violations of this
12 part act.

13 (2) Any person who violates any provision of this
14 section is guilty of a misdemeanor of the first degree,
15 punishable as provided in s. 775.082, s. 775 083, or s.
16 775.084.

17 Section 16. Subsection (1) of section 481.225, Florida
18 Statutes, is amended to read:

19 481.225 Disciplinary proceedings against registered
20 architects.--

21 (1) The following acts constitute grounds for which
22 the disciplinary actions in subsection (3) may be taken:

23 (a) Violating ~~Violation-of~~ any provision of s.
24 481.221, s. 481.223, or s. 455.227(1) or any rule of the board
25 or department lawfully adopted pursuant to this part or
26 chapter 455;

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

29 (c) Having a license to practice architecture revoked,
30 suspended, or otherwise acted against, including the denial of
31 licensure, by the licensing authority of another state,

1 territory, or country, for any act which would constitute a
2 violation of this part or of chapter 455;

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

11 ~~(e)--Violation-of-any-provision-of-sr-481.221;~~

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

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

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

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

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

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

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

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

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

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

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

14 481.2251 Disciplinary proceedings against registered
15 interior designers.--

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

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

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

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

- 1 contendere shall create a rebuttable presumption of guilt to
2 the underlying criminal charges. However, the board shall
3 allow the person being disciplined to present any evidence
4 relevant to the underlying charges and the circumstances
5 surrounding his plea;
- 6 (d) False, deceptive, or misleading advertising;
7 (e) Failing to report to the board any person who the
8 licensee knows is in violation of this part or the rules of
9 the board;
- 10 (f) Aiding, assisting, procuring, or advising any
11 unlicensed person to use the title "interior designer"
12 contrary to this part or to a rule of the board;
- 13 (g) Failing to perform any statutory or legal
14 obligation placed upon a registered interior designer;
- 15 (h) Making or filing a report which the licensee knows
16 to be false, intentionally or negligently failing to file a
17 report or record required by state or federal law, or
18 willfully impeding or obstructing such filing or inducing
19 another person to do so. Such reports or records shall
20 include only those which are signed in the capacity as a
21 registered interior designer;
- 22 (i) Making deceptive, untrue, or fraudulent
23 representations in the provision of interior design services;
- 24 (j) Accepting and performing professional
25 responsibilities which the licensee knows or has reason to
26 know that he is not competent or licensed to perform;
- 27 (k) Violating any provision of this part, any rule of
28 the board, or a lawful order of the board previously entered
29 in a disciplinary hearing;
- 30 (l) Conspiring with another licensee or with any other
31 person to commit an act, or committing an act, which would

1 tend to coerce, intimidate, or preclude another licensee from
2 lawfully advertising his services;

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

8 (n) Rendering or offering to render architectural
9 services.

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

14 (a) Refusal to approve an application for licensure;

15 (b) Refusal to renew an existing license;

16 (c) Revocation or suspension of a license;

17 (d) Imposition of an administrative fine, not to
18 exceed \$1,000 for each violation or separate offense; or

19 (e) Issuance of a reprimand.

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

22 481.227 Prosecution of criminal violations.--The board
23 shall report any criminal violation of this part act to the
24 proper prosecuting authority for prompt prosecution.

25 Section 19. Subsections (2) and (3) of section
26 481.229, Florida Statutes, are amended, and subsections (4),
27 (5), (6), and (7) are added to said section, to read:

28 481.229 Exceptions; exemptions from licensure --

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

1 of the architect or to prevent any person from acting as a
2 contractor in the execution of work designed by an architect.

3 (3) Notwithstanding the provisions of this part act or
4 of any other law, no registered engineer whose principal
5 practice is civil or structural engineering, or employee or
6 subordinate under the responsible supervision or control of
7 the engineer, is precluded from performing architectural
8 services which are purely incidental to his engineering
9 practice, nor is any registered architect, or employee or
10 subordinate under the responsible supervision or control of
11 such architect, precluded from performing engineering services
12 which are purely incidental to his architectural practice.
13 However, no engineer shall practice architecture or use the
14 designation "architect" or any term derived therefrom, and no
15 architect shall practice engineering or use the designation
16 "engineer" or any term derived therefrom.

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

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

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

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
9 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

1 license within the state for at least 1 year prior to the
2 effective date of this act may apply for and secure a license
3 from the department without taking the written examination or
4 meeting the qualifications for taking the examination,
5 provided such person applies for the license within 1 year
6 after the effective date of this act and has successfully
7 completed the examination administered by the National Council
8 for Interior Design Qualifications or has at least 6 years of
9 experience of practice as an interior designer. A person
10 shall be deemed to have used or been identified by the title
11 "interior designer" within the meaning and intent of this
12 section if, during the requisite 1-year period, such person
13 was, either on his own account or in the course of regular
14 employment, rendering or offering to render to another person
15 interior design services or was regularly engaged in the
16 teaching of interior design at a college, university, or
17 professional school with a program accredited by the
18 Foundation for Interior Design Education Research. Any
19 combination of the rendering of such services and teaching
20 during the 1-year period shall satisfy the requirements of
21 this section.

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

24 Section 23. Notwithstanding the provisions of the
25 Regulatory Sunset Act or of any other provision of law which
26 provides for review and repeal in accordance with s. 11.61,
27 Florida Statutes, and except as otherwise specifically
28 provided herein, part I of chapter 481, Florida Statutes,
29 shall not stand repealed on October 1, 1988, and shall
30 continue in full force and effect as amended herein.
31

1 Section 24. Part I of chapter 481, Florida Statutes,
2 is repealed on October 1, 1998, and shall be reviewed by the
3 Legislature pursuant to s. 11.61, Florida Statutes.

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

6 Section 26. This act shall take effect October 1,
7 1988.

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HOUSE SUMMARY

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.

By the Committees on Appropriations and 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 renewal for interior designers; amending s.
2 481.217, F.S., revising requirements for
3 license reactivation; amending s. 481.219,
4 F.S., providing certain requirements relating
5 to practice of architecture or use of the title
6 "interior design" by a corporation or
7 partnership; amending s. 481.221, F.S.,
8 providing for the use of a seal by licensees;
9 requiring the use of certificate numbers in
10 advertising; amending s. 481.223, F.S.,
11 providing a prohibition on the use of certain
12 terms; amending s. 481.225, F.S., modifying
13 grounds for disciplinary action against
14 architects; creating s. 481.2251, F.S.,
15 providing disciplinary violations and penalties
16 for interior designers; amending s. 481.227,
17 F.S., conforming language; amending s. 481.229,
18 F.S., providing exceptions and exemptions from
19 licensure; amending s. 481.231, F.S.,
20 clarifying local effect; providing for waiver
21 of examination requirements for interior
22 designer license under certain circumstances;
23 repealing s. 481.233, F.S., relating to the
24 registration of certain architects; saving part
25 I of chapter 481, F.S., from Sunset repeal;
26 providing for future review and repeal;
27 repealing s. 481.205(3), F.S., relating to the
28 interior design advisory body; providing an
29 appropriation; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Paragraph (c) of subsection (4) of section
2 20.30, Florida Statutes, is amended to read:

3 20.30 Department of Professional Regulation.--There is
4 created a Department of Professional Regulation.

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

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

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

12 481.201 Purpose.--The Legislature finds that improper
13 design and improper construction supervision by architects of
14 buildings primarily designed for human habitation or use
15 present a significant threat to the public. The Legislature
16 further finds that it is in the interest of the public to
17 limit the use of the terms "interior designer" and "registered
18 interior designer" to those persons having interior design
19 education and training as provided in this part.

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

23 481.203 Definitions.--As used in this part act:

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

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

29 (4) "Certificate of registration" means a license
30 issued by the department to a natural person to engage in the
31

1 practice of architecture or to use the title "registered
2 interior designer" or "interior designer".

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

7 (6) "Architecture" means the rendering or offering to
8 render services in connection with the design and construction
9 of a structure or group of structures which have as their
10 principal purpose human habitation or use, and the utilization
11 of space within and surrounding such structures. These
12 services include planning, providing preliminary study
13 designs, drawings and specifications, architectural
14 supervisory job-site inspection, and administration of
15 construction contracts.

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

27 (a) Such wall shall provide not less than 2 hours of
28 fire resistance. Plumbing, piping, ducts, or electrical or
29 other building services shall not be installed within or
30 through the 2-hour wall unless such materials and methods of
31

1 penetration have been tested in accordance with the Standard
2 Building Code.

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

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

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

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

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

24 481.205 Board of Architecture and Interior Design.--

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

1 design services for at least 5 years, and two members must be
2 lay persons who are not, and have never been, architects,
3 interior designers, or members of any closely related
4 profession or occupation. The initial interior designer
5 members must have been offering interior design services for
6 at least 5 years, be otherwise eligible to be registered, and
7 become registered within 1 year of the effective date of this
8 act. At least one member of the board must be 60 years of age
9 or older.

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

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

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

22 481.2055 Authority to make rules.--The board may adopt
23 such rules, not inconsistent with law, as may be necessary to
24 carry out the duties and authority conferred upon the board by
25 this part chapter and chapter 455 ~~as may be necessary to~~
26 ~~protect the health, safety, and welfare of the public.~~

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

29 481.207 Fees.--The board, by rule, may establish fees
30 to be paid for applications, examination, reexamination,
31 licensing and renewal, inactive status application and

1 reactivation of inactive licenses, reinstatement, and
2 recordmaking and recordkeeping. ~~The examination fee shall be~~
3 ~~in an amount which covers the cost of obtaining and~~
4 ~~administering the examination and shall be refunded if the~~
5 ~~applicant is found ineligible to sit for the examination.~~ ~~The~~
6 ~~application fee shall be nonrefundable.~~ ~~The fee for initial~~
7 ~~application and examination shall not exceed \$400.~~ ~~The~~
8 ~~biennial renewal fee shall not exceed \$200.~~ The board may
9 also establish, by rule, a late renewal penalty. The board
10 shall establish fees which are adequate to ensure the
11 continued operation of the board and to fund the proportionate
12 expenses incurred by the department which are allocated to the
13 regulation of architects and interior designers, respectively.
14 Fees shall be based on department estimates of the revenue
15 required to implement this part and the provisions of law with
16 respect to the regulation of architects and interior
17 designers.

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

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

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

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

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

9 (6) The fee for a certificate of authorization shall
30 not exceed \$100.

31

1 (7) The fee for an application for inactive status or
2 for reactivation of an inactive license shall not exceed \$50.

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

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

6 481.209 Examinations.--

7 (1) A person desiring to be licensed as a registered
8 architect or ~~architect-intern~~ shall apply to the department to
9 take the licensure examination. The department shall
10 administer the licensure examination to each applicant who the
11 board certifies for licensure.

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

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

19 (b)1. Has successfully completed all architectural
20 curriculum courses required by and is a graduate of a school
21 or college of architecture accredited by the National
22 Architectural Accreditation Board; or

23 2. Is a graduate of from an approved architectural
24 curriculum of 5 years or more, evidenced by a degree from an
25 unaccredited a school or college of architecture approved by
26 the board. The board shall adopt rules providing for the
27 review and approval of unaccredited schools and colleges of
28 architecture and courses of architectural study which meets
29 ~~standards of accreditation adopted by the board by rule~~ based
30 on a review and inspection by the board of the curriculum of
31 accredited schools and colleges of architecture in the United

1 States, including those schools and colleges accredited by the
2 National Architectural Accreditation Board; and:

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

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

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

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

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

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

24
25 All such education shall have been obtained in a program,
26 school, or college of interior design accredited by the
27 Foundation for Interior Design Education Research or in an
28 unaccredited program, school, or college of interior design
29 approved by the board. The board shall adopt rules providing
30 for the review and approval of unaccredited programs, schools,
31 and colleges of interior design and courses of interior design

1 study based on a review and inspection by the board of the
2 curriculum of accredited programs, schools, and colleges of
3 interior design in the United States, including those
4 programs, schools, and colleges accredited by the Foundation
5 for Interior Design Education Research. The board shall adopt
6 rules providing for the review and approval of diversified
7 interior design experience required by this subsection.

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

10 481.211 Internship required Experience.--

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

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

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

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

27 ~~Any person who was engaged in a program consisting of 7 years~~
28 ~~or more of diversified training in an office of registered~~
29 ~~practicing architects on July 1, 1969, and who notified the~~
30 ~~board of his training within 1 year after July 1, 1969, shall,~~
31 ~~if otherwise qualified, be permitted to take the examination~~

1 ~~required by s. 481.209 only if diversified training is~~
2 ~~completed before July 1, 1985.~~

3 Section 9. Section 481.213, Florida Statutes, is
4 amended to read:

5 481.213 Licensure.--

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

9 (2) The board shall certify for licensure by
10 examination any applicant who passes the prescribed licensure
11 examination and satisfies the requirements of ss. 481.209 and
12 481.211, for architects, or the requirements of s. 481.209,
13 for interior designers.

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

17 (a) Qualifies to take the prescribed licensure
18 examination, and has passed the prescribed licensure
19 examination or a substantially equivalent examination in
20 another jurisdiction, as set forth in s. 481.209 for
21 architects or interior designers, as applicable, +has-passed-a
22 national, regional, state, or United States territorial
23 licensing examination which is substantially equivalent to the
24 examination required by s. 481.209; and has satisfied the
25 internship experience requirements set forth in s. 481.211 for
26 architects;

27 (b) Holds a valid license to practice architecture, or
28 to use the title "interior designer," as applicable, issued by
29 another jurisdiction state or territory of the United States,
30 if the criteria for issuance of such license were
31

1 substantially equivalent to the licensure criteria which
2 existed in this state at the time the license was issued; or

3 (c) Has passed the prescribed licensure examination
4 and holds a valid certificate issued by the National Council
5 of Architectural Registration Boards pursuant to standards of
6 that council that are no less stringent than those in effect
7 on April 1, 1988, provided that if the applicant satisfied the
8 educational eligibility requirements for issuance of the
9 certificate after July 1, 1994, and the applicant holds a
10 degree in architecture, such degree shall be equivalent to
11 that required in s. 481.209. Has-engaged-in-the-practice-of
12 architecture-as-a-registered-architect-in-another-state-for
13 not-less-than-10-years;

14 ~~(4)--The-board-shall-certify-as-qualified-for-licensure~~
15 ~~any-applicant-corporation-or-partnership-which-satisfies-the~~
16 ~~requirements-of-sr-481-219.~~

17 (4)(5) The board may refuse to certify any applicant
18 who has violated any of the provisions of s. 481.223, s.
19 481.225, or s. 481.2251, as applicable.

20 (5)(6) The board may refuse to certify any applicant
21 who is under investigation in any jurisdiction another-state
22 for any act which would constitute a violation of this part
23 act or of chapter 455 until such time as the investigation is
24 complete and disciplinary proceedings have been terminated.

25 (6)(7) The board shall adopt rules to implement the
26 provisions of this part act relating to the examination,
27 internship, and licensure of applicants.

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

30 481.2131 Interior design practice requirements;
31 disclosure of compensation for professional services.--

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

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

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

24 481.215 Renewal of license.--

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

28 (5) No license renewal shall be issued to an interior
29 designer by the department until the licensee submits proof
30 satisfactory to the department that, during the 2 years prior
31 to his application for renewal, he has participated in not

1 ~~less than 20 hours per year of continuing education approved~~
2 ~~by the board. The board shall approve only continuing~~
3 ~~education that builds upon the basic knowledge of interior~~
4 ~~design. The board may make exception from the requirements of~~
5 ~~continuing education in emergency or hardship cases.~~

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

8 481.217 Inactive status.--

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

13 (a) The board may prescribe by rule continuing
14 education requirements as a condition of reactivating a
15 license. The continuing education requirements for
16 reactivating a license ~~for a registered architect~~ shall not
17 exceed 12 contact classroom hours for each year the license
18 was inactive. ~~The continuing education requirement for~~
19 ~~reactivating a license for a registered interior designer~~
20 shall not exceed 12 hours approved by the board for each year
21 the license was inactive. The board shall only approve
22 continuing education that builds upon the basic knowledge of
23 interior design.

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

1 (2) The board shall adopt promulgate rules relating to
2 application procedures for inactive status and for the
3 reactivation of inactive licenses ~~licenses-which-have-become~~
4 ~~inactive-and-for-the-renewal-of-inactive-licenses--The-board~~
5 ~~shall-prescribe-by-rule-a-fee-not-to-exceed-\$50-for-the~~
6 ~~reactivation-of-an-inactive-license-and-a-fee-not-to-exceed~~
7 ~~\$50-for-the-renewal-of-an-inactive-license.~~

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

10 (Substantial rewording of section. See
11 s. 481.219, F.S., for present text.)
12 481.219 Certification of partnerships and
13 corporations.--

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

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

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

1 However, an individual using such titles in his own name shall
2 not be required to be certified under this section.

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

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

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

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

26 (a) One or more of the principal officers of the
27 corporation or one or more partners of the partnership, and
28 all personnel of the corporation or partnership who act in its
29 behalf in this state as architects, are registered as provided
30 by this part; or

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

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

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

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

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

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

1 (13) Nothing in this section shall be construed to
2 mean that a certificate of registration to practice
3 architecture or use the title "interior designer" shall be
4 held by a corporation or partnership. Nothing in this section
5 prohibits corporations and partnerships from joining together
6 to offer architectural, engineering, interior design, land
7 surveying, and landscape architectural services, or any
8 combination of such services, to the public, provided that
9 each corporation or partnership otherwise meets the
10 requirements of law.

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

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

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

18 481.221 Seals; display of certificate number.--

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

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

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

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

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

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

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

1 adopted by him as his own work according to rules adopted by
2 the board.

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

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

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

24 (9) When the certificate of registration of a
25 registered architect or interior designer has been revoked or
26 suspended by the board, the registered architect or interior
27 designer shall surrender his seal to the secretary of the
28 board within a period of 30 days after the revocation or
29 suspension has become effective. If the certificate of the
30 registered architect or interior designer has been suspended
31

1 for a period of time, his seal shall be returned to him upon
2 expiration of the suspension period.

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

6 481.223 Prohibitions; penalties.--

7 (1) No person shall knowingly:

8 (a) Practice architecture unless the person is an
9 architect or a registered architect;

10 (b) Use the name or title "architect" or "registered
11 architect," or "interior designer" or "registered interior
12 designer," or words to that effect when the person is not then
13 the holder of a valid license issued pursuant to this part
14 act;

15 (c) Use or attempt to use an architect or interior
16 designer license which has been suspended, revoked, or placed
17 on inactive status;

18 (g) Conceal information relative to violations of this
19 part act.

20 (2) Any person who violates any provision of this
21 section is guilty of a misdemeanor of the first degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 Section 16. Subsection (1) of section 481.225, Florida
25 Statutes, is amended to read:

26 481.225 Disciplinary proceedings against registered
27 architects.--

28 (1) The following acts constitute grounds for which
29 the disciplinary actions in subsection (3) may be taken:

30 (a) Violating ~~Violation of~~ any provision of s.
31 481.221, s. 481.223, or s. 455.227(1) or any rule of the board

1 or department lawfully adopted pursuant to this part or
2 chapter 455;

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

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

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

18 ~~(e)--Violation-of-any-provision-of-sr-481-221;~~

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

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

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

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

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

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

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

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

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

17 (i)(e) Failing to perform any statutory or legal
18 obligation placed upon a registered architect.

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

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

27 481.2251 Disciplinary proceedings against registered
28 interior designers.--

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

- 1 (a) Attempting to obtain, obtaining, or renewing, by
2 brbery, by fraudulent misrepresentation, or through an error
3 of the board, a license to use the title "interior designer";
4 (b) Having a license to practice interior design; or a
5 license to use the title "interior designer," revoked,
6 suspended, or otherwise acted against, including the denial of
7 licensure, by the licensing authority of another jurisdiction
8 for any act which would constitute a violation of this part or
9 of chapter 455;
10 (c) Being convicted or found guilty, regardless of
11 adjudication, of a crime in any jurisdiction which directly
12 relates to the provision of interior design services or to the
13 ability to provide interior design services. A plea of nolo
14 contendere shall create a rebuttable presumption of guilt to
15 the underlying criminal charges. However, the board shall
16 allow the person being disciplined to present any evidence
17 relevant to the underlying charges and the circumstances
18 surrounding his plea;
19 (d) False, deceptive, or misleading advertising;
20 (e) Failing to report to the board any person who the
21 licensee knows is in violation of this part or the rules of
22 the board;
23 (f) Aiding, assisting, procuring, or advising any
24 unlicensed person to use the title "interior designer"
25 contrary to this part or to a rule of the board;
26 (g) Failing to perform any statutory or legal
27 obligation placed upon a registered interior designer;
28 (h) Making or filing a report which the licensee knows
29 to be false, intentionally or negligently failing to file a
30 report or record required by state or federal law, or
31 willfully impeding or obstructing such filing or inducing

1 another person to do so. Such reports or records shall
2 include only those which are signed in the capacity as a
3 registered interior designer;
4 (j) Making deceptive, untrue, or fraudulent
5 representations in the provision of interior design services;
6 (i) Accepting and performing professional
7 responsibilities which the licensee knows or has reason to
8 know that he is not competent or licensed to perform;
9 (k) Violating any provision of this part, any rule of
10 the board, or a lawful order of the board previously entered
11 in a disciplinary hearing;
12 (l) Conspiring with another licensee or with any other
13 person to commit an act, or committing an act, which would
14 tend to coerce, intimidate, or preclude another licensee from
15 lawfully advertising his services;
16 (m) Acceptance of compensation or any consideration by
17 an interior designer from someone other than the client
18 without full disclosure of the compensation or consideration
19 amount or value to the client prior to the engagement for
20 services, in violation of s. 481.2131(2); or
21 (n) Rendering or offering to render architectural
22 services.
23 (2) When the board finds any person guilty of any of
24 the grounds set forth in subsection (1), it may enter an order
25 taking the following action or imposing one or more of the
26 following penalties:
27 (a) Refusal to approve an application for licensure;
28 (b) Refusal to renew an existing license;
29 (c) Revocation or suspension of a license;
30 (d) Imposition of an administrative fine, not to
31 exceed \$1,000 for each violation or separate offense; or

1 (e) Issuance of a reprimand.

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

4 481.227 Prosecution of criminal violations.--The board
5 shall report any criminal violation of this part act to the
6 proper prosecuting authority for prompt prosecution.

7 Section 19. Subsections (2) and (3) of section
8 481.229, Florida Statutes, are amended, and subsections (4),
9 (5), (6), and (7) are added to said section, to read:

10 481.229 Exceptions; exemptions from licensure.--

11 (2) Nothing contained in this part act shall be
12 construed to prevent any employee of an architect from acting
13 in any capacity under the instruction, control, or supervision
14 of the architect or to prevent any person from acting as a
15 contractor in the execution of work designed by an architect.

16 (3) Notwithstanding the provisions of this part act or
17 of any other law, no registered engineer whose principal
18 practice is civil or structural engineering, or employee or
19 subordinate under the responsible supervision or control of
20 the engineer, is precluded from performing architectural
21 services which are purely incidental to his engineering
22 practice, nor is any registered architect, or employee or
23 subordinate under the responsible supervision or control of
24 such architect, precluded from performing engineering services
25 which are purely incidental to his architectural practice.
26 However, no engineer shall practice architecture or use the
27 designation "architect" or any term derived therefrom, and no
28 architect shall practice engineering or use the designation
29 "engineer" or any term derived therefrom.

30 (4) Nothing contained in this part shall prevent a
31 registered architect or a partnership or corporation holding a

1 valid certificate of authorization to provide architectural
2 services from performing any interior design service or from
3 using the title "interior designer" or "registered interior
4 designer."

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

12 (6) Nothing in this part shall be construed as
13 authorizing or permitting an interior designer to engage in
14 the business of, or to act as, a contractor within the meaning
15 of chapter 489, unless registered or certified as a contractor
16 pursuant to chapter 489.

17 (7) Nothing contained in this act shall prevent any
18 person from rendering interior design services, provided that
19 such person shall not be permitted to use or be identified by
20 the title "interior designer," unless licensed in accordance
21 with this part.

22 Section 20. Section 481.231, Florida Statutes, is
23 amended to read:

24 481.231 Effect of ss. 481.201-481.233 locally.--

25 (1) Nothing contained in this part act shall be
26 construed to repeal, amend, limit, or otherwise affect any
27 specific provision of any local building code or zoning law or
28 ordinance that has been duly adopted, now or hereafter
29 enacted, which is more restrictive, with respect to the
30 services of registered architects or registered interior
31 designers, than the provisions of this part act.

1 (2) Counties or municipalities which issue building
2 permits shall not issue permits if it is apparent from the
3 application for the building permit that the provisions of
4 this ~~part act~~ have been ~~violated, provided,~~ however, ~~that~~
5 this subsection shall not authorize the withholding of
6 building permits in any cases involving the exceptions and
7 exemptions set out in s. 481.229 within-the-exempt-classes-set
8 forth-in-this-act.

9 Section 21. Licensure without examination.--

10 (1) Any person who applies for licensure as a
11 registered interior designer and remits the application and
12 initial licensure fees within 1 year after the effective date
13 of this act shall be licensed by the department without taking
14 the written examination or otherwise meeting the
15 qualifications of s. 481.209(2), provided that the applicant,

16 (a)1. For at least 1 year prior to the effective date
17 of this act, has used or been identified by the title
18 "interior designer" and has maintained a municipal or county
19 occupational license as an interior designer within this
20 state, unless such a license is not required for regular
21 employment as an interior designer or for teaching interior
22 design as provided in this section; and

23 2. Has passed the examination administered by the
24 National Council for interior Design Qualifications; or

25 (b)1. Has used or been identified by the title
26 "interior designer" and has at least 6 years of interior
27 design experience as a principal of a firm offering interior
28 design services; and

29 2. Has passed the examination administered by the
30 National Council for Interior Design Qualifications.

31

1 (2) Any person who is currently enrolled in an
2 existing 2-year interior design program at a public community
3 college within this state, applies for licensure as a
4 registered interior designer, and remits the application and
5 initial licensure fees prior to October 1, 1990, shall be
6 licensed by the department without taking the written
7 examination or otherwise meeting qualifications of s.
8 481.209(2), provided that the applicant graduates from such
9 program by October 1, 1990.

10 (3) A person shall be deemed to have used or been
11 identified by the title "interior designer" within the meaning
12 of this section if such person was, either on his own account
13 or in the course of regular employment, rendering or offering
14 to render to another person interior design services or was
15 regularly engaged in the teaching of interior design at a
16 college, university, or professional school with a program
17 accredited by the Foundation for Interior Design Research or
18 approved by the board.

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

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

28 Section 24. Part I of chapter 481, Florida Statutes,
29 is repealed on October 1, 1998, and shall be reviewed by the
30 Legislature pursuant to s. 11.61, Florida Statutes.

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

3 Section 26. There is hereby appropriated from the
4 Professional Regulation Trust Fund to the Department of
5 Professional Regulation for fiscal year 1988-1989 the sum of
6 \$169,829 and four career service positions to implement the
7 provisions of this act.

8 Section 27. This act shall take effect October 1,
9 1988.

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11
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13 This publication was produced at an average cost of 1.12 cents
14 per single page in compliance with the Rules and for
15 the information of members of the Legislature and the public.

By Representatives Kelly, Dunbar

1 A bill to be entitled

2 An act relating to interior design; creating
3 the "Interior Designers Licensing Act";
4 providing legislative findings; providing
5 definitions; providing powers and duties of the
6 Department of Professional Regulation;
7 providing for disposition of fees; providing
8 for examination and eligibility; providing for
9 the contents of the examination and
10 administration; providing for licensure without
11 examination; providing for license issuance and
12 renewal; providing for continuing education;
13 providing for inactive status licenses;
14 providing for disclosure of compensation for
15 professional services; providing for grounds
6 for disciplinary actions and for actions by the
17 department; providing for a license and seal;
18 authorizing the practice of interior design by
19 firms and corporations; providing injunctive
20 relief; providing for fees; creating an
21 advisory committee; providing penalties;
22 providing exemptions; providing exceptions;
23 providing for review and repeal; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida;

27
28 Section 1. Short title.--This act may be cited as the
29 "Interior Designers Licensing Act "

30 Section 2. Legislative findings.--The Legislature
31 finds that the practice of interior design by unskilled and

1 incompetent practitioners presents a significant danger to the
2 public health, safety, and welfare. The Legislature finds
3 further that it is difficult for the public to make an
4 informed choice about interior designers and that the
5 consequences of a wrong choice could endanger their welfare.
6 The Legislature recognizes that there is a public need for
7 independent and objective interior designers and that it is
8 necessary to regulate the practice of interior design to
9 assure the minimum competence of interior designers and to
10 protect the public from dishonest practitioners and,
11 therefore, deems it necessary in the interest of public
12 welfare to regulate the practice of interior design in this
13 state by prohibiting the use of the title "interior designer"
14 by persons not licensed. The Legislature further finds that
15 it is necessary to prohibit the use of the title "interior
16 designer" by persons not licensed, so as to ensure the minimum
17 competence of those holding themselves out to be interior
18 designers in order to protect the public from potential
19 economic loss. It is the intent of the Legislature that this
20 act not apply to any person, not licensed under the act, who
21 holds himself out as an "interior decorator" or who offers
22 "interior decorator services" which include the selection or
23 assistance in selection of surface materials, window
24 treatments, wallcovering, paint, floor coverings, surface
25 mounted lights, or loose furnishings not included in an
26 environment regulated by state, county, or municipal building
27 codes where those materials or furnishings are subject to code
28 enforcement.

29 Section 3. Definitions.--As used in this act, the
30 term:

1 (1) "Department" means the Department of Professional
2 Regulation.

3 (2) "Interior designer" means a person who is engaged
4 in, or offers to engage in, the practice of interior design in
5 this state, and who has been duly licensed by the department
6 in accordance with the provisions of this act.

7 (3) "Interior design" means the performance of, or
8 offer to perform, services which include consultations,
9 studies, drawings, specifications in connection with space
10 utilization, furnishings, or fabrication of non-structural
11 elements within the surrounding interior spaces of buildings.
12 Any interior design drawing shall contain a statement thereon
13 that the drawing is not to be used for construction of load-
14 bearing columns, framing, or walls of structures. No interior
15 designer shall render or offer to render any services which
16 currently require the services of an architect licensed under
17 chapter 481, Florida Statutes.

18 Section 4. Powers and duties of the department.--The
19 department is empowered and authorized to administer and
20 enforce the provisions of this act. The department may adopt
21 such rules as are necessary to carry out the purposes of this
22 act and may initiate disciplinary action as provided by this
23 act, and shall establish fees based on its estimates of the
24 revenue required to administer this act, which fees shall not
25 exceed the amounts provided in this act.

26 Section 5. Disposition of fees.--All fees received
27 under this act shall be deposited into the Professional
28 Regulation Trust Fund. The Legislature shall appropriate
29 funds from this trust fund sufficient to carry out the
30 provisions of this act. The department shall prepare and
31

1 submit a proposed budget for administration of the provisions
2 of this act in accordance with law.

3 Section 6. Additional powers and duties of the
4 department.--The department may administer oaths, summon
5 witnesses, and take testimony in all matters relating to its
6 duties pursuant to this act. Further, the department has all
7 powers and duties given to it or imposed upon it under ss.
8 455.20-455.244, Florida Statutes, in the administration and
9 enforcement of this act.

10 Section 7. Examination; eligibility.--Except as
11 otherwise provided in this act, each applicant for licensure
12 shall successfully complete an examination prior to being
13 issued a license. Each applicant for licensure shall apply to
14 the department, on forms and in the manner prescribed by it,
15 for admittance to the licensure examination. To qualify for
16 the examination, an applicant shall submit satisfactory
17 evidence of meeting one of the following criteria:

18 (1) Completion of a 5-year degree in interior design,
19 plus 1 year of practical professional experience;

20 (2) Completion of a 4-year degree in interior design,
21 plus 2 years of practical professional experience;

22 (3) Completion of a 3-year degree in interior design,
23 plus 3 years of practical professional experience;

24 (4) Completion of a 2-year degree in interior design,
25 plus 4 years of practical professional experience;

26 (5) Completion of 1 year of interior design education,
27 plus 5 years of practical professional experience; or

28 (6) A high school diploma, plus 6 years of practical
29 professional experience.

30
31

1 Equivalent educational credits may be substituted for any of
2 the above six categories.

3 Section 8. Contents of examination; administration.--

4 All examinations given pursuant to this act shall be conducted
5 by the department or its duly authorized representative at
6 such times and places as may be determined by the department,
7 but no fewer than two examinations shall be held in each year.
8 Except as otherwise provided in this act, each applicant for
9 licensure shall pass the examination prior to being issued a
10 license. The examination shall cover such subjects and be
11 graded on such basis as the department shall establish by
12 rule. The department may adopt substantially all or part of
13 the examination and recommended grading procedures of the
14 National Council for Interior Design Qualifications.

15 Section 9. Licensure without examination.--

16 (1) Any person who has used or has been identified by
17 the title of "interior designer" and maintained a municipal or
18 county occupational license within the State of Florida for at
19 least one year prior to the effective date of this act may
20 apply for and secure a license from the department without
21 taking the written examination or meeting the qualifications
22 for taking the examination, provided such person applies for
23 the license within one year after the effective date of this
24 act. A person shall be deemed to have used or been identified
25 by the title "interior designer" within the meaning and intent
26 of this section if during the requisite one-year period such
27 person was, either on his own account or in the course of
28 regular employment, rendering or offering to render to another
29 person interior design services or was regularly engaged in
30 the teaching of interior design at an accredited college,
31 university, or professional school with a program recognized

1 by the department and leading to a degree related to interior
2 design. Any combination of the rendering of such services and
3 teaching during the one-year period shall satisfy the
4 requirements of this section.

5 (2) When an application for licensure has not been
6 filed within the requisite one-year period, as specified in
7 subsection (1), the department may, in lieu of an examination,
8 accept satisfactory evidence of licensure in another state or
9 country where the qualifications, in the opinion of the
10 department, are as of the date of application in this state at
11 least equivalent to those required by this act, and where the
12 applicant is a licensee in good standing. Upon receipt of
13 such satisfactory evidence, a license may be issued to such
14 applicant.

15 Section 10. Issuance of license; renewal.--

16 (1) Except as otherwise provided in this act, a
17 license shall be issued to any person who presents
18 satisfactory evidence of possessing the qualifications as to
19 education, experience, and examination performance required by
20 this act and by the rules of the department, provided that
21 such applicant pays the required fee and furnishes proof that
22 the applicant is at least 18 years of age.

23 (2) The department shall prescribe by rule a method
24 for the biennial renewal of licenses.

25 (3) Any license which is not renewed at the end of the
26 biennium prescribed by the department shall automatically
27 revert to inactive status. Such license may be reactivated
28 only if the license meets the other qualifications for
29 reactivation as provided in section 11 of this act.

30 (4) Sixty days prior to the end of the biennium and
31 automatic reversion of a license to inactive status, the

1 department shall mail a notice of renewal and possible
2 reversion to the last known address of the licensee.

3 Section 11. Continuing education.--

4 (1) No license renewal shall be issued by the
5 department until the licensee submits proof satisfactory to
6 the department that during the two years prior to his
7 application for renewal he has participated in not more than
8 20 hours per year of continuing education, as determined by
9 the department in courses approved by the department.

10 (2) The department shall approve only those courses
11 that build upon the basic courses required for the practice of
12 interior design.

13 (3) The department may make exception to the
14 requirements of this section in emergency or hardship cases.

15 (4) The department may adopt rules within the
16 requirements of this section that are necessary for its
17 implementation.

18 Section 12. Inactive status.--

19 (1) A license which has become inactive may be
20 reactivated pursuant to section 10 of this act upon
21 application to the department. The department shall by rule
22 determine the length of time, not less than 2 nor more than 4
23 years, within which an inactive status license shall
24 automatically expire unless it has been reactivated. Once a
25 license has expired, it shall become null and void without any
26 further action by the department. One year prior to
27 expiration, the department shall give notice to the licensee
28 of impending expiration.

9 (2) The department shall promulgate rules relating to
0 the reactivation of inactive licenses and shall prescribe by
31

1 rule or fee not to exceed \$50 for the reactivation of inactive
2 licenses.

3 Section 13. Disclosure of compensation for
4 professional services.--An interior designer shall, before
5 entering into a verbal or written contract, clearly determine
6 the scope and nature of the project and the method or methods
7 of compensation. The interior designer may offer professional
8 services to the client as a consultant, specifier, and/or
9 supplier on the basis of a fee, percentage, or mark-up. The
10 interior designer shall have the responsibility of fully
11 disclosing to the client the manner in which all compensation
12 is to be paid. Unless the client knows and agrees, the
13 interior designer is forbidden, under this code, to accept any
14 form of compensation from a supplier of goods and services in
15 cash or in kind.

16 Section 14. Grounds for disciplinary actions; action
17 by the department.--

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

21 (a) Attempting to obtain, or obtaining or renewing, by
22 bribery, by fraudulent misrepresentation, or through an error
23 of the department, a license to practice interior design.

24 (b) Having a license to practice interior design, or a
25 license to use the title "interior designer," revoked,
26 suspended, or otherwise acted against, including the denial of
27 licensure, by the licensing authority of another state,
28 territory, or country.

29 (c) Being convicted or found guilty of, regardless of
30 adjudication, a crime in any jurisdiction which directly
31 relates to the practice of interior design or to the ability

- 1 to practice interior design. Any plea of nolo contendere
2 shall be considered a conviction for purposes of this act.
- 3 (d) False, deceptive, or misleading advertising.
- 4 (e) Advertising, practicing, or attempting to practice
5 under a name other than one's own.
- 6 (f) Failing to report to the department any person the
7 licensee knows is in violation of this act or the rules of the
8 department.
- 9 (g) Aiding, assisting, procuring, or advising any
10 unlicensed person to use the title "interior designer"
11 contrary to this act or to a rule of the department.
- 12 (h) Failing to perform any statutory or legal
13 obligation placed upon a licensed interior designer.
- 14 (i) Making or filing a report which the licensee knows
15 to be false, intentionally or negligently failing to file a
16 report or record required by state or federal law, or
17 willfully impeding or obstructing such filing or inducing
18 another person to do so. Such reports or records shall
19 include only those which are signed in the capacity as a
20 licensed interior designer.
- 21 (j) Making deceptive, untrue, or fraudulent
22 representations in the practice of interior design or
23 employing a trick or scheme in the practice of interior
24 design.
- 25 (k) Practicing or offering to practice beyond the
26 scope permitted by law or accepting and performing
27 professional responsibilities which the licensee knows or has
28 reason to know he is not competent to perform.
- 29 (l) Violating any provision of this act, any rule of
30 the department, or a lawful order of the department previously
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1 entered in a disciplinary hearing, or failing to comply with a
2 lawfully issued subpoena of the department.

3 (m) Conspiring with another licensee or with any other
4 person to commit an act, or committing an act, which would
5 tend to coerce, intimidate, or preclude another licensee from
6 lawfully advertising his services or representing himself as
7 an interior designer prior to the time of issuance of a
8 license to him, except as authorized by this act.

9 (n) Aiding and abetting any person not licensed
10 pursuant to this act in the violation of any provision of this
11 act or rule of the department.

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

16 (a) Refusal to approve an application for licensure.
17 (b) Refusal to renew an existing license.
18 (c) Revocation or suspension of a license.
19 (d) Imposition of an administrative fine not to exceed
20 \$1,000 for each violation or separate offense.

21 (e) Issuance of a reprimand.

22 Section 15. License, seal.--

23 (1) An applicant for licensure who complies with all
24 requirements established therefor, including passing the
25 examination unless otherwise exempted, shall be issued a
26 license by the department. The department shall prescribe, by
27 rule, a form of seal to be used by licensed interior designers
28 holding valid certificates of licensure. Each licensed
29 interior designer shall obtain an impression-type metal seal,
30 and all plans, specifications, or reports prepared or issued
31 by the licensed interior designer and being filed for public

1 records shall be signed by the licensed interior designer,
2 dated, and stamped with his seal. The signature, date, and
3 seal shall be evidence of the authenticity of that to which
4 they are affixed.

5 (2) When the certificate of licensure of a licensed
6 interior designer has been revoked or suspended by the board,
7 the licensed interior designer shall surrender his seal to the
8 secretary of the department within a period of 30 days after
9 the revocation or suspension has become effective. In the
10 event the certificate of the licensed interior designer has
11 been suspended for a period of time, his seal shall be
12 returned to him upon expiration of the suspension period.

13 (3) No licensed interior designer shall affix, or
14 permit to be affixed, his seal or name to any study, drawing,
15 or specification or other document which depicts work which he
16 is not competent to perform.

17 (4) No licensed interior designer shall affix his
18 signature or seal to any study, drawing, or specification
19 which was not prepared by him or under his responsible
20 supervising control or by another licensed interior designer
21 and reviewed, approved, or modified and adopted by him as his
22 own work with full responsibility as a licensed interior
23 designer for such documents.

24 (5) Studies, drawings, specifications and other
25 related documents prepared by a licensed interior designer as
26 part of his interior design practice shall be of a
27 sufficiently high standard to assure the users thereof against
28 misunderstanding of the requirements intended to be
29 illustrated or described by them. To be of the required
30 standard, such documents should clearly and accurately
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1 indicate the design of the nonstructural elements and of all
2 other essential parts of the work to which they refer.

3 (6) Notwithstanding any other provision of law, if a
4 building permit is required for any study, drawing, or
5 specification in connection with space utilization,
6 furnishing, or fabrication of nonstructural elements within
7 and surrounding the interior spaces of a building authorized
8 to be prepared pursuant to this act, then any such study,
9 drawing, or specification which bears the seal of an interior
10 designer licensed pursuant to this act shall be acceptable for
11 issuance of the permit and shall not be rejected solely on the
12 basis that the study, drawing, or specification was prepared
13 and sealed by a licensed interior designer.

14 Section 16. Practice by firms, corporations, etc.--

15 (1) Nothing in this act shall prevent an interior
16 designer licensed pursuant to the provisions of this act from
17 associating with one or more interior designers, architects,
18 professional engineers, landscape architects, surveyors, or
19 other persons in a partnership, joint venture, or corporation.

20 (2) A firm shall be permitted to use in its title the
21 term "interior designer" and to be so identified on any sign,
22 card, stationery, device, or other means of identification if
23 at least one partner, director, or officer of such firm is
24 licensed as an interior designer in this state. A firm shall
25 not be required to include the names of all partners,
26 directors, or officers in its title.

27 (3) The department shall require any firm identified
28 by the term "interior designer" to file with it the name,
29 address, and other pertinent information of each director and
30 each officer, if a corporation, or of each partner, if a
31 partnership or joint venture.

1 Section 17. Injunction --The department is authorized
2 to apply to any court of competent jurisdiction for an order
3 enjoining or restraining the continuance of any alleged
4 unlawful act under this act. The court shall grant such
5 injunction or restraining order or such other temporary or
6 permanent relief as it deems just and proper. In such
7 proceeding, it shall be unnecessary to allege or prove an
8 inadequate remedy at law, that irreparable damage would result
9 if such order were not granted, or that administrative
10 remedies have been exhausted. This remedy shall be in
11 addition to any other remedy provided by law.

12 Section 18. Fees--The department shall establish fees
13 as follows:

14 (1) For examination, re-examination, or licensure in
15 lieu of examination, the fee shall not exceed \$350.

16 (2) For each timely annual renewal, the fee shall not
17 exceed \$100.

18 (3) For issuance of an original or duplicate license
19 certificate, the fee shall not exceed \$25.

20 Section 19. Advisory committee--The department shall
21 appoint an advisory committee composed of five members. Three
22 members shall each have been in active practice or engaged in
23 the teaching of interior design for a combined total of not
24 less than 15 years, one member shall be an architect licensed
25 by the state, with at least 10 years experience in the
26 practice or the teaching of architecture, and one member shall
27 be a member of the public. The department shall give great
28 weight and consideration to the advice given by the advisory
29 committee.

30 Section 20. Penalties --Any person not holding a valid
31 license under this act who uses or is identified by the title

1 or designation "interior designer" is guilty of a misdemeanor
2 of the first degree, punishable as provided in s. 775.082, s.
3 775.083 or s. 775.084, Florida Statutes.

4 Section 21. Exemptions.--

5 (1) Nothing contained in this act shall be interpreted
6 to prohibit any architect licensed by the state under chapter
7 481, Florida Statutes, from practicing interior design or
8 using the title "interior designer."

9 (2) Nothing contained in this act shall prevent any
10 person from rendering any of the services which constitute the
11 practice of interior design, provided that such person shall
12 not be permitted to use or be identified by the title
13 "interior designer," unless licensed in accordance with this
14 act.

15 (3) This act does not apply to any person, not
16 licensed under the act, who holds himself out as an "interior
17 decorator" or who offers "interior decorator services" which
18 include the selection or assistance in selection of surface
19 materials, window treatments, wall coverings, paints, floor
20 coverings, surface mounted lights, or loose furnishings not
21 included in an environment regulated by state, county, or
22 municipal building codes where those materials or furnishings
23 are subject to code enforcement.

24 Section 22. Exceptions.--No person licensed as an
25 interior designer under this act shall be required to obtain a
26 license under chapter 489, Florida Statutes, in order to
27 practice interior design. Nothing in this act shall be
28 construed as authorizing or permitting an interior designer to
29 engage in the business of, or to act as, a contractor within
30 the meaning of chapter 489, Florida Statutes, unless duly
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1 registered or certified as a contractor pursuant to that
2 chapter.

3 Section 23. Section 19 is repealed on October 1, 1997,
4 and the advisory committee created therein shall be reviewed
5 by the Legislature pursuant to s. 11.611.

6 Section 24. Sections 1 through 22 of this act are
7 repealed on October 1, 1997, and shall be reviewed by the
8 Legislature pursuant to s. 11.61.

9 Section 25. This act shall take effect October 1,
10 1988; however, the department shall not seek an injunction
11 pursuant to section 17 of this act, nor shall criminal
12 penalties be sought under section 20 of this act for any
13 violation of this act occurring before March 1, 1989.

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15 *****

6 HOUSE SUMMARY

17 Creates the "Interior Designers Licensing Act" to
18 regulate the practice of interior design by the
Department of Professional Regulation.

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

the Committee on Economic, Community & Consumer Affairs

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:

1 (4) "Architect" means a person who is engaged in the
2 practice of architecture, as defined in this section.

3 (5) "Architect intern" means a person who is
4 registered with the department and is enrolled in or a
5 graduate of a degree program in architecture approved by the
6 board.

7 Section 2. Section 481.209, Florida Statutes, is
8 amended to read:

9 481.209 Examinations.--

10 (1) A person desiring to be licensed as a registered
11 architect ~~or architect-intern~~ shall apply to the department
12 for licensure.

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

16 (a) Has completed at least 1 year of preexamination
17 internship experience that is approved by the board is-honest
18 and-trustworthy; and

19 (b) Is a graduate from an approved school or college
20 of architecture approved by the board, as architectural
21 curriculum-of-5-years-or-more; evidenced by a degree from a
22 school or college of architecture whose course of study meets
23 the rules of the board which-meets-standards-of-accreditation
24 adopted-by-the-board-by-rule-based-on-a-review-and-inspection
25 by-the-board-of-the-curriculum-of-accredited-schools-and
26 colleges-of-architecture-in-the-United-States; including-those
27 schools-and-colleges-accredited-by-the-National-Architectural
28 Accreditation-Board. The board shall adopt rules providing
29 for the review and approval of schools and colleges of
30 architecture and courses of architectural study. The board
31 may accept and utilize standards adopted by a nationally

1 accepted accreditation organization for schools and colleges
2 of architecture and courses of architectural study.

3 Section 3. Section 481.211, Florida Statutes, is
4 amended to read:

5 481.211 Internship required Experience.--

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

14 (a) Three years for an applicant holding a board-
15 approved first professional degree in architecture the degree
16 of Bachelor of Architecture; or

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

19 (2) One year of preexamination internship experience
20 required in s. 481.209 shall be included in and count towards
21 the internship period required by this section. Any person
22 who was engaged in a program consisting of 7 years or more of
23 diversified training in an office of registered practicing
24 architects on July 17, 1969, and who notified the board of his
25 training within 1 year after July 17, 1969, shall, if otherwise
26 qualified, be permitted to take the examination required by s.
27 481.209 only if diversified training is completed before July
28 17, 1985.

29 Section 4. Section 481.213, Florida Statutes, is
30 amended to read:

31 481.213 Licensure.--

1 (1) The department shall license any applicant who the
2 board certifies is qualified for licensure.

3 (2) The board shall certify for licensure any
4 applicant who successfully passes the prescribed licensure
5 examination and satisfies the requirements of ss. 481.209 and
6 481.211.

7 (3) The board shall certify as qualified for a license
8 by endorsement an applicant who:

9 (a) Qualifies to take the prescribed licensure
10 examination, and has passed the prescribed licensure
11 examination in another jurisdiction, as set forth in s.
12 ~~481.209; has passed a national, regional, state, or United~~
13 ~~States territorial licensing examination which is~~
14 ~~substantially equivalent to the examination required by s.~~
15 ~~481.209;~~ and has satisfied the internship experience
16 requirements set forth in s. 481.211;

17 (b) Holds a valid license to practice architecture
18 issued by another jurisdiction state or territory of the
19 United States, if the criteria for issuance of such license
20 were substantially equivalent to the licensure criteria which
21 existed in this state at the time the license was issued; or

22 (c) Has passed the prescribed licensure examination
23 and holds a certificate issued by the National Council of
24 Architectural Registration Boards. ~~Has engaged in the~~
25 ~~practice of architecture as a registered architect in another~~
26 ~~state for not less than 10 years;~~

27 (4) The board shall certify as qualified for licensure
28 any applicant corporation or partnership which satisfies the
29 requirements of s. 481.219.
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1 (5) The board may refuse to certify any applicant who
2 has violated any of the provisions of s. 481.223 or s.
3 481.225.

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

9 (7) The board shall adopt rules to implement the
10 provisions of this act relating to the examination,
11 internship, and licensure of applicants.

12 Section 5. Section 481.217, Florida Statutes, is
13 amended to read:

14 481.217 Inactive status.--

15 (1) A license which has become inactive may be
16 reactivated pursuant to s. 481.215 upon application to the
17 department. The board may prescribe by rule continuing
18 education requirements as a condition of reactivating a
19 license. The continuing education requirements for
20 reactivating a license shall not exceed 12 contact classroom
21 hours for each year the license was inactive. Any such
22 license which has been inactive for more than 4 years shall
23 automatically expire if the licensee has not made application
24 for reactivation renewal of such license. Once a license
25 expires, it becomes null and void without any further action
26 by the board or department. One year prior to expiration of
27 the license, the department shall give notice to the licensee.

28 (2) The board shall promulgate rules relating to
29 licenses which have become inactive and for the reactivation
30 renewal of inactive licenses. The board shall prescribe by
31 rule a fee not to exceed \$50 for the reactivation of an

1 ~~inactive license and a fee not to exceed \$50 for the renewal~~
2 ~~of an inactive license.~~

3 Section 6. Subsections (1) and (4) of section 481.219,
4 Florida Statutes, are amended to read:

5 481.219 Certification of partnerships and
6 corporations.--

7 (1) The practice of or the offer to practice
8 architecture by licensees through a corporation or partnership
9 offering architectural services to the public, or by a
10 corporation or partnership offering architectural services to
11 the public through licensees under this act as agents,
12 employees, officers, or partners, is permitted, subject to the
13 provisions of this act, provided that:

14 (a) ~~One or more of the principal officers of the~~
15 ~~corporation or one or more partners of the partnership and~~ All
16 personnel of the corporation or partnership who act in its
17 behalf as architects in this state are registered as provided
18 by this act; and

19 (b) The corporation or partnership has been issued a
20 certificate of authorization by the department as provided in
21 s. 481.213.

22 (4) No corporation or partnership shall be relieved of
23 responsibility for the conduct or acts of its agents,
24 employees, or officers by reason of its compliance with this
25 section, nor shall any individual practicing architecture,
26 ~~engineering, or land surveying~~ be relieved of responsibility
27 for professional services performed by reason of his
28 employment or relationship with a corporation or partnership.

29 Section 7. Subsection (6) is added to section 481.221,
30 Florida Statutes, to read:

31 481.221 Seals.--

1 (6) Each registered architect, and each corporation or
2 partnership holding a certificate of authorization, shall
3 include its license number in any newspaper, telephone
4 directory, or other advertising medium used by the registered
5 architect, corporation, or partnership. A corporation or
6 partnership is not required to display the license number of
7 individual registered architects employed by or practicing
8 with the corporation or partnership.

9 Section 8. Subsection (1) of section 481.225, Florida
10 Statutes, is amended to read:

11 481.225 Disciplinary proceedings.--

12 (1) The following acts constitute grounds for which
13 the disciplinary actions in subsection (3) may be taken:

14 (a) Violation of any provision of s. 481.223 or s.
15 455.227(1);

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

18 (c) Having a license to practice architecture revoked,
19 suspended, or otherwise acted against, including the denial of
20 licensure, by the licensing authority of another state,
21 territory, or country;

22 (d) Being convicted or found guilty, regardless of
23 adjudication, of a crime in any jurisdiction which directly
24 relates to the practice of architecture or the ability to
25 practice architecture;

26 (e) Violation of any provision of s. 481.221;

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

30 (g) Making or filing a report or record which the
31 licensee knows to be false, willfully failing to file a report

1 or record required by state or federal law, willfully impeding
2 or obstructing such filing, or inducing another person to
3 impede or obstruct such filing. Such reports or records shall
4 include only those which are prepared ~~signed~~ in the capacity
5 of a registered architect;

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

9 (i) Upon proof that the licensee is guilty of fraud or
10 deceit, or of negligence, incompetency, or misconduct, in the
11 practice of architecture;

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

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

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

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

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

25 (o) Failing to perform any statutory or legal
26 obligation placed upon a registered architect; ~~or~~

27 (p) Attempting to influence or overrule the
28 professional judgment of an architect by an act that, if
29 carried out, would constitute negligence contrary to the
30 exercise of professional judgment in accordance with
31

1 professionally accepted standards of practice or would
2 threaten the public health, safety, or welfare.

3 Section 9. Section 481.233, Florida Statutes, is
4 hereby repealed.

5 Section 10. Notwithstanding the provisions of chapters
6 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201,
7 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211,
8 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225,
9 481.227, 481.229, and 481.231, Florida Statutes, shall not
10 stand repealed on October 1, 1988, as scheduled by such laws,
11 but said sections, as amended, are hereby revived and
12 readopted.

13 Section 11. Sections 481.201, 481.203, 481.205,
14 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215,
15 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229,
16 and 481.231, Florida Statutes, are repealed effective October
17 1, 1998, and shall be reviewed by the Legislature prior to
18 that date pursuant to section 11.61, Florida Statutes.

19 Section 12. This act shall take effect October 1,
20 1988.

SENATE SUMMARY

Pursuant to Sunset review, continues the provisions of part I, ch. 481, F.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.

By the Committee on Economic, Community and Consumer Affairs

This publication was produced at an average cost of 1.5 cents per page for the information of members of the legislature and the public.

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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.

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

2

3 Section 1. Present subsections (3) and (6) of section
4 481.203, Florida Statutes, are amended, and new subsection (8)
5 is added to said section to read:

6 481.203 Definitions.--As used in this act:

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

10 (6) "Architecture" means the rendering or offering to
11 render services in connection with the design and construction
12 of a structure or group of structures which have as their
13 principal purpose human habitation or use, and the utilization
14 of space within and surrounding such structures. These
15 services include planning, providing preliminary study
16 designs, drawings and specifications, ~~architectural~~
17 ~~supervision~~, job-site inspection, and administration of
18 construction contracts.

19 (8) "Architect intern" means a person who is
20 registered with the department and is enrolled in or a
21 graduate of a degree program in architecture approved by the
22 board.

23 Section 2. Section 481.209, Florida Statutes, is
24 amended to read:

25 481.209 Examinations.--

26 (1) A person desiring to be licensed as a registered
27 architect or ~~architect-intern~~ shall apply to the department
28 for licensure.

29 (2) The department shall license any applicant who the
30 board certifies is qualified to practice architecture and who
31 has passed the licensing examination.

1 ~~(3)+2)~~ An applicant shall be entitled to take the
 2 licensure examination to practice in this state as a
 3 registered architect if the applicant:

4 (a) Has completed at least 1 year of preexamination
 5 internship experience that is approved by the board which
 6 shall be included in and count toward the internship
 7 requirements contained in s. 481.211 is honest and
 8 trustworthy; and

9 (b) Is a graduate from an approved school or college
 10 of architecture approved by the board, as architectural
 11 curriculum-of-5-years-or-more, evidenced by a degree from a
 12 school or college of architecture whose course of study meets
 13 the rules of the board which-meets-standards-of-accreditation
 14 adopted-by-the-board-by-rule-based-on-a-review-and-inspection
 15 by-the-board-of-the-curriculum-of-accredited-schools-and
 16 colleges-of-architecture-in-the-United-States,--including-those
 17 schools-and-colleges-accredited-by-the-National-Architectural
 18 Accreditation-Board. The board shall adopt rules providing
 19 for the review and approval of schools and colleges of
 20 architecture and courses of architectural study. The board
 21 may accept and utilize standards adopted by a nationally
 22 accepted accreditation organization for schools and colleges
 23 of architecture and courses of architectural study.

24 Section 3. Section 481.211, Florida Statutes, is
 25 amended to read:

26 481.211 Internship required Experience.--

27 (1) An applicant for licensure as a registered
 28 architect must complete, prior to licensure, who-passes-the
 29 examination-shall-be-entitled-to-be-licensed-as-a-registered
 30 architect-pursuant-to-s.-481-213-if-the-applicant-completes an
 1 internship of diversified architectural experience approved by

1 the board in the design and construction of structures which
 2 have as their principal purpose human habitation or use. The
 3 internship shall be for a period of:

4 (a) Three years for an applicant holding a board-
 5 approved first professional degree in architecture the-degree
 6 of-Bachelor-of-Architecture; or

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

9 (2) One year of internship experience must have been
 10 gained subsequent to graduation from an approved school or
 11 college of architecture as defined in s. 481.209(2)(b). Any
 12 person who was engaged in a program consisting of 7 years or
 13 more of diversified training in an office of registered
 14 practicing architects on July 17, 1969, and who notified the
 15 board of his training within 1 year after July 17, 1969, shall
 16 if otherwise qualified, be permitted to take the examination
 17 required by s. 481.209 only if diversified training is
 18 completed before July 17, 1985.

19 Section 4. Section 481.213, Florida Statutes, is
 20 amended to read:

21 481.213 Licensure.--

22 (1) The department shall license any applicant who the
 23 board certifies is qualified for licensure.

24 (2) The board shall certify for licensure any
 25 applicant who successfully passes the prescribed licensure
 26 examination and satisfies the requirements of ss. 481.209 and
 27 481.211.

28 (3) The board shall certify as qualified for a license
 29 by endorsement an applicant who:

30 (a) Qualifies to take the prescribed licensure
 31 examination, and has passed the prescribed licensure

1 examination in another jurisdiction, as set forth in s.
2 ~~481.209; has passed a national, regional, state or United~~
3 ~~States territorial licensing examination which is~~
4 ~~substantially equivalent to the examination required by s.~~
5 ~~481.209; and has satisfied the internship experience~~
6 requirements set forth in s. 481.211;

7 (b) Holds a valid license to practice architecture
8 issued by another jurisdiction state or territory of the
9 United States, if the criteria for issuance of such license
10 were substantially equivalent to the licensure criteria which
11 existed in this state at the time the license was issued; or

12 (c) Has passed the prescribed licensure examination
13 and holds a certificate issued by the National Council of
14 Architectural Registration Boards, provided that if the
15 certificate was obtained after July 1, 1984, and the applicant
16 holds a degree in architecture, such degree must be equivalent
17 to that required in s. 481.209. ~~Has engaged in the practice~~
18 ~~of architecture as a registered architect in another state for~~
19 ~~not less than 10 years;~~

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

23 (5) The board may refuse to certify any applicant who
24 has violated any of the provisions of s. 481.223 or s.
25 481.225.

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

1 (7) The board shall adopt rules to implement the
2 provisions of this act relating to the examination,
3 internship, and licensure of applicants.

4 Section 5. Section 481.217, Florida Statutes, is
5 amended to read:

6 481.217 Inactive status.--

7 (1) A license which has become inactive may be
8 reactivated pursuant to s. 481.215 upon application to the
9 department. The board may prescribe by rule continuing
10 education requirements as a condition of reactivating a
11 license. The continuing education requirements for
12 reactivating a license shall not exceed 12 contact classroom
13 hours for each year the license was inactive. Any such
14 license which has been inactive for more than 4 years shall
15 automatically expire if the licensee has not made application
16 for reactivation renewal of such license. Once a license
17 expires, it becomes null and void without any further action
18 by the board or department. One year prior to expiration of
19 the license, the department shall give notice to the licensee.

20 (2) The board shall promulgate rules relating to
21 licenses which have become inactive and for the reactivation
22 renewal of inactive licenses. The board shall prescribe by
23 rule a fee not to exceed \$50 for the reactivation of an
24 ~~inactive license and a fee not to exceed \$50 for the renewal~~
25 ~~of an inactive license.~~

26 Section 6. Subsections (2) and (4) of section 481.219,
27 Florida Statutes, are amended to read:

28 481.219 Certification of partnerships and
29 corporations.--

30 (2) All final construction documents and instruments
31 of service, which include drawings, specifications, plans,

1 reports, or other papers or documents involving the practice
2 of architecture which are prepared or approved for the use of
3 the corporation or partnership, and filed for delivery to any
4 person, or for public record within the state shall be dated
5 and bear the signature and seal of the licensee who prepared
6 or approved them with date, seal, and signature applied.

7 (4) No corporation or partnership shall be relieved of
8 responsibility for the conduct or acts of its agents,
9 employees, or officers by reason of its compliance with this
10 section. However, the architect who signs and seals the
11 construction documents and instruments of service is liable
12 for the professional services performed. ~~7-nor shall any~~
13 individual practicing architecture, engineering, or land
14 surveying be relieved of responsibility for professional
15 services performed by reason of his employment or relationship
16 with a corporation or partnership.

17 Section 7. Section 481.221, Florida Statutes, is
18 amended to read:

19 481.221 Seals.--

20 (1) The board shall prescribe, by rule, a form of seal
21 to be used by registered architects holding valid certificates
22 of registration. Each registered architect shall obtain an
23 impression-type metal seal, and all final construction
24 documents and instruments of service, which include drawings,
25 plans, specifications, or reports prepared or issued by the
26 registered architect and being filed for public record shall
27 bear the signature and seal of the architect who prepared or
28 approved the document and the date on which they were sealed
29 be signed by the registered architect, dated, and stamped with
30 his seal. The signature, date, and seal shall be evidence of
31 the authenticity of that to which they are affixed.

1 (2) When the certificate of registration of a
2 registered architect has been revoked or suspended by the
3 board, the registered architect shall surrender his seal to
4 the secretary of the board within a period of 30 days after
5 the revocation or suspension has become effective. In the
6 event the certificate of the registered architect has been
7 suspended for a period of time, his seal shall be returned to
8 him upon expiration of the suspension period.

9 (3) No registered architect shall affix, or permit to
10 be affixed, his seal or signature name to any final
11 construction documents or instruments of service, which
12 include any plan, specification, drawing, or other document
13 which depicts work which he is not competent to perform.

14 (4) No registered architect shall affix his signature
15 or seal to any final construction documents or instruments of
16 service which include drawings, plans, specifications, or
17 architectural documents which were not prepared by him or
18 under his responsible supervising control or by another
19 registered architect and reviewed, approved, or modified and
20 adopted by him as his own work according to rules adopted by
21 the board with full responsibility as a registered architect
22 for such documents.

23 (5) Final construction documents or instruments of
24 service which include plans, drawings, specifications, reports
25 or and other architectural related documents prepared by a
26 registered architect as part of his architectural practice
27 shall be of a sufficiently high standard to clearly and
28 accurately indicate or illustrate all assure the users thereof
29 against misunderstanding of the requirements intended to be
30 illustrated or described by them. To be of the required
31 standard, such documents should clearly and accurately

1 ~~indicate the design of the structural elements and of all~~
2 other essential parts of the work to which they refer.

3 (6) Each registered architect, and each corporation or
4 partnership holding a certificate of authorization, shall
5 include its license number in any newspaper, telephone
6 directory, or other advertising medium used by the registered
7 architect, corporation, or partnership. A corporation or
8 partnership is not required to display the license number of
9 individual registered architects employed by or practicing
10 with the corporation or partnership.

11 Section 8. Section 481.223, Florida Statutes, is
12 amended to read:

13 ~~481.223 Prohibitions; penalties.--~~

(1) No person shall knowingly:

15 (a) Practice architecture unless the person is an
16 architect or a registered architect;

17 (b) Use the name or title "architect" or "registered
18 architect" or words to that effect when the person is not then
19 the holder of a valid license issued pursuant to this act;

20 (c) Present as his own the license of another;

21 (d) Give false or forged evidence to the board or a
22 member thereof for the purpose of obtaining a license;

23 (e) Use or attempt to use an architect license which
24 has been suspended, revoked, or placed on inactive status;

25 (f) Employ unlicensed persons to practice
26 architecture; or

27 (g) Conceal information relative to violations of this
28 act.

29 (2) Any person who violates any provision of this
30 section is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 Section 9. Subsection (1) of section 481.225, Florida
4 Statutes, is amended to read:

5 481.225 Disciplinary proceedings.--

6 (1) The following acts constitute grounds for which
7 the disciplinary actions in subsection (3) may be taken:

8 (a) Violation of any provision of s. 481.223 or s.
9 455.227(1);

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

12 (c) Having a license to practice architecture revoked,
13 suspended, or otherwise acted against, including the denial of
14 licensure, by the licensing authority of another state,
15 territory, or country;

16 (d) Being convicted or found guilty, regardless of
17 adjudication, of a crime in any jurisdiction which directly
18 relates to the practice of architecture or the ability to
19 practice architecture;

20 (e) Violation of any provision of s. 481.221;

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

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

31

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

4 (i) Upon proof that the licensee is guilty of fraud or
5 deceit, or of negligence, incompetency, or misconduct, in the
6 practice of architecture;

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

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

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

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

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

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

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

28 Section 10. Subsection (1) of section 481.231, Florida
29 Statutes, is amended to read:

30 481.231 Effect of ss. 481.201-481.233 Locally.--

1 (1) Nothing ~~contained~~ in this act shall be construed
2 to repeal, amend, limit or otherwise affect any specific
3 provision of any local building code or zoning law or
4 ordinance that has been duly adopted, now or hereafter
5 enacted, which is more restrictive, with respect to the
6 services of registered architects, than the provisions of this
7 act.

8 Section 11. Section 481.233, Florida Statutes, is
9 hereby repealed.

10 Section 12. Notwithstanding the provisions of chapters
11 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201,
12 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211,
13 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225,
14 481.227, 481.229, and 481.231, Florida Statutes, shall not
15 stand repealed on October 1, 1988, as scheduled by such laws,
16 but said sections, as amended, are hereby revived and
17 readopted.

18 Section 13. Sections 481.201, 481.203, 481.205,
19 481.2055, 481.207, 481.209, 481.211, 481.213, 481.215,
20 481.217, 481.219, 481.221, 481.223, 481.225, 481.227, 481.229,
21 and 481.231, Florida Statutes, are repealed effective October
22 1, 1998, and shall be reviewed by the Legislature prior to
23 that date pursuant to section 11.61, Florida Statutes.

24 Section 14. This act shall take effect October 1,
25 1988.

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.

1 incompetent practitioners presents a significant danger to the
2 public health, safety, and welfare. The Legislature finds
3 further that it is difficult for the public to make an
4 informed choice about interior designers and that the
5 consequences of a wrong choice could endanger their welfare.
6 The Legislature recognizes that there is a public need for
7 independent and objective interior designers and that it is
8 necessary to regulate the practice of interior design to
9 assure the minimum competence of interior designers and to
10 protect the public from dishonest practitioners and,
11 therefore, deems it necessary in the interest of public
12 welfare to regulate the practice of interior design in this
13 state by prohibiting the use of the title "interior designer"
14 by persons not licensed. The Legislature further finds that
15 it is necessary to prohibit the use of the title "interior
16 designer" by persons not licensed, so as to ensure the minimum
17 competence of those holding themselves out to be interior
18 designers in order to protect the public from potential
19 economic loss. It is the intent of the Legislature that this
20 act not apply to any person, not licensed under the act, who
21 holds himself out as an "interior decorator" or who offers
22 "interior decorator services" which include the selection or
23 assistance in selection of surface materials, window
24 treatments, wall covering, paint, floor coverings, surface
25 mounted lights, or loose furnishings not included in an
26 environment regulated by state, county, or municipal building
27 codes where those materials or furnishings are subject to code
28 enforcement.

29 Section 3. Definitions.--As used in this act, the
30 term:

1 (1) "Department" means the Department of Professional
2 Regulation.

3 (2) "Interior designer" means a person who is engaged
4 in, or offers to engage in, the practice of interior design in
5 this state, and who has been duly licensed by the department
6 in accordance with the provisions of this act.

7 (3) "Interior design" means the performance of, or
8 offer to perform, services which include consultations,
9 studies, drawings, specifications in connection with space
10 utilization, furnishings, or fabrication of nonstructural
11 elements within the surrounding interior spaces of buildings.
12 Any interior design drawing shall contain a statement thereon
13 that the drawing is not to be used for construction of load-
14 bearing columns, framing, or walls of structures. No interior
15 designer shall render or offer to render any services which
16 currently require the services of an architect licensed under
17 chapter 481, Florida Statutes.

18 Section 4. Powers and duties of the department --The
19 department is empowered and authorized to administer and
20 enforce the provisions of this act. The department may adopt
21 such rules as are necessary to carry out the purposes of this
22 act and may initiate disciplinary action as provided by this
23 act, and shall establish fees based on its estimates of the
24 revenue required to administer this act, which fees shall not
25 exceed the amounts provided in this act.

26 Section 5. Disposition of fees.--All fees received
27 under this act shall be deposited into the Professional
28 Regulation Trust Fund. The Legislature shall appropriate
29 funds from this trust fund sufficient to carry out the
30 provisions of this act. The department shall prepare and
31

1 submit a proposed budget for administration of the provisions
2 of this act in accordance with law.

3 Section 6. Additional powers and duties of the
4 department.--The department may administer oaths, summon
5 witnesses, and take testimony in all matters relating to its
6 duties pursuant to this act. Further, the department has all
7 powers and duties given to it or imposed upon it under ss.
8 455.20-455.244, Florida Statutes, in the administration and
9 enforcement of this act.

10 Section 7. Examination; eligibility.--Except as
11 otherwise provided in this act, each applicant for licensure
12 shall successfully complete an examination prior to being
13 issued a license. Each applicant for licensure shall apply to
14 the department, on forms and in the manner prescribed by it,
15 for admittance to the licensure examination. To qualify for
16 the examination, an applicant shall submit satisfactory
17 evidence of meeting one of the following criteria:

18 (1) Completion of a 5-year degree in interior design,
19 plus 1 year of practical professional experience;

20 (2) Completion of a 4-year degree in interior design,
21 plus 2 years of practical professional experience;

22 (3) Completion of a 3-year degree in interior design,
23 plus 3 years of practical professional experience;

24 (4) Completion of a 2-year degree in interior design,
25 plus 4 years of practical professional experience;

26 (5) Completion of 1 year of interior design education,
27 plus 5 years of practical professional experience, or

28 (6) A high school diploma, plus 6 years of practical
29 professional experience.

30
31

1 Equivalent educational credits may be substituted for any of
2 the above six categories.

3 Section 8. Contents of examination; administration.--

4 All examinations given pursuant to this act shall be conducted
5 by the department or its duly authorized representative at
6 such times and places as may be determined by the department,
7 but no fewer than two examinations shall be held in each year.
8 Except as otherwise provided in this act, each applicant for
9 licensure shall pass the examination prior to being issued a
10 license. The examination shall cover such subjects and be
11 graded on such basis as the department shall establish by
12 rule. The department may adopt substantially all or part of
13 the examination and recommended grading procedures of the
14 National Council for Interior Design Qualifications.

15 Section 9. Licensure without examination.--

16 (1) Any person who has used or has been identified by
17 the title of "interior designer" and maintained a municipal or
18 county occupational license within the State of Florida for at
19 least one year prior to the effective date of this act may
20 apply for and secure a license from the department without
21 taking the written examination or meeting the qualifications
22 for taking the examination, provided such person applies for
23 the license within one year after the effective date of this
24 act. A person shall be deemed to have used or been identified
25 by the title "interior designer" within the meaning and intent
26 of this section if during the requisite one-year period such
27 person was, either on his own account or in the course of
28 regular employment, rendering or offering to render to another
29 person interior design services or was regularly engaged in
30 the teaching of interior design at an accredited college,
31 university, or professional school with a program recognized

1 by the department and leading to a degree related to interior
2 design. Any combination of the rendering of such services and
3 teaching during the one-year period shall satisfy the
4 requirements of this section.

5 (2) When an application for licensure has not been
6 filed within the requisite one-year period, as specified in
7 subsection (1), the department may, in lieu of an examination,
8 accept satisfactory evidence of licensure in another state or
9 country where the qualifications, in the opinion of the
10 department, are as of the date of application in this state at
11 least equivalent to those required by this act, and where the
12 applicant is a licensee in good standing. Upon receipt of
13 such satisfactory evidence, a license may be issued to such
14 applicant.

15 Section 10. Issuance of license; renewal.--

16 (1) Except as otherwise provided in this act, a
17 license shall be issued to any person who presents
18 satisfactory evidence of possessing the qualifications as to
19 education, experience, and examination performance required by
20 this act and by the rules of the department, provided that
21 such applicant pays the required fee and furnishes proof that
22 the applicant is at least 18 years of age.

23 (2) The department shall prescribe by rule a method
24 for the biennial renewal of licenses.

25 (3) Any license which is not renewed at the end of the
26 biennium prescribed by the department shall automatically
27 revert to inactive status. Such license may be reactivated
28 only if the license meets the other qualifications for
29 reactivation as provided in section 11 of this act.

30 (4) Sixty days prior to the end of the biennium and
31 automatic reversion of a license to inactive status, the

1 department shall mail a notice of renewal and possible
2 reversion to the last known address of the licensee.

3 Section 11. Continuing education --

4 (1) No license renewal shall be issued by the
5 department until the licensee submits proof satisfactory to
6 the department that during the two years prior to his
7 application for renewal he has participated in not more than
8 20 hours per year of continuing education, as determined by
9 the department in courses approved by the department.

10 (2) The department shall approve only those courses
11 that build upon the basic courses required for the practice of
12 interior design.

13 (3) The department may make exception to the
14 requirements of this section in emergency or hardship cases.

15 (4) The department may adopt rules within the
16 requirements of this section that are necessary for its
17 implementation.

18 Section 12. Inactive status.--

19 (1) A license which has become inactive may be
20 reactivated pursuant to section 10 of this act upon
21 application to the department. The department shall by rule
22 determine the length of time, not less than 2 nor more than 4
23 years, within which an inactive status license shall
24 automatically expire unless it has been reactivated. Once a
25 license has expired, it shall become null and void without any
26 further action by the department. One year prior to
27 expiration, the department shall give notice to the licensee
28 of impending expiration.

29 (2) The department shall promulgate rules relating to
30 the reactivation of inactive licenses and shall prescribe by
31

1 rule or fee not to exceed \$50 for the reactivation of inactive
2 licenses.

3 Section 13. Disclosure of compensation for
4 professional services.--An interior designer shall, before
5 entering into a verbal or written contract, clearly determine
6 the scope and nature of the project and the method or methods
7 of compensation. The interior designer may offer professional
8 services to the client as a consultant, specifier, and/or
9 supplier on the basis of a fee, percentage, or mark-up. The
10 interior designer shall have the responsibility of fully
11 disclosing to the client the manner in which all compensation
12 is to be paid. Unless the client knows and agrees, the
13 interior designer is forbidden, under this code, to accept any
14 form of compensation from a supplier of goods and services in
15 cash or in kind.

16 Section 14. Grounds for disciplinary actions; action
17 by the department.--

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

21 (a) Attempting to obtain, or obtaining or renewing, by
22 bribery, by fraudulent misrepresentation, or through an error
23 of the department, a license to practice interior design.

24 (b) Having a license to practice interior design, or a
25 license to use the title "interior designer," revoked,
26 suspended, or otherwise acted against, including the denial of
27 licensure, by the licensing authority of another state,
28 territory, or country.

29 (c) Being convicted or found guilty of, regardless of
30 adjudication, a crime in any jurisdiction which directly
31 relates to the practice of interior design or to the ability

1 to practice interior design. Any plea of nolo contendere
2 shall be considered a conviction for purposes of this act.

3 (d) False, deceptive, or misleading advertising.

4 (e) Advertising, practicing, or attempting to practice
5 under a name other than one's own.

6 (f) Failing to report to the department any person the
7 licensee knows is in violation of this act or the rules of the
8 department.

9 (g) Aiding, assisting, procuring, or advising any
10 unlicensed person to use the title "interior designer"
11 contrary to this act or to a rule of the department.

12 (h) Failing to perform any statutory or legal
13 obligation placed upon a licensed interior designer.

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

21 (j) Making deceptive, untrue, or fraudulent
22 representations in the practice of interior design or
23 employing a trick or scheme in the practice of interior
24 design.

25 (k) Practicing or offering to practice beyond the
26 scope permitted by law or accepting and performing
27 professional responsibilities which the licensee knows or has
28 reason to know he is not competent to perform.

29 (l) Violating any provision of this act, any rule of
30 the department, or a lawful order of the department previously
31

1 entered in a disciplinary hearing, or failing to comply with a
2 lawfully issued subpoena of the department.

3 (m) Conspiring with another licensee or with any other
4 person to commit an act, or committing an act, which would
5 tend to coerce, intimidate, or preclude another licensee from
6 lawfully advertising his services or representing himself as
7 an interior designer prior to the time of issuance of a
8 license to him, except as authorized by this act.

9 (n) Aiding and abetting any person not licensed
10 pursuant to this act in the violation of any provision of this
11 act or rule of the department.

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

16 (a) Refusal to approve an application for licensure.

17 (b) Refusal to renew an existing license.

18 (c) Revocation or suspension of a license.

19 (d) Imposition of an administrative fine not to exceed
20 \$1,000 for each violation or separate offense.

21 (e) Issuance of a reprimand.

22 Section 15. License, seal.--

23 (1) An applicant for licensure who complies with all
24 requirements established therefor, including passing the
25 examination unless otherwise exempted, shall be issued a
26 license by the department. The department shall prescribe, by
27 rule, a form of seal to be used by licensed interior designers
28 holding valid certificates of licensure. Each licensed
29 interior designer shall obtain an impression-type metal seal,
30 and all plans, specifications, or reports prepared or issued
31 by the licensed interior designer and being filed for public

1 records shall be signed by the licensed interior designer,
2 dated, and stamped with his seal. The signature, date, and
3 seal shall be evidence of the authenticity of that to which
4 they are affixed.

5 (2) When the certificate of licensure of a licensed
6 interior designer has been revoked or suspended by the board,
7 the licensed interior designer shall surrender his seal to the
8 secretary of the department within a period of 30 days after
9 the revocation or suspension has become effective. In the
10 event the certificate of the licensed interior designer has
11 been suspended for a period of time, his seal shall be
12 returned to him upon expiration of the suspension period.

13 (3) No licensed interior designer shall affix, or
14 permit to be affixed, his seal or name to any study, drawing,
15 or specification or other document which depicts work which he
16 is not competent to perform.

17 (4) No licensed interior designer shall affix his
18 signature or seal to any study, drawing, or specification
19 which was not prepared by him or under his responsible
20 supervising control or by another licensed interior designer
21 and reviewed, approved, or modified and adopted by him as his
22 own work with full responsibility as a licensed interior
23 designer for such documents.

24 (5) Studies, drawings, specifications, and other
25 related documents prepared by a licensed interior designer as
26 part of his interior design practice shall be of a
27 sufficiently high standard to assure the users thereof against
28 misunderstanding of the requirements intended to be
29 illustrated or described by them. To be of the required
30 standard, such documents should clearly and accurately
31

1 indicate the design of the nonstructural elements and of all
2 other essential parts of the work to which they refer.

3 (6) Notwithstanding any other provision of law, if a
4 building permit is required for any study, drawing, or
5 specification in connection with space utilization,
6 furnishing, or fabrication of nonstructural elements within
7 and surrounding the interior spaces of a building authorized
8 to be prepared pursuant to this act, then any such study,
9 drawing, or specification which bears the seal of an interior
10 designer licensed pursuant to this act shall be acceptable for
11 issuance of the permit and shall not be rejected solely on the
12 basis that the study, drawing, or specification was prepared
13 and sealed by a licensed interior designer.

14 Section 16. Practice by firms, corporations, etc.--

15 (1) Nothing in this act shall prevent an interior
16 designer licensed pursuant to the provisions of this act from
17 associating with one or more interior designers, architects,
18 professional engineers, landscape architects, surveyors, or
19 other persons in a partnership, joint venture, or corporation.

20 (2) A firm shall be permitted to use in its title the
21 term "interior designer" and to be so identified on any sign,
22 card, stationery, device, or other means of identification if
23 at least one partner, director, or officer of such firm is
24 licensed as an interior designer in this state. A firm shall
25 not be required to include the names of all partners,
26 directors, or officers in its title.

27 (3) The department shall require any firm identified
28 by the term "interior designer" to file with it the name,
29 address, and other pertinent information of each director and
30 each officer, if a corporation, or of each partner, if a
31 partnership or joint venture.

1 Section 17. Injunction.--The department is authorized
2 to apply to any court of competent jurisdiction for an order
3 enjoining or restraining the continuance of any alleged
4 unlawful act under this act. The court shall grant such
5 injunction or restraining order or such other temporary or
6 permanent relief as it deems just and proper. In such
7 proceeding, it shall be unnecessary to allege or prove an
8 inadequate remedy at law, that irreparable damage would result
9 if such order were not granted, or that administrative
10 remedies have been exhausted. This remedy shall be in
11 addition to any other remedy provided by law.

12 Section 18. Fees.--The department shall establish fees
13 as follows:

14 (1) For examination, re-examination, or licensure in
15 lieu of examination, the fee shall not exceed \$350.

16 (2) For each timely annual renewal, the fee shall not
17 exceed \$100.

18 (3) For issuance of an original or duplicate license
19 certificate, the fee shall not exceed \$25.

20 Section 19. Advisory committee.--The department shall
21 appoint an advisory committee composed of five members. Three
22 members shall each have been in active practice or engaged in
23 the teaching of interior design for a combined total of not
24 less than 15 years, one member shall be an architect licensed
25 by the state, with at least 10 years' experience in the
26 practice or the teaching of architecture, and one member shall
27 be a member of the public. The department shall give great
28 weight and consideration to the advice given by the advisory
29 committee

30 Section 20. Penalties.--Any person not holding a valid
31 license under this act who uses or is identified by the title

1 or designation "interior designer" is guilty of a misdemeanor
2 of the first degree, punishable as provided in s. 775.082, s.
3 775.083 or s. 775.084, Florida Statutes.

4 Section 21. Exemptions.--

5 (1) Nothing contained in this act shall be interpreted
6 to prohibit any architect licensed by the state under chapter
7 481, Florida Statutes, from practicing interior design or
8 using the title "interior designer."

9 (2) Nothing contained in this act shall prevent any
10 person from rendering any of the services which constitute the
11 practice of interior design, provided that such person shall
12 not be permitted to use or be identified by the title
13 "interior designer," unless licensed in accordance with this
14 act.

15 (3) This act does not apply to any person, not
16 licensed under the act, who holds himself out as an "interior
17 decorator" or who offers "interior decorator services" which
18 include the selection or assistance in selection of surface
19 materials, window treatments, wall coverings, paints, floor
20 coverings, surface mounted lights, or loose furnishings not
21 included in an environment regulated by state, county, or
22 municipal building codes where those materials or furnishings
23 are subject to code enforcement.

24 Section 22. Exceptions.--No person licensed as an
25 interior designer under this act shall be required to obtain a
26 license under chapter 489, Florida Statutes, in order to
27 practice interior design. Nothing in this act shall be
28 construed as authorizing or permitting an interior designer to
29 engage in the business of, or to act as, a contractor within
30 the meaning of chapter 489, Florida Statutes, unless duly
31

1 registered or certified as a contractor pursuant to that
2 chapter.

3 Section 23. Section 19 is repealed on October 1, 1997,
4 and the advisory committee created therein shall be reviewed
5 by the Legislature pursuant to s. 11.611.

6 Section 24. Sections 1 through 22 of this act are
7 repealed on October 1, 1997, and shall be reviewed by the
8 Legislature pursuant to s. 11.61.

9 Section 25. This act shall take effect October 1,
10 1988; however, the department shall not seek an injunction
11 pursuant to section 17 of this act, nor shall criminal
12 penalties be sought under section 20 of this act for any
13 violation of this act occurring before March 1, 1989.

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20 HOUSE SUMMARY

21 Creates the "Interior Designers Licensing Act" to
22 regulate the practice of interior design by the
23 Department of Professional Regulation.
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By the Committee on Economic, Community and Consumer Affairs and
Senator McPherson

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;

1 providing for rules to be adopted by the board
2 which delineate responsible supervisory
3 control; providing for the use of license
4 numbers by registered architects; providing for
5 the use of a seal by interior designers;
6 amending s. 481.223, F.S.; reflecting the
7 interchangeable use of terms; amending s.
8 481.225, F.S.; providing additional grounds for
9 disciplinary action; creating s. 481.2251,
10 F.S.; providing for disciplinary proceedings
11 against registered interior designers; amending
12 s. 481.229, F.S.; creating licensure exceptions
13 for interior designers; amending s. 481.231,
14 F.S.; revising the effect of the architecture
15 practice act locally; providing for licensure
16 without examination; repealing s. 481.233,
17 F.S., relating to the registrations of certain
18 architects; saving part I of ch. 481, F.S.,
19 from Sunset repeal and providing for future
20 review and repeal; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (4) of section
25 20.30, Florida Statutes, as amended by section 2 of chapter
26 88-1, Laws of Florida, is amended to read:

27 20.30 Department of Professional Regulation.--There is
28 created a Department of Professional Regulation.

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

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

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

5 481.201 Purpose.--The Legislature finds that improper
6 design and improper construction supervision by architects of
7 buildings primarily designed for human habitation or use
8 present a significant threat to the public. The Legislature
9 further finds that it is in the interest of the public to
10 limit the use of the terms "interior designer" and "registered
11 interior designer" to those persons having interior design
12 education and training as provided in this part.

13 Section 3. Section 481.203, Florida Statutes, is
14 amended to read:

15 481.203 Definitions.--As used in this part act:

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

18 (2) "Department" means the Department of Professional
19 Regulation.

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

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

27 (5) "Certificate of authorization authority" means a
28 certificate ~~license~~ issued by the department to a corporation
29 or partnership to practice architecture or to use the title
30 "interior design".

1 (6) "Architecture" means the rendering or offering to
2 render services in connection with the design and construction
3 of a structure or group of structures which have as their
4 principal purpose human habitation or use, and the utilization
5 of space within and surrounding such structures. These
6 services include planning, providing preliminary study
7 designs, drawings and specifications, ~~architectural~~
8 ~~supervision~~, job-site inspection, and administration of
9 construction contracts.

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

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

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

31

1 required to implement this part and the provisions of law with
 2 respect to the regulation of architects and interior
 3 designers.

4 Section 6. Section 481.209, Florida Statutes, is
 5 amended to read:

6 481.209 Examinations.--

7 (1) A person desiring to be licensed as a registered
 8 architect ~~or-architect-intern~~ shall apply to the department
 9 for licensure.

10 (2) The department shall license any applicant who the
 11 board certifies is qualified to practice architecture and who
 12 has passed the licensing examination.

13 (3)(2) An applicant shall be entitled to take the
 14 licensure examination to practice in this state as a
 15 registered architect if the applicant:

16 (a) Has completed at least 1 year of preexamination
 17 internship experience that is approved by the board which
 18 shall be included in and count toward the internship
 19 requirements contained in s. 481.211 ~~is-honest-and~~
 20 trustworthy; and

21 (b) Is a graduate from an approved school or college
 22 of architecture approved by the board, as architectural
 23 curriculum-of-5-years-or-more, evidenced by a degree from a
 24 school or college of architecture whose course of study meets
 25 the rules of the board which-meets-standards-of-accreditation
 26 adopted-by-the-board-by-rule-based-on-a-review-and-inspection
 27 by-the-board-of-the-curriculum-of-accredited-schools-and
 28 colleges-of-architecture-in-the-United-States, including those
 29 schools-and-colleges-accredited-by-the-National-Architectural
 30 Accreditation-Board. The board shall adopt rules providing
 31 for the review and approval of schools and colleges of

1 architecture and courses of architectural study. The board
2 may accept and utilize standards adopted by a nationally
3 accepted accreditation organization for schools and colleges
4 of architecture and courses of architectural study.

5 (4) A person desiring to be licensed as a registered
6 interior designer shall apply to the department for licensure.
7 The examination shall cover such subjects and be graded on
8 such basis as the board establishes by rule. The board may
9 adopt substantially all or part of the examination and
10 recommended grading procedures of the National Council for
11 Interior Design Qualifications. The department shall
12 administer the licensure examination for interior designers to
13 each applicant who has completed the application form and
14 remitted the application and examination fees specified in s.
15 481.207 and whom the board certifies:

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

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

20 (c) Has completed at least 3 years in an approved
21 interior design curriculum.

22
23 All such education must have been obtained in a school or
24 college of interior design which meets the standards of
25 accreditation, adopted by the board by rule, based on a review
26 and inspection by the board of the curriculum of accredited
27 schools and colleges of interior design in the United States,
28 including those schools and colleges accredited by the
29 Foundation for Interior Design Education Research. In
30 addition, each applicant must have from 1 to 3 years of
31

1 diversified interior design experience approved by the board,
2 inversely correlated to the number of years of education.

3 Section 7. Section 481.211, Florida Statutes, is
4 amended to read:

5 481.211 Internship required Experience.--

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

14 (a) Three years for an applicant holding a board-
15 approved first professional degree in architecture the-degree
16 of-Bachelor-of-Architecture; or

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

19 (2) One year of internship experience must have been
20 gained subsequent to graduation from an approved school or
21 college of architecture as defined in s. 481.209(2)(b). Any
22 person-who-was-engaged-in-a-program-consisting-of-7-years-or
23 more-of-diversified-training-in-an-office-of-registered
24 practicing-architects-on-July-17-1969-and-who-notified-the
25 board-of-his-training-within-1-year-after-July-17-1969-shall
26 if-otherwise-qualified-be-permitted-to-take-the-examination
27 required-by-s-481.209-only-if-diversified-training-is
28 completed-before-July-17-1985.

29 Section 8. Section 481.213, Florida Statutes, is
30 amended to read:

31 481.213 Licensure.--

1 (1) Persons who are licensed to practice architecture
 2 under this part are not required to be licensed as interior
 3 designers in order to offer interior design services or use
 4 the title "interior designer" or "registered interior
 5 designer."

6 (2)~~†~~ The department shall license any applicant who
 7 the board certifies is qualified for licensure.

8 (3)~~†~~ The board shall certify for licensure any
 9 applicant who successfully passes the prescribed licensure
 10 examination and satisfies the requirements of ss. 481.209 and
 11 481.211 for architects, or the requirements of s. 481.209 for
 12 interior designers.

13 (4)~~†~~ The board shall certify as qualified for a
 14 license by endorsement as an architect or as an interior
 15 designer an applicant who:

16 (a) Qualifies to take the prescribed licensure
 17 examination, and has passed the prescribed licensure
 18 examination in another jurisdiction, as set forth in s.
 19 481.209 for architects or interior designers, as applicable,
 20 ~~has-passed-a-national-or-regional-state-or-United-States~~
 21 ~~territorial-licensing-examination-which-is-substantially~~
 22 ~~equivalent-to-the-examination-required-by-s-481-209,~~ and has
 23 satisfied the internship experience requirements set forth in
 24 s. 481.211 for architects;

25 (b) Holds a valid license to practice architecture, or
 26 to use the title "interior designer," as applicable, issued by
 27 another jurisdiction ~~state-or-territory~~ of the United States,
 28 if the criteria for issuance of such license were
 29 substantially equivalent to the licensure criteria which
 30 existed in this state at the time the license was issued; or
 31

1 (c) Has passed the prescribed licensure examination
 2 and holds a certificate issued by either the National Council
 3 of Architectural Registration Boards or the National Council
 4 for Interior Designers, as applicable, provided that if the
 5 certificate applicable to architects was obtained after July
 6 1, 1984, and the applicant holds a degree in architecture,
 7 such degree must be equivalent to that required in s. 481.209.

8 ~~Has engaged in the practice of architecture as a registered~~
 9 ~~architect in another state for not less than 10 years.~~

10 (5)†4) The board shall certify as qualified for
 11 licensure any applicant corporation or partnership which
 12 satisfies the requirements of s. 481.219.

13 (6)†5) The board may refuse to certify any applicant
 14 who has violated any of the provisions of s. 481.223, s.
 15 481.225, or s. 481.2251, as applicable.

16 (7)†6) The board may refuse to certify any applicant
 17 who is under investigation in another jurisdiction state for
 18 any act which would constitute a violation of this act or of
 19 chapter 455 until such time as the investigation is complete
 20 and disciplinary proceedings have been terminated.

21 (8)†7) The board shall adopt rules to implement the
 22 provisions of this act relating to the examination,
 23 internship, and licensure of applicants.

24 Section 9. Section 481.2131, Florida Statutes, is
 25 created to read:

26 481.2131 Interior design; practice requirements;
 27 disclosure of compensation for professional services.--

28 (1) A registered interior designer is authorized to
 29 perform "interior design" as defined in s. 481.203. Interior
 30 design documents prepared by a registered interior designer
 31 must contain a statement that the document is not an

1 architectural or engineering study, drawing, specification, or
2 design and is not to be used for construction of any load-
3 bearing columns, load-bearing framing or walls of structures,
4 or issuance of any building permit, except as otherwise
5 provided by law.

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

17 Section 10. Subsection (1) of section 481.215, Florida
18 Statutes, is amended, and subsection (5) is added to said
19 section, to read:

20 481.215 Renewal of license.--

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

24 (5) A license renewal may not be issued to an interior
25 designer by the department until the licensee submits proof
26 satisfactory to the department that, during the 2 years prior
27 to his application for renewal, he has participated in not
28 less than 20 hours per year of continuing education approved
29 by the board. The board shall approve only continuing
30 education that builds upon the basic knowledge of interior
31

1 design. The board may make exception from the requirements of
2 continuing education in emergency or hardship cases.

3 Section 11. Section 481.217, Florida Statutes, is
4 amended to read:

5 481.217 Inactive status.--

6 (1) A license which has become inactive may be
7 reactivated pursuant to this section ~~or 481.215~~ upon
8 application to the department and payment of an inactive
9 status application fee and a reactivation fee.

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

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

29 (2) The board shall promulgate rules relating to
30 licenses which have become inactive and for the reactivation
31 renewal of inactive licenses. The board shall prescribe by

1 rule a fee not to exceed \$50 for the reactivation of an
2 ~~inactive license and a fee not to exceed \$50 for the renewal~~
3 ~~of an inactive license.~~

4 Section 12. Subsections (2) and (4) of section
5 481.219, Florida Statutes, are amended and subsections (10),
6 (11), (12), (13), and (14) are added to said section to read:

7 481.219 Certification of partnerships and
8 corporations.--

9 (2) All final construction documents and instruments
10 of service, which include drawings, specifications, plans,
11 reports, or other papers or documents involving the practice
12 of architecture which are prepared or approved for the use of
13 the corporation or partnership, and filed for delivery to any
14 person, or for public record within the state shall be dated
15 and bear the signature and seal of the licensee who prepared
16 or approved them with date, seal, and signature applied.

17 (4) No corporation or partnership shall be relieved of
18 responsibility for the conduct or acts of its agents,
19 employees, or officers by reason of its compliance with this
20 section. However, the architect who signs and seals the
21 construction documents and instruments of service is liable
22 for the professional services performed, nor shall any
23 individual practicing architecture, engineering, or land
24 surveying be relieved of responsibility for professional
25 services performed by reason of his employment or relationship
26 with a corporation or partnership.

27 (10) For the purposes of this section, a certificate
28 of authorization is required for a corporation, partnership,
29 or person operating under a fictitious name, using the title
30 "interior design" or "interior designer." However, an
31

1 individual using such titles in his own name is not required
2 to be certified under this section.

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

10 (12) The board shall certify an applicant as qualified
11 for a certificate of authorization to use the title "interior
12 designer" if one or more of the principal officers of the
13 corporation or one or more partners of the partnership, and
14 all personnel of the corporation or partnership who act in its
15 behalf in this state as interior designers, are registered as
16 provided by this part.

17 (13) Nothing in this section shall be construed to
18 mean that a certificate of registration to use the title
19 "interior designer" must be held by a corporation or
20 partnership. Nothing in this section prohibits corporations
21 and partnerships from joining together to offer architectural,
22 engineering, interior design, land surveying, and landscape
23 architectural services, or any combination of such services,
24 to the public, provided that each corporation or partnership
25 otherwise meets the requirements of law.

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

29 Section 13. Section 481.221, Florida Statutes, is
30 amended to read:

31 481.221 Seals.--

1 (1) The board shall prescribe, by rule, a form of seal
2 to be used by registered architects holding valid certificates
3 of registration. Each registered architect shall obtain an
4 impression-type metal seal, and all final construction
5 documents and instruments of service, which include drawings,
6 plans, specifications, or reports prepared or issued by the
7 registered architect and being filed for public record shall
8 bear the signature and seal of the architect who prepared or
9 approved the document and the date on which they were sealed
10 ~~be signed by the registered architect, dated, and stamped with~~
11 ~~his seal.~~ The signature, date, and seal shall be evidence of
12 the authenticity of that to which they are affixed.

13 (2) When the certificate of registration of a
14 registered architect has been revoked or suspended by the
15 board, the registered architect shall surrender his seal to
16 the secretary of the board within a period of 30 days after
17 the revocation or suspension has become effective. In the
18 event the certificate of the registered architect has been
19 suspended for a period of time, his seal shall be returned to
20 him upon expiration of the suspension period.

21 (3) No registered architect shall affix, or permit to
22 be affixed, his seal or signature name to any final
23 construction documents or instruments of service, which
24 include any plan, specification, drawing, or other document
25 which depicts work which he is not competent to perform.

26 (4) No registered architect shall affix his signature
27 or seal to any final construction documents or instruments of
28 service which include drawings, plans, specifications, or
29 architectural documents which were not prepared by him or
30 under his responsible supervising control or by another
31 registered architect and reviewed, approved, or modified and

1 adopted by him as his own work according to rules adopted by
2 the board with full responsibility as a registered architect
3 for such documents.

4 (5) Final construction documents or instruments of
5 service which include plans, drawings, specifications,
6 reports, or and other architectural related documents prepared
7 by a registered architect as part of his architectural
8 practice shall be of a sufficiently high standard to clearly
9 and accurately indicate or illustrate all assure-the-users
10 thereof-against-misunderstanding-of-the-requirements-intended
11 to-be-illustrated-or-described-by-them--To-be-of-the-required
12 standard,-such-documents-should-clearly-and-accurately
13 indicate-the-design-of-the-structural-elements-and-of-all
14 other essential parts of the work to which they refer.

15 (6) Each registered architect, and each corporation or
16 partnership holding a certificate of authorization, shall
17 include its license number in any newspaper, telephone
18 directory, or other advertising medium used by the registered
19 architect, corporation, or partnership. A corporation or
20 partnership is not required to display the license number of
21 individual registered architects employed by or practicing
22 with the corporation or partnership.

23 (7) The board shall prescribe, by rule, a form of seal
24 distinctively different from the form of seal prescribed for
25 registered architects to be used by registered interior
26 designers holding licenses under this part. Each registered
27 interior designer must sign and seal all studies, drawings,
28 specifications, or reports prepared or issued by the interior
29 designer and being filed for public record.

30 (8) When the certificate of registration of a
31 registered interior designer has been revoked or suspended by

1 the board, the registered interior designer must surrender his
2 seal to the secretary of the board within a period of 30 days
3 after the revocation or suspension has become effective. The
4 seal shall be returned to the licensee upon expiration of any
5 suspension period.

6 (9) A registered interior designer may not affix, or
7 permit to be affixed, his seal or name to any study, drawing,
8 specification, or other document which depicts work which he
9 is not competent to perform.

10 (10) A registered interior designer may not affix his
11 signature or seal to any study, drawing, or specification
12 which was not prepared by him or under his responsible
13 supervising control or by another registered interior designer
14 and reviewed, approved, or modified and adopted by him as his
15 own work pursuant to rules adopted by the board with full
16 responsibility as a registered interior designer for such
17 documents.

18 (11) Studies, drawings, specifications, and other
19 related documents prepared by a registered interior designer
20 as part of his interior design practice must be of a
21 sufficiently high standard to clearly and accurately indicate
22 all essential parts of the work to which they refer.

23 Section 14. Section 481.223, Florida Statutes, is
24 amended to read:

25 481.223 Prohibitions; penalties.--

26 (1) No person shall knowingly:

27 (a) Practice architecture unless the person is an
28 architect or a registered architect;

29 (b) Use the name or title "architect" or "registered
30 architect" or "registered interior designer" or "interior
31 designer" or words to that effect when the person is not then

1 the holder of a valid license issued pursuant to this part
2 act;

3 (c) Present as his own the license of another;

4 (d) Give false or forged evidence to the board or a
5 member thereof for the purpose of obtaining a license;

6 (e) Use or attempt to use an architect or interior
7 design license which has been suspended, revoked, or placed on
8 inactive status;

9 (f) Employ unlicensed persons to practice
10 architecture; or

11 (g) Conceal information relative to violations of this
12 part act.

13 (2) Any person who violates any provision of this
14 section is guilty of a misdemeanor of the first degree,
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 Section 15. Subsection (1) of section 481.225, Florida
18 Statutes, is amended to read:

19 481.225 Disciplinary proceedings.--

20 (1) The following acts constitute grounds for which
21 the disciplinary actions in subsection (3) may be taken:

22 (a) Violation of any provision of s. 481.223 or s.
23 455.227(1);

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

26 (c) Having a license to practice architecture revoked,
27 suspended, or otherwise acted against, including the denial of
28 licensure, by the licensing authority of another state,
29 territory, or country;

30 (d) Being convicted or found guilty, regardless of
31 adjudication, of a crime in any jurisdiction which directly

1 relates to the practice of architecture or the ability to
2 practice architecture;

3 (e) Violation of any provision of s. 481.221;

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

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

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

17 (i) Upon proof that the licensee is guilty of fraud or
18 deceit, or of negligence, incompetency, or misconduct, in the
19 practice of architecture;

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

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

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

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

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

4 (o) Failing to perform any statutory or legal
5 obligation placed upon a registered ~~architect; or~~

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

12 Section 16. Section 481.2251, Florida Statutes, is
13 created to read:

14 481.2251 Disciplinary proceedings against registered
15 interior designers.--

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

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

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

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

1 shall create a rebuttable presumption of guilt to the
2 underlying criminal charges. However, the board shall allow
3 the person being disciplined to present any evidence relevant
4 to the underlying charges and the circumstances surrounding
5 his plea;

6 (d) False, deceptive, or misleading advertising;

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

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

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

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

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

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

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

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

1 assistance in selecting surface materials, window treatments,
2 wallcoverings, paint, floor coverings, surface-mounted
3 lighting, or loose furnishings not subject to regulation under
4 applicable building codes.

5 (6) Nothing in this part shall be construed as
6 authorizing or permitting an interior designer to engage in
7 the business of, or to act as, a contractor within the meaning
8 of chapter 489, unless registered or certified as a contractor
9 pursuant to chapter 489.

10 (7) Nothing contained in this act shall prevent any
11 person from rendering interior design services, provided that
12 such person shall not be permitted to use or be identified by
13 the title "interior designer," unless licensed in accordance
14 with this part.

15 Section 18. Section 481.231, Florida Statutes, is
16 amended to read:

17 481.231 Effect of ss. 481.201-481.233 locally.--

18 (1) Nothing contained in this part act shall be
19 construed to repeal, amend, limit or otherwise affect any
20 specific provision of any local building code or zoning law or
21 ordinance that has been duly adopted, now or hereafter
22 enacted, which is more restrictive, with respect to the
23 services of registered architects or registered interior
24 designers, than the provisions of this part act.

25 (2) Counties or municipalities which issue building
26 permits shall not issue permits if it is apparent from the
27 application for the building permit that the provisions of
28 this part act have been violated. However, this shall not
29 authorize the withholding of building permits in any cases
30 within the exempt classes set forth in this part act.

31

1 Section 19. Licensure without examination.--Any person
2 who has used or has been identified by the title of "interior
3 designer" and, unless not required for regular employment as
4 an interior designer or for teaching as provided in this
5 section, has maintained a municipal or county occupational
6 license within the state for at least 1 year prior to the
7 effective date of this act may apply for and secure a license
8 from the department without taking the written examination or
9 meeting the qualifications for taking the examination,
10 provided such person applies for the license within 1 year
11 after the effective date of this act and has successfully
12 completed the examination administered by the National Council
13 for Interior Design Qualifications or has at least 6 years of
14 experience or practice as an interior designer. A person
15 shall be deemed to have used or been identified by the title
16 "interior designer" within the meaning and intent of this
17 section if, during the requisite 1-year period, such person
18 was, either on his own account or in the course of regular
19 employment, rendering or offering to render to another person
20 interior design services or was regularly engaged in the
21 teaching of interior design at a college, university, or
22 professional school with a program accredited by the
23 Foundation for Interior Design Education Research. Any
24 combination of the rendering of such services and teaching
25 during the 1-year period shall satisfy the requirements of
26 this section.

27 Section 20. Section 481.233, Florida Statutes, is
28 hereby repealed.

29 Section 21. Notwithstanding the provisions of chapters
30 81-318, 82-179, and 87-50, Laws of Florida, sections 481.201,
31 481.203, 481.205, 481.2055, 481.207, 481.209, 481.211,

1 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.225,
2 481.227, 481.229, and 481.231, Florida Statutes, shall not
3 stand repealed on October 1, 1988, as scheduled by such laws,
4 but said sections, as amended, are hereby revived and
5 readopted.

6 Section 22. Sections 481.201, 481.203, 481.205,
7 481.2055, 481.207, 481.209, 481.211, 481.213, 481.2131,
8 481.215, 481.217, 481.219, 481.221, 481.223, 481.225,
9 481.2251, 481.227, 481.229, and 481.231, Florida Statutes, are
10 repealed effective October 1, 1998, and shall be reviewed by
11 the Legislature prior to that date pursuant to section 11.61,
12 Florida Statutes.

13 Section 23. This act shall take effect October 1,
14 1988.

15
16
17 **STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN**
18 **COMMITTEE SUBSTITUTE FOR**
19 **Senate Bill 127**

- 20 1. The interior design title act is made part of the
21 architect statute.
22 2. Both professions, interior design and architecture, are
23 licensed and regulated by the same board as contrasted with a
24 DPR advisory committee overseeing interior design.
25 3. The Board of Architecture is expanded by adding two
26 interior designers and the name is changes from the Board of
27 Architecture to the Board of Architecture and Interior
28 Design.
29 4. The definition of interior design is clarified to make it
30 more precise.
31 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.

CS for CS for SB 127

By the Committees on Appropriations and Economic, Community and Consumer Affairs and Senators McPherson, Dudley, Kiser, Grant and Meek

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. 481.2131, F.S.; providing practice requirements for interior designers; amending s. 481.215, F.S.; providing a continuing education

ye cost of this bill to the public.

This publication was produced at an expense for the information of members of the

1 requirement for license renewal for interior
2 designers; amending s. 481.217, F.S.; revising
3 requirements for license reactivation; amending
4 s. 481.219, F.S.; providing certain
5 requirements relating to practice of
6 architecture and use of the title "interior
7 design" by a corporation or partnership;
8 ~~amending s. 481.221, F.S.~~; providing for the
9 use of a seal by licensees; requiring the use
10 of certificate numbers in advertising; amending
11 s. 481.223, F.S.; providing prohibitions on the
12 use of certain terms; amending s. 481.225,
13 F.S.; revising grounds for disciplinary action
14 against architects; creating s. 481.2251, F.S.;
15 providing grounds for disciplinary actions
16 against interior designers; providing
17 penalties; amending s. 481.227, F.S.;
18 conforming language; amending s. 481.229, F.S.;
19 providing exceptions and exemptions from
20 licensure; amending s. 481.231, F.S.;
21 clarifying local effect; providing a waiver of
22 examination requirements for licensure as an
23 interior designer prior to a specified date;
24 ~~repealing s. 481.233, F.S.~~, relating to the
25 registration of certain architects; saving part
26 I of chapter 481, F.S., from Sunset repeal and
27 providing for future review and repeal;
28 ~~repealing s. 481.205(3), F.S.~~, relating to the
29 interior design advisory body; providing an
30 appropriation; providing an effective date.
31

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

2
3 Section 1. Paragraph (b) of subsection (4) of section
4 20.30, Florida Statutes, as amended by section 2 of chapter
5 88-1, Laws of Florida, is amended to read:

6 20.30 Department of Professional Regulation.--There is
7 created a Department of Professional Regulation.

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

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

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

15 481.201 Purpose.--The Legislature finds that improper
16 design and improper construction supervision by architects of
17 buildings primarily designed for human habitation or use
18 present a significant threat to the public. The Legislature
19 further finds that it is in the interest of the public to
20 limit the use of the terms "interior designer" and "registered
21 interior designer" to those persons having interior design
22 education and training as provided in this part.

23 Section 3. Section 481.203, Florida Statutes, is
24 amended to read:

25 481.203 Definitions.--As used in this part, the term
26 act:

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

29 (2) "Department" means the Department of Professional
30 Regulation.

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

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

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

12 (6) "Architecture" means the rendering or offering to
13 render services in connection with the design and construction
14 of a structure or group of structures which have as their
15 principal purpose human habitation or use, and the utilization
16 of space within and surrounding such structures. These
17 services include planning, providing preliminary study
18 designs, drawings and specifications, ~~architectural~~
19 ~~supervision~~, job-site inspection, and administration of
20 construction contracts.

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

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

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

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

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

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

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

28 481.205 Board of Architecture and Interior Design.--

29 (1) ~~There is created in the Department of Professional~~
30 Regulation A Board of Architecture and Interior Design is
31 created in the Department of Professional Regulation. The

1 board shall consist of nine seven members. Five members must
2 be registered architects who have been engaged in the practice
3 of architecture for at least 5 years; two members must be
4 registered interior designers who have been offering interior
5 design services for at least 5 years;and two members must be
6 lay persons who are not, and have never been, architects,
7 interior designers, or members of any closely related
8 profession or occupation. The initial interior designer
9 members must have been offering interior design services for
10 at least 5 years, be otherwise eligible to be registered, and
11 become registered within 1 year after October 1, 1988. At
12 least one member of the board must be 60 years of age or
13 older.

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

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

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

26 481.2055 Authority to make rules.--The board may adopt
27 such rules, not inconsistent with law, as may be necessary to
28 carry out the duties and authority conferred upon the board by
29 this part chapter and chapter 455 as may be necessary to
30 protect the health, safety, and welfare of the public.

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

3 481.207 Fees.--The board, by rule, may establish fees
4 to be paid for applications, examination, reexamination,
5 licensing and renewal, inactive status application and
6 reactivation of inactive licenses, reinstatement, and
7 recordmaking and recordkeeping. ~~The examination fee shall be~~
8 ~~in an amount which covers the cost of obtaining and~~
9 ~~administering the examination and shall be refunded if the~~
10 ~~applicant is found ineligible to sit for the examination.--The~~
11 ~~application fee shall be nonrefundable.--The fee for initial~~
12 ~~application and examination shall not exceed \$400.--The~~
13 ~~biennial renewal fee shall not exceed \$200.~~ The board may
14 also establish, by rule, a late renewal penalty. The board
15 shall establish fees which are adequate to ensure the
16 continued operation of the board and to fund the proportionate
17 expenses incurred by the department which are allocated to the
18 regulation of architects and interior designers, respectively.
19 Fees shall be based on department estimates of the revenue
20 required to implement this part and the provisions of law with
21 respect to the regulation of architects and interior
22 designers.

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

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

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

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

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

3 (6) The fee for a certificate of authorization shall
4 not exceed \$100.

5 (7) The fee for an application for inactive status or
6 for reactivation of an inactive license shall not exceed \$50.

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

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

10 481.209 Examinations.--

11 (1) A person desiring to be licensed as a registered
12 architect ~~or architect-intern~~ shall apply to the department to
13 take the licensure examination ~~for licensure~~. The department
14 shall administer the licensure examination to each applicant
15 who the board certifies:

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

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

23 (b) 1. Has successfully completed all architectural
24 curriculum courses required by and is a graduate of a school
25 or college of architecture accredited by the National
26 Architectural Accreditation Board; or

27 2. Is a graduate of from an approved architectural
28 curriculum of 5 years or more, evidenced by a degree from an
29 unaccredited a school or college of architecture approved by
30 the board. The board shall adopt rules providing for the
31 review and approval of unaccredited schools and colleges of

1 architecture and courses of architectural study which-meets
2 standards-of-accreditation-adopted-by-the-board-by-rule based
3 on a review and inspection by the board of the curriculum of
4 accredited schools and colleges of architecture in the United
5 States, including those schools and colleges accredited by the
6 National Architectural Accreditation Board; and-

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

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

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

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

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

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

28
29 All such education must have been obtained in a program,
30 school, or college of interior design accredited by the
31 Foundation for Interior Design Education Research or in an

1 unaccredited program, school, or college of interior design
2 approved by the board. The board shall adopt rules providing
3 for the review and approval of unaccredited programs, schools,
4 and colleges of interior design and courses of interior design
5 study based on a review and inspection by the board of the
6 curriculum of accredited programs, schools, and colleges of
7 interior design in the United States, including those
8 programs, schools, and colleges accredited by the Foundation
9 for Interior Design Education Research. The board shall adopt
10 rules providing for the review and approval of diversified
11 interior design experience required by this subsection.

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

14 481.211 Internship required Experience.--

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

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

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

27 (2) Beginning on October 1, 1989, each applicant for
28 licensure must complete 1 year of the internship experience
29 required by this section subsequent to graduation from a
30 school or college of architecture as defined in s. 481.209(1).
31 Any-person-who-was-engaged-in-a-program-consisting-of-2-years

1 ~~or more of diversified training in an office of registered~~
 2 ~~practicing architects on July 17, 1969, and who notified the~~
 3 ~~board of his training within 1 year after July 17, 1969, shall,~~
 4 ~~if otherwise qualified, be permitted to take the examination~~
 5 ~~required by s. 481.209 only if diversified training is~~
 6 ~~completed before July 17, 1985.~~

7 Section 9. Section 481.213, Florida Statutes, is
 8 amended to read:

9 481.213 Licensure.--

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

13 (2) The board shall certify for licensure by
 14 examination any applicant who passes the prescribed licensure
 15 examination and satisfies the requirements of ss. 481.209 and
 16 481.211, for architects, or the requirements of s. 481.209,
 17 for interior designers.

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

21 (a) Qualifies to take the prescribed licensure
 22 examination, and has passed the prescribed licensure
 23 examination or a substantially equivalent examination in
 24 another jurisdiction, as set forth in s. 481.209 for
 25 architects or interior designers, as applicable, ~~has passed a~~
 26 ~~nationally, regionally, state, or United States territorial~~
 27 ~~licensing examination which is substantially equivalent to the~~
 28 ~~examination required by s. 481.209,~~ and has satisfied the
 29 internship experience requirements set forth in s. 481.211 for
 30 architects;

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

5 substantially equivalent to the licensure criteria which
6 existed in this state at the time the license was issued; or

7 (c) Has passed the prescribed licensure examination
8 and holds a valid certificate issued by the National Council
9 of Architectural Registration Board pursuant to standards of
10 that council that are no less stringent than those in effect
11 on April 1, 1988, provided that if the applicant satisfied the
12 educational eligibility requirements for issuance of the
13 certificate after July 1, 1984, and the applicant holds a
14 degree in architecture, such degree must be equivalent to that
15 required under s. 481.209. Has-engaged-in-the-practice-of
16 architecture-as-a-registered-architect-in-another-state-for
17 not-less-than-10-years.

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

21 (4)(5) The board may refuse to certify any applicant
22 who has violated any of the provisions of s. 481.223, s.
23 481.225, or s. 481.2251, as applicable.

24 (5)(6) The board may refuse to certify any applicant
25 who is under investigation in any jurisdiction another state
26 for any act which would constitute a violation of this part
27 act or of chapter 455 until such time as the investigation is
28 complete and disciplinary proceedings have been terminated.

29 (6)(7) The board shall adopt rules to implement the
30 provisions of this part act relating to the examination,
31 internship, and licensure of applicants.

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

3 481.2131 Interior design; practice requirements;
4 disclosure of compensation for professional services.--

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

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

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

28 481.215 Renewal of license.--

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

1 (5) A license renewal may not be issued to an interior
 2 designer by the department until the licensee submits proof
 3 satisfactory to the department that, during the 2 years prior
 4 to his application for renewal, he has participated in not
 5 less than 20 hours per year of continuing education approved
 6 by the board. The board shall approve only continuing
 7 education that builds upon the basic knowledge of interior
 8 design. The board may make exception from the requirements of
 9 continuing education in emergency or hardship cases.

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

12 481.217 Inactive status.--

13 (1) A license which has become inactive may be
 14 reactivated pursuant to this section ~~or 481.215~~ upon
 15 application to the department and payment of an inactive
 16 status application fee and a reactivation fee.

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

28 (b) Any such license which has been inactive for more
 29 than 4 years shall automatically expire if the licensee has
 30 not made application for reactivation renewal of such license.
 31 Once a license expires, it becomes null and void without any

1 further action by the board or department. One year prior to
2 expiration of the inactive license, the department shall give
3 notice to the licensee at the licensee's last address of
4 record.

5 (2) The board shall adopt promigate rules relating to
6 application procedures for inactive status and for the
7 reactivation of inactive licenses ~~licenses which have become~~
8 ~~inactive and for the renewal of inactive licenses.~~ ~~The board~~
9 ~~shall prescribe by rule a fee not to exceed \$50 for the~~
10 ~~reactivation of an inactive license and a fee not to exceed~~
11 ~~\$50 for the renewal of an inactive license.~~

12 Section 13. Section 481 219, Florida Statutes, is
13 amended to read:

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

16 481.219 Certification of partnerships and
17 corporations.--

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

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

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

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

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

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

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

30 (a) One or more of the principal officers of the
31 corporation or one or more partners of the partnership, and

1 all personnel of the corporation or partnership who act in its
2 behalf in this state as architects, are registered as provided
3 by this part; or

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

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

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

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

22 (11) A corporation or partnership shall not be
23 relieved of responsibility for the conduct or acts of its
24 agents, employees, or officers by reason of its compliance
25 with this section. However, the architect who signs and seals
26 the construction documents and instruments of service shall be
27 liable for the professional services performed and the
28 interior designer who signs and seals the interior design
29 drawings, plans, or specifications shall be liable for the
30 professional services performed.

31

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

5 (13) Nothing in this section shall be construed to
6 mean that a certificate of registration to practice
7 architecture or use the title "interior designer" shall be
8 held by a corporation or partnership. This section does not
9 prohibit corporations and partnerships from joining together
10 to offer architectural, engineering, interior design, land
11 surveying, and landscape architectural services, or any
12 combination of such services, to the public, provided that
13 each corporation or partnership otherwise meets the
14 requirements of law.

15 (14) Corporations or partnerships holding a valid
16 certificate of authorization to practice architecture may use
17 in their title the term "interior designer."

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

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

22 481.221 Seals; display of certificate number.--

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

27 (a) Each registered architect shall obtain an
28 impression-type metal seal, and all final construction
29 documents and instruments of service which include drawings,
30 plans, specifications, or reports prepared or issued by the
31 registered architect and being filed for public record must

1 bear the signature and seal of the registered architect who
2 prepared or approved the document and the date on which they
3 were sealed. The signature, date, and seal shall be evidence
4 of the authenticity of that to which they are affixed.

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

14 (2) A registered architect may not affix, or permit to
15 be affixed, his seal or signature to any final construction
16 document or instrument of service which includes any plan,
17 specification, drawing, or other document which depicts work
18 which he is not competent to perform.

19 (3) A registered interior designer may not affix, or
20 permit to be affixed, his seal or signature to any plan,
21 specification, drawing, or other document which depicts work
22 which he is not competent or licensed to perform.

23 (4) A registered architect may not affix his signature
24 or seal to any final construction document or instrument of
25 service which includes drawings, plans, specifications, or
26 architectural documents which were not prepared by him or
27 under his responsible supervising control or by another
28 registered architect and reviewed, approved, or modified and
29 adopted by him as his own work according to rules adopted by
30 the board.

31

1 (5) A registered interior designer may not affix his
2 signature or seal to any plans, specifications, or other
3 documents which were not prepared by him or under his
4 responsible supervising control or by another registered
5 interior designer and reviewed, approved, or modified and
6 adopted by him as his own work according to rules adopted by
7 the board.

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

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

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

29 (9) When the certificate of registration of a
30 registered architect or interior designer has been revoked or
31 suspended by the board, the registered architect or interior

1 designer shall surrender his seal to the secretary of the
2 board within a period of 30 days after the revocation or
3 suspension has become effective. If the certificate of the
4 registered architect or interior designer has been suspended
5 for a period of time, his seal shall be returned to him upon
6 expiration of the suspension period.

7 Section 15. Section 481.223, Florida Statutes, is
8 amended to read:

9 481.223 Prohibitions; penalties.--

10 (1) No person shall knowingly:

11 (a) Practice architecture unless the person is an
12 architect or a registered architect;

13 (b) Use the name or title "architect," "registered
14 architect," "interior designer," "registered interior
15 designer," or words to that effect when the person is not then
16 the holder of a valid license issued pursuant to this part
17 act;

18 (c) Present as his own the license of another;

19 (d) Give false or forged evidence to the board or a
20 member thereof for the purpose of obtaining a license;

21 (e) Use or attempt to use an architect or interior
22 designer license which has been suspended, revoked, or placed
23 on inactive status;

24 (f) Employ unlicensed persons to practice
25 architecture; or

26 (g) Conceal information relative to violations of this
27 part act.

28 (2) Any person who violates any provision of this
29 section is guilty of a misdemeanor of the first degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 Section 16. Subsection (1) of section 481.225, Florida
2 Statutes, is amended to read:

3 481.225 Disciplinary proceedings against registered
4 architects.--

5 (1) The following acts constitute grounds for which
6 the disciplinary actions in subsection (3) may be taken:

7 (a) ~~Violating~~ ~~Violation-of~~ any provision of s.
8 481.221, s. 481.223, or s. 455.227(1) or any rule of the board
9 or department lawfully adopted pursuant to this part or
10 chapter 455;

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

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

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

26 ~~fe)--Violation-of-any-provision-of-s.-481.221;~~

27 ~~ff)--Using-his-seal, or performing any other act, as a~~
28 ~~licensee while his certificate of registration is suspended or~~
29 ~~when current renewals have not been obtained;~~

30 ~~(e)tg)~~ Making or filing a report or record which the
31 licensee knows to be false, willfully failing to file a report

1 or record required by state or federal law, willfully impeding
 2 or obstructing such filing, or inducing another person to
 3 impede or obstruct such filing. Such reports or records shall
 4 include only those which are prepared signed in the capacity
 5 of a registered architect;

6 ~~(f)~~† Advertising goods or services in a manner which
 7 is fraudulent, false, deceptive, or misleading in form or
 8 content;

9 ~~(g)~~†† Committing an act ~~Upon proof that the licensee~~
 10 ~~is guilty~~ of fraud or deceit, or of negligence, incompetency,
 11 or misconduct, in the practice of architecture;

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

14 ~~(h)~~† Advertising on a revoked, suspended, or inactive
 15 license,

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

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

22 ~~(l)~~† Advertising, assisting, procuring, or advising any
 23 unlicensed person to practice architecture contrary to this
 24 part chapter or to a rule of the department or the board; or

25 ~~(j)~~† Advertising Failing to perform any statutory or legal
 26 obligation placed upon a registered architect; or

27 ~~(k)~~ Attempting to influence or overrule the
 28 professional judgment of an architect by an act that, if
 29 carried out, would constitute negligence contrary to the
 30 exercise of professional judgment in accordance with

1 professionally accepted standards of practice or would
2 threaten the public health, safety, or welfare.

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

5 481.2251 Disciplinary proceedings against registered
6 interior designers.--

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

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

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

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

28 (d) False, deceptive, or misleading advertising;

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

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

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

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

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

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

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

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

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

30 (n) Rendering or offering to render architectural
31 services.

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

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

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

13 481.227 Prosecution of criminal violations.--The board
 14 shall report any criminal violation of this part act to the
 15 proper prosecuting authority for prompt prosecution.

16 Section 19. Subsections (2) and (3) of section
 17 481.229, Florida Statutes, are amended and subsections (4),
 18 (5), (6), and (7) are added to said section to read:

19 481.229 Exceptions; exemptions from licensure.--

20 (2) ~~Nothing contained in This part does not act shall~~
 21 ~~be construed to prevent any employee of an architect from~~
 22 ~~acting in any capacity under the instruction, control, or~~
 23 ~~supervision of the architect or to prevent any person from~~
 24 ~~acting as a contractor in the execution of work designed by an~~
 25 ~~architect.~~

26 (3) Notwithstanding the provisions of this part act or
 27 of any other law, no registered engineer whose principal
 28 practice is civil or structural engineering, or employee or
 29 subordinate under the responsible supervision or control of
 30 the engineer, is precluded from performing architectural
 31 services which are purely incidental to his engineering

1 practice, nor is any registered architect, or employee or
2 subordinate under the responsible supervision or control of
3 such architect, precluded from performing engineering services
4 which are purely incidental to his architectural practice.
5 However, no engineer shall practice architecture or use the
6 designation "architect" or any term derived therefrom, and no
7 architect shall practice engineering or use the designation
8 "engineer" or any term derived therefrom.

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

15 (5) This part does not apply to unlicensed persons
16 holding themselves out as interior decorators or offering
17 interior decorator services, such as the selection or
18 assistance in selecting surface materials, window treatments,
19 wallcoverings, paint, floor coverings, surface-mounted
20 lighting, or loose furnishings not subject to regulation under
21 applicable building codes.

22 (6) This part does not authorize or permit an interior
23 designer to engage in the business of, or to act as, a
24 contractor within the meaning of chapter 489, unless
25 registered or certified as a contractor pursuant to chapter
26 489.

27 (7) This part does not prevent any person from
28 rendering interior design services, provided that such person
29 may not use or be identified by the title "interior designer,"
30 unless licensed in accordance with this part.
31

1 Section 20. Section 481.231, Florida Statutes, is
2 amended to read:

3 481.231 Effect of ss. 481.201-~~481.233~~ locally.--

4 (1) Nothing ~~contained~~ in this part act shall be
5 construed to repeal, amend, limit, or otherwise affect any
6 specific provision of any local building code or zoning law or
7 ordinance that has been duly adopted, now or hereafter
8 enacted, which is more restrictive, with respect to the
9 services of registered architects or registered interior
10 designers, than the provisions of this part act.

11 (2) Counties or municipalities which issue building
12 permits shall not issue permits if it is apparent from the
13 application for the building permit that the provisions of
14 this part act have been violated. However, this subsection
15 does shall not authorize the withholding of building permits
16 in any cases involving the exceptions and exemptions set out
17 in s. 481.229 within-the-exempt-classes-set-forth-in-this-act.

18 Section 21. Licensure without examination.--

19 (1) Any person who applies for licensure as a
20 registered interior designer and remits the application and
21 initial licensure fees within 1 year after the effective date
22 of this act shall be licensed by the department without taking
23 the written examination or otherwise meeting the
24 qualifications of s. 481.209(2), provided that the applicant:

25 (a)1. For at least 1 year prior to the effective date
26 of this act, has used or been identified by the title
27 "interior designer" and has maintained a municipal or county
28 occupational license as an interior designer within this
29 state, unless such a license is not required for regular
30 employment as an interior designer or for teaching interior
31 design as provided in this section; and

1 2. Has passed the examination administered by the
2 National Council for Interior Design Qualifications; or

3 (b)1. Has used or been identified by the title
4 "interior designer" and has at least 6 years of interior
5 design experience as a principal of a firm offering interior
6 design services; and

7 2. Has passed the examination administered by the
8 National Council for Interior Design Qualifications.

9 (2) Any person who is currently enrolled in an
10 existing 2-year interior design program at a public community
11 college within this state, applies for licensure as a
12 registered interior designer, and remits the application and
13 initial licensure fees prior to October 1, 1990, shall be
14 licensed by the department without taking the written
15 examination or otherwise meeting the qualifications of s.
16 481.209(2), provided that the applicant graduates from such
17 program by October 1, 1990.

18 (3) A person shall be deemed to have used or been
19 identified by the title "interior designer" within the meaning
20 of this section if such person was, either on his own account
21 or in the course of regular employment, rendering or offering
22 to render to another person interior design services or was
23 regularly engaged in the teaching of interior design at a
24 college, university, or professional school with a program
25 accredited by the Foundation for Interior Design Research or
26 approved by the board.

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

29 Section 23. Notwithstanding the provisions of the
30 Regulatory Sunset Act or of any other provision of law which
31 provides for review and repeal in accordance with s. 11.61,

1 Florida Statutes, and except as otherwise specifically
2 provided herein, part I of chapter 481, Florida Statutes,
3 shall not stand repealed on October 1, 1988, and shall
4 continue in full force and effect as amended herein.

5 Section 24. Part I of chapter 481, Florida Statutes,
6 is repealed on October 1, 1998, and shall be reviewed by the
7 Legislature pursuant to s. 11.61, Florida Statutes.

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

10 Section 26. There is hereby appropriated \$169,829 for
11 fiscal year 1988-1989 from the Department of Professional
12 Regulation Trust Fund to, and four additional positions are
13 authorized for, the Department of Professional Regulation to
14 comply with the provisions of this act.

15 Section 27. This act shall take effect October 1,
16 1988.

17
18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 127

22 Committee Substitute for CS/SB 127 revises and reenacts Part
23 I of Chapter 481, Florida Statutes, regulating the practice
24 of architecture. Deletes obsolete language and makes many
25 technical and clarifying changes. Incorporates a newly
26 created title protection act for interior designers into the
27 revised or existing statutes related to architecture. Merges
28 the newly created interior design provisions into existing
29 sections.
30
31