Committee/Subcommittee hearing bill: Commerce Committee
Representative Beshears offered the following:

Substitute Amendment for Amendment (404681) by Representative Beshears (with title amendment)

Remove lines 155-189

Remove lines 226-468

Remove lines 1158-1874 and insert:
Section 59. Subsection (5) of section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part:

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

Section 60. Section 481.219, Florida Statutes, is amended to read:

481.219 Business organization; qualifying agents
Certification of partnerships, limited liability companies, and corporations.—

(1) A licensee may practice architecture or interior design by licensees through a business organization that offers architectural or interior design services to the public, or through a business organization that offers architectural or interior design services to the public through such licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.

(2) If a licensee or an applicant proposes to engage in the practice of architecture or interior design as a business organization, the licensee or applicant must apply to qualify the business organization. For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an
individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.

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

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

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

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

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

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

(3)(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a
registered architect under this part. A business organization may not engage in the practice of interior design unless its qualifying agent is a registered architect or a registered interior designer under this part. A qualifying agent who terminates her or his affiliation with a business organization shall immediately notify the department of such termination. If the qualifying agent who terminates her or his affiliation is the only qualifying agent for a business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture or interior design until it is qualified by a qualifying agent.

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

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture or interior design in her or his own name or in affiliation with a
different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part. For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.

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

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

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

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

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

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

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

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

(7) Each qualifying agent approved to qualify a business organization, partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days after any change in the information contained in the application upon which the qualification certification is based. Any registered architect or interior designer who qualifies the business organization shall ensure corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring responsible supervising control of projects of the business organization entity and shall notify the department of the termination of her or his employment with a business organization qualified partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days after such termination.

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

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

(9) Nothing in This section shall be construed to mean that a certificate of registration to practice architecture or interior design must shall be held by a business organization corporation, limited liability company, or partnership. Nothing in This section does not prohibit a business organization from offering Architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public if the business organization, provided that each corporation, limited liability company, or partnership otherwise meets the requirements of law.

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

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

481.221 Seals; display of certificate number.—

(10) Each registered architect or interior designer must, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall include her or his license its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered licensee architect, interior designer, corporation, limited liability company, or partnership. Each business organization must include the license number of the registered architect or interior designer who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization, but is not required to display the license numbers of other registered architects or interior designers employed by the business organization. A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership.

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

481.229 Exceptions; exemptions from licensure.—
(5)(a) Nothing contained in this part does not prohibit a registered architect or a qualified business organization partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."

(c) Notwithstanding any other provision of this part, a registered architect or qualified business organization certified any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services must be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application for qualification therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.
Remove lines 3-7 and insert:

occupations;

Remove lines 27-56 and insert:

and renewals to the department; amending s. 468.401,

Remove lines 103-130 and insert:

and 477.029, F.S.; conforming provisions; amending s. 481.203,
F.S.; defining the term "business organization"; deleting the
definition of the term "certificate of authorization"; amending
s. 481.219, F.S.; revising the process by which a business
organization obtains the requisite license to perform
architectural services; requiring that a licensee or an
applicant apply to qualify a business organization under certain
circumstances; specifying application requirements; authorizing
the Board of Architecture and Interior Design to deny an
application under certain circumstances; requiring that a
qualifying agent be a registered architect or a registered
interior designer under certain circumstances; requiring that a
qualifying agent notify the department when she or he ceases to
be affiliated with a business organization; prohibiting a
business organization from engaging in certain practices until
it is qualified by a qualifying agent; authorizing the executive
director or the chair of the board to authorize a certain
registered architect or interior designer to temporarily serve
as the business organization's qualifying agent for a specified
timeframe under certain circumstances; requiring the qualifying
agent to give written notice to the department before engaging
in practice under her or his own name or in affiliation with
another business organization; requiring the board to certify an
applicant to qualify one or more business organizations or to
operate using a fictitious name under certain circumstances;
conforming provisions to changes made by the act; amending s.
481.221, F.S.; requiring a business organization to include the
license number of a certain registered architect or interior
designer in any advertising; providing an exception; conforming
provisions to changes made by the act; amending s. 481.229,
F.S.; conforming provisions to changes made by the act; amending
s. 481.303, F.S.;