

1                   A bill to be entitled  
2           An act relating to construction contracting; amending s.  
3           481.221, F.S.; requiring the Board of Architecture and  
4           Interior Design to prescribe, by rule, one or more forms  
5           of seals for use by a registered architect or interior  
6           designer who holds a valid certificate of registration;  
7           authorizing use of one seal and registration of the seal  
8           electronically; authorizing electronic transmission and  
9           sealing of final plans, specifications, or reports;  
10          prohibiting signing or sealing of final plans,  
11          specifications, or reports after expiration, suspension,  
12          or revocation of certificate of registration; requiring  
13          surrender of the seal upon suspension or revocation of the  
14          certificate of registration; amending s. 481.321, F.S.;  
15          requiring the Board of Landscape Architecture to  
16          prescribe, by rule, one or more forms of seals for use by  
17          a registered landscape architect who holds a valid  
18          certificate of registration; authorizing use of one seal  
19          and registration of the seal electronically; authorizing  
20          electronic transmission and sealing of final plans,  
21          specifications, or reports; prohibiting signing or sealing  
22          of final plans, specifications, or reports after  
23          expiration, suspension, or revocation of certificate of  
24          registration; requiring surrender of the seal upon  
25          suspension or revocation of the certificate of  
26          registration; reenacting s. 481.225(1)(a) and (3), F.S.,  
27          relating to disciplinary proceedings against registered  
28          architects, to incorporate the amendment to s. 481.221,

29 F.S., in a reference thereto; providing penalties;  
 30 reenacting s. 481.325(1)(a) and (3), F.S., relating to  
 31 disciplinary proceedings against registered landscape  
 32 architects, to incorporate the amendment to s. 481.321,  
 33 F.S., in a reference thereto; providing penalties;  
 34 amending s. 489.103, F.S.; exempting preengineered fire  
 35 extinguishing system permittees from construction  
 36 contracting regulation; amending s. 489.105, F.S.;  
 37 revising contractor definitions to authorize Class A and  
 38 Class B air-conditioning contractors to disconnect or  
 39 reconnect changeouts of liquefied petroleum or natural gas  
 40 appliances within buildings, mechanical contractors to  
 41 install, maintain, fabricate, repair, alter, extend, or  
 42 design, when not prohibited by law, liquefied petroleum  
 43 gas lines within buildings, and plumbing contractors to  
 44 install liquefied petroleum gas and related venting lines;  
 45 providing an effective date.

46

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

48

49 Section 1. Section 481.221, Florida Statutes, is amended  
 50 to read:

51 481.221 Seals; display of certificate number.--

52 (1) The board shall prescribe, by rule, one or more forms  
 53 of ~~distinctively different~~ seals to be used by registered  
 54 architects ~~and interior designers, respectively,~~ holding valid  
 55 certificates of registration.

56 (2)~~(a)~~ Each registered architect shall obtain one ~~an~~

57 ~~impression-type metal seal~~ in a form approved by rule of the  
 58 board and may, in addition, register her or his seal  
 59 electronically in accordance with ss. 668.001-668.006.~~and All~~  
 60 final construction documents and instruments of service which  
 61 include drawings, plans, specifications, or reports prepared or  
 62 issued by the registered architect and being filed for public  
 63 record shall bear the signature and seal of the registered  
 64 architect who prepared or approved the document and the date on  
 65 which they were sealed. The signature, date, and seal shall be  
 66 evidence of the authenticity of that to which they are affixed.  
 67 Final plans, specifications, or reports prepared or issued by a  
 68 registered architect may be transmitted electronically and may  
 69 be signed by the registered architect, dated, and sealed  
 70 electronically with the seal in accordance with ss. 668.001-  
 71 668.006.

72 ~~(3)(b)~~ The board shall adopt a rule prescribing the  
 73 distinctly different seals to be used by registered interior  
 74 designers holding valid certificates of registration. Each  
 75 registered interior designer shall obtain a seal as prescribed  
 76 by the board, and all drawings, plans, specifications, or  
 77 reports prepared or issued by the registered interior designer  
 78 and being filed for public record shall bear the signature and  
 79 seal of the registered interior designer who prepared or  
 80 approved the document and the date on which they were sealed.  
 81 The signature, date, and seal shall be evidence of the  
 82 authenticity of that to which they are affixed. Final plans,  
 83 specifications, or reports prepared or issued by a registered  
 84 interior designer may be transmitted electronically and may be

85 signed by the registered interior designer, dated, and sealed  
 86 electronically with the seal in accordance with ss. 668.001-  
 87 668.006.

88 (4)~~(2)~~ No registered architect shall affix, or permit to  
 89 be affixed, her or his seal or signature to any final  
 90 construction document or instrument of service which includes  
 91 any plan, specification, drawing, or other document which  
 92 depicts work which she or he is not competent to perform.

93 (5)~~(3)~~ No registered interior designer shall affix, or  
 94 permit to be affixed, her or his seal or signature to any plan,  
 95 specification, drawing, or other document which depicts work  
 96 which she or he is not competent or licensed to perform.

97 (6)~~(4)~~ No registered architect shall affix her or his  
 98 signature or seal to any final construction document or  
 99 instrument of service which includes drawings, plans,  
 100 specifications, or architectural documents which were not  
 101 prepared by her or him or under her or his responsible  
 102 supervising control or by another registered architect and  
 103 reviewed, approved, or modified and adopted by her or him as her  
 104 or his own work according to rules adopted by the board.

105 (7)~~(5)~~ No registered interior designer shall affix her or  
 106 his signature or seal to any plans, specifications, or other  
 107 documents which were not prepared by her or him or under her or  
 108 his responsible supervising control or by another registered  
 109 interior designer and reviewed, approved, or modified and  
 110 adopted by her or him as her or his own work according to rules  
 111 adopted by the board.

112 (8)~~(6)~~ Final construction documents or instruments of

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113 service which include plans, drawings, specifications, or other  
114 architectural documents prepared by a registered architect as  
115 part of her or his architectural practice shall be of a  
116 sufficiently high standard to clearly and accurately indicate or  
117 illustrate all essential parts of the work to which they refer.

118 (9)~~(7)~~ Studies, drawings, specifications, and other  
119 related documents prepared by a registered interior designer in  
120 providing interior design services shall be of a sufficiently  
121 high standard to clearly and accurately indicate all essential  
122 parts of the work to which they refer.

123 (10)~~(8)~~ Each registered architect or interior designer,  
124 and each corporation or partnership holding a certificate of  
125 authorization, shall include its certificate number in any  
126 newspaper, telephone directory, or other advertising medium used  
127 by the registered architect, interior designer, corporation, or  
128 partnership. A corporation or partnership is not required to  
129 display the certificate number of individual registered  
130 architects or interior designers employed by or working within  
131 the corporation or partnership.

132 (11)~~(9)~~ When the certificate of registration of a  
133 registered architect or interior designer has been revoked or  
134 suspended by the board, the registered architect or interior  
135 designer shall surrender her or his seal to the secretary of the  
136 board within a period of 30 days after the revocation or  
137 suspension has become effective. If the certificate of the  
138 registered architect or interior designer has been suspended for  
139 a period of time, her or his seal shall be returned to her or  
140 him upon expiration of the suspension period.

141           (12) A person may not sign and seal by any means any final  
 142 plan, specification, or report after her or his certificate of  
 143 registration has expired or is suspended or revoked. A  
 144 registered architect or interior designer whose certificate of  
 145 registration is suspended or revoked shall, within 30 days after  
 146 the effective date of the suspension or revocation, surrender  
 147 her or his seal to the executive director of the board and  
 148 confirm in writing to the executive director the cancellation of  
 149 the registered architect's or interior designer's electronic  
 150 signature in accordance with ss. 668.001-668.006. When a  
 151 registered architect's or interior designer's certificate of  
 152 registration is suspended for a period of time, her or his seal  
 153 shall be returned upon expiration of the period of suspension.

154           Section 2. Subsections (1) and (2) of section 481.321,  
 155 Florida Statutes, are amended to read:

156           481.321 Seals; display of certificate number.--

157           (1) The board shall prescribe, by rule, one or more forms  
 158 of seals for use ~~a form of seal to be used~~ by a registered  
 159 landscape architect who holds a valid certificate of  
 160 registration. Each registered landscape architect shall obtain  
 161 one ~~an impression-type metal~~ seal in a form approved by rule of  
 162 the board and may, in addition, register her or his seal  
 163 electronically in accordance with ss. 668.001-668.006. ~~and All~~  
 164 final plans, specifications, or reports prepared or issued by  
 165 the registered landscape architect and filed for public record  
 166 shall be signed by the registered landscape architect, dated,  
 167 and stamped or sealed electronically with her or his seal. The  
 168 signature, date, and seal constitute evidence of the

169 authenticity of that to which they are affixed. Final plans,  
 170 specifications, or reports prepared or issued by a registered  
 171 landscape architect may be transmitted electronically and may be  
 172 signed by the registered landscape architect, dated, and sealed  
 173 electronically with the seal in accordance with ss. 668.001-  
 174 668.006.

175 (2) It is unlawful for any person to sign and seal by any  
 176 means any final plan, specification, or report after her or his  
 177 certificate of registration is expired, suspended, or revoked. A  
 178 registered landscape architect whose certificate of registration  
 179 is suspended or revoked shall, within 30 days after the  
 180 effective date of the suspension or revocation, surrender her or  
 181 his seal to the executive director of the board and confirm in  
 182 writing to the executive director the cancellation of the  
 183 landscape architect's electronic signature in accordance with  
 184 ss. 668.001-668.006. When a landscape architect's certificate of  
 185 registration is suspended for a period of time, her or his seal  
 186 shall be returned upon expiration of the period of suspension.  
 187 ~~When the certificate of registration of a registered landscape~~  
 188 ~~architect has been revoked or suspended by the board, the~~  
 189 ~~registered landscape architect shall surrender her or his seal~~  
 190 ~~to the executive director of the board within 30 days after the~~  
 191 ~~revocation or suspension has become effective. If the~~  
 192 ~~certificate of the registered landscape architect is suspended~~  
 193 ~~for a period of time, her or his seal shall be returned to her~~  
 194 ~~or him upon expiration of the suspension period.~~

195 Section 3. For the purpose of incorporating the amendment  
 196 to section 481.221, Florida Statutes, in a reference thereto,

197 paragraph (a) of subsection (1) and subsection (3) of section  
198 481.225, Florida Statutes, are reenacted to read:

199 481.225 Disciplinary proceedings against registered  
200 architects.--

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

203 (a) Violating any provision of s. 455.227(1), s. 481.221,  
204 or s. 481.223, or any rule of the board or department lawfully  
205 adopted pursuant to this part or chapter 455.

206 (3) When the board finds any registered architect guilty  
207 of any of the grounds set forth in subsection (1), it may enter  
208 an order imposing one or more of the following penalties:

209 (a) Denial of an application for licensure.

210 (b) Revocation or suspension of a license.

211 (c) Imposition of an administrative fine not to exceed  
212 \$1,000 for each count or separate offense and a fine of up to  
213 \$5,000 for matters pertaining to a material violation of the  
214 Florida Building Code as reported by a local jurisdiction.

215 (d) Issuance of a reprimand.

216 (e) Placement of the registered architect on probation for  
217 a period of time and subject to such conditions as the board may  
218 specify, including requiring the registered architect to attend  
219 continuing education courses or to work under the supervision of  
220 another registered architect.

221 (f) Restriction of the authorized scope of practice by the  
222 registered architect.

223 Section 4. For the purpose of incorporating the amendment  
224 to section 481.321, Florida Statutes, in a reference thereto,



225 paragraph (a) of subsection (1) and subsection (3) of section  
 226 481.325, Florida Statutes, are reenacted to read:

227 481.325 Disciplinary proceedings.--

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

230 (a) Violation of any provision of s. 455.227(1), s.  
 231 481.321, or s. 481.323.

232 (3) When the board finds any registered landscape  
 233 architect guilty of any of the grounds set forth in subsection  
 234 (1), it may enter an order imposing one or more of the following  
 235 penalties:

236 (a) Denial of an application for licensure.

237 (b) Revocation or suspension of a license.

238 (c) Imposition of an administrative fine not to exceed  
 239 \$1,000 for each count or separate offense and a fine of up to  
 240 \$5,000 for matters pertaining to a material violation of the  
 241 Florida Building Code as reported by a local jurisdiction.

242 (d) Issuance of a reprimand.

243 (e) Placement of the registered landscape architect on  
 244 probation for a period of time and subject to such conditions as  
 245 the board may specify, including requiring the registered  
 246 landscape architect to attend continuing education courses or to  
 247 work under the supervision of another registered landscape  
 248 architect.

249 (f) Restriction of the authorized scope of practice by the  
 250 registered landscape architect.

251 Section 5. Subsection (20) is added to section 489.103,  
 252 Florida Statutes, to read:

253 489.103 Exemptions.--This part does not apply to:  
 254 (20) A person licensed pursuant to s. 633.061(1)(d) or  
 255 (2)(b) performing work authorized by such license.

256 Section 6. Paragraphs (f), (g), (i), and (m) of subsection  
 257 (3) of section 489.105, Florida Statutes, are amended to read:

258 489.105 Definitions.--As used in this part:

259 (3) "Contractor" means the person who is qualified for,  
 260 and shall only be responsible for, the project contracted for  
 261 and means, except as exempted in this part, the person who, for  
 262 compensation, undertakes to, submits a bid to, or does himself  
 263 or herself or by others construct, repair, alter, remodel, add  
 264 to, demolish, subtract from, or improve any building or  
 265 structure, including related improvements to real estate, for  
 266 others or for resale to others; and whose job scope is  
 267 substantially similar to the job scope described in one of the  
 268 subsequent paragraphs of this subsection. For the purposes of  
 269 regulation under this part, "demolish" applies only to  
 270 demolition of steel tanks over 50 feet in height; towers over 50  
 271 feet in height; other structures over 50 feet in height, other  
 272 than buildings or residences over three stories tall; and  
 273 buildings or residences over three stories tall. Contractors are  
 274 subdivided into two divisions, Division I, consisting of those  
 275 contractors defined in paragraphs (a)-(c), and Division II,  
 276 consisting of those contractors defined in paragraphs (d)-(q):

277 (f) "Class A air-conditioning contractor" means a  
 278 contractor whose services are unlimited in the execution of  
 279 contracts requiring the experience, knowledge, and skill to  
 280 install, maintain, repair, fabricate, alter, extend, or design,

281 when not prohibited by law, central air-conditioning,  
 282 refrigeration, heating, and ventilating systems, including duct  
 283 work in connection with a complete system only to the extent  
 284 such duct work is performed by the contractor as is necessary to  
 285 make complete an air-distribution system, boiler and unfired  
 286 pressure vessel systems, and all appurtenances, apparatus, or  
 287 equipment used in connection therewith, and any duct cleaning  
 288 and equipment sanitizing which requires at least a partial  
 289 disassembling of the system; to install, maintain, repair,  
 290 fabricate, alter, extend, or design, when not prohibited by law,  
 291 piping, insulation of pipes, vessels and ducts, pressure and  
 292 process piping, and pneumatic control piping; to replace,  
 293 disconnect, or reconnect power wiring on the load side of the  
 294 dedicated existing electrical disconnect switch; to install,  
 295 disconnect, and reconnect low voltage heating, ventilating, and  
 296 air-conditioning control wiring; and to install a condensate  
 297 drain from an air-conditioning unit to an existing safe waste or  
 298 other approved disposal other than a direct connection to a  
 299 sanitary system. The scope of work for such contractor shall  
 300 also include any excavation work incidental thereto, but shall  
 301 not include any work such as liquefied petroleum or natural gas  
 302 fuel lines within buildings, except for disconnecting or  
 303 reconnecting changeouts of liquefied petroleum or natural gas  
 304 appliances within buildings; potable water lines or connections  
 305 thereto; sanitary sewer lines; swimming pool piping and  
 306 filters; or electrical power wiring.

307 (g) "Class B air-conditioning contractor" means a  
 308 contractor whose services are limited to 25 tons of cooling and

309 500,000 Btu of heating in any one system in the execution of  
 310 contracts requiring the experience, knowledge, and skill to  
 311 install, maintain, repair, fabricate, alter, extend, or design,  
 312 when not prohibited by law, central air-conditioning,  
 313 refrigeration, heating, and ventilating systems, including duct  
 314 work in connection with a complete system only to the extent  
 315 such duct work is performed by the contractor as is necessary to  
 316 make complete an air-distribution system being installed under  
 317 this classification, and any duct cleaning and equipment  
 318 sanitizing which requires at least a partial disassembling of  
 319 the system; to install, maintain, repair, fabricate, alter,  
 320 extend, or design, when not prohibited by law, piping and  
 321 insulation of pipes, vessels, and ducts; to replace, disconnect,  
 322 or reconnect power wiring on the load side of the dedicated  
 323 existing electrical disconnect switch; to install, disconnect,  
 324 and reconnect low voltage heating, ventilating, and air-  
 325 conditioning control wiring; and to install a condensate drain  
 326 from an air-conditioning unit to an existing safe waste or other  
 327 approved disposal other than a direct connection to a sanitary  
 328 system. The scope of work for such contractor shall also include  
 329 any excavation work incidental thereto, but shall not include  
 330 any work such as liquefied petroleum or natural gas fuel lines  
 331 within buildings, except for disconnecting or reconnecting  
 332 changeouts of liquefied petroleum or natural gas appliances  
 333 within buildings; potable water lines or connections thereto;;  
 334 sanitary sewer lines;; swimming pool piping and filters;; or  
 335 electrical power wiring.

336 (i) "Mechanical contractor" means a contractor whose  
337 services are unlimited in the execution of contracts requiring  
338 the experience, knowledge, and skill to install, maintain,  
339 repair, fabricate, alter, extend, or design, when not prohibited  
340 by law, central air-conditioning, refrigeration, heating, and  
341 ventilating systems, including duct work in connection with a  
342 complete system only to the extent such duct work is performed  
343 by the contractor as is necessary to make complete an air-  
344 distribution system, boiler and unfired pressure vessel systems,  
345 lift station equipment and piping, and all appurtenances,  
346 apparatus, or equipment used in connection therewith, and any  
347 duct cleaning and equipment sanitizing which requires at least a  
348 partial disassembling of the system; to install, maintain,  
349 repair, fabricate, alter, extend, or design, when not prohibited  
350 by law, piping, insulation of pipes, vessels and ducts, pressure  
351 and process piping, pneumatic control piping, gasoline tanks and  
352 pump installations and piping for same, standpipes, air piping,  
353 vacuum line piping, oxygen lines, nitrous oxide piping, ink and  
354 chemical lines, fuel transmission lines, liquefied petroleum gas  
355 lines within buildings, and natural gas fuel lines within  
356 buildings; to replace, disconnect, or reconnect power wiring on  
357 the load side of the dedicated existing electrical disconnect  
358 switch; to install, disconnect, and reconnect low voltage  
359 heating, ventilating, and air-conditioning control wiring; and  
360 to install a condensate drain from an air-conditioning unit to  
361 an existing safe waste or other approved disposal other than a  
362 direct connection to a sanitary system. The scope of work for  
363 such contractor shall also include any excavation work

364 incidental thereto, but shall not include any work such as  
 365 ~~liquefied petroleum gas fuel lines within buildings~~, potable  
 366 water lines or connections thereto, sanitary sewer lines,  
 367 swimming pool piping and filters, or electrical power wiring.

368 (m) "Plumbing contractor" means a contractor whose  
 369 contracting business consists of the execution of contracts  
 370 requiring the experience, financial means, knowledge, and skill  
 371 to install, maintain, repair, alter, extend, or, when not  
 372 prohibited by law, design plumbing. A plumbing contractor may  
 373 install, maintain, repair, alter, extend, or, when not  
 374 prohibited by law, design the following without obtaining any  
 375 additional local regulatory license, certificate, or  
 376 registration: sanitary drainage or storm drainage facilities;  
 377 venting systems; public or private water supply systems; septic  
 378 tanks; drainage and supply wells; swimming pool piping;  
 379 irrigation systems; or solar heating water systems and all  
 380 appurtenances, apparatus, or equipment used in connection  
 381 therewith, including boilers and pressure process piping and  
 382 including the installation of water, natural gas, liquefied  
 383 ~~(excluding liquid petroleum gas and related venting gases)~~, and  
 384 storm and sanitary sewer lines; and water and sewer plants and  
 385 substations. The scope of work of the plumbing contractor also  
 386 includes the design, when not prohibited by law, and  
 387 installation, maintenance, repair, alteration, or extension of  
 388 air-piping, vacuum line piping, oxygen line piping, nitrous  
 389 oxide piping, and all related medical gas systems; fire line  
 390 standpipes and fire sprinklers to the extent authorized by law;  
 391 ink and chemical lines; fuel oil and gasoline piping and tank

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392 and pump installation, except bulk storage plants; and pneumatic  
393 control piping systems, all in such a manner as to comply with  
394 all plans, specifications, codes, laws, and regulations  
395 applicable. The scope of work of the plumbing contractor shall  
396 apply to private property and public property, shall include any  
397 excavation work incidental thereto, and shall include the work  
398 of the specialty plumbing contractor. Such contractor shall  
399 subcontract, with a qualified contractor in the field concerned,  
400 all other work incidental to the work but which is specified  
401 herein as being the work of a trade other than that of a  
402 plumbing contractor. Nothing in this definition shall be  
403 construed to limit the scope of work of any specialty contractor  
404 certified pursuant to s. 489.113(6). Nothing in this definition  
405 shall be construed to require certification or registration  
406 under this part of any authorized employee of a public natural  
407 gas utility or of a private natural gas utility regulated by the  
408 Public Service Commission when disconnecting and reconnecting  
409 water lines in the servicing or replacement of an existing water  
410 heater.

411 Section 7. This act shall take effect July 1, 2005.