

Amendment No. sa5

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

3  
4       **Substitute Amendment for Amendment (404681) by**  
5 **Representative Beshears (with title amendment)**

6       Remove lines 155-189

7  
8       Remove lines 226-468

9  
10       Remove lines 1158-1874 and insert:

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

13       481.203 Definitions.—As used in this part:

14       (5) "Business organization" means a partnership, a limited  
15 liability company, a corporation, or an individual operating  
16 under a fictitious name ~~"Certificate of authorization" means a~~

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17 ~~certificate issued by the department to a corporation or~~  
18 ~~partnership to practice architecture or interior design.~~

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

21 481.219 Business organization; qualifying agents  
22 ~~Certification of partnerships, limited liability companies, and~~  
23 ~~corporations.-~~

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

34 (2) If a licensee or an applicant proposes to engage in  
35 the practice of architecture or interior design as a business  
36 organization, the licensee or applicant must apply to qualify  
37 the business organization ~~For the purposes of this section, a~~  
38 ~~certificate of authorization shall be required for a~~  
39 ~~corporation, limited liability company, partnership, or person~~  
40 ~~practicing under a fictitious name, offering architectural~~  
41 ~~services to the public jointly or separately. However, when an~~

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42 ~~individual is practicing architecture in her or his own name,~~  
43 ~~she or he shall not be required to be certified under this~~  
44 ~~section. Certification under this subsection to offer~~  
45 ~~architectural services shall include all the rights and~~  
46 ~~privileges of certification under subsection (3) to offer~~  
47 ~~interior design services.~~

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

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

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

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

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

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

65 (3) (a) A business organization may not engage in the  
66 practice of architecture unless its qualifying agent is a

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

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

89 (c) A qualifying agent shall notify the department in  
90 writing before engaging in the practice of architecture or  
91 interior design in her or his own name or in affiliation with a

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92 different business organization, and she or he or such business  
93 organization shall supply the same information to the department  
94 as required of applicants under this part ~~For the purposes of~~  
95 ~~this section, a certificate of authorization shall be required~~  
96 ~~for a corporation, limited liability company, partnership, or~~  
97 ~~person operating under a fictitious name, offering interior~~  
98 ~~design services to the public jointly or separately. However,~~  
99 ~~when an individual is practicing interior design in her or his~~  
100 ~~own name, she or he shall not be required to be certified under~~  
101 ~~this section.~~

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

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

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117 approved them and the date on which they were sealed.

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

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

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

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

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

141 ~~(9) The department shall renew a certificate of~~

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142 ~~authorization upon receipt of the renewal application and~~  
143 ~~biennial renewal fee.~~

144 ~~(7)-(10)~~ Each qualifying agent approved to qualify a  
145 business organization ~~partnership, limited liability company,~~  
146 ~~and corporation certified~~ under this section shall notify the  
147 department within 30 days after ~~of~~ any change in the information  
148 contained in the application upon which the qualification  
149 ~~certification~~ is based. Any registered architect or interior  
150 designer who qualifies the business organization shall ensure  
151 ~~corporation, limited liability company, or partnership as~~  
152 ~~provided in subsection (7)~~ shall be responsible for ensuring  
153 responsible supervising control of projects of the business  
154 organization entity and shall notify the department of the ~~upon~~  
155 termination of her or his employment with a business  
156 organization qualified ~~partnership, limited liability company,~~  
157 ~~or corporation certified~~ under this section shall notify the  
158 department of the termination within 30 days after such  
159 termination.

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

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167 performed, and the interior designer who signs and seals the  
168 interior design drawings, plans, or specifications is ~~shall be~~  
169 liable for the professional services performed.

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

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

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

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192 interior designer" in its title. ~~designer."~~

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

195 481.221 Seals; display of certificate number.—

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

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

216 481.229 Exceptions; exemptions from licensure.—

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217 (5) (a) ~~Nothing contained in~~ This part does not prohibit  
218 ~~shall prevent~~ a registered architect or a qualified business  
219 organization partnership, limited liability company, or  
220 ~~corporation holding a valid certificate of authorization to~~  
221 ~~provide architectural services~~ from performing any interior  
222 design service or from using the title "interior designer" or  
223 "registered interior designer."

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

239  
240 -----  
241 **T I T L E A M E N D M E N T**

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242           Remove lines 3-7 and insert:  
243 occupations;  
244           Remove lines 27-56 and insert:  
245 and renewals to the department; amending s. 468.401,  
246           Remove lines 103-130 and insert:  
247 and 477.029, F.S.; conforming provisions; amending s. 481.203,  
248 F.S.; defining the term "business organization"; deleting the  
249 definition of the term "certificate of authorization"; amending  
250 s. 481.219, F.S.; revising the process by which a business  
251 organization obtains the requisite license to perform  
252 architectural services; requiring that a licensee or an  
253 applicant apply to qualify a business organization under certain  
254 circumstances; specifying application requirements; authorizing  
255 the Board of Architecture and Interior Design to deny an  
256 application under certain circumstances; requiring that a  
257 qualifying agent be a registered architect or a registered  
258 interior designer under certain circumstances; requiring that a  
259 qualifying agent notify the department when she or he ceases to  
260 be affiliated with a business organization; prohibiting a  
261 business organization from engaging in certain practices until  
262 it is qualified by a qualifying agent; authorizing the executive  
263 director or the chair of the board to authorize a certain  
264 registered architect or interior designer to temporarily serve  
265 as the business organization's qualifying agent for a specified  
266 timeframe under certain circumstances; requiring the qualifying

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267 agent to give written notice to the department before engaging  
268 in practice under her or his own name or in affiliation with  
269 another business organization; requiring the board to certify an  
270 applicant to qualify one or more business organizations or to  
271 operate using a fictitious name under certain circumstances;  
272 conforming provisions to changes made by the act; amending s.  
273 481.221, F.S.; requiring a business organization to include the  
274 license number of a certain registered architect or interior  
275 designer in any advertising; providing an exception; conforming  
276 provisions to changes made by the act; amending s. 481.229,  
277 F.S.; conforming provisions to changes made by the act; amending  
278 s. 481.303, F.S.;