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Changes to Architecture Practice Act
(How to stay out of trouble..)
S20CAPA

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Overview

- Background of Chapter 481, Florida Statutes and Chapter 61-G1, Florida Administrative Code
- Changes to 481 and 61-G1 resulting from CS/HB 1193
- General Discussion on other potential violations
- Questions and Answers



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House Bill /Committee Substitute 1193 Effective July 1, 2020

Changes to Architecture Practice Act
(How to Stay Out of Trouble)

Introduction of FS 481 and FAC 61-G1

- Chapter 481, Florida Statutes
 - Laws related to Architects, Registered Interior Designers, and Landscape Architects
- 61-G1, Florida Administrative Code
 - Rules governing the Board of Architecture and Interior Design - related to Architects and Registered Interior Designers

HB/CS 1193

- FLORIDA HOUSE OF REPRESENTATIVES CS/HB1193
- 2020 Legislature An act relating to the deregulation of professions and occupations;

HB/CS 1193

- conforming provisions to changes made by the act; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design; amending s. 481.203, F.S.; revising and deleting definitions; amending s. 481.205, F.S.; conforming provisions to changes made by the act; amending s. 481.207, F.S.; revising certain fees for interior designers; conforming provisions to changes made by the act; amending s. 481.209, F.S.; providing requirements for a certificate of registration and a seal for interior designers; specifying that certain persons who are already licensed as interior designers are eligible to obtain a certificate of registration; conforming provisions to changes made by the act;

HB/CS 1193

- amending s. 481.213, F.S.; revising requirements for certification of licensure by endorsement for a certain licensee to engage in the practice of architecture; providing that a certificate of registration is not required for specified persons to practice; conforming provisions to changes made by the act; amending s. 481.2131, F.S.; revising who may perform interior design; requiring certain interior designers to include a specified seal when submitting documents for the issuance of a building permit under certain circumstances; amending s. 481.215, F.S.; conforming provisions to changes made by the act; revising the number of hours of specified courses the board must require for the renewal of a license or certificate of registration; authorizing licensees to complete certain courses online; amending s. 481.217, F.S.; conforming provisions to changes made by the act; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public;

HB/CS 1193

- requiring a licensee or applicant in the practice of architecture to qualify as a business organization; providing requirements; amending s. 481.221, F.S.; conforming provisions to changes made by the act; requiring registered architects and certain business organizations to display certain license numbers in specified advertisements; amending s. 481.223, F.S.; providing construction; conforming provisions to changes made by the act; amending s. 481.2251, F.S.; revising the acts that constitute grounds for disciplinary actions relating to interior designers; conforming provisions to changes made by the act; amending ss. 481.229 and 481.231, F.S.; conforming provisions to changes made by the act; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization;

No more “Certificate of Authorization”

- Architect Changes
- No longer need a certificate of authorization to practice architecture through a business entity. Now you practice architecture through a **“Business Organization”**. The qualifying agent must be a licensed architect.

Changes to “Responsible Supervisory Control”

- 61G1-23.010 Responsible Supervising Control Over Architectural Practice in the Architect’s Office. (1) Each architectural office maintained for the preparation of drawings, specifications, reports and other professional work shall have an architect duly registered with the Board of Architecture & Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This rule (61G1-23.010, F.A.C.) does not address the procedures required of an architect in sealing and signing work which falls within the definition of “interior design” as that term is defined in section 481.203(8), F.S. The responsible supervising control which is required of architects prior to sealing and signing architectural documents as that term is used in section 481.221(4), F.S., shall mean: (a) Personal supervision by the architect exercised throughout the preparation of documents, instruments of service, specifications, reports or other work which requires the seal and signature of a registered architect; (b) Review, approval, modification, or adoption, as the architect’s work of any documents, instruments of service, specifications, reports or other work, so long as the aforesaid were prepared in the architect’s offices by an employee of the architect, or by an agent of the architect under a written agreement with the architect to assist in the preparation of such documents. (2) The architect providing responsible supervisory control must be a full time employee within that office location in responsible control for projects in that office. Therefore an architect can only provide responsible supervisory control over one location. (3) An architect may be the qualifier of several business entities but can only be the architect providing responsible supervisory control over one business location pursuant to subsection (2) of this rule. Every office offering architecture services must have a resident full time architect meeting the requirements of this rule.

Qualifying Agent

- (6)(10) Each qualifying agent who qualifies a business organization, partnership, limited liability company, or and corporation certified under this section shall notify the department within 30 days after of any change in the information contained in the application upon which the qualification certification is based. Any registered architect 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 upon 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.

“Qualifying Agent”

- If the qualifying agent is the only architect in the firm, and terminates his or her affiliation with the qualified business, the qualifying agent must immediately notify the department and the business has 60 days to replace the qualifying agent. The business cannot practice architecture until the qualifying agent is replaced.

“Qualifying Agent”

- If a qualified agent ceases employment, the executive director or the chair of the board may allow another licensed architect to temporarily serve as the qualifying agent for up to 60 days.

“Qualifying Agent”

- A qualifying agent shall notify the department in writing before engaging in the practice of architecture in her or his name or in affiliation with a different business organization.
- The qualifying agent can qualify more than one business organization but must be an officer or director of the business organization.

Display of License Number of Qualifier

- No longer bring disciplinary action against the business organization like the Board did regarding the Certificate of Authorization.
- No longer include Certificate of Authorization number in advertisements. **This will be replaced with using the license number of the qualifying agent.**
- **Architects no longer are required to renew the Business Organization every 2 years**

Continuing Education Requirements

- 61G1-24.001 Continuing Education for Architects. (1) Each architect in Florida shall complete a **minimum of 24 hours of continuing professional education** per biennial period, as further defined in subsection (3), below. This requirement shall be met through either:
 - (a) Programs approved by the Board, **provided that a minimum of two (2) of the 24 required hours must be obtained by completing an approved provider's specialized or advanced course(s)**, approved by the board and Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice; or

Other Changes

- An architect seeking licensure by endorsement must complete a 2-hour wind mitigation course.
- Changes make clear that architects are required to take 2 hours of continuing education in advanced building codes. These two hours can be used towards the 24 hours.

Interior Design Changes

- Interior Designers are no longer licensed. Interiors Designers are now “registered”.
- The only requirement to become a registered interior designer is to provide proof of successfully completing the CIDQ exam.
- Registration is voluntarily. An interior designers is not required to become registered to practice interior design.

Architects Registered as Interior Designers

- 481.229 Exceptions; exemptions from licensure.—(5)1578 (b) **Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design registration licensure upon submission of a completed application for such license and a fee not to exceed \$30.** Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of registration licensure as an interior designer under that section.

ID Document Required Statement

- Interior design documents prepared by a registered interior designer shall contain a statement that **“the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, of issuance of any building permit, except as otherwise provided by law.”** It is unclear whether this statement is required if the drawings is prepared by an interior designer that is not registered.

Permit Documents by Registered ID

- Now, interior design documents that are prepared and sealed by a registered interior designer must (used to be may), if required by a permitting body, be accepted by the permitting body for the issuance of a building permit for interior construction but then provides a long list of documents that are excluded.

Other Interior Design Changes

- Registered interior designers are still required to take 20 hours of continuing education every two years.
- Interior Designers can no longer license a business entity with a Certificate of Authorization nor do they practice through a “Business Organization”.
- The prohibition against the unlicensed practice of interior design has been removed from the statute.
- The only title protected by the statute is “registered interior designer”.

ID Changes

- The following violations for registered interior designers have been removed from the statute:
 - Failing to report to the Board someone who is known to be in violation.
 - Aiding unlicensed practice
 - Failing to perform a statutory or legal obligation.
 - Violating a lawful order of the Board.
 - Disclosure of compensation to clients
-
- Fines have been reduced to \$500, unless it relates to the building code and then up to \$2,500.
 - Registered Interior Designers can no longer be reprimanded.
 - Do not need to be registered to work in common areas.

Documents Requiring Seal and Signature

- (4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve involving 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 shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed. (5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

Title Block Required Information

- 61G1-16.004 Title Block. A title block must appear on all architectural or interior design drawings and specification identification sheets that are required to be signed and sealed. The title block must, at a minimum, contain the following information:
- (1) Firm name, address, and telephone number.
- (2) ~~Firm license number.~~ **Qualifying Agent license number**
- (3) Name or identification of project.
- (4) Date prepared.
- (5) A space for the signature and dated seal.
- (6) The printed name and the license/registration number of the person sealing the document.
- (7) The date of plans revision, if the plans are revised.
- (8) For the purposes of this rule, firm is defined to be a corporation, limited liability company, partnership, person practicing under a fictitious name, or person practicing architecture or interior design in his or her own name.

Exemption for Individual Professional Liability

- The sample language below complies with Florida Statute 558.0035 and must be displayed in an uppercase font at least five (5) points larger than the rest of the text.

PURSUANT TO SECTION 558.0035 OF FLORIDA STATUTES, THE CONSULTANT'S CORPORATION IS THE RESPONSIBLE PARTY FOR THE PROFESSIONAL SERVICES IT AGREES TO PROVIDE UNDER THIS AGREEMENT. NO INDIVIDUAL PROFESSIONAL EMPLOYEE, AGENT, DIRECTOR, OFFICER OR PRINCIPAL MAY BE INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF THIS CONTRACT

Florida Building Commission – Architect

- 553.74 Florida Building Commission.—(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of 19 members, consisting of the following members: (a) **One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.**

Other Topics

- Electronic Signing and Sealing
- Can an out-of-state firm or individual without a FL license pursue work in FL?
- What information must be on firm website?
- Issues with Joint Ventures between firms
- Unlicensed activity

Questions and Answers

This concludes The American Institute of Architects
Continuing Education Systems Course



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