

Council Substitute for House Bill No. 1301

An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; delegating to the board the duties and authority of the Department of Business and Professional Regulation to investigate and prosecute the practice and unlicensed practice of architecture and interior design; requiring the board to contract with a corporation or other business entity to provide legal, investigative, prosecutorial, and other services; providing requirements with respect to records; authorizing the board to use funds from the unlicensed activity account to perform certain duties; requiring the board to submit an annual budget request to the Legislature; providing an effective date.

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

Section 1. Section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.—

(1) The Board of Architecture and Interior Design is created within ~~in~~ the Department of Business and Professional Regulation. The board shall consist of 11 members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects; and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

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

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture and interior design; and to investigate and deter the unlicensed practice of architecture and interior design as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

(b) Notwithstanding the provisions of s. 455.32(13), the board, in lieu of the department, shall contract with a corporation or other business entity pursuant to s. 287.057(3) to provide investigative, legal, prosecutorial, and other services necessary to perform its duties.

(c) The corporation or business entity shall comply with all the record-keeping and reporting requirements of s. 455.32 applicable to the scope of the contract and shall report directly to the board in lieu of the department. Records of the corporation or other business entity contracting with the board shall be considered public records as specified in s. 455.32(15).

(d) Notwithstanding the provisions of s. 455.228, the board may use funds in the unlicensed activity account established under s. 455.2281 to perform its duties relating to unlicensed activity under this subsection.

(e) The board shall submit an annual budget request to the Legislature for the purpose of funding its activities under this subsection, which must be separate from the legislative budget request submitted by the department to the Legislature pursuant to s. 216.023.

Section 2. This act shall take effect July 1, 2002.

Approved by the Governor May 23, 2002.

Filed in Office Secretary of State May 23, 2002.