

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: PCS/SB 842

INTRODUCER: Regulated Industries Committee

SUBJECT: Professions

DATE: March 26, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harrington	Rhea	RI	Pre-meeting
2.	_____	_____	GA	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The PCS amends the definition of the term “interior design” to exclude floor plans prepared for the sale or installation of commercial food service equipment or cubicle workstations and similar modular furniture when the plans are prepared by a manufacturer, distributor, or dealer of these products.

The PCS amends the definition of “space planning” to exclude designs, consultations, studies, drawings, specifications, layouts, or floor plans prepared for the sale or installation of commercial food service equipment or cubicle workstations and similar modular furniture when the plans are prepared by the manufacturer of such equipment, furniture, or fixtures or the manufacturer’s representative, distributor, or dealer, or an employee thereof.

The PCS amends the exceptions from licensure to state that a manufacturer of commercial food service equipment or cubicle workstations and similar modular furniture is exempt from the licensure requirements of ch. 481, F.S. The exemption from licensure also applies to persons who advertise these services.

This PCS amends sections 481.203 and 481.229, Florida Statutes.

II. Present Situation:

Overview

The Department of Business and Professional Regulation (department) is delegated regulatory authority over the practice of architecture and interior design.¹ Both professions are regulated by the Board of Architecture and Interior Design. The board consists of 11 members consisting of architects, interior designers, and laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation.² In order to legally practice in their profession, practitioners must meet specified licensure requirements.³

Definitions

Architecture is performing services in connection with the design and construction of a structure having the principal purpose of human habitation or use.⁴ "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.⁵

Interior Design is performing services in connection with design relating to nonstructural interior elements of a building or structure.⁶ "Interior Designer" or "registered interior designer" means a person who is licensed under this part to engage in the practice of interior design.⁷

Space planning means the "analysis, programming, or design of spatial requirements, including primary space layouts and final planning."⁸

Exemptions

Section 481.229(6), F.S., provides exemptions from licensure. Specifically, ch. 481, F.S., does not apply to a person who performs interior design services for any residential application, provided that the person does not hold themselves out as an interior designer.⁹ In addition, an employee of a retail establishment providing "interior decorator services" for the retail establishment does not need to be licensed, provided that the employee does not hold themselves out as an interior designer.¹⁰

¹ Part I, Ch. 481, F.S.

² Section 481.205(1), F.S.

³ According to Darrick McGhee, Director, Office of Legislative Affairs, Department of Business and Professional Regulation, as of March 30, 2009, there are currently 2,681 licensed interior designers.

⁴ Section 481.203(6), F.S.

⁵ Section 481.203(3), F.S.

⁶ Section 481.203(8), F.S.

⁷ Section 481.203(9), F.S.

⁸ Section 481.203(12), F.S.

⁹ Section 481.229(6)(a), F.S.

¹⁰ Section 481.229(6)(b), F.S.

III. Effect of Proposed Changes:

The PCS amends the definition of the term “interior design” to exclude floor plans prepared for the sale or installation of commercial food service equipment or cubicle workstations and similar modular furniture.

The PCS amends the definition of “space planning” to exclude commercial food service equipment or cubicle workstations and similar modular furniture by the manufacturer of such equipment, furniture, or fixtures or the manufacturer’s representative, distributor, or dealer, or an employee thereof.

The PCS amends the exceptions from licensure to state that a manufacturer of commercial food service equipment or cubicle workstations and similar modular furniture is exempt from the licensure requirements of ch. 481, F.S.

The PCS shall take effect on July 1, 2009.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
