

## MINUTES

### BOARD OF ARCHITECTURE AND INTERIOR DESIGN

Doubletree Grand Key Resort

3990 South Roosevelt Blvd

Key West, FL 33040

305.293.1818

October 4, 2004

General Business

October 4, 2004

9:00 a.m.

#### Call to Order

Mr. Gonzalez called the meeting to order at 9:09 a.m.

#### Board Members Present:

Miguel Rodriguez

Rick Gonzalez

Neil Hall

Stephen Schreiber

Mary Jane Grigsby

Sharon Del Bianco

Joyce Shore

Kenneth Horstmyer

Garrick Gustafson

Roymi Membiela

#### Board Member Absent:

Ellis Bullock

#### Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Government Analyst

Trent Manausa

Emory Johnson

Michael Wirtz

Shelly Siegel

Steve Hefner

Lorraine Bragg

Aida Bao-Garciga

Nancy Bredemeyer  
Jan Pagano  
Jose Farinos  
Bill Kobrynich  
Vicki Long  
Susette Crosby  
Kathy Martin  
Bill Deemer

Court Reporter: Tina Roberge, Kaplan Soderberg & Associates, Inc., Gables One Tower, 1320 South Dixie Highway, Suite 775, Coral Gables, FL 33146

### **Review of Statutes Discussion**

Combine draft of Statute rewrite

The board reviewed both the statutory rewrite language with strikeouts and no strikeouts. Mr. Johnson commented that he was the author of the language not the creator. He commented that he incorporated board, public, Trent Manausa's, and Janice Young's comments. He commented that there were numerous changes and they would see expansion of definitions. An example would be the responsible supervisor in control and interior design. He commented that the abbreviations were identified.

Mr. Johnson commented that at the suggestion of Mr. Minacci he merged into one the best of both disciplinary guideline sections for the architects and interior designers. Therefore, it covered both professions. Mr. Johnson commented that some of the rules were placed in the statutes. He commented that they strengthened the disciplinary guidelines for both professions but did not penalize one over the other.

Mr. Johnson commented that the board had received comments from the public regarding the interior design educational changes. He commented that the major change was construction administration services for architects. He urged the architects on the board to review the section carefully because it had great strength and he recommended that the architects support the section.

Mr. Johnson commented that he was at the meeting to answer questions and he was the transcriber not the author of the rewrite.

Mr. Gonzalez commented that he was pleased with the construction administration language that was in the document. Mr. Manausa commented that Chapter 481.201, purpose, next to the last sentence the word "interior" should be taken out. Ms. Del Bianco asked if any architect, regardless of whether they are in state or out of state could practice interior design. Mr. Rodriguez replied any architect registered in Florida. The board directed that the word "interior" be stricken.

Chapter 481.203

Ms. Del Bianco requested that the definition of interior designer or registered interior design be moved and placed on 481.203(3). Mr. Johnson replied that they should concentrate on

content not format or layout because it would likely change when it went to bill drafting. Mr. Schreiber commented that paragraphs 3 and 9 were parallel.

Ms. Del Bianco commented that the corporation, partnership, etc. language for the business entity was lengthy and suggested saying corporation or other business entity. Mr. Minacci requested that it remain specific because it was easier to point to the statute and reference the specific requirement. Ms. Del Bianco commented that they should review the document and insert “fictitious name” throughout when referring to the business entity or certificate of authorization.

Ms. Clark commented that a license was issued to a corporation or individual using a fictitious name. Mr. Minacci commented that a fictitious name was not a legal entity and the certificate was issued to an individual to practice the profession under the fictitious name.

Mr. Rodriguez commented that paragraph 7, “townhouse” was stricken and asked if they felt it was defined sufficiently in the building code. Mr. Manausa replied they removed that item because it was defined in the building code. Mr. Rodriguez commented that paragraph 8 struck the word on the fourth line, non-structured “interior” elements and by doing so they might have to deal with non-structured “exterior” elements. He commented that exterior elements, could be subject to wind load issues. He suggested leaving the word interiors and gave an example. He commented that according to wind structured analysis could include non-structural elements interior or exterior. He commented that they could be opening themselves up to problems. Mr. Manausa commented that he felt the language should have been stricken. He commented that if it was left open they might have difficulty getting the language passed.

Mr. Minacci, Mr. Manausa, and Mr. Johnson suggested that the word “interior” stay in the document under paragraph 8. The board voted to leave the word “interior” in the paragraph.

Ms. Del Bianco requested that “and fixture plans” should be “or fixture plans” in paragraph 8, line 12. Mr. Johnson commented that he received on the day following the last board meeting, a copy of the new NCIDQ interior design definition, which was in the current board packet. He requested that the board review the NCIDQ language and provide comments back to the board office.

Mr. Hall commented that the interior design definition was very defined but the architecture was not as defined. Mr. Johnson commented that the interior design definition had changed and evolved over the years but the architecture definition had not. He suggested that the architects look at their definition and make changes as they saw fit. Mr. Manausa commented that there were major changes made to the definition of architecture, which follows the NCARB definition. He commented that it was more defined and specific. Mr. Johnson commented that interior designer’s definition should be more specific. Mr. Rodriguez commented that it should be more concise and precise. The board discussed reviewing the NCIDQ interior design definition and comment at tomorrows meeting.

Ms. Del Bianco commented that the interior design definition was broad and should be more specific but they were trying to remove decorators from the definition. She asked Mr. Minacci's thoughts on the NCIDQ definition. Mr. Minacci responded that he thought it was too lengthy. He commented that he felt the definitions were working as they were defined in the statute now. Mr. Rodriguez commented that he had never seen a definition that needed a glossary of terms to define the definition.

Ms. Del Bianco commented that paragraph 12 should include preliminary space layouts "of interior partitions, furnishings, furniture system plans, and final planning".

Mr. Gustafson commented that paragraph 19 should read, means the State of first licensure "of" an architect.

Ms. Del Bianco commented that paragraph 18 should read, "NCARB" Intern Development Program. She commented that "NCIDQ" should be added to the definitions.

#### Chapter 481.205

Ms. Del Bianco commented that on line 3 it read "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," She asked why it was not consistent that interior designers be engaged in the practice of interior design and requested that it be updated. Ms. Del Bianco requested that the word "laypersons" be consumer members. Mr. Manausa commented that language was in the current statute now. Ms. Del Bianco asked Ms. Clark if she knew why the word "layperson" was used. Ms. Clark replied that she had not considered the matter and had no response.

Mr. Gonzalez referred the board to comments from Educators that were provided to the board members in their packets. He requested that the board members review the comments for discussion.

#### Chapter 481.2055.

No comments.

#### Chapter 481.207

Mr. Rodriguez commented that he wondered if it was wise to be specific to NCARB or NCIDQ regarding the examination in the statute or if it should be placed in the rule in case the testing bodies changed. Mr. Manausa replied that the state was responsible for the examination. Mr. Rodriguez commented that this section was specific to the charging of the fees. He commented that if there was an administrative change with NCARB then they might have to open Chapter 481, F.S. to accommodate their change.

Ms. Clark commented that Chapter 455.217(1), states the Division of Technology, Licensure and Testing, of the Department of Business and Profession Regulation shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations. Mr. Schreiber suggested that they remove the language.

Mr. Johnson requested that they work with Ms. Clark on creating the language. The board agreed.

Ms. Del Bianco requested that the first sentence strike the word “separate” fees. She requested that the cap be the same for both professions. Ms. Del Bainco commented that the certificate of authorization fees were not in the section. Ms. Clark commented that they should leave the word “reexamination” in for both professions. She commented that they removed the word in the second line but added it back later in the paragraph only for interior designers only. Mr. Johnson commented that the word reexamination was not used by NCARB but by NCIDQ and it was word usage. Ms. Clark commented that regardless of how the private entities use the language the board must authorized the statute.

Ms. Clark commented that this statute did not just authorize payment of fees to the state but when an architect must pay fees to anyone it must be authorized by statute. She commented that even though NCARB does not recognize the word “reexamination” an applicant does and they must be authorized by the state to pay that fee to NCARB. The board determined that there should be one phrase that covered both professions and not separate by profession.

#### Chapter 481.209

Mr. Rodriguez commented that under paragraph 1, “ARE” should be spelled out to read Architecture Registration Examination (ARE). Mr. Johnson commented that the bill drafting would probably strike all abbreviations. Mr. Rodriguez commented that paragraph 1, b, commented that the National Architectural Accreditation Board did not approve schools or colleges but the programs. Mr. Schreiber agreed.

Ms. Clark asked the board to consider a licensee that had a license in this state and now their license was null and void. She asked how that person would regain licensure. She commented that most professions go by licensure by examination for null and void persons instead of initial licensure. She commented that it could not be considered “initial” because they had already been licensed. Mr. Rodriguez commented that there were three types of licensure by endorsement (state, NCARB, direct) and licensure by examination for new graduates.

Mr. Rodriguez commented that an individual would apply under today’s rules. Ms. Grigsby requested that they should remove the word “initial”. Mr. Manausa commented that persons that allow their license to lapse into null and void status they are not required to reexamine to be re-licensed. Ms. Del Bianco commented that some interior designers are required to reexamine because they were grandfathered and that test no longer applied to meet today’s requirements.

Ms. Clark commented that other professions require reexamination because examination grades do not last forever. Mr. Manausa commented that if an applicant provided proof of IDP, education, and examination no matter when they took it they would be re-licensed. The board voted and the word “initial” was removed from Chapter 481.209 and titled it Registration and Licensure by Examination.

Mr. Schreiber asked what the difference was between registration and licensure. Ms. Clark replied that she felt a long time ago they used the word registered and it had evolved into licensure.

Mr. Schreiber commented that 481.209(1)(b) should read the same as NCARB model law, which states is a graduate of a program accredited by the National Architectural Accreditation Board or by the Canadian Architectural Certification Board, not later than two years after termination of the applicants enrollment. He commented that this would cover the problems they had had with newly accredited schools and examples would be FIU and FAU. He commented that in order for schools to become accredited they must graduate at least one class of students from that program, which puts the graduates in limbo. He commented that most jurisdictions could back date the accreditation to deem graduates prior to the initial accreditation date graduated from an accredited program. An example would be if a program was accredited in 2002 they would accredit students that graduated during the class that graduated in 2000 that allowed the accreditation to begin with.

Mr. Schreiber commented that he would provide the language to Mr. Manausa. He commented that he would like to address language that would allow for the EESA evaluation for foreign applicants. He commented that this area would be a place to address foreign graduates and suggested the language read “that he or she had meet the NCARB EESA evaluation education requirement, this clause is only applicable to applicants with a degree in the field of architecture created by an academic institution outside of the United States or Canada”. Mr. Schreiber commented that NAAB performs the evaluation and the applicant pays for the evaluation.

Mr. Gonzalez commented that he felt it would be a good addition to the statute to allow for foreign applicants. Mr. Manausa commented that the requirement was laid out in rule but would be better in the statute.

Mr. Schreiber commented that he would recommend striking under paragraph 1, item c, three years of IDP. He commented that IDP should be spelled out and remove the number of years. Mr. Rodriguez commented that he would like to see the timeframe eliminated and allow an applicant take the examination whenever they want. He commented that this was an NCARB item and he would like to eliminate the timeframe to allow students to take the examination whenever they like. Otherwise, he commented to leave it as it was at one year. Mr. Manausa commented that the three years was added because it was NCARB model law and to remove impediments.

Mr. Schreiber recommended that the language read, “has completed IDP required by Chapter 481.211. Mr. Manausa commented that this was NCARB language and he did not necessarily agree with it. Mr. Rodriguez commented that he felt a student should be able to take the examination whenever they are ready. He commented that the examination was there to test certain competencies.

Ms. Del Bianco recommended taking a break to allow the board members an opportunity to review comments that were received via e-mail provided by hard copy in the their packets. The comments were in reference to the interior design education requirements.

The board recessed at 10:30 a.m.

The board reconvened at 10:48 a.m.

Mr. Gonzalez commented that they were on Chapter 481.209(2) but skipped to 481.211 to complete IDP requirements addressed in Chapter 481.209(1)(c). Mr. Manausa commented that currently they require 1 year of IDP prior to examination and 2 years after graduation subsequent to graduation. Mr. Rodriguez commented that allowing a student to take the examination at any point was fine. Mr. Manausa confirmed for Mr. Rodriguez that the NCARB requirement was 3 years of IDP regardless of whether an applicant had a Master's or Bachelor's degree. Mr. Rodriguez commented that IDP was point based not time based, therefore he questioned if it would be wise to say 3 years of IDP. He commented that he felt there would be changes to NCARB IDP and wondered if they should address the issues in rule instead of statute. He commented that he would like to allow for flexibility regarding the NCARB IDP based on what AIA would be proposing in the future.

Mr. Manausa commented that IDP was based on hours, which equated into years.

Mr. Schreiber commented that they should take out reference to years and leave alone. He commented that he did not feel this is a broken issue. Mr. Gonzalez commented they should leave as it was currently in the statute. Mr. Manausa confirmed for the board that they determined that a graduate was not required to complete any IDP prior to examination.

Mr. Manausa commented that Chapter 481.209(1)(c), referred them to this statute 481.211 to define the number of IDP years prior to licensure. Mr. Manausa commented that he did not feel that a student should be able to get all of their IDP prior to graduation. Mr. Schreiber commented that they should be as flexible as possible and define in rule. Mr. Rodriguez commented that if they define by rule then that would allow them to take cases on an individual basis. He commented that the language now would require that a person that had to go back to get the required degree it would require that they complete IDP after graduation and that would be for someone that had practiced for 30 + years.

Mr. Schreiber commented that the examination was no longer a moment in time because it could take numerous years to pass. He commented that he felt 1 year of internship experience being required subsequent to graduate was sufficient and worked. The board voted and determined to leave Chapter 481.211(2) to require 1 year of internship experience subsequent to graduation from a school or college of architecture.

The board returned to Chapter 481.209(2)

Ms. Del Bianco commented that she was confused as to how semester and quarters hours relate or equate. Mr. Schreiber commented that a quarter hour was 2/3 of a semester hour.

Mr. Hall asked why they choose to use hours instead of years. Ms. Grigsby commented that years were irrelevant because they have part time students. Mr. Wirtz commented that FIDER had identified and had done extensive research on graduates of interior design and found that many students with previous degrees in other areas were returning to school to obtain an interior design degree. He commented the verbiage that was used was that of a Bachelorette degree for framework but they were looking at the trend of accreditation. He commented that they were looking at the course content and hours and not so much the title of the degree. He commented that the committee elected to follow FIDER standards by looking at the course work and credit or semester hours to determine the minimum standards to receive a professional degree. Mr. Wirtz commented that in the past the statute required a degree in interior design they would remove that requirement and look at the curriculum and course study.

Ms. Del Bianco commented that under Chapter 481.209(2)(b)(1), third line down, stated, which is accredited by FIDER or a regional accrediting body. She asked who was the regional accrediting body.

Mr. Kobrynich with the Art Institute of Ft. Lauderdale commented that the language should read regional or national accrediting body an example would be National Association of Schools and Design. Mr. Schreiber commented that they might be mixing the accrediting profession funded with educational accrediting boards. Mr. Kobrynich commented that his concern was there were programs in Florida that did not have FIDER accreditation as yet, nor do they have regional accreditation but might have national accreditation.

Mr. Wirtz commented that FIDER was a specialized accrediting board specific to interior design. He commented that FIDER was equivalent to NAAB. He recommended removing the language "a regional accrediting body".

Mr. Schreiber asked what they do about the person from Georgia or a foreign country. Mr. Kobrynich commented that if they use the word "regional" it would apply. Mr. Schreiber commented that NAAB requires 13 conditions to be accredited.

Ms. Del Bianco commented that they should say as accredited by "FIDER or board approved and by regional accrediting bodies". Mr. Kobrynich commented that they are limiting to FIDER or regional and not national accrediting bodies.

Mr. Wirtz commented that most of the language came from FIDER and the reason they put in regional or national accreditation standards was because there were programs that opened programs in interior design where they issue certificates.

Mr. Rodriguez asked if FIDER had a similar requirement to NAAB where the home institution is accredited by a regional accrediting body. Mr. Johnson replied in the positive, which requires the home institution be recognized body prior to a visit. Ms. Del Bianco read the section from FIDER professional standards, which states a program seeking accreditation must demonstrate that it is housed in an institution that is accredited by an institution or accrediting



body that is recognized by the U.S. Department of Education or Provincial Ministry in Canada. Mr. Schreiber commented that they were only 6 recognized regional accrediting bodies.

Mr. Rodriguez commented that it appeared that the NAAB, NCARB model was more long standing than the NCIDQ model. He commented that there must be an accreditation body that looks at one broad set of requirements. He commented that there should be a body (NAAB or FIDER) that looks at specific issues that pertain to the profession and education specific to interior design. He commented that Mr. Schreiber made a good point that they may be making it too broad and they get into the danger of getting programs that are not specific.

Mr. Kobrynich commented that the Department of Education recognizes the schools he speaks of. Ms. Del Bianco commented that she questioned whether they should have that language at all. She commented that they do not have similar language for architects. She commented that it was FIDER or equivalent and in FIDER's language it states what national, regional, etc accreditation was.

Ms. Del Bianco commented that the language stated should stay to the same and read "FIDER accredited or board approved equivalency as set forth by rule".

Mr. Johnson referred the board to the language set forth for architects, and suggested that the language for interior designers be "is a graduate of a program in interior design accredited by FIDER". Ms. Crosby commented that IDAF had a committee or task force that was evolving to work on and allow for interior design equivalency. She commented that allowing a board equivalency the task force, which were practicing professionals and educators, they could allow for other than FIDER. She commented that IDAF would bring the information back to the board regarding an equivalency.

Ms. Crosby commented that FIDER was expensive and this would allow an option to FIDER and for equivalency. Mr. Johnson commented that he agreed with Ms. Crosby but his concern was he did not believe that 2/3 of the board would agree to go with NAAB or equivalent. He commented that they are allowing more leniency for the interior design profession. Mr. Gonzalez commented that programs in architecture must be NAAB approved and asked why interior designers did not have the same standards.

Ms. Grigsby commented that architects had been licensed longer than interior designers and they were still evolving. Mr. Wirtz commented that FIDER was in the investigative stage of a program to evaluate and perform equivalency. He commented that they would decide sometime around January 2005. The board discussed the NAAB and EESA evaluation process.

Mr. Kobrynich commented that there are 15 + programs, some of which were Community College programs, that are not recognized by FIDER. He commented that the "equivalency" would allow for schools that are not FIDER accredited.

Mr. Rodriguez commented that he agreed with Mr. Johnson that eventually it should be FIDER period but they were not at the point. He commented that the NAAB requirement evolved over

a period of time. He commented that he thought the board would use the FIDER requirements as a guideline until they reach the point of FIDER period. He commented that allowing for board approved equivalent that the board judges when it was no longer necessary to use. Mr. Schreiber recommended that they adopt language that is currently in the statute.

Mr. Manausa commented that the board should think about who would do the equivalency and who would have to pay to have it done. Mr. Johnson commented that his experience with accreditation by FIDER required that a site visit, which was extensive in time and the board was asking that the board perform the same evaluation. Mr. Gonzalez replied no.

Ms. Shore asked how they were currently performing the equivalency evaluations. Ms. Grigsby commented that Mr. Butler was performing the equivalency evaluations based on the statutes and rules. Ms. Del Bianco commented that the rules were based on the FIDER model at that time the rule was implemented.

Ms. Del Bianco commented that they should mirror the same language as the architects and consider allowing for the limbo students and foreign students. Mr. Manausa recommended that another body do the equivalency evaluation for interior designers not the board. Ms. Del Bianco commented that they do not have another entity to perform that review similar to NAAB or EESA. Ms. Crosby commented that IDAF wanted to recommend a group or entity that the board could bless to perform the reviews until they move strictly to FIDER only.

Mr. Wirtz commented that if individuals would write FIDER requesting that they perform the equivalency evaluations then they might move on the suggestion. Ms. Bredemyer with Indian River Community College stated that they had a strong program and welcomed the FIDER equivalency.

Mr. Johnson commented that the board would likely see another piece of grandfathering language to enact the FIDER only requirement. Ms. Clark commented that the board should discuss both Chapter 481.209(2)(b)(1) and (2) because they would be dealing with the same issue.

Mr. Farinos with Indian River Community College commented that his main concern was the wording in paragraph 2 the counsel was referring. He commented that it was not clear if it should be substantially equivalent or accredited by FIDER. Ms. Clark commented that there appeared to be an "or" missing, which would read FIDER accreditation "or" with any institution accredited by FIDER deemed to meet these requirements. Mr. Farinos commented that they would need to know who was deciding the substantially equivalent. He commented that FIDER had already stated that they would not be accrediting any program under four years. Portions inaudible.

Mr. Farinos commented that students that graduate with the two-year degrees have more practical experience that build on their education. He commented that Community Colleges have student's that pass the NCIDQ examination. Mr. Wirtz commented that FIDER does not accredit by years it accredits the degree but it was changing to the hours.

Ms. Del Bianco commented that they should strike paragraph 481.209(2)(b)(2). She commented that the board was there to protect the health, safety, and welfare of the public in a commercial application. She commented that she did not agree with the fact that you can get an adequate education with anything less than a four-year degree. She commented that she was not referring to residential interiors. She commented that if they looked at the education from the two-year colleges that it would be residential in nature.

Ms. Del Bianco commented that FIDER and NCIDQ was working toward the four-year requirement and they should do it now. She commented that if they did not do it now they would be opening the statutes again in a few years. Mr. Schreiber commented that the difference between architecture and interior design is the required credit hours are reviewed. He supported Ms. Del Bianco's comments.

Mr. Farinos asked how the board would address the students that are in school now and ready to take the examination. Mr. Manausa commented that there would be a grandfathering transition period. Mr. Rodriguez commented that they should write the grandfathering provisions and not leave that language to the bill writers. Mr. Johnson commented that the board would not be able to write language that would satisfy legislation bill writers. Mr. Rodriguez commented that they as a board needed to spend time on the issue and provide the board's intent knowing that it would be changed.

Mr. Hefner commented that IDAF would be able to submit to the board their recommendations regarding equivalency at the next meeting. Mr. Schreiber recommended that they use the language, "is a graduate of a program accredited by FIDER or is a graduate of an approved interior design curriculum evidenced by a degree from an unaccredited school or college approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of interior design in courses of interior design based on the review and inspection by the board of the curriculum of accredited schools". He commented that this was the existing language for architecture. Ms. Clark commented that he was correct that the language was in place but the board did not utilize that language. She commented that it was a lengthy process.

Mr. Manausa commented that they had no way of providing, defining, or approving an equivalent. Ms. Clark commented the newer professions do provide for equivalencies. Mr. Manausa commented that they must draw the line.

Mr. Schreiber recommended that they do not use language that indicates credit or semester hours. Ms. Del Bianco suggested that the language Chapter 481.209(2)(b) "is a graduate of a program from a school or college of interior design accredited by FIDER". And allow for language for limbo students and foreign students. She commented that Chapter 481.209(2)(b)(2) should be deleted.

Mr. Farinos requested that they should consider hundreds of students that would be effected. The board agreed to move forward with the language presented by Ms. Del Bianco.

Ms. Del Bianco made some suggestions to Chapter 481.209(2)(b)(3). Ms. Clark commented that she did not think they could go back and change something prior to this date. Mr. Johnson commented that no language was changed just moved within the document.

Mr. Wirtz commented that the government has declared a work week to be 35 hours. The board reviewed Chapter 481.209(2)(b) items 1-4. Ms. Del Bianco questioned the need in paragraph 2, that states persons with a baccalaureate degree in interior design or in an unrelated field. Mr. Wirtz commented that they needed to have that language because many people may have a first-degree say in psychology and return to receive a Master's in Interior Design. He commented the language was in the statute to protect those individuals with the other first degrees. Ms. Del Bianco commented that paragraph 3 should be stricken. Paragraphs 1,2, and 4 remained the same.

The board recessed at 12:01 p.m.

The board reconvened at 1:05 p.m.

### **Application Review and Appearances**

To begin at 1:00 p.m. or shortly thereafter

### **Application Reviews**

#### **Osiris, Inc.**

Mr. Deemer was present. Mr. Hicks presented the file and commented that the application reflected several projects prior to licensure. Mr. Deemer commented that they filed through an attorney and the attorney did not communicate that they needed a certificate of authorization. He commented that the corporate papers were filed with the Department of State but not the Department of Business and Professional Regulation.

Mr. Deemer commented that they employed 2 draftsman and 1 architect. Mr. Minacci commented that he had 2 disciplinary issues pending, one against the company operating without a COA, which the board would review tomorrow and should be resolved at tomorrow's meeting. He commented that the second case was against Mr. Deemer and whether he was in responsible supervision for two practices because he lived in Alabama.

Mr. Deemer commented that he was initially registered in Alabama and he had closed his Alabama office. He commented that he was in the process of closing his business in Alabama for the past year and primarily working with the business in Destin, FL. He confirmed for the board that he lived approximately 2 hours away and explained the reason for him not being relocated at this time.

Ms. Clark commented that the board could not impose fines for the certificate of authorization application and disciplinary action. Mr. Minacci commented that the business had paid the disciplinary fine through the disciplinary case. He commented that the only pending disciplinary case would be against Mr. Deemer for responsible supervisory control. Mr. Deemer commented that he was out of the office overseeing projects for the business.

Ms. Clark commented that they could approve the application today or defer until the other disciplinary case is resolved.

MOTION: Ms. Grigsby moved to defer the application.

SECOND: Mr. Gustafson seconded the motion.

Mr. Minacci commented that he was not sure that deferring would resolve the issue because the disciplinary case would be on a consent agenda because they paid the maximum fines. He commented that if the board took his testimony today as truthful he saw no reason to delay the application. Ms. Clark read the statute regarding deferring the application and who was actually considered as the applicant. She advised the board that the disciplinary action on tomorrow's agenda was against the firm not the individual.

Mr. Deemer commented that he had resolved the issue of the pending disciplinary action and the responsible supervision issue. Mr. Minacci commented that he felt there was an overlap of there being no supervisory control but did not feel it should delay the certificate of authorization application. Ms. Del Bianco commented that she needed clarification on the responsible supervision if he was out of the office. Mr. Minacci commented that he was working on projects for the firm that he was the responsible supervisor for. The board discussed and clarified.

Ms. Grigsby withdrew the motion and Mr. Gustafson withdrew his second.

MOTION: Ms. Del Bianco moved to approve.

SECOND: Mr. Hall seconded the motion and it passed unanimously.

### **Interior Design Certificate of Authorization The Decorators Mart, Inc.**

Ms. Katherine Martin was present. Ms. Grigsby reviewed the file and commented that she needed clarification on the application of whether it was Decorators Mart, Inc. of Deerfield Beach or Decorators Mart, Inc. of Naples. Ms. Martin commented that she responded by correspondence and it was Decorators Mart, Inc. of Deerfield Beach. She commented that the Naples location was strictly a showroom, marketing, warehouse, and set for appointments only. She commented that they do no commercial work and everything is performed out of the Deerfield Beach office. She commented that she, her husband, and brother were the licensed designers and they were the only ones that meet with clients. Ms. Martin commented that she meets with clients at their Models then meets in the showroom to discuss needs.

Ms. Martin said they have no drawings or tools to put a job together at the Naples office. Mr. Rodriguez commented that he saw no issue with meeting with the client at the showroom, hotel, or at home and did not feel they were outside the boundaries.

Ms. Martin commented that she makes it clear to the clients that they perform the work out of the Deerfield office. She commented that there were no tools to allow for them to perform the

work out of the Naples office. Ms. Del Bianco asked about an answer on the application regarding pending litigation. Ms. Martin addressed the question. Mr. Minacci commented that he had no public cases related to the pending litigation.

MOTION: Mr. Horstmyer moved to approve.

SECOND: Ms. Membiela seconded the motion and it passed unanimously.

### **Petition for Rule Waiver or Variance**

#### **Barbara Holt**

Ms. Clark presented the amended petition for waiver for Rule 61G1-22.002(5), F.A.C. and commented that the rule dealt with how the interior design experience was recorded. She read the rule for the board. She commented that Ms. Holt was requesting that the requirement for experience be waived. She commented that Ms. Holt explained that she had sued the firm for discrimination and was concerned that she would not be able to get proper verification of her experience as set forth by rule. She commented that Ms. Holt has the experience but would not be able to document it because of the situation and provided a copy of an employee review that was given prior to the suit.

Ms. Del Bianco commented that she did not see proof of verification from Wind Dancer International total two years. She commented that it appeared she was short four months of two years. She commented that the applicant provided a four-year degree but needed proof of two years of experience. Ms. Clark commented that granting the petition would not waive the application requirement but would require a separate action.

MOTION: Ms. Del Bianco moved to approve the waiver request.

SECOND: Mr. Rodriguez seconded the motion and passed unanimously.

Ms. Del Bianco requested the affidavit for one year from where she is currently working.

### **Application for Architecture Certificate of Authorization**

#### **Bellin & Pratt Architects, LLC**

Mr. Hicks presented the file and commented that they began offering service 3/4/04, made application 5/24/04 and they applied within 90 days. He commented that there might not be an issue but he was concerned with the time delay from original application until now.

MOTION: Mr. Rodriguez moved to approve the application.

SECOND: Mr. Gustafson seconded the motion and it passed unanimously.

### **RJM Consultants, Inc.**

Mr. Hicks presented the file and commented that a letter was submitted answering his questions. He commented that the answers resolved the issues that he had.

MOTION: Mr. Rodriguez moved to approve the application.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

### **Interior Design Endorsement**

#### **Rebecca Crosby**

Ms. Grigsby commented that Ms. Crosby did not have a degree in interior design but in architecture.

MOTION: Ms. Del Bianco moved to deny due to lack of the required approved education pursuant to Chapter 481.209(2), F.S.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

### **Reconsideration of application**

#### **Sheryl Fox**

Ms. Clark presented the file and commented that the board reviewed and denied this application at a previous board meeting pursuant to Chapter 481.209, F.S and 481.213, F.S. Ms. Clark commented that the board should review the further explanation and additional information provided to determine if it warranted the reconsideration. Ms. Clark asked if Mr. Butler had reviewed the additional information. Ms. Estes replied in the negative.

Ms. Grigsby commented that the educational information had not changed. Ms. Del Bianco commented that she had concern that this person was practicing without a license. Ms. Grigsby commented that the work that she is doing is not in the state of Florida. Mr. Johnson commented that the Ms. Fox performed a project in Pensacola.

Ms. Grigsby commented that her education was not substantially equivalent and had nothing to do with interior design. Ms. Clark commented that she must prove that she had met the statutory requirements. Mr. Rodriguez commented that he felt she did not submit additional information to reconsider.

The board discussed the degree title and content. Ms. Del Bianco commented that the rule outlines the course content requirements and Mr. Butler evaluates based on the rule. After discussion the board determined not to reconsider.

The board returned to the statutory rewrite.

Mr. Manausa commented that they should require in the statutes that firms be required to identify marketing offices as such.

Ms. Del Bianco commented that she would like to return to the interior design education and educators to allow a discussion for the timeframe for grandfathering. She commented that the educators should get with Mr. Johnson to begin a dialogue.

Chapter 481.213

Ms. Del Bianco suggested that the title of the section to read Registration and Licensure by Endorsement. Ms. Del Bianco commented that Chapter 481.213(2)(b)(1) should read prior to that either by number, "is qualified as by NCIDQ certification or". She commented that NCIDQ was proposing a certification program, which has ongoing commitments and is different than just a certificate. She read the certification program requirements, which were similar to the blue cover issued by NCARB.

Mr. Rodriguez commented that he had difficulty with adding the program when it was not yet implemented and they have not had an opportunity to review. He commented that they might want to consider NCIDQ as an endorsement path. The board determined to leave as was.

Ms. Del Bianco commented that Chapter 481.213(2)(b)(2) at the end of that sentence should include the language "provided, however, that an applicant who has been licensed for use of the title" interior design" rather than licensed to practice interior design shall not qualify hereunder. She commented that that language was in the statute previously and would like it to remain. She commented that interior designers in other states that were not regulated by practice acts could not come to this state and receive licensure.

Mr. Rodriguez commented that he would like to discuss the possibility of the broadly experienced architect. Mr. Manausa commented that he did not think they should include broadly experienced architects and that he thought NCARB was doing away with that avenue. Mr. Rodriguez commented that he did not believe NCARB was doing away with it because it provided a path for licensure.

Mr. Rodriguez commented that he would like the NCARB certificate to be a more direct or automatic endorsement avenue without picking it apart. He commented that they pick it apart because the NAAB degree requirement in the statute. He commented that the NCARB certificate requires the NAAB degree with a few exceptions of grandfathering. He commented that the numbers issues without the degree were finite and were decreasing. He commented that the board had discussed the broadly experienced architect being a thorough model and to possibly consider that as an avenue.

Mr. Rodriguez requested that the board consider and allow the NCARB certificate to stand alone and not pick it apart. He commented that he would like them to consider the broadly experienced architect requirement. Mr. Schreiber agreed with Mr. Rodriguez. Mr. Rodriguez commented that there were only two ways to receive NCARB certification either by degree or broadly experienced architect.

Mr. Schreiber read the model law of NCARB. He commented that they would allow for consideration of NCARB certificate holders that do not have a NAAB degree. Mr. Rodriguez commented that it was time to allow the NCARB certificate to stand alone and not look behind the blue cover. Mr. Manausa commented that there were licensees that have a blue cover with no NAAB degree.

Mr. Rodriguez commented that the in 1990 no one would have been able to get an NCARB blue cover certificate unless they had a NAAB degree or went through the broadly experienced



architect. Mr. Manausa commented that the board would be relying on an organization that makes numerous mistakes issuing blue covers. Mr. Rodriguez commented that they licensed architects across the country based on standards, education, experience, and examination. He commented that they determine the minimum competencies for licensure.

Mr. Schreiber commented that blue covers could be rescinded. Ms. Grigsby commented that the statute states that after 1984 applicants must have a NAAB degree. Mr. Rodriguez commented there are individuals out there that have blue covers without a NAAB degree. He commented that he would like the board to consider moving past the 1984 date and consider the blue cover as meeting the requirements.

Mr. Schreiber commented that the board had made exceptions for others and the last telephone conference call was an example.

MOTION: Mr. Rodriguez moved to substitute the language in paragraph 3 with the NCARB model law language.

SECOND: Mr. Schreiber seconded the motion.

The question was called and it failed.

Ms. Clark reviewed for the board the current language allowed for three avenues direct, state and NCARB endorsement and what they are now proposing. She commented that the board was removing the state endorsement method. She commented that they were requiring a state endorsement to be licensed in another state, NCARB IDP if prior to 1985, a NAAB degree, and taken and passed a substantially equivalent examination. She commented that the state endorsement was very close to licensure by examination. She commented that previously under Chapter 481.213(3)(b), F.S., the state endorsement allowed for the substantially equivalent method and the board has taken that avenue away. Ms. Clark commented that they are now verifying that the examination is substantially equivalent not any other items.

Mr. Rodriguez read the proposed language and the board questioned the 1970 date under the state endorsement paragraph sub 3. Ms. Clark commented that the board was removing the option for direct endorsement and merged it into the state endorsement. Ms. Clark read the current Chapter 481.213(3)(a), F.S., which states an applicant who qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 and has satisfied the internship requirements set forth in s 481.211. Ms. Clark commented that they were materially changing the requirements. Mr. Manausa commented that he was trying to clarify it under initial licensure and allow only three ways for licensure examination, state endorsement, or NCARB endorsement.

Mr. Rodriguez commented that they needed to look at the different endorsement routes direct, state, and NCARB and direct was missing. He commented that under the proposed state endorsement it requires a NAAB degree or if licensed in the initial prior to 1984 no NAAB

degree was required provided the licensure requirements were the same or substantially equivalent. Ms. Clark commented that the substantially equivalent was not in the proposed language. He commented that the option for 5 years experience was missing and was requiring NCARB IDP under the state endorsement. He commented that they needed to discuss the verbiage of paragraph sub 3.

Mr. Manausa commented that he removed the substantially equivalent because that language was what caused all of the problems with state endorsements. He commented that the language for a BS degree in Architecture prior to 1970 was the equivalent. He commented that the only way to be licensed in this state was to receive 5 educational credits from NCARB.

Ms. Grigsby commented that she would like to know what happened to the degree between 1970 and 1984. Ms. Clark read the paragraph sub 3 and commented that it was written differently but meant the same as previously. Mr. Schreiber commented that they should refer back to the current statute. Mr. Rodriguez commented that they have always required a degree and when the NAAB accredited degree became a requirement they had to allow for substantially equivalent.

Ms. Clark commented that prior to 1989 when the 1984 date was placed in the statute the requirement was a 5 year degree, which was at all times a NAAB degree. She commented that in 1984 they required the 5 year degree.

Mr. Rodriguez suggested language that read, "has a NAAB accredited degree unless if licensed in their base state prior to June 30, 1984 an applicant need only have a 4 year degree in architecture". Mr. Manausa commented that would take them from a 5 year degree to a 4 year degree. Ms. Clark commented that they only changed the requirement in the NCARB endorsement, which allowed for licensees prior to June 30, 1984 to receive 5 educational credits. Mr. Rodriguez proposed the following language, "has a NAAB accredited degree or if licensed in their based state prior to 1970 holds a BS degree in Architecture.

Ms. Clark commented that if they place that language in the state endorsement then they would allow even more applicants eligibility for licensure without the NAAB or 5 year degree. Mr. Rodriguez proposed the following language, " has a NAAB accredited degree or if licensed in their based state prior to 1970 holds a BS degree in Architecture and an NCARB certificate. Mr. Manausa commented that they could not require applicants to be NCARB certified.

Ms. Clark proposed the following language, "has a NAAB degree and was licensed in their base state prior to 1970 holds a BS degree in Architecture".

The board reviewed 481.213(3) by NCARB endorsement. They discussed the option of the five educational credits without the degree and provide the applicant with 5 educational credits.

Ms. Clark commented that 481.213(2)(b) interior design by state endorsement requires licensure in another state and certification by NCIDQ. Ms. Del Bianco commented that interior designer's must be an NCIDQ certificate holder. Ms. Clark asked if an NCIDQ certificate could be issued without the individual meeting this state's requirements. Ms. Del Bianco replied in

positive and commented that every licensed interior designer must provide a certificate from NCIDQ that states they have passed the NCIDQ examination.

Ms. Clark commented that if an interior design had to pass the NCIDQ examination and meet the educational requirements, how that was different from initial licensure. Ms. Del Bianco replied that she was not sure they had a state endorsement. Ms. Clark commented that she was pointing out that there might not be a need for this section of interior design state endorsement.

Mr. Rodriguez commented that an NCIDQ certificate was granted upon passage of the examination, which was different from NCARB council records. He commented that the certificate was certification of passing the examination. He commented that whether by initial or by endorsement the applicant must provide proof of passing the examination.

Mr. Wirtz commented that this language was only applicable for states that had practice acts not title acts. Mr. Rodriguez commented that if they solved the NCIDQ examination requirements then 481.213(2)(b)(2) solves the experience requirement and degree requirement.

Ms. Estes commented that an individual could take and pass the NCIDQ and receive a passage certificate, which is what is endorsed by this state to receive licensure. She commented that there were other states that do not license interior designers but again could take and pass the NCIDQ examination and receive a certificate, which does not mean that they are a "certificate holder". She commented that being a certificate holder with NCIDQ was equivalent to holding a council record with NCARB. She commented that the board receives applications under the current law, with NCIDQ certificates that do not meet the board's education requirements. She commented that under the new language they do not provide a vehicle for individuals that have the education, experience, and proof of passage but are not licensed in another state. She requested that the board consider allowing the avenue for direct endorsement for those states that do not have a practice act or license those individuals.

Ms. Estes commented that the new language only allows an avenue to be approved to take the examination or endorse because you are licensed in another state. She commented that there was no avenue for individuals that have taken and passed the examination, have the required education, and required IDP or IDEP and want Florida to be their initial state of licensure.

Mr. Manausa commented that he would add language under 481.209(1) Registration and Licensure by Examination to include the language to state as follows, a person desiring licensure as a registered architect shall apply to the department to take the licensure examination or provide proof of passage of the licensure examination.

Ms. Clark commented that with Mr. Manausa's insertion then they could strike 481.213(2)(b)(1 and 2). She commented that if they struck paragraph b then they did not need a paragraph a.

Mr. Johnson confirmed that they were inserting Mr. Manausa's suggestion into Chapter 481.219(1) and (2). The board confirmed to insert the language or provide proof of passage of the licensure examination for both architects and interior designers. This would allow for direct endorsement.

Ms. Clark asked why 481.213(4) was inserted. Mr. Manausa commented that this was not a change just moved from a different section. Ms. Clark asked what 481.213(5) meant. Mr. Manausa commented that it allows for rule making authority.

#### Chapter 481.2131

Mr. Johnson confirmed for the board that paragraph 2 was inserted from the rule. Ms. Del Bianco commented that the word "perform" should be changed to "practice". Mr. Johnson confirmed that the title of the chapter was changed because it now includes both professions.

Mr. Johnson commented that there was an issue from the last board meeting raised by St. Johns County and the language was changed in paragraph 1 to possibly resolve some of their issues. He requested that counsel review the language for impact and possibly correct some of the issues.

Mr. Johnson commented that paragraph 3 included both architecture and interior design. He commented that paragraph 3, which added architect was found in other areas in the statute and rules. He commented that was included in this area so both professions could be read in one location.

Mr. Gonzalez asked if they considered removing verbal agreements to only written contracts. Mr. Johnson commented that his understanding in 1994 the agreement from a legal stand point was that Florida would permit verbal contracts. Mr. Rodriguez commented that under paragraph 3 they struck square footage fee. He commented that architects utilize square footage to determine fees and recommended leaving that in the language.

Ms. Grigsby commented that wouldn't "a fee" cover square footage. Mr. Gonzalez and Mr. Rodriguez replied that it should be left in. Mr. Johnson commented that it was stricken because it was covered under the phrase basis of a fee to avoid repeat. Mr. Rodriguez commented that a percentage and markup was a basis for a fee. The board requested that square footage remain.

Mr. Minacci commented that 481.2131(2) was a duplicate of another section.

#### 481.214

Ms. Del Bianco commented that "Architectural Designer" should be capitalized. She commented that Interior Architect is also a title of a degree. Mr. Minacci commented that paragraph 3 (c) should read "a license" instead of "an interior designer license". He commented that paragraph 3 (d) should read employ unlicensed persons to practice interior design or "architecture"; "or". He commented that he would like to include a paragraph 5 to include the language that states the following, the board may impose an administrative penalty

not to exceed \$5,000 for each count or separate offense pursuant to the provisions of Chapter 120, F.S. He commented that it would make it clearer than going through Chapter 455, F.S.

Mr. Rodriguez asked if they should strike under paragraph 3 the word “knowingly”. Mr. Minacci replied in the negative and stated that knowingly does not mean that an individual is out there knowingly violating the law. He commented that knowingly means that I know I am handing out a business card that states I am an architect. He commented that he did not have to prove that you know that you know that violates the law just that you knew that you had a business card that states architect on it.

Ms. Del Bianco commented that under paragraph 2, commented that Architectural Designer should be capitalized. She asked if they could use the term Interior Architect when the word or title “architect” is protected. Mr. Rodriguez commented that he would not see it as an issue from his view because he is an architect. He commented that from her view point it could be an issue. Mr. Minacci commented that the terms in the paragraph are terms they have come across and now they are in statute clearly stating you can not use those terms unless the individual is licensed under this part. Ms. Del Bianco commented that some school programs title their degrees with these titles.

Ms. Del Bianco asked about the definition of interior decorators or decorator services being stricken. Mr. Johnson replied that it was stricken from 481.203 definitions. Mr. Johnson commented that the board discussed removing decorators because we do not regulate them just as they do not regulate architecture draftsman. Ms. Del Bianco commented that it was suggested to her that that definition might protect the graduates from the 2 year design degree interior program students. She commented that it might be helpful to let them know where the boundaries were regarding practicing residential decorator services.

Mr. Johnson commented that they were writing the definition regarding the practice of interior design and advising what can or cannot be done under that definition. He commented that when they define interior decorator they would be prescribing what you can do as an interior decorator. Ms. Del Bianco commented that they previously defined it in state statute and felt that the reason for the purpose of noting that the legislation was intending on protecting the commercial practice. Mr. Johnson commented that they might consider defining draftsman and all other trades related to the professions.

Mr. Grigsby commented that if the statute was not clear that an individual needs an interior design license to practice commercial work then it should state such. Ms. Del Bianco commented that she did not see that in the definition of interior design. She commented that it really does not state that. Mr. Minacci commented that it states that in the exceptions.

Mr. Rodriguez recommended that they should strike interior architect and architectural designer from paragraph 2.

481.2141  
Construction Administration

Mr. Rodriguez asked what the rationale was for saying an owner of any real property who allows a project to be constructed on such a real property shall be engaged in the practice of architecture or interior design. Mr. Manausa replied that it would provide Mr. Minacci with teeth to go after the owner for unlicensed activity. Mr. Rodriguez commented that they were determining that if an owner should decide later not to hire someone for construction administration then they could say the owner would be practicing architecture or interior design without a license. Mr. Manausa commented that most of the owners are developers and that was were most of the problems were because they do not have construction administration.

Mr. Hall asked if an owner wished to delete the construction administration from the architect hired would they have grounds that would prohibit it under paragraph 4. Mr. Manausa commented that the owner could choose not to hire the architect of record. He commented the architect of record would have to go on record with the building officials and the owner must notify the building officials of who they would be replacing the architect with.

Mr. Rodriguez commented that 481.2141(3)(c), within that paragraph (iii), which states notifying an Owner and Building Official of any code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by a code, etc. He commented that inserting the requirement that the architect conducting construction administration notify the owner and the building official puts an unrealistic burden and simultaneously put the architect between a rock and a hard place because it is written in a form that it does not allow the architect to make a professional judgement on how to handle the situation. Mr. Rodriguez commented that requiring an architect to go to a building official should be a last resort. Mr. Rodriguez commented that he would leave in the requirement to notify the owner but remove the requirement for notifying the building official. Mr. Manausa commented that this was the language from the NCARB model law.

Mr. Hicks asked how in paragraph 1, they differentiate between residential property because it says real property. He asked if that required every resident to have an architect and construction administration. Mr. Manausa replied that there was an exemption in the statute. Mr. Schreiber commented that once an architect was engaged and they were doing an exempt building then construction administration would be a requirement.

Mr. Manausa commented that if an architect signed and sealed the project, then yes, construction administration would be required. Mr. Manausa commented that if an owner acted as an architect then he must meet all of the requirements. Mr. Minacci commented that the board had heard disciplinary cases against architects for failure to exercise proper responsible supervisory control over residential exempt buildings before. The board determined that once they sign they are on the hook.

Ms. Del Bianco commented that they could not remove "and the building official" because as the architect of record if you do not notify the jurisdiction of the problem with a code violation then they would be leaving themselves open for legal problems. Mr. Manausa commented that the language just says you must notify the building official and it doesn't say when.

Mr. Manausa commented that the reason the language was added was to protect the original architect. He commented that the developer hired an architect to complete the project and the developer does not want the same architect to complete the construction administration and he hires another architect then the original architect would want to make sure certain codes and criteria do not change. He commented that it gave protection. Mr. Hall commented that in terms of dealing with a developer that would apply. He commented that as an individual architect you should know the code and not call the building official asking for the codes because they expect you as the architect to know the codes.

Mr. Manausa commented that if the contractor violates the code. Mr. Gonzalez commented that the architect would notify the owner and the building official when a project was under construction and the architect notices a violation of the code.

Mr. Rodriguez commented that during construction administration we all know that field and other conditions that have an affect on the process might create situations where certain things might go out of the code. He commented that the architect of record was performing the construction administration and spots a potential code violation and writes it up on the report to the owner and advises on how to address it. He commented that the way the statute was written was that a copy must be sent to the building official immediately. He commented that if the owner refused to correct the issue then he could notify the building official. He commented that he did not want to have to appear before the probable cause panel to explain the situation.

Mr. Manausa commented that construction administration is in place for the architect to notify the building official when they notice a code violation. He commented that if there was a violation and it was being corrected then there was no need to notify the building officials. He commented that if continued then you would be required to notify the building official. Mr. Rodriguez commented that they all knew how the liability game was played. Mr. Rodriguez commented that this would show up in a lawsuit.

Mr. Hall commented that the issue should be addressed. Mr. Gonzalez commented that this was a model code. He commented that the architect only had to notify the building official if there was a violation or a hazard to the public while performing the duties. Mr. Hall commented that if there was code violation then the architect would get a notification that they need to address it because the architect and contractor are responsible for adhering to the code. He commented that if another entity was violating the code then it should be filed with the building official.

Mr. Rodriguez suggested that they add after the building code “, if appropriate,” so the requirement would kick in the standard of care. Ms. Del Bianco suggested in front of code violations, “unresolved”.

Mr. Manausa and Mr. Minacci agreed.

Chapter 481.215

Ms. Del Bianco asked if the board wanted to make a requirement of an examination for laws and rules for initial licensure or renewal. Mr. Manausa commented that Oklahoma requires that all new licensees must take and pass an examination prior to licensure.

Ms. Chastain commented that would open up a new issue regarding the administration of the exam, challenges, etc. She commented that there were other professions that require the laws and rules but it is a process of examination.

Mr. Minacci commented that the Board of Engineers required new applicants answer a 20 question test to make sure they had the laws and rules and review them. He commented that staff would grade the examination and return if they missed a certain number of questions.

Mr. Manausa commented that the Department of Community Affairs are requiring a test or continuing education on the Florida Building Code.

Mr. Rodriguez commented that this was an issue when he was on the NCARB Reciprocity Impediment Task Force. He commented that there were 6 states that require an examination and it was not considered an impediment provided it was readily available. He commented that it was an open book exam and it was to get the licensees to read the laws and rules. He opposed turning it over to the Bureau of Testing.

Ms. Del Bianco proposed that the laws and rules be required for all applicants for licensure and it count towards continuing education. She commented that the probable cause panel could create the questions.

Mr. Gonzalez commented that it would be part of the application process. Mr. Schreiber commented that they are messing with someone's livelihood by delaying the process. Mr. Manausa commented that they would not write a difficult exam and that he had already written it and had the answers. He commented that it would be an open book test.

Mr. Schreiber commented that there should be a checkbox on the application that they have reviewed the laws and rules. Mr. Gonzalez commented that they currently have that on the application.

Ms. Clark commented that they should not include paragraph 5. Mr. Rodriguez commented that it is in the rules and should be stricken. Mr. Gonzalez commented that it would be stricken.

#### Chapter 481.217

Mr. Minacci commented that 481.217(1)(b) was duplicative of 481.217(1)(a). Mr. Johnson commented that under Chapter 481.217(1)(a) the first sentence should remain, then strike everything after and move to 481.217(1)(b).

Mr. Rodriguez requested that 481.215(7) be deleted. Ms. Del Bianco asked if they were going forward with advanced courses. Mr. Rodriguez replied that initially the Technical Advisory Committee turned over the responsibility to the board but the Department of Community



Affair's attorneys determined that they could not delegate that authority. Mr. Manausa commented that he agreed to delete.

Mr. Johnson commented that they would be looking in the full face of the Legislative body. Ms. Del Bianco commented that she did not think it was a good idea. Mr. Manausa commented that the removal of this requirement was defensible. Mr. Gonzalez directed Mr. Johnson to strike based on Mr. Rodriguez and Mr. Manausa's recommendations.

#### Chapter 481.219 Certificate of partnerships, limited liability companies and corporations

Mr. Johnson commented that he would add fictitious name throughout the section to be consistent and add to the title.

Ms. Del Bianco commented that under 481.219(4) and (5) she would like to add toward the end of the paragraphs, insert based on their responsible supervisory control or words to that affect. Mr. Minacci did not feel that was necessary because that requirement was mentioned in the statutes already.

Ms. Del Bianco 481.219(7)(e) suggested that responsible charge should be responsible supervisory control.

#### Chapter 481.221 Seals; display of certificate number

Mr. Rodriguez requested that they remove the language of impression-type metal seal and move toward the future. Mr. Manausa commented that it was covered under paragraph 1, c. He commented that the standard was the impression seal and they placed an alternative to that seal.

Mr. Rodriguez commented that the board discussed and agreed that it would be best to place generic language in the statute to allow the board the ability to establish by rule. He commented that things change and the rule would allow the flexibility to move and change with the times.

Ms. Long stated that AIA submitted language to legislation that passed through the House but failed in the end. She commented that she could provide that language to Mr. Manausa. Ms. Del Bianco commented that the requirement should be left to rule.

Mr. Gustafson asked why paragraph 2 and 3 were not combined. Mr. Johnson clarified that paragraph 2 spoke directly to construction administration, which was not addressed for interior design.

Mr. Minacci commented that paragraphs 6 and 7 were the duplicative of Chapter 481.2131(2). Mr. Gonzalez confirmed that it should be stricken from Chapter 481.2131(2) and paragraphs 6 and 7 would remain in this section.

Chapter 481.222 Architects performing building code inspection services.  
No changes or comments.

Chapter 481.223 Prohibitions; penalties; injunctive relief.

Mr. Minacci commented that this section should be stricken because it was addressed and moved under Chapter 481.214 Prohibitions

Ms. Del Bianco asked if there was a need to include null and void license status under prohibitions. Mr. Minacci replied that practicing on a null and void license would constitute unlicensed practice.

481.225 Disciplinary proceedings against registered architects and registered interior designers

Mr. Hicks commented that Chapter 481.219(7) stated the board shall issue a certificate of authorization but it doesn't really say that they have to apply for the certificate of authorization. He commented that it was still vague to individuals reading the statutes. Mr. Rodriguez commented that there should be a matrix as a helpful hint. Mr. Hicks commented that the title should include the language certificate of authorization.

Mr. Johnson suggested having a stand alone section that would address the certificate of authorization. He commented that it would answer and relieve some of the problems with probable cause and the public. Mr. Hicks commented that the public understands what a certificate of corporation is but they are not aware of the additional requirement for the certificate of authorization through this board.

Mr. Minacci suggested that paragraph 3, c read imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

Mr. Johnson commented that they combined the entire section of Chapter 481.2251 disciplinary proceedings against registered interior designers into Chapter 481.225 to cover both architects and interior design.

Ms. Del Bianco commented that the board discussed the need to add a morality clause relevant to felony convictions. Mr. Minacci commented that would not include crimes relative to the architecture or interior design practice. He commented that they discussed putting a morality clause similar to other professions.

481.229 Exceptions; exemptions from licensure

Mr. Johnson commented that references to interior decorators were removed under paragraph 6 and 6 (a). Ms. Del Bianco asked if they wanted to consider putting it back because they offer exemptions for residential architecture buildings. Mr. Minacci commented that the statute allows an exemption for residential interior design so long as the individual does not hold himself or herself out as an interior designer.

Mr. Wirtz asked about residential decorators moving walls, electrical, etc. He asked where it states they could not do that. Mr. Minacci replied that they could. Mr. Rodriguez replied that a single-family residence is an exempt building. Mr. Gonzalez commented that it depended on

the county. Mr. Rodriguez commented that electrical services under a threshold could be practiced by anyone and fell under an exempt category. Mr. Gonzalez clarified in drawing and design only.

Ms. Del Bianco commented that they should be clear the first sentence in paragraph 6 (a) should read, a person who performs interior decorator services not "design". Ms. Grigsby commented that was not true and that a lot of interior designers practice both residential and commercial work. Ms. Clark commented that she understood that it was still the practice of interior design but exempt from licensing if working on a residence.

Mr. Minacci commented that Ms. Del Bianco could view the definition of interior design and architects encompass all the activities under that umbrella. He commented that no one was allowed to perform those services except on residential projects.

#### 481.231 Effect of part locally

Mr. Johnson commented that there were a number of rules that were attached to the handout for consideration to be forwarded into the statute. He requested that the board allow the board counsel and prosecuting attorney the opportunity to review the rules and make recommendations on the upcoming telephone conference call.

Mr. Minacci commented that some people are not aware of some of the violations listed in the rules. He commented that it would be better if they were in the statute. He recommended a new subsection in the statute regarding the responsible supervisory control requirement.

Mr. Rodriguez commented that they have been manipulating the rules for years and to place in the statute would be a mistake and would like to find another way. He commented that they have had difficulty with JAPC but they should create language that would allow them to implement rules to address those issues. He commented that he thought it would not be a good thing to place in statute.

Mr. Minacci commented that he was not referring to cutting and pasting the rule into the statute. Mr. Rodriguez commented that if they move into statute then they would have no leeway to update and change the requirements.

The board looked at the handout regarding the rules that were proposed to be placed in statute and discussed that it should be reviewed prior to the next meeting.

Ms. Del Bianco commented that she felt they needed the full backing of the associations before moving forward and they need to know the next step. Ms. Long with AIA Florida commented that she thought they were going to come out of this meeting with the final document. She commented that they had a meeting scheduled with Mr. Manausa and Mr. Minacci to review the revisions at their next meeting. She commented that their President had appointed a Blue Ribbon Panel to review the board's recommendations line by line. She commented that they were going to do a line by line review to see what was agreeable and feasible for their membership.

Ms. Long commented that they had hoped to have bill sponsors by December and have it in bill drafting by January. She commented that hopefully after all of the reviews the final document would be similar to what the board was proposing. She commented that in 15 years she had never seen a bill go in the process and come out the same. The AIA's next board meeting was scheduled for October 14, 2004.

Mr. Farinos commented that the Community College system would not support the board's decisions today. He commented that there was an important precedent that they were setting and he gave an example of the nurses being able to take the same licensure examination with a 2 year degree or 4 year degree. He commented that the interior designers were using the architecture model to make their decision for interior design profession. He stated that nursing was a precedent. He commented that the board even though combined they were not the same profession and this was not the right solution.

Mr. Manausa commented that they should move forward with the language and he was ready to talk with AIA about the current draft. Mr. Hefner commented that IDAF was prepared to take and support the language legislatively.

Mr. Gonzalez requested that IDAF take the lead and work with the Community Colleges.

Ms. Del Bianco commented that anyone could apply to NCIDQ and take the test. She commented that they were limiting the practice in the state of Florida by the education requirement. She commented that the draft was as final as possible and let it move forward. Mr. Rodriguez commented that when the language enters the legislative session they should be involved with the legislative process.

Mr. Rodriguez commented that he felt it was sad that the state would not fund the people it trusts to make the important decisions relative to the profession.

Ms. Del Bianco commented that as a board they were asking that the language move forward. She commented that she assumed they would be involved with the process and would be made aware when the department tweaks the language. She commented that they should be involved in the process and if they must schedule all future board meetings in Tallahassee.

Mr. Rodriguez asked Ms. Clark if he could approach or lobby Legislators regarding the statutory rewrite language. Ms. Clark commented that all individuals were entitled to approach their legislator and in doing so they may identify themselves as a board members. She commented that they could not discuss the matter with any other member of the board outside of a publicly noticed meeting. She commented that they should state that they were representing certain language that was voted upon by the board. She commented that they had not heard the board vote today and she could not tell them what the language was.

Mr. Rodriguez asked if he could approach only those legislators in his district or could he approach the Legislature as a whole and any member. Ms. Clark responding that he did not initially ask that particular question and she would have to research.

Mr. Manausa commented that the board would have to vote on the language so as individuals they could state that the board supports the bill.

Ms. Grigsby commented that if the language was finalized by the telephone conference call they could recommend a final approval. Mr. Gonzalez recommended that Mr. Johnson bring back a clean draft with no strikeouts. Ms. Clark commented that they had made significant changes. Mr. Gonzalez commented that the board needed to finalize their copy before going to the associations.

Mr. Rodriguez commented that they should take the time to do it right. Mr. Manausa commented that if they did not have it ready it would not go. Mr. Rodriguez commented that he felt that the language should go as it was because they did not know what was going to come out of bill writing. He commented that they could address what they do not agree with or want to change at the time of Legislation.

Mr. Johnson commented that he had never known when there was a time when the Legislature did not have new language presented to them on the next to the last day of session. Mr. Rodriguez commented that he was not worried about the language because the entire state of Florida would have an opportunity to make changes to the language. He commented that he was worried about the race from the beginning to the last day of Legislation session.

Mr. Horstmyer commented that they needed to have a timeframe to make commitments to dates to arrange their itinerary.

Mr. Johnson commented that he would have a final draft within 7 to 10 days. Mr. Gonzalez commented that they should try to incorporate AIA and IDAF's comments for a meeting in November. Mr. Johnson commented that if everyone moved with haste they should have a final by early November.

Mr. Johnson commented that unless everyone came together then profession associations and institutions would not be working together and wasting a lot of money. Mr. Rodriguez commented that he did not feel the professional associations were not working together in a professional manner. Ms. Long commented that AIA would not enter into legislation without covering the issues with interior designers. She commented that the AIA Blue Ribbon committee would work with IDAF and the review of the language would be a lengthy and detailed process.

Ms. Membiela commented that the Community College educational component off the table and she felt that their mechanism for lobbying was strong and they had a valid point. She commented that the board needs to bring them into a common ground or the board's effort might go to waste. Mr. Gonzalez commented that IDAF would take a lead and work with the colleges. Ms. Crosby commented that IDAF would be working on a bridge to leave no one behind.

## **Interior Design Discussion**

IDCEC/NCIDQ meeting November 12-14, 2004

NCIDQ Spring Examination Activity Report

NCIDQ Board Approves New Definition of Interior Design

Ms. Shore reviewed the information in the packet and stated that the upcoming IDCEC and NCIDQ meetings would be held in Washington, D.C. Ms. Grigsby commented that IDCEC meeting would begin on November 11 and was in conjunction with the NCIDQ meeting. Ms. Chastain advised that staff had requested that all interior designers attend the IDCEC and NCIDQ meeting.

## **Architecture Discussion**

NCARB Survey of Registered Architects

Mr. Schreiber reviewed the NCARB Survey of Registered Architects.

## **Rules Report and Discussion**

Rule Tracking

Ms. Clark commented that they changed the agenda format of the meeting so they would not need to ratify reports. She commented that they were in full board format and voting.

Rule 61G1-11.012, Educational Advisory Committee

Ms. Clark commented that the board requested that she work with Mr. Schreiber to propose language regarding the Education Advisory Committee. She commented that what they had asked was not a simple task and she needed more direction from the board on how to handle the issue.

**MOTION:** Ms. Del Bianco moved to table to tomorrow's meeting or at another time if there was not enough time.

**SECOND:** Ms. Membiela seconded the motion and it passed unanimously.

Rule 61G1-11.017, Exemption from Renewal Requirement for Spouses of Members of the Armed Forces of the United States

Ms. Clark commented that the board had previously approved the language and it was in process.

Rule 61G1-12.004, Disciplinary Guidelines; range of penalties; aggravating and mitigating circumstances

Ms. Clark commented that her and Mr. Minacci drafted the language based on the last meeting. She commented that the board requested that a new penalty guideline be added for failure to timely provide proof of completion of the core courses or passing the equivalency test of the Florida Building Code. She commented that the drafted language proposed the minimum fine based on the length of time proof was to be submitted with a \$500 minimum plus \$100 per month to a \$5,000 maximum with the suspension until proof of compliance was submitted. She commented that the maximum penalty would be a \$5,000 fine and 1-year suspension.

Mr. Horstmyer asked what would happen after one year. Ms. Clark replied that the suspension would be lifted and the minimum was encompassed in the maximum.

MOTION: Mr. Rodriguez moved to approve as presented.

SECOND: Mr. Gustafson seconded the motion and it passed unanimously.

Mr. Rodriguez commented that the board discussed how to handle a licensee that kept their license active but not working and now they might want to relinquish the license in lieu of discipline. Mr. Minacci replied that he discussed with Ms. Clark. Ms. Clark commented that a licensee could not relinquish the license without a negative effect on the license because the fact was they violated the law. She commented that if they wanted not to have a negative effect on the license they should pay the fine.

Mr. Manausa asked if the board would have a problem with the rule since it was enacted after the fact. Ms. Clark replied that these were the penalty guidelines and there was another statute that says failure to have a penalty guideline doesn't mean there would not be a penalty.

Mr. Hall confirmed that a licensee could be suspended for failure to comply with the core course requirement. Ms. Clark commented that the licensee would be suspended if they fail to come into compliance.

Mr. Minacci commented that they would issue a citation and the licensee would have 30 days to come into compliance, which means pay the fine and complete the course. He commented that they would not be suspended without being given the opportunity to come into compliance. He commented that if they do not comply then an administrative complaint would be filed and they would go to probable cause.

The question was called and it passed unanimously.

Rule 61G1-12.005, Citations

MOTION: Mr. Rodriguez moved to approve as presented.

SECOND: Ms. Membiela seconded the motion and it passed unanimously

Rule 61G1-17.001 Professional Fees and Penalties for Architects

Ms. Clark commented that these become effective September 7, 2004.

Rule 61G1-21.001, 24.001, Continuing Education for Interior Designers and Architect

Ms. Clark commented that the previously drafted rule assigning zero hours for the advanced building code course was rejected by JAPC. Ms. Clark commented that her office reviewed the letter and they could not support the board's number of zero. She advised them to come up with a different number that complied with the intent of the law.

Mr. Horstmyer asked what the threshold was. No response.

MOTION: Ms. Del Bianco moved to approve one hour.

SECOND: Mr. Schreiber seconded the motion.

Mr. Rodriguez commented that they should make the hours meaningful and proposed 2 hours. Mr. Manausa commented that it would be more meaningful and worth while for 2 hours.

MOTION: Ms. Del Bianco amended her motion to 2 hours.

SECOND: Mr. Schreiber seconded the motion, it passed with Mr. Rodriguez opposed.

NCARB – The ARE Rolling Clock

Mr. Rodriguez commented that this was a non-issue.

### **Ratification Lists**

Applications (handout)

MOTION: Mr. Schreiber moved to approve the list as presented.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

Continuing Education

MOTION: Ms. Del Bianco moved to approve.

SECOND: Ms. Membiela seconded the motion and it passed unanimously.

### **AIA Report – Vicki Long**

Ms. Long commented that AIA Florida supported the Good Samaritan Act and it had been used quite a bit because of the hurricanes. She commented that they have had architects out in the field assisting with the recovery efforts.

Ms. Long recommended that the board set standards and not lower current ones for reciprocity issues. She commented that everyone else should rise to the board's level of standards.

Ms. Long commented that AIA Florida received a \$5,000 check for hurricane relief support.

Ms. Long commented that legislation that was pending was Representative Walter with the House, would be performing a review of building codes to determine what worked, what didn't and make recommendations. She commented that it would be difficult to get the attention of the legislation because of the impact of the hurricane. She commented that one in five homes were effected by the hurricanes. She commented that they might have a difficult time getting Legislature to focus on their issues due to the fiscal impact of the current state of the state.



She commented that tourism, agriculture, etc were effected by the hurricanes and those would be the Legislature's focus for the upcoming session.

Ms. Long commented that the Governor's Office had a question and answer open forum session regarding the upcoming budgetary issues. She commented that she asked about the request for budgetary support from the Department of Business and Professional Regulation.

**Board Counsel's Report – Mary Ellen Clark**

Ms. Clark commented that she waiting for answer on the Ellinwood appeal.

**Executive Director's Report – Juanita Chastain**

Financial Report – June 30, 2004 and 2003

Ms. Chastain commented that the year-end report reflected the \$312,000 total sweep was reassessed with \$25,000 out of operating account and \$278,000 from unlicensed activity account. She commented that the amount did not change but the distribution did. She commented that the board was in good financial standing. She commented that they might have the first quarter report at the next board meeting.

Mr. Gonzalez advised the board members to consider who they would like to nominate as Chair and Vice-Chair for Elections at tomorrow's meeting.

The meeting is recessed at 5:53 p.m.

## MINUTES

**BOARD OF ARCHITECTURE AND INTERIOR DESIGN  
Doubletree Grand Key Resort  
3990 South Roosevelt Blvd  
Key West, FL 33040  
305.293.1818**

**October 5, 2004  
9:00 a.m.**

### **General Business Meeting**

Mr. Gonzalez reconvened the meeting at 9:06 a.m.

Board Members Present:

Miguel Rodriguez  
Rick Gonzalez  
Neil Hall  
Stephen Schreiber  
Mary Jane Grigsby  
Sharon Del Bianco  
Joyce Shore  
Kenneth Horstmyer  
Garrick Gustafson  
Roymi Membiela

Board Member Absent:

Ellis Bullock

Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Trent Manausa  
Emory Johnson  
Craig Nesvick  
Kris Koller  
Bill Kobrynich  
Nancy Bredemeyer  
Jan Pagano  
Susette Crosby

Shelley Siegel  
Steve Hefner  
Michael Wirtz

Court Reporter: Tina Roberge, Kaplan Soderberg & Associates, Inc., Gables One Tower, 1320 South Dixie Highway, Suite 775, Coral Gables, FL 33146

**Prosecuting Attorney's Report – David K. Minacci**

Annual Report (packet)  
Status Report of Cases  
Licensed Architects Legal Cases  
Licensed Interior Designers Legal Cases  
Unlicensed Architects Legal Cases  
Unlicensed Interior Designers Legal Cases  
Licensed Architects Investigative Cases  
Licensed Interior Designers Investigative Cases  
Unlicensed Architects Investigative Cases  
Unlicensed Interior Designers Investigative Cases  
Fines Chart  
Licensed/Administrative Hours  
    July 2004  
    August 2004  
Unlicensed Billable Hours  
    July 2004  
    August 2004  
Results of August 5, 2004 Board Meeting  
Results of August 6, 2004 PCP Meeting  
Results of August 31, 2004 PCP Meeting  
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci commented that the board had received the annual report in their packets. He commented that the report covered the first 8 months under the contract then the second 12 months under the contract. He commented that they surpassed the first year. He requested that all board members read the report if they had not had an opportunity to review it. No questions regarding the annual report.

Mr. Minacci commented that since the agenda packets were compiled they had collected another \$40,000 in fines. He commented that they were only working on 2003-2004 cases and had no back-log of cases. He commented that they were in good shape to tackle the citations.

**IDAF Report – Susette Crosby**

Ms. Crosby commented that Steve Hefner would be providing the reports in the future. She commented that IDAF had attended a sales tax workshop. She commented that IDAF was charged with meeting with the educators to bridge the gap regarding the statute rewrite and education requirements.

Ms. Crosby commented that under Chapter 481.209(2)(b)(1), they were proposing the following language, "is a graduate of with a degree in a program of no less than 120 semester or 180 quarter credit hours of which 60 semester or 90 quarter credit hours, respectively, are interior design related and which is accredited by FIDER or a board approved equivalent". She commented that they removed the name or title of the degree. She commented that it was originally written as a baccalaureate degree and they propose the language of "a degree".

Mr. Schreiber commented that he was not aware of any 120 credit hours degrees that was not named a Bachelor degree. He commented that usually constituted a Bachelor's degree. Ms. Bredemeyer with Indian River Community College commented that some Associate of Science degrees reach the number of credits required by boards and gave dental hygiene as an example.

Mr. Rodriguez commented that he felt the language was fine to allow moving forward. Ms. Membiela commented that with the language they would not require a Bachelor degree, just a degree and meet the number of credit hours. Ms. Del Bianco commented that the only change proposed was removing the word baccalaureate. Ms. Shore commented that they were adding "or a board approved equivalent".

Ms. Del Bianco asked what the time period was. Ms. Crosby commented that the second part of the issue was Chapter 481.209(3) and she suggested the following language, "prior to October 1, 2008 applicants who enrolled in Florida interior design programs with a minimum of 60 semester credit or 90 quarter credit hours, compliant with the law as of October 1, 2005 have met the educational requirements for licensure. She commented that was assuming the statutory language was approved and enacted in October 2005. This would allow 3 years and begin the transition phase.

Ms. Del Bianco asked why the word baccalaureate degree title removed. Ms. Bredemeyer replied that based on the board's conversation the degree should be removed and credit hours put in versus names of degree.

Ms. Grigsby commended them for their work. Ms. Del Bianco commented that she was concerned with the timeframe. She commented that this might cause a problem for out of state schools. She commented that they could not penalize students that start classes in the fall and three years might not be enough time.

Ms. Clark commented that this board had no duty to people out of the state of Florida and the Florida Community Colleges were at the meeting to answer questions regarding Florida students.

Mr. Rodriguez recommended that they remove the start date of October 1, 2005 and allow the rest of the language to stand alone.

Mr. Johnson commented that they could use the date of enactment to reflect the start date. Mr. Rodriguez commented that he was concerned about the equivalent regarding the workload and impact.

Ms. Crosby commented that they were assigning the task to the board or asking the board to do anything other than review and approve the equivalency task force, educators and methodology once in place. She commented that the team or task force of educators would be performing the equivalency evaluations. She commented that IDAF would present the team and methodology and request the board's blessing.

Ms. Del Bianco commented that she understood the effort regarding the equivalency team but questioned how they could have the reviewees be the reviewers. Ms. Crosby commented that IDAF would present the process and criteria to the board. She commented that if they board felt there was a conflict they could address it when IDAF presented the equivalency program.

Ms. Del Bianco commented that after October 2008 all programs must be FIDER accredited. Ms. Crosby commented that they would have the flexibility as the programs advance and move through the transition period. She commented that the board had only given the colleges a 4 year window to move through the transition period. Mr. Johnson commented that FIDER was not visiting or accrediting any institutions less than 4 years.

Ms. Bredemeyer commented that the state universities and colleges systems were evolving and blending institutions. She commented that some colleges share campuses. She commented that they had moved beyond the narrow categories of a 2 year school or baccalaureate degree university because they were blended. She provided an example of Edison College and Edison Community College because they offer 2 and 4 year degrees.

Ms. Bredemeyer commented that they were not afraid of FIDER evaluation but they had a concern with the cost because they could not afford the FIDER accreditation.

MOTION: Mr. Hall moved to accept the language as presented.

SECOND: Ms. Grigsby seconded the motion.

Ms. Del Bianco commented that she had a concern with the language "or board equivalent" and felt they should have a longer timeframe. She commented that it should be FIDER accredited only.

The question was called, passed and Ms. Del Bianco opposed. Ms. Pagano thanked the board and the IDAF committee for working with the Community Colleges. She commented that the college's main interest was the students and they wanted to produce the best students for the public.

### **Board Meetings**

October 27, telephone conference call 2:00 p.m.  
January 11-12, 2005, Winter Park

April 13-14, 2005, Tallahassee  
July 25-26, 2005, Marco Island with AIA Florida

## **Rules**

Ms. Clark commented that the board requested that her and Mr. Schreiber review the educational committee rule language. She commented that the board was not operating according to Rule 61G1-11.012, F.A.C. Educational Advisory Committee and referred them to the current language. Ms. Clark commented that she was aware that Mr. Bulter and Mr. Hicks were the educational advisory committees for the board but never were board members.

Ms. Grigsby commented that she was the committee board member that reviewed the interior design applications. Ms. Clark commented that they could draft language that would make them compliant, which reflects what they currently practice. The board reviewed the language and discussed.

Mr. Schreiber commented that the committee could set up their own rules and delegates tasks that actions would be taken on the applications. He commented that he looked at other boards to determine what the best structure might be. He commented that they could have 2 committees, one for architecture and one for interior design. He commented that the current interior design system was working and they could mirror that for architecture. He commented that they could have a staff member review, then an educator, and then a board member. Ms. Grigsby commented that is what is happening for interior design.

Ms. Clark commented that one of her other boards delegates to staff the authority to review the application and place on a ratification list. She commented when there were questionable applications it is forwarded to the credentials committee, placed on an agenda and handled by telephone conference call. She commented that the committee makes a recommendation and it is reviewed by the full board.

Ms. Chastain commented that the board is currently doing that now through Mr. Hicks. Mr. Schreiber commented that he felt a board member should be reviewing every application prior to the ratification list. Ms. Grigsby commented that she did not feel staff should have that responsibility and there should be two sets of eyes reviewing the applications. Ms. Chastain commented that all applications are reviewed by staff then forwarded to Ms. Grigsby or Mr. Hicks for a second review, prior to appearing on the ratification list.

Mr. Manausa commented that previously when he was a board member he performed the reviews at that time then they retained him to review. He commented that they retained Jerry Hicks after he retired. He commented that what they do currently works well and recommended that they change the rule to match what they currently do.

Mr. Schreiber commented that he does not actually know what he is ratifying when he ratifies the list. Mr. Rodriguez commented that they had two sets of eyes reviewing the architecture applications. He commented that they had a staff person and an expert licensed architect reviewing the applications and was not concerned with the process having shortcomings. He commented that it was unrealistic to have the board review all of the applications, they should

delegate the responsibility. He commented that they should update the rule to accommodate the process that they currently have.

Ms. Del Bianco commented that architecture applications were more straight forward because they do not have an issue with the equivalency like interior design. Mr. Schreiber commented that he had no way of verifying that what they were doing was correct or not based on the ratification list. He commented that there have been some applications that have appeared before the board that there should have been no questions on. Mr. Gonzalez commented that was good because Mr. Hick's aired on the side of caution.

Mr. Manausa commented that unless Mr. Schreiber personally reviewed each application he would not have first hand knowledge of what was being ratified. Mr. Schreiber commented that he would like to see the name of the degree earned and when they earned it. Mr. Rodriguez commented that he did not feel the need for the board to review each application.

Mr. Gonzalez recommended that they modify the rule to allow flexibility to retain a licensed architect or interior designer or utilize a board member. Ms. Del Bianco recommended removal of "Committee" from the title of the rule and it be "Educational Advisory Review". Mr. Rodriguez commented that they should strike the last sentence of the first paragraph and the sub paragraphs. Mr. Manausa and Mr. Schreiber agreed to work with Ms. Clark on the draft language.

Mr. Rodriguez requested that Ms. Clark notice 61G1-14, F.A.C. for the next meeting. He commented that they needed to adjust language regarding the ARE rolling clock window. Mr. Rodriguez and Ms. Estes would work on the language for Ms. Clark.

### **Review and Approval of Minutes**

December 17, 2003 telephone conference call

MOTION: Mr. Gustafson moved to approve as presented.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

May 24, 2004 telephone conference call

MOTION: Mr. Gustafson moved to approve as presented.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

June 15, 2004 telephone conference call

MOTION: Mr. Rodriguez moved to approve as presented.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

August 3-5, 2005, Committees and General Business Meeting

MOTION: Mr. Rodriguez moved to approve as presented.

SECOND: Mr. Gustafson seconded the motion and it passed unanimously.

### **Disciplinary Cases**

Mr. Rodriguez and Mr. Hall were recused from the disciplinary proceedings.

### **Settlement Stipulation**

#### **DBPR vs. Robb & Stucky**

Case Number 2004-011827

(PCP: Rodriguez, Hall and Wirtz)

Mr. Minacci presented the file, commented that probable cause was found, and a 2 count administrative complaint was filed for using a license on inactive status and offering to provide architectural services. He commented that the panel's recommendation was a \$2,000 fine plus costs, the respondent was to provide a plan for newly implemented internal controls to monitor the status of each license held by the respondent, and attach a list of each office or store, which offers interior design services providing the name and license number of the interior designer in responsible supervisory control. He commented that the panel requested that the respondent appear before the board.

Mr. Minacci recommended that the board approve the settlement stipulation as presented. Chris Kolar and Craig Nesvick were present and sworn in. Mr. Nesvick thanked the board for rescheduling the meeting and he tried to address the issue of concern in his letter to the board submitted at the August board meeting. He commented that they had implemented an electronic format to remind the firm when licensure renewals were, so they would not have the oversight happen again.

Mr. Minacci commented that the firm was offering and advertising in an ad. Mr. Gonzalez commented that offering architectural services without a license was a serious offense and asked about the brochure/flyer. Mr. Nesvick commented that he was not sure where the flyer was generated and it was isolated incident. Ms. Membiela commented that the recommendation for the penalty was low.

Ms. Del Bianco asked if Ms. Kolar was a principle officer. Ms. Kolar commented that she was a manager director of interior design. Mr. Nesvick commented that they were a limited liability partnership and understood that a manager member was sufficient. Mr. Minacci confirmed that a managing member was sufficient based on their corporate structure. Mr. Gonzalez advised them that they must list their license number on their advertisements.

Mr. Manausa commented that the firm had an ad in Sky magazine that does not include their license number. Ms. Clark commented that information was not in the board's materials and it was inappropriate to discuss that issue.

MOTION: Mr. Gustafson moved to accept the settlement as presented.



SECOND: Mr. Schreiber seconded the motion, it passed with Mr. Gonzalez, Ms. Del Bianco and Ms. Grigsby opposed.

Mr. Gonzalez commented that they could do a better job in managing their firm. Ms. Del Bianco requested that qualifiers receive a notice that the business license is up for renewal. Ms. Clark commented that sending a renewal notice to anything other than the registered address was not legally meaningful and there was no requirement for staff to keep up with anything other than the registered address. She commented that a licensee should know their responsibility when qualifying a firm or business and keep up with that along with their personal license. She commented that was an individual's carefulness with their legal responsibilities.

Ms. Membiela commented that she would like Mr. Minacci to monitor firms because the fine was so small. She commented that this particular case was large and they did not know what they were doing and what was going on within their firm. Ms. Del Bianco commented that they were a very large firm and they got off light.

#### **Hearing on the Recommended Order Unlicensed**

##### **DBPR vs. Jimmy Lee Wallace / Onyx Design, Inc.**

Case Number 2003-061680

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci commented that there was a request for a continuance. He commented that he discussed with the board's counsel and recommended that the board continue.

MOTION: Mr. Schreiber moved to continue to the meeting in Winter Park.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

#### **Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact Licensed**

##### **DPBR vs. Gloria Ellinwood**

Case Number 2004-084688

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci commented that Ms. Ellinwood contacted him and requested a continuance due to medical procedures.

MOTION: Mr. Gustafson moved to continue to the next meeting.

SECOND: Ms. Membiela seconded the motion and it passed unanimously.

##### **DBPR vs. Donald Stansell**

Case Number 2004-021514

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci presented the case and commented that a final order was entered with Mr. Stansell on June 23, 2003 ordering him to pay a fine of \$2,000 fine plus \$960.00 costs within 30 days. He commented that Mr. Stansell failed to comply with the order. He commented that probable cause was found and a 1 count administrative complaint was filed for failing to comply with a lawful order of the board. He commented that on August 5, 2004 Mr. Stansell filed an election of rights indicating that he does not dispute the facts alleged in the administrative complaint. He commented that the panel recommended revocation unless he promptly paid the fine, which he had not paid.

Mr. Gonzalez asked why they were allowing more time to pay the fine and that they were being too kind because he was allowed 2 years to pay. Ms. Clark commented that this was a hearing pursuant to Chapter 120.57(2), F.S., which meant there were no material facts in dispute. She referred the board to the election of rights form. She advised the board on how to proceed.

MOTION: Ms. Membiela moved to accept the findings of fact and conclusions of law as found in the administrative complaint.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

MOTION: Ms. Membiela moved to revoke the license.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

### **Motion for Order by Waiver Unlicensed**

#### **DBPR vs. Architektur and Robert Stueber**

Case Number 2003-081736

(PCP: Rodriguez, Wirtz, and Bullock)

Mr. Minacci presented the case and commented that the respondent was served with a notice to cease and desist for practicing without a certificate of authorization and he did not comply with the required affidavit. The case was resubmitted to the probable cause panel and they found probable cause and filed a 2 count administrative complaint for practicing without a certificate of authorization and failure to perform a statutory obligation. He commented that service of the administrative complaint was achieved on August 11, 2004 by certified mail and they have received no response to date.

Mr. Minacci requested that the board accept the panel's recommendation of a \$5, 000 fine plus costs.

MOTION: Mr. Gustafson moved that the respondent waived his right to a hearing regarding the matter for not responding within 21 days, accept the findings of facts and conclusions of law as found in the administrative complaint.

SECOND: Ms. Shore seconded the motion.

MOTION: Mr. Gustafson moved to accept the panel's recommendation.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

**DBPR vs. Frederick Grantham**

Case Number 2003-085876

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci commented that Mr. Grantham contacted him Friday, October 1, 2004 and stated that he was legally blind and could not attend. He commented that Mr. Grantham did not have enough notice to attend the meeting. Mr. Minacci recommended that they continue to allow him to appear.

Mr. Gonzalez commented that he had a lengthy disciplinary history.

MOTION: Mr. Schreiber moved to continue.

SECOND: Mr. Horstmyer seconded the motion.

The board questioned how he could practice if he was legally blind. Mr. Schreiber commented that the profession was accessible to people with a wide range of abilities.

Ms. Clark recommended a continuance to allow Mr. Minacci the opportunity to include the prior case materials in the agenda.

The question was called and it passed unanimously.

**DBPR vs. James Taylor and Design West Associates**

Case Numbers 2003-065572 and 2003-065576

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci presented that case and commented that probable cause was found and 3 count administrative complaint for practicing architecture without a license, using the architecture title, and offering architectural services without a certificate of authorization. He commented that service was made by hand delivery on June 30, 2004 and the respondent had failed to reply to date. He recommended that the board accept the panel's recommendation of a \$15,000 fine plus cost. Ms. Clark confirmed that service achieved by publication of newspaper circulation.

MOTION: Mr. Gustafson moved that the respondent waived his rights to a hearing for failure to reply within 21 days of service and adopt the findings of facts and conclusions of law as alleged in the administrative complaint.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

MOTION: Mr. Gustafson moved to accept the panel's recommendation

SECOND: Ms. Shore seconded the motion and it passed unanimously.

**Settlement Stipulation  
Licensed**

**DBPR vs. Wayne M. Allen**

Case Number 2003-084617

(PCP: Rodriguez, Hall and Wirtz)

**DBPR vs. Joseph R. Borda**

Case Number 2003-091345

(PCP: Rodriguez, Wirtz, Bullock)

**DBPR vs. Lawrence A. Lordi**

Case Number 2003-044794

(PCP: Rodriguez, Wirtz, Hall and Bullock)

**DBPR vs. Osiris, Inc.**

Case Number 2004-029796

(PCP: Rodriguez, Wirtz, and Bullock)

MOTION: Mr. Gustafson moved to accept the 4 settlement stipulations as presented.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

**Settlement Stipulation  
Unlicensed**

**DBPR vs. Oscar S. Benitez and O. Benitez & Associates, Inc.**

Case Numbers 2003-047119 and 2003-064019

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci presented the case and commented that the respondent's license was previously null and void but obtained a new license on January 6, 2003. He commented that prior to receiving the new license the respondent formed a new business and distributed business cards offering architectural services. He commented that the respondent signed and sealed plans under the business title block without a certificate of authorization. He commented that all the activities took place after the board approved the respondent for licensure but prior to the license being issued.

Mr. Minacci commented that a 2 count administrative complaint was filed for using the title architect and practicing without a certificate of authorization. He commented that the panel's recommendation was a \$10,000 fine plus costs. He requested that the board accept the settlement stipulation presented for a \$6,000 fine plus costs.

Ms. Del Bianco requested that Mr. Minacci review the respondent's priors. Mr. Minacci commented that his priors included a negligence charge and practicing on a null and void license. He commented that was prior to him being issued the new license.

Mr. Gonzalez commented that the board gave him a new license and before he received the new license he had 2 more cases filed. Mr. Minacci commented that the board should not penalize him for issues prior to the board granting his new license because the board was made aware of the situation before granting the new license.

Mr. Minacci commented there was a case brought against the respondent for practicing on a null and void license as well as criminal charges for the same offense. Ms. Del Bianco asked if the respondent had paid the fines in the previous cases. Mr. Minacci replied in the positive and that was the board's only condition placed upon the respondent to receive the new license.

Mr. Gonzalez commented that the respondent should be on probation or watched. He commented that his previous history indicates an accident waiting to happen. Mr. Minacci commented that the board had an opportunity to deal with the issue when the entire application was presented to the board for licensure.

Ms. Membiela commented that the family that filed the complaint was immediately associated with the media.

MOTION: Mr. Gustafson moved to accept stipulation as presented.

SECOND: Mr. Horstmyer seconded the motion and it passed unanimously.

**DBPR vs. Susan Burgess, The Heartland Group**

Case Number 2003-084621

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci presented that case and commented that probable cause was found and a 3 count administrative complaint was filed for practicing architecture without a license, using the title architect, and offering architectural services without a certificate of authorization.

Mr. Minacci commented that the panel recommended a \$15,000 fine plus cost. The settlement stipulation was a \$5,000 fine plus costs. Mr. Minacci referred the board to the Wayne Allen case and the relationship with this case, and reviewed the reason for the amount being a \$5,000 settlement stipulation.

MOTION: Mr. Gustafson moved to accept the stipulation as presented.

SECOND: Mr. Horstmyer seconded the motion and it passed unanimously.

The meeting recessed at 10:53 a.m.

The meeting reconvened at 11:03 a.m.

## **New Business Elections**

MOTION: Ms. Del Bianco moved to nominate Mr. Gonzalez as Chair and Ms. Grigsby as Vice-Chair.

SECOND: Mr. Schreiber seconded the motion and it passed unanimously.

Ms. Membiela commented that her term would end October 31, 2004 and thanked the board for the opportunity to serve.

Ms. Del Bianco commented that she received from NCARB annual mailings, architecture as a difference from engineering and model brief to enforce laws prohibiting architectural practice by unlicensed persons. Mr. Rodriguez commented that he would forward any additional copies that he received to Mr. Minacci.

## **For the Board's Information**

Biennial Chart

Updated board members list

## **Adjourn**

Meeting adjourned at 11:07 a.m.