

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) Pursuant to Sections 481.225(2) and 481.2251(2), F.S., to the extent not otherwise set forth in Florida Statutes, the following specific acts or omissions are grounds for disciplinary proceedings as provided in Sections 481.225(1) and 481.2251(1), F.S.

(2) As provided in Sections 481.225(1)(f) and 481.2251(1)(d), F.S., an architect or interior designer, firm, or business holding a certificate of authorization shall not "advertise goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content." A false, fraudulent, misleading, or deceptive statement or claim shall include without limitation:

- (a) A material misrepresentation of facts;
- (b) A failure to state any material fact necessary to make the statement in the light of all circumstances not misleading;
- (c) A statement or claim which intends or is likely to create an unjustified expectation;
- (d) A misrepresentation or implication that could reasonably cause an ordinary prudent person to misunderstand or to be deceived;
- (e) A falsification or misrepresentation of the extent of an architect's or interior designer's education, training or experience to any person or to the public at large, tending to establish or imply qualifications for selection for architectural or interior design employment, advancement, or professional engagement. An architect or interior designer shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments;
- (f) A statement or claim in any brochure or other presentation made to any person or to the public at large, incident to the solicitation of an architectural or interior design employment, which misrepresents pertinent facts concerning an architect's or interior designer's past employment or work, with the intent and purpose of enhancing his qualifications.

(3) An architect, interior designer, corporation or partnership shall not practice architecture or interior design under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection (2). The name of a professional corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. Corporate, partnership or fictitious name shall not be used or displayed except in conjunction with the word or words "architect," "architecture," or "architectural" clearly indicating that such corporation partnership or architect engages in the practice of architecture.

(4) An architect, firm, or business holding a certificate of authorization may not be negligent in the practice of architecture. The term negligence is defined as the failure, by an architect, to exercise due care to conform to acceptable standards of architectural practice in such a manner as to be detrimental to a client or to the public at large.

(a) Plans, drawings, specifications and other related documents prepared by an architect shall be of a sufficiently high standard to inform the users thereof of the requirements intended to be illustrated or described by them. Such documents shall clearly and accurately indicate the design of all essential parts of the work to which they refer. An architect shall meet a standard of practice which demonstrates his knowledge and ability to assure the safety and welfare of his clients and the public.

(b) An architect shall be required to coordinate his activities with other professionals involved in those projects wherein the architect is engaged to provide plans, drawings and specifications which result in the production of working documents which are used or intended to be used for the construction of a structure.

(5) An architect shall not be incompetent to practice architecture. Incompetence in the practice of architecture shall mean the physical or mental incapacity or inability of an architect to practice architecture.

(6) An architect, firm, or business holding a certificate of authorization shall not commit misconduct in the practice of architecture. Misconduct in the practice of architecture shall include but not be limited to:

(a) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would lead to a fallacious conclusion on the part of the client or the general public;

(b) Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for an architectural employment with the exception of the payment of the usual commission for securing salaried positions through licensed employment agencies;

(c) Knowingly becoming involved in a conflict of interest as to an employer or client without the permission of the client or employer. In the event such conflict is suspected or determined to exist an architect immediately shall:

1. Disclose in writing to his employer or client the full circumstances as to any possible conflict of interest; and
2. Assure in writing that such conflict will in no manner influence the architect's judgment or the quality of his services to his

employer or client; and

3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer;

(d) Soliciting or accepting financial or other valuable considerations from material or equipment suppliers for specifying their products without the knowledge of the architect's employer or client;

(e) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the architect's client or employer in connection with work for which the architect is responsible without the knowledge of the architect's employer or client;

(f) Violation of any law of the State of Florida directly regulating the practice of architecture;

(g) Use of architectural expertise or status as an architect in the commission of a felony;

(h) Failure to preserve the confidences of clients of employer(s);

(i) Undertaking any activity, having any undisclosed significant financial or other interests, or accepting any contribution that either compromises professional judgment or prevents any architect from serving in the best interest of his client or employer;

(j) Failure to protect the safety, health, and welfare of the public in the performance of his professional duties. If an architect's professional judgment is overruled by any person or entity with the result that the public health and safety is threatened, an architect shall inform his clients, employer, responsible supervisor and the responsible public authority of the possible consequences, and shall not assist or acquiesce in the establishment or continuance of such threat to the public health and safety;

(k) Use of an architect's name or firm in a business venture with any person or firm which he knows or has reason to believe is engaging in a fraudulent or dishonest nature.

Specific Authority 481.2055 FS. Law Implemented 481.219, 481.225, 481.2251 FS. History—New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98, 4-1-01, 12-7-08.