

HB 471 & SB 344: BRIEF HISTORY OF SUNSET REVIEW IN FLORIDA

- Florida has periodically conducted these types of sunset reviews for more than 45 years. In that time and through all of those reviews, *Florida has always deemed the regulation of architects as justified to protect the public health, safety, and welfare.*
- The Regulatory Reform Act of 1976 (Chapter 78-168, Laws of Florida) was the first concerted effort to review the regulation of professions and occupations. The Regulatory Reform Act of 1976 mimicked federal legislation, essentially directing future legislatures what to consider in determining whether to save a program or function from repeal.
- In 1981, the Regulatory Reform Act of 1976 was renamed the Regulatory Sunset Act. *See* Ch. 81-318, Laws of Fla.
- The Legislature effectively repealed the Regulatory Sunset Act in 1991, and finished its repeal in 1996. *See* Ch. 91-429, Laws of Fla.; and Ch. 96-318, § 33, Laws of Fla.
- With the repeal of the Regulatory Sunset Act, the Legislature enacted the “Sunrise Act” which requires legislative review before any new profession or occupation regulation could be enacted. *See* Ch. 91-429, § 6, Laws of Fla.; *see also* § 11.62, Fla. Stat.
- The sunset review was revived in 2006 and repealed in 2011 with the Florida Government Accountability Act. *See* Ch. 2006-146, Laws of Fla.; and Ch. 2011-34, Laws of Fla.
- Aspiring architects face rigorous education, examination and in-service training to be licensed in this state and before they were allowed the privilege of and responsibility for designing structures intended for habitation and use by Florida residents and others.
- Between the sunset review and sunrise processes, Florida has examined the regulation of architects on multiple occasions, and has consistently found the exercise of regulatory authority to be justified to protect the public health, safety and welfare and did not impair or otherwise adversely affect the competitive market.
- All 50 states regulate the practice of architecture and design.

In light of the above, AIA Florida suggests:

- Enacting the automatic repeal of the regulation of architects—licensed professionals who have undergone a costly and challenging five-year educational track to obtain an architectural degree, the state examination, and the in-service training—creates not only unnecessary, required work for future legislatures.
- Further, it creates tremendous angst among those professionals who have invested blood, sweat, and tears for the privilege to create, sign, and seal construction documents for Florida buildings as well as students engaged in architectural programs..
- Florida needs better, stronger, more resilient, and more efficient buildings to deal with more and more complex environmental, health, and safety issues. As proved time and again, licensure of architects is a necessary component to ensure that the design of structures and the materials and equipment for such structures meet all structural, mechanical, electrical, HVAC, accessibility and other requirements to protect the health, safety, and welfare of Floridians.