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43rd ANNUAL FAA CONVENTION

NOVEMBER 7, 8, 9, 1957 — FORT HARRISON HOTEL, CLEARWATER

The Florida Architect

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SEPTEMBER, 1957

No. 9

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THE COVER

The AIA's Centennial Celebration Seal is still the best illustration, by far, that we could select to re-emphasize the importance of the FAA's 43rd Annual Convention — coming November 7, 8 and 9 at Clearwater. The theme and purpose of the Convention is to assay the future in terms of what we are doing about it today. To learn the caliber of the speakers who will lead discussions of this theme, turn to page 4 of this issue.

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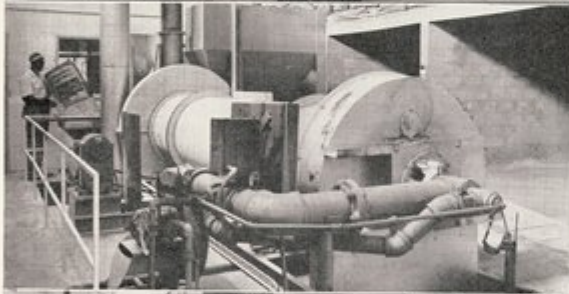
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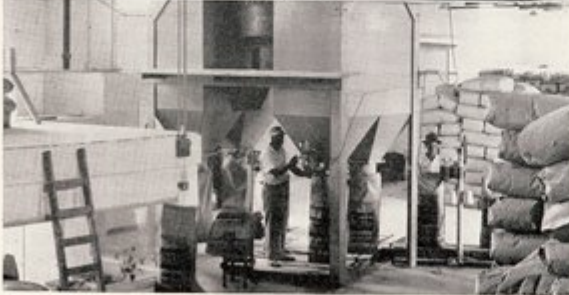
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Regional Council Holds Special Meeting at Jax

A special meeting of the South Atlantic Regional Council, AIA, was called by Regional Director SANFORD W. GOIN, FAIA, for August 3, at the Green Derby Restaurant, Jacksonville. Attending were ten delegates from chapters in the S-A Region and five guests in addition to the Regional Director.

Primarily this was an organizational meeting of the Council as indicated by Director Goin's opening remarks. For the first time the South Atlantic Region is now operating under a set of By-Laws adopted at the Regional Conference meeting in April at Atlanta, and published in the May, 1957, issue of *The Florida Architect*.

One of the Council meeting's guests—CECIL A. ALEXANDER, president of the Georgia Chapter during last April's Regional Conference—reported that the Atlanta meeting had been financially successful and that average Conference returns had produced enough to provide host chapters with advance funds and still leave a contingency or investment backlog intact. The Council elected JOHN L. R. GRAND, Gainesville, treasurer to succeed Alexander. Under terms of the By-Laws, Grand will serve a term parallel to that of the Regional Director.

In line with the By-Laws also, SIDNEY R. WILKINSON, who had been designated by Florida Central President ROLAND W. SELLEW as that chapter's Council delegate was designated as the Council's 1957-58 Secretary.

The Council voted to appropriate approximately \$2500 as an advance against Conference expenses for use by the Florida Central Chapter and authorized the Treasurer and Regional Director to disburse sums up to this total as might be necessary.

A letter from ROLAND W. SELLEW was read requesting the Council to consider employment of GILBERT WATERS, Sarasota P/R counsel, by the Council. Discussion of this letter—which was supplemented by a pro-

posal made by Waters—indicated Council members felt that an executive director, rather than a public relations counsel, was needed, but could not yet be retained on a permanent basis due to lack of finances. Also voiced was the suggestion that until the Regional organization was financially able to employ a full-time Executive Director, each Conference Host Chapter should consider employment of a Conference Manager local to the locality of the Conference and able to assist the host chapter in an administrative and publicity capacity. The meeting voted to accept the suggestion as an operating policy for the Council. Included in the motion relative to this point was the stipulation that expenses of the Conference Manager be regarded as one of the expenses of any regional conference.

Regional Director Goin announced a vacancy on the Regional Judiciary Committee created by the death of J. WARREN ARMISTEAD, JR., FAIA, of the Georgia Chapter. Council members voted unanimously to name THOMAS LARRICK, of the Florida North Chapter to fill the vacancy. Final business of the meeting was authorization by the Council that the Regional Director take necessary steps toward incorporation of the Council at a cost not to exceed \$250.

Present as delegates at the meeting were: MORTON T. IRONMONGER, *Broward County*; HARRY M. GRIFFIN, *Daytona Beach*; SIDNEY R. WILKINSON, *Florida Central*; ARTHUR LEE CAMPBELL, *Florida North*; DAVID W. POTTER, *Florida North Central*; WAHL SNYDER, *Florida South*; A. EUGENE CELLAR, *Jacksonville*; MRS. ELLAMAE E. LEAGUE, *Georgia*; WILLIAM R. JAMES, *North Carolina*; JOHN M. MITCHELL, JR., *South Carolina*—in addition to the Regional Director.

Guests included CECIL A. ALEXANDER, *Georgia*; HERBERT C. MILLKEY, *Georgia*; JOHN L. R. GRAND, *Florida North*; GILBERT WATERS and ROGER W. SHERMAN.



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Convention Speaker Is Internationally Famous

One of the 43rd Annual FAA Convention's top-flight seminar speakers will be a personable Parisian whose community and regional planning work reaches from Europe to South America and from Connecticut to South Africa. A veteran of two World Wars — he became a Colonel-pilot in the French Air Force at the age of 45 — MAURICE E. H. ROTIVAL, AIA, has properly regarded the world as his theater of planning operations ever since he first opened his own office in Paris almost 38 years ago. Since that time he has executed such dream-commissions as re-designing the ancient city of Baghdad, blueprinting the virtual re-development of oil-rich Venezuela and developing not only a planning program, but a whole new economy for the island of Madagascar.



Maurice E. H. Rotival, AIA, will lead discussion on Planning in one of four Seminars planned for November Convention.

This dynamic dreamer who has perfected an amazing habit of making his dreams into realities maintains a headquarters office on Wall Street — which bears the inscription "International Planning" — and currently has branch offices in Caracas, Cairo, Paris, Johannesburg and Madagascar. He thinks nothing of traveling 150,000 miles per year. But he is also keenly interested in the planning problems of his adopted country and is currently serving as planning consultant to more than a half-dozen American towns and cities, including the Florida city of Winter Park. As an example, for the past ten years the little Connecticut city of Simsbury has been re-building itself under his professional guidance — offered as a labor of love because Rotival became interested in the town when his son first went there to school — and as a result has become a model of the American suburban community. His interest in New Haven resulted from his long-term lecture tour as head of the Planning and Research Section of Yale University's School of Fine Arts. Since 1951 he has been helping

the city in the job of reclaiming its waterfront and in the complete re-development of its road system.

One of his most interesting — and profitable — commissions came from King Feisal of Iraq who was concerned with the modernization of Baghdad. On one memorable occasion in Paris the king sent for Rotival, proposed the planner visit the old city for a five-day study. If at the end of that time he could succeed in interesting the king with any suggestions, he would be given a contract. The outcome of this challenge was a conference with King Feisal during which Rotival presented a series of imaginative sketches hinting at what the old city could become. He was given a commission immediately.

This was his first large foreign commission. He organized his program for the city with teams of local architects, builders, engineers; and the all-out success of the project brought him a quick reputation for bold planning and work management on a grand scale. A list of his planning commissions since that time would fill two

(Continued on Page 21)

THE FLORIDA ARCHITECT

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OPPORTUNITY OF A LIFETIME

By ALEXANDER LEWIS, AIA

Are we missing the opportunity of an architectural lifetime through our failure to develop an architecture indigenous to South Florida?

Such a question leads to others: "Is there an architecture which is appropriate for all types and sizes of buildings and which is also uniquely suited to South Florida's conditions?" and, "If such an architecture may exist, how can it be brought into reality?"

To me, the only answer to the first two questions can be an affirmative one. There is, of course, no such simple rejoinder to the third question. But I am sure that means for producing vigorous and creditable answers to it lie readily at our hands. We have but to recognize them, use them with imagination and understanding and fully develop their wide potentials to achieve what I believe can be a tremendous improvement in the design character of our various practices.

Thirty years ago, our State — particularly the southern half of it — had pretty generally adopted what was called "Spanish" as its basic architectural expression. In the boom days this style was so widely accepted that whole communities, through zoning, stipulated that "Spanish" — and what was later termed "Mediterranean" — be recognized as the only acceptable architectural style.

The style wasn't especially suited to this area; and mostly it was done poorly by architects who had little knowledge or understanding of it. But

it was at least different from what the tourists saw at home. They liked the red tile roofs! And, since they were justified in expecting something different from this land of bright sunshine and high color, they accepted the mongrel designs offered to them.

Since the "Spanish" days of two or three decades ago, progress certainly has been made. A design character now popularly called "contemporary" has been given to most of our larger structures — and in general we can be justly proud of much of this work. But we have followed a design trend that has been national instead of offering any architectural statement from our own locality. Our greatest architectural progress has been concerned more with physical improvements — air-conditioning, glass walls, insulation and many others — rather than with the creation of a design character uniquely appropriate to our own local conditions. And even these improvements are national in scope and have rarely been used here relative to providing any particularly outstanding design solution to our own special problems.

In other areas of the country — New England, the San Francisco Bay area, Charleston, Bucks County in Pennsylvania — there have been developed distinctive architectural characters which have made the areas justly famous. The architecture of such localities has grown from the understanding use of materials at hand, from a sensitive provision for living patterns and climatic conditions —

even from the spiritual and cultural backgrounds of the local people themselves.

That, of course, is as it should be. We may not have as ancient a cultural background in South Florida as exists in other localities. But we do have a special background of climate, terrain and foliage against which to develop our own unique, regional architecture. Indeed, we have here even more reason than most localities for the development of a special kind of architecture to fit our own special combination of sun, sea, sky and semi-tropical foliage.

It is quite proper to use such words as *exotic*, *tropical*, *brilliant*, *luxuriant* and *colorful* to describe our land. What sort of shelter should we be building for such a paradise — and what architecture could be glamorous enough to justify the adjectives which characterize its background?

Thus far it is evident that we architects are not agreed on answers to those questions. The fact was forcefully emphasized when the start of "Interama" appeared to be imminent. According to public announcements, the architecture of our Latin neighbors was to influence the designers of the huge project; and our tropical climate, it was said, would dictate building features. Some of the published renderings did indicate this feeling — with canopied balconies, covered walkways and arcades. But others indicated such strange, non-tropical

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Opportunity . . .

(Continued from Page 7)

shapes as pylons, spheres and hoops rising into the sky. We are far from certain in which architectural direction we wish to go!

But the Interama project illustrated also the potential influence of this area — architecturally as well as economically. South Florida is actually the hub of the whole, huge Caribbean area. It is the gateway to the tropical American hemisphere. As such, our houses, our schools, our hotels and motels, our churches, our restaurants — in fact, all our buildings of whatever type — will be observed by visitors as architectural interpretations of what we think is right for our land, our living and our climate.

What is right and suitable for this climate would surely include many elements, many of which have thus far been too often neglected. For example, our buildings need foundations to lift us high and dry from the damp earth, from insects and surface water. We need walls substantial enough to withstand hurricane winds, but open to the prevailing breezes and the exterior garden world; and our roofs should be pitched to shed a downpour of water quickly and with eaves wide enough to shelter wall openings. We need special means of ventilation to dispose of heat; and still other means are essential to protect us from the searing rays of both East and West sun, to control both sun and sky glare, to shelter walkways, work and play areas and to provide us with needed privacy.

These are some of the essentials. What better means do we have at hand for meeting these requirements for both indoor and outdoor living than those which have been long-proved for tropical use? Perhaps the proper use of landscaping and foliage should be listed first. But many other design elements exist as tools for tropical design — ready and waiting to be used in the development of an architecture especially suited to the country and climate in which we live. A partial list would include: galleries, balconies, wide overhanging eaves, shutters, jalousies, louvers, blinds, awnings, canopies, hoods, covered walkways, patios, breezeways, porches, terraces, grilles, transoms, vents, high ceilings — and many, many others.

Indiscriminate use of such tropical devices will not make a building designed, let us say, for Toledo become automatically suited to our South Florida climate. Nor will their use necessarily transform a poor piece of architecture into something superior. However, buildings planned for Miami — regardless of size or style — could include adaptations or modifications of many of these features to the benefit of the building and to the increased pleasure and comfort of those living or working in it.

Those features could be safely included in the design because they are not clichés borrowed from elsewhere or lifted directly from the magazine "Great Masters". They are tropical, local — even "cracker house" — and as tested devices have already proved their worth as practical aids to bring greater measures of physical comfort and esthetic value to building designs. As specific examples, we need only remember the "El Panama Hotel" designed by Edward Stone, or the recently-much-publicized and excellent work being done in Hawaii.

This recent Hawaiian work is the best indication of what can be accomplished. There a small group of architects have found a new inspiration. The evidence of it exists in such refreshing work as a bank, obviously tropical and clearly planned to provide a shaded, relaxed working environment. It is found in a simple, cleanly contemporary church with a garden approach; in multi-story hotels and apartments with sheltered galleries overlooking pools and tree-shaded terraces; and in modest store buildings made glamorous through skillfully featured sunshades, canopies and landscaping.

If Hawaiian architects can do this, so can we — and with equal success.

Local architects will maintain that their work *does* fit South Florida's climate; and that they *do* develop their design ideas in terms of local environment. And, of course, some are doing so in an intelligent and skillful manner. However, they are, unfortunately, exceptions to the rule; and the lack of skill and understanding in fitting a building to its site and climate is more prominent than otherwise. We can all agree that good and practical design would involve means for screening from sun and sky glare — yet there are many, many

(Continued on Page 27)

THE FLORIDA ARCHITECT



Devotion IN CONCRETE

Architect: Charles S. Symonds, A.I.A., Miami

Somewhat unusual in architectural design, the All Souls Episcopal Church in Miami Beach attractively demonstrates the versatility of concrete.

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LAW ENFORCEMENT IS A TWO-WAY JOB

This is the first of a number of articles planned for future issues on various phases of State Board activities. Purpose of the series is to clarify the functions, duties, responsibilities and authorities of the Florida State Board of Architecture so that practicing architects may be better informed on ways they can help the State Board in policing the policies of their profession.

When plans now being formulated by the Florida State Board of Architecture are completed in the near future, the law-enforcement activities of the Board will have been materially strengthened — to the benefit of both public and profession in all sections of the State. These plans involve expansion of the Board's investigative facilities. And this, in turn, means a stepped-up program to enforce provisions of the Florida statutes relating to the practice of architecture.

The ultimate result of this program will be a substantial increase in the number of disciplinary actions against violators of the architectural registration law. This will undoubtedly be welcome news to practising architects who have seen this law being openly flouted — both within as well as without the ranks of their profession. But it would be unrealistic for them to believe that the Board has suddenly discovered any new formula either to automatically stop all violations of the law or to bring more speedily to bay all of the existing professional wrongdoers.

Even in a Utopia such could hardly be imagined; and actions of the State Board are, and must necessarily be, as far removed from a dream-state as possible. That is true for the very mundane reason that the Board operates under two sets of definitely limiting circumstances. One is the fact that its regulatory functions must be

maintained through due process of law. The other is financial. It costs money to administer any law. And when funds are limited by a set number of registration fees and the manifold duties of the Board call for a strict budgeting of thinly-spread funds (as is the case with all of Florida's minor regulatory Boards of which the State Board of Architects is but one) it should be obvious that some activities of the Board must be subject to a practical measure of curtailment.

Current plans for expanding the Board's regulatory program have been made possible partly through good management of funds received from registrations and partly because these funds have been increased during the past few years. In part this increase has been due to the fact that registration fees have been raised slightly. But mostly it has been due to the substantial gain in total registrations within the last four years. Today there are over 1300 architects registered in the State as compared with some 20 percent less than that in 1953; and last year registration-renewal fees were raised from \$21 to \$25 per year.

Even this added income is little enough to mount the kind of enforcement program which many architects in Florida seem to feel should be undertaken as a continuing policy of Board operation. Of approximately 200 violation cases considered by the Board during the 1956-57 fiscal year

a substantial number required on-the-spot investigation by one of the two attorneys employed by the Board. In all such cases this involved time and travel; and others variously involved the collection of technical evidence necessary to prove a violation, the assembly of witnesses, the service of subpoenas by county sheriffs, the taking of sworn testimony — all consuming sources of time, money and human energies.

To some the net results of this activity — net so far as legal conclusions are concerned — may appear somewhat less than spectacular. So far this year the record stands as two licenses revoked by agreement or Board action; one permanent injunction granted; three other injunctions now pending; two more prepared and ready for court action. But in view of all the facts controlling the results, the record does not show too bad a face. For every one case actually investigated, prepared and brought to a successful legal conclusion, a score or more warning letters or interviews have been filed in the Board's records — actions which in a large number of instances have either prevented violations of the law or have brought a continuous series of violations to an abrupt halt.

Part of the large volume of correspondence is conducted by Board members. But much of it is undertaken by the Board's attorneys — MARKS, GRAY, YATES and CONROY, of Jacksonville, who act as legal consultants in the person of HARRY GRAY, and BENMONT TENCH, JR., of Gainesville, who serves as the Board's legal counsel and doubles as a case investigator. In coming months this legal staff will be augmented by an investigative assistant, according to the Board's present plans. He will work with Tench in securing evidence and taking sworn testimony toward the hoped-for end of enabling the Board to prosecute more quickly the violations brought to its attention.

How much more quickly? And how many more injunctions can be issued as a result of this increased activity during the coming year? The question may seem reasonable to a profession impatiently anxious to see

evildoers chased out of the temple. But the fact that they cannot be answered in any specific terms is a measure of the manner in which Board must necessarily conduct its affairs. And that is a plain matter of Democracy.

The Board is not a Gestapo. It is a responsible administrative body obliged under our time-honored juridical custom to regard even an alleged violator as innocent until an assembly of all the facts can prove him guilty. The Board has no staff of roving secret agents, no undercover men, no private eyes. It depends on members of the architectural profession to bring instances of possible violation to its notice. Further, it must depend heavily on architects to obtain legally sufficient proof that violations are, in fact, taking place; and though it will help to obtain that proof to the extent of its limited resources, it must necessarily stand on its judgment as to whether the facts presented to it seem to be as alleged and whether material offered as "proof" carries sufficient legal weight to justify court action.

It is precisely on this point that Board activities have found disfavor in the eyes of some architects. Not realizing how, and within what strict limitations the State Board of Architecture must act, some members of the profession have voiced impatience — even acid criticism — at what they deem to be a bumbling, methodless approach to situations which they see as dangerous local problems requiring immediate and decisive solutions. Also, lacking the legal background to discern the important difference between the *knowledge* of a fact and the *ability to prove* in legal terms that the fact in truth exists, they have been quite as acid in their commentary of the Board's enforcement program and the manner in which it is being conducted.

Neither of these positions can be successfully defended on any commonsense grounds. The fact of the whole matter is that the Board is acutely aware of many situations which now exist — some of which they have had under a constantly watchful eye for five years or more.

Also, the Board has a method for enforcing the law. It may appear to be a slow and cumbersome one in view of the limitations under which it must operate. It is admittedly a method which prefers the gloved hand to the mailed fist and regards astute caution as a virtue rather than a sin of inaction.

But it is nonetheless a method. And proof that it works is the growing record of successful court actions undertaken during the four years since the Board was granted the power to institute civil action to enforce the law it is charged with administering. Architects who have worked with the Board in bringing violators to the bar can attest that the method is practical and reasonably productive — even though it may appear to be intolerably painstaking and patient.

The Board's method could easily be outlined. Though it is flexible enough to handle any situation that may be encountered, it is subject to a detailed description — a step-by-step documentation of the *hows* and *whats* and *whys* of obtaining legally sufficient evidence necessary to convict a violator by confronting him with final proof of his own actions. But to do so would be to write a recipe for crime. The preferable thing to do is to urge that every suspected violation of the law be brought to the Board's notice; that the architect doing so place himself at the Board's disposal; that he follow implicitly the Board's counsel and instructions as to further action; and that he earnestly attempt to understand the central fact that wrongdoing must be *proved* before it can be prosecuted — and that in the matter of proof the lawyer, not the architect, is the qualified technician.

It is possible that ignorance of what the State Board is set up to do has made it the target of criticism on the part of some members of the profession it serves. Briefly, the Board's sole function is to administer the provisions of Chapter 467., of the Florida statutes, popularly known as the architects' law. Beyond that it cannot move. It can have nothing to do with controlling the practice of archi-

(Continued on Page 13)

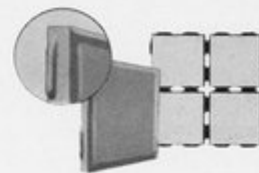
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THE FLORIDA ARCHITECT

Law Enforcement . . .

(Continued from Page 11)

ture through county or municipal ordinances. And it is not the guardian of ethics for the architectural profession.

Misunderstandings on these two points alone has, in the past, caused local pockets of dissatisfaction with the Board's program. But they could be easily cleared up by a careful reading of the architects' law and the most recent (1955) Circular of Information issued by the Board as charged by law and containing the Board's By-Laws, Rules and Regulations and Standards of Practice. Both documents can be obtained by application to the office of the Florida State Board of Architecture, 1261 East Las Olas Boulevard, Fort Lauderdale. They should be required reading by every practicing architect at least once each year!

Also, some of the barbs that have been directed toward the program and methods of the Board have actually been expressions of dissatisfaction with the statute under which the Board operates. It is generally agreed that Florida's law regulating the practice of architecture is not ideal. But few statutes are, since they are inevitably a compromise to resolve conflicts between several—and often many—divergent opinions or political attitudes. The original law dates from 1915; and some clauses in it have never been revised. Others have been changed—in 1941, 1945, 1949, 1951 and 1955—but in some instances there still exists unfortunate ambiguity; and in the opinion of many, certain clauses or sections do not now reflect the conditions they were designed to control when originally written.

Thus the State Board must steer its policy ship between the shoals of imperfect legislation on the one hand and the rocks of a basically uninformed public and profession on the other. That it succeeds in doing a sound job of administration, sets and maintains high standards of technical competence and acts decisively to curb violations where and when proved is a commentary of credit on

the men who serve on it. Some of the credit brushes off on those architects who have bothered to study the law, have learned the various strictures under which the Board must operate and have cooperated fully in the essential task of assisting the Board's investigative tasks through the medium of their own professional interests and activities.

Two cases brought to recent conclusions will indicate how this cooperative program can work. One involved a court action against a man in Orlando who was practicing architecture without a license in violation of Section 467.09. The other concerned an individual in Palm Beach who, though a registered architect, was proved guilty of plan-stamping in violation of Section 467.14.

The Orlando case is typical of several actions already taken and others now pending against unregistered individuals. The Board's file shows that this man was warned in a letter from the Board's secretary as early as November, 1948. But no action was taken by the Board until early 1956. At that time evidence was collected to show that this unregistered man was actually practicing architecture, having made plans for two warehouses, one costing \$100,000, in addition to many other smaller jobs all outside the statutory exemptions with respect to building type and costs.

Though legal aspects of this case were handled by the Board's attorneys, local architects were of invaluable help in documenting the facts which finally proved a series of violations and resulted in issuance of an injunction against this man. The case was not won without vigorous opposition from an aggressive counsel retained by the unregistered operator. But local architects had cooperated so closely with the Board's attorneys that evidence was clear and conclusive. In commenting on the case Benmont Tench said,

"This case underlines the importance of local architects in matters of this kind and points out particularly the increased speed with which the Board can move if it has such cooperation."

As a matter of record, the Board, in this particular instance, wished to move much sooner than it actually did. Some five or six years ago, Orlando had been marked as an area of first priority on the Board's program of law enforcement. But on several occasions when the Board felt ready to move, it withheld action in deference to wishes of the local architects who were then involved with considerations of civic character in both Winter Park and Orlando. The case was finally brought to a head at the Board's insistence.

The Palm Beach matter involved illegal use of an architect's seal—to stamp plans which had not been prepared by the architect or under the architect's responsible supervision. It was brought to the Board's notice first in January, 1952. The Board followed its usual initial procedure of writing the architect. But the correspondence was unsatisfactory either as a means of ending the practice that had been alleged, or as a means of obtaining sufficient evidence of misconduct to justify legal action.

Architects in the Palm Beach area were alerted to these facts. But in spite of a broad knowledge of the situation, actual substantiation of charges could not be obtained throughout the next two years. In February, 1955, through cooperation of a town official in the Palm Beach area a deposition was taken after service by a sheriff from a man who had indicated that an "arrangement" for plan stamping had been made between him and the architect involved. The record shows this deposition to be a masterpiece of double-talking—and the net result of it was to leave the Board still in the uncomfortable position of not being able to *prove* what it now knew to be true.

Finally, in May, 1956, two Palm Beach architects came to the Board with what appeared to be adequate evidence. Arrangements were made for a hearing of the architect before the Board. Subpoenas were prepared for nine witnesses; sheriffs were alerted as to where each could be found; arrangements were made for a hearing room; and a court reporter was

(Continued on Page 20)

Careful Study of New Lien Law

Urged by General Contractors

The 1957 version of the mechanics' lien law was allowed to become law without the Governor's signature. Introduced originally as Senate Bill 573, it is now on the books as Chapter 57-302, Florida Statutes, 1957. Though this law does not subject owners to liabilities of an "unreasonable" character, as did the 1953 version, its interpretation is still open to serious question, according to PAUL H. HINDS, Executive Manager of the South Florida Chapter, AGC.

In a recently issued statement, Hinds warned "Architects, engineers and owners" who will be awarding contracts amounting to more than \$3,000 to "carefully read, study and secure competent legal advice" on provision of the new law. The basis of the AGC manager's concern is his considered opinion that the "20 percent provisions" which the lien law still contains may be subject to question in view of the Supreme Court's

decision declaring the 1953 lien law unconstitutional. The Court's opinion was filed April 10, 1957, in case No. 27,285, styled Morris J. Greenblatt, et al, vs: Richard Holding. A description and commentary on this case was the subject of an article "Decision Softens Lien Law," by W. L. BLACKWELL, JR., Miami attorney, which was published in the August, 1956 issue of *The Florida Architect*.

The remainder of Hind's statement follows:

Both laws, 1953 and 1957, stipulate that if the Owner does not require a surety bond in at least the amount of the original contract price (\$3,000 or more), conditioned to pay all laborers, subcontractors and materialmen, the Owner shall not pay any money prior to the visible commencement of operations, and any money so paid shall be held improperly paid, and shall withhold twenty percent of each payment when it be-

comes due under the direct contract. In no event shall the Owner pay more than 80% of the contract price if the (surety) bond is not furnished until the contract has been *fully performed* and final payment is due and the contractor has furnished the Owner statement under oath required by Sec. 84.04(3). (Note: other parts of the law require this statement from the contractor: showing amount of contract as finally adjusted; payments properly made; any amounts due to laborers, subcontractors and or materialmen; balance due contractor, etc).

The law gives a laborer a first claim of lien prior to any other claims of lien.

In the 1953 law and again in the new 1957 law, there are certain liabilities for Owners who fail to comply with these requirements. These will be discussed separately. The 1953 law stated "... If for any reason the Owner fails to comply with the requirements of this section, *he shall be liable for*, and the property improved shall be subject to, a lien in the full amount of any and all outstanding bills for labor, services, or materials furnished for such improvement re-



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ardless of the time element set forth in this chapter'.

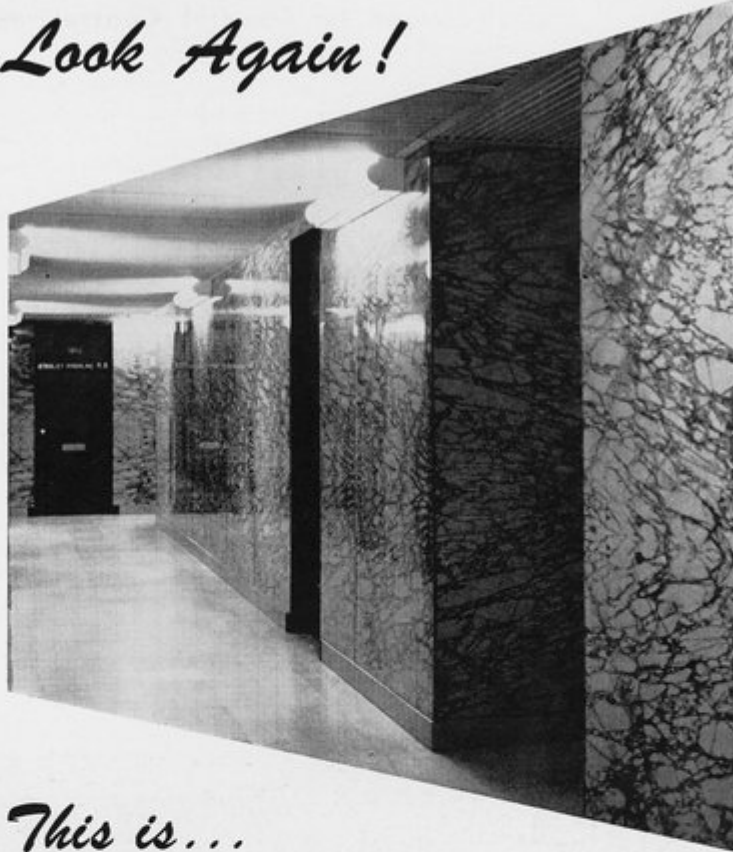
The Supreme Court decision is on the above points in the 1953 law, and we quote:

" . . . Accordingly we hold UNCONSTITUTIONAL AND VOID the following provisions of Sec. 84.05(11) (A): 'If for any reason the Owner fails to comply with the requirements of this section, he shall be liable for, and the property improved shall be subject to, a lien in the full amount of any and all outstanding bills for labor, services or materials furnished for such improvement regardless of the time element set forth in this chapter.'

And, the Court went further in their decision—which we leave for debate by the legal profession—in raising certain points as to "how" and "when" there was a "proper" payment.

" . . . The deletion of the penalty clause carries with it the remainder of Sec. 84.05(11) (A), under the rule of . . . This is so because the portion left is not a 'complete and workable statute' unless we assume that the Legislature intended that the other and previously existing provisions of the Mechanics' Lien Law respecting "Properly Paid" payments by the Owner should be applied in determining the rights of lienholders against the Owner on account of improper payments made under the Act, should the penalty provision therein prescribed be held invalid. This would be pure conjecture on our part, since there is nothing in the Act to evidence such an intention. Moreover, the existing provisions do not provide a clear answer to some of the questions that might arise under the remainder of the Act. For example, if the Owner failed to withhold 20 percent of a progress payment, would he be answerable to the lienholders for the full amount so paid or only 20 percent thereof? The existing provisions were not intended to and do not provide an answer to that question. For the reasons stated, we hold that Chapter (Continued on Page 16)

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Lien Law . . .

(Continued from Page 15)

28243, *Laws of Florida Acts of 1953, appearing as Sec. 84.05(11)(A) Fla. Stat. 1955 is void and of no effect.*"

Notwithstanding that the Florida Supreme Court had declared the law unconstitutional, void and of no effect and the Court had raised questions of doubt as to what liability would attach IF the Owner failed to withhold 20 percent of a progress payment (if no surety bond is provided); the proponents came right back in the Law they presented and which was passed by the Legislature with the same conditions excepting personal liability and time element and merely stated a right for filing a lien which has been and continues to be a part of the basic Law in Sec. 84.16 and would apply even if the new 1957 law had not been passed. We quote that part of the 1957 law:

"When the bond is not furnished nor the twenty percent of each payment withheld and dis-

bursed as required by this subsection, the property improved shall be subject to a lien in the full amount of any and all outstanding bills for labor, services, or materials furnished for such improvement; provided a claim of lien is filed of record within three months as required by Section 84.16, and action to enforce it is commenced within one year from date of filing, in accordance with Section 84.21, or the lienor has been made a party defendant in an action involving the real property described in the claim of lien within the same period of time and upon disposition of such action the lienor's claim shall be discharged."

Having discussed the legal aspects of the law and the questions raised by the Florida Supreme Court in declaring the former Act unconstitutional, void and of no effect; we post the following points for the attention of Owners and the construction Industry. While AGC seriously questions

the motives and needs for this Law, we were overruled by the Legislature — but we do point out that the Governor could probably have some doubts as he failed to sign the Act.

- (1) It increases cost to Owner up to 1% for Surety Bond written by Surety Companies authorized to write bonds — if the Owner wants to be absolutely certain to overcome many technicalities and liabilities of this law.
 - (2) It prohibits the right of the Parties to contract under terms and conditions best suited to their needs; without eliminating rights guaranteed by the basic law; (a) laborers a first lien and (b) lienors protection under either "cautionary-notice lien" or "regular claim of lien". These rights are further protected if the Parties to the contract (Owners and Prime Contractor) disregard the conditions of "proper payment" procedures outlined in the law.
 - (3) This change in the law raises a question as to whether or not a
- (Continued on Page 26)

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Joint Cooperative Committee Cites Need for All-State Building Code

Steps necessary to the formation of a state-wide building code and the problem of high construction costs were the main topics of discussion at the meeting, on July 27, at the San Juan Hotel in Orlando, of the Joint Coop. FAA-AGC-FES Committee.

The increasing need for a unified code on the state level was emphasized during a general discussion of code activities in various sections of the state. Also emphasized was the need for some official body—such as a "State Building Commission"—which could act as an agency to unify all the now-separate interests of the construction industry in administering inter-industry regulations and state code provisions.

W. W. ARNOLD, AGC, president of the Florida State AGC Council acted as chairman of the meeting; and discussion relative to the proposed new code and building commission was led by JOHN STETSON, FAA Vice-

President and JCC Co-Chairman.

"This is necessarily a long-range program," Stetson said. "It will require much study by organizations which are now members of this joint committee as well as by other groups whose interests will be directly affected. But the idea of unifying all regulatory provisions in a single code so that all elements of our industry will be talking about the same thing is important to all of us."

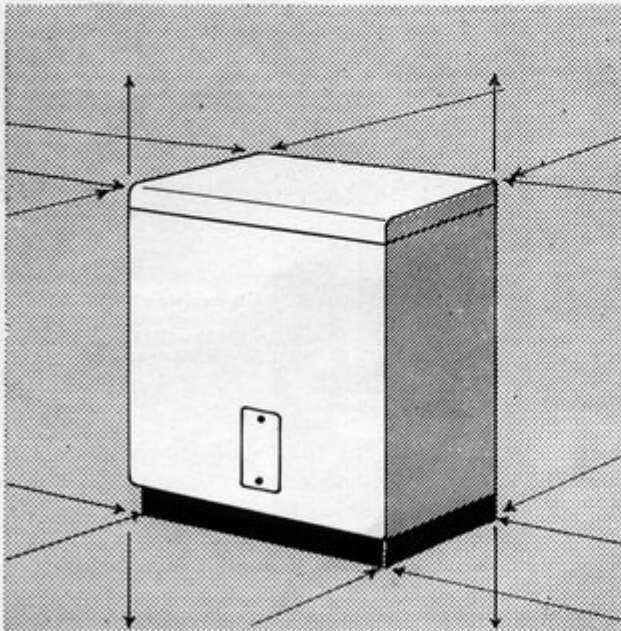
Discussion brought out the desirability of tying-in examining boards with the job of administering provisions of a state code. Paul H. Hinds, executive manager of the South Florida AGC chapter, cited the fact that a trend toward this had already been established in Dade County, which now has a unified code and where the new Metropolitan Government will have a single examining board for building contractors, engineering, marine and heavy construc-

tion contractors, plumbing contractors and electrical contractors. Certificates of competency issued by this board will be accepted by all cities in the county.

The group finally voted that each member organization would appoint members to a study committee to research a plan and program for establishment of a state-wide building code and a coordinating agency to administer it. A report of this committee was called for the next meeting of the group just prior to the opening of the FAA Convention at Clearwater, November 7. Presumably the Committee would then take action in drafting a proposal for presentation to the Governor.

A discussion on the mounting costs of construction involved a number of topics, among them the fact that increased labor rates were not being matched by increased production on the part of labor. Agreement was general that unionization efforts, with parallel efforts toward wage increases, could be looked for in the building trades as new industries (such as aircraft, for example) which were already

(Continued on Page 20)



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Joint Coop. Committee . . .

(Continued from Page 18)

unionized moved to Florida. Though no formal action resulted, the consensus was that building trades should be urged to intensify apprenticeship training programs and to take steps to see that the production of mechanics kept pace with their increased wage scales.

In addition the Committee voted to make a formal request to the Governor that payments for public work be expedited. Cited as part of this discussion was the wide variation in documents used by various State agencies. A committee was named to study these matters toward the end of developing greater standardization of forms to eliminate existing confusion.

Law Enforcement . . .

(Continued from Page 13)

contacted. The entire file had been referred to an architect and two engineers who were prepared to testify as expert witnesses. Charges against the architect were prepared and filed; and with no loose ends left hanging, the Board set a date for the hearing which would lead finally to suspension or even revocation of the architect's certificate to practice.

But the hearing was never held. Just prior to it the seal of the architect was voluntarily turned in and the architect's registration canceled. No objection to the charges against the architect were made and no defense action was taken. Thus the Board could write *finis* to another annoying and long-drawnout affair.

The foregoing suggests the sort of situations which must be constantly handled in the course of the Board's law-enforcement program. Of the two, architectural practice of unregistered individuals is the more common. Most of the cases now pending involve such situations. But several other instances of plan-stamping are now known to the Board; and it will undoubtedly be merely a question of time and effort before these illegalities are likewise ended. But as in the cases cited, the interest and active cooperation of local architects will be needed to bring future actions against violators to the successful conclusions evidenced in the past.

THE FLORIDA ARCHITECT

Convention Speaker . . .

(Continued from Page 4)

legal-sized pages, single-spaced! Many of them have been carried over a two and three-year's period; and at least two have spanned a full decade. Rotival's fees for consultation range from \$25,000 to \$100,000. His yearly retainers for supervising the development of his plans have reached as high as \$100,000—with several projects going happily forward at the same time.

Though born in Paris and educated at the Sorbonne—where he graduated with three degrees, a BA in Philosophy, a BS in Mathematics and an MS in Civil Engineering—he has been a resident of this country since the late 1930's. His home is a 200-year old house in Woodstock, Connecticut. But he knows Florida, having married the daughter of a one-time president of Rollins College, and since 1956 has been working on a traffic re-development study for Winter Park.

Visitors to the 45rd Convention Seminar of "Planning" at which Maurice Rotival will be the principal speaker will listen to no novice of the lecture platform. Rotival was an Associate Professor of Planning at Yale's School of Fine Arts for five years and since 1950 has been visiting lecturer at the Yale University School of Law. He has authored innumerable reports, articles and monographs since 1931 and since 1950 has been working on a book entitled "Equilibrium". It will develop his theory, in terms of realistic reports and commentary, that effective planning involves social and economic as well as physical problems. There must be a well-balanced relationship between all phases of planning Rotival believes—an equilibrium of all the forces which shape a community. Thus, truly effective planning must necessarily be regional in idea if not in scope; and the planner's job is to make certain that progress in one phase of planning matches that in others.

The Seminar session at which Maurice Rotival will be the chief speaker has been scheduled for Friday afternoon, November 8, 1957. Moderator of the session will be FRANKLIN S. BUNCH, FAA Vice-president; RUSSELL T. PANCOAST, FAIA, and SIDNEY CARTER will act as local members of this Community Planning panel.

SEPTEMBER, 1957

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News & Notes

Florida South

Approximately 100 members and guests attended the August Chapter meeting at the Pub Restaurant, Coral Gables, Tuesday evening, August 13. The chief attraction was a seminar on office practice—for the Chapter business session was brief and to the point. President WAHL SNYDER reported on the meeting of the South Atlantic Regional Council in Jacksonville; and announced that the Chapter would be represented to the new Metropolitan Government of Dade County by a Committee. As a guest of the Chapter the FAA Executive Secretary outlined the program for the 1957 FAA Convention at Clearwater and urged full attendance by the Chapter.

But the Seminar was the highlight of the meeting. THEODORE GOTTFRIED acted as moderator for a panel composed of ROBERT MILLER—who spoke for the “younger” practising

architect—T. TRIP RUSSELL, FRANK E. WATSON and RUSSELL T. PANCOAST, FAIA. Miller lead off the discussion—after introduction by IRVIN KORACH—and voiced his opinion that young men start in practice on their own because of “lack of opportunity” in the larger offices where they have been employed. He admitted that this often happens too soon—and for that reason he urged young practitioners to be ready “to take suffering for the first five years.” He said that during that time the best achievement for a young architect was good work, not good fees. This will bring growth; and growth, Miller said, was the essential thing—but “hardest to achieve on the basis of economics.”

Trip Russell spoke on ethics—which are morals, he said, and thus every man’s own business. The practice of ethics must include “the thoroughly unethical client”; and friendly contact between professionals often

can resolve a question of “competition” before it becomes any sort of a problem.

Florida Central

The now-famous “seminar” meetings of this chapter took a new turn on August 17, when friends, wives and youngsters joined chapter members in an afternoon and evening of fun and relaxation at the Bath Club, Redington Beach, St. Petersburg. In place of the usual panel discussion, ELLIOTT HADLEY had arranged for a showing of the film *Architecture USA*; and the program committee had arranged for a cocktail party and barbecue dinner followed by dancing.

As usual the chapter membership was well represented. But the timing was off slightly due to an unusually lengthy meeting of the Chapter’s executive committee. Some of the discussion centered on the fact that

(Continued on Page 24)

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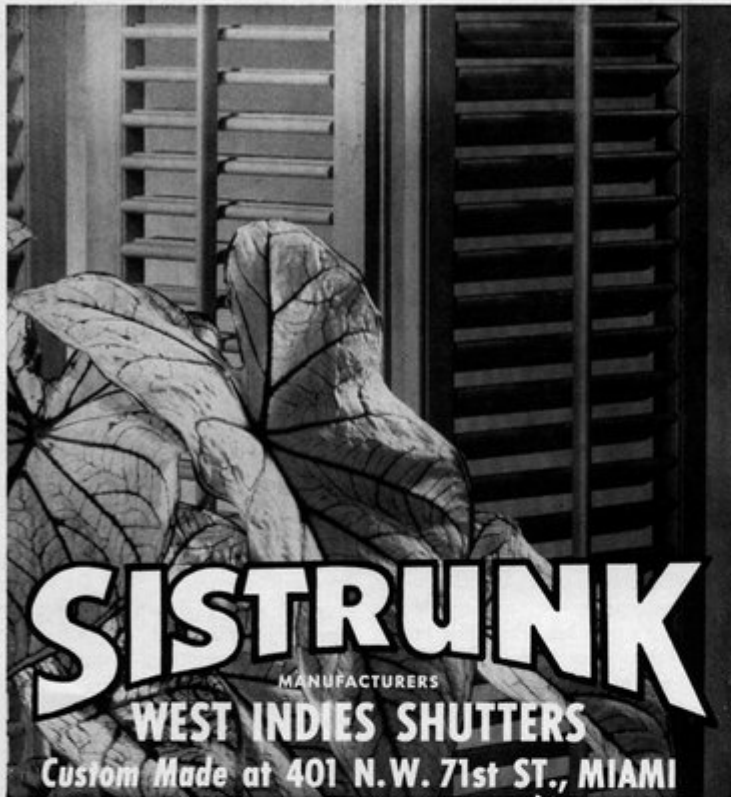
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News & Notes

(Continued from Page 28)

the Florida Central Chapter will act as hosts for the April, 1958, AIA South Atlantic Regional Conference which this year will be held in Sarasota. Part also was concerned with approval of several resolutions which the Chapter will submit for consideration of the FAA membership at the 43rd Annual FAA Convention at Clearwater.

News Letter Questionnaire

To test reaction to a suggestion that the FAA issue a "Confidential News Letter" to its membership, a questionnaire was sent by the FAA President to AIA Corporate Members on June 17, 1957. As reported at the FAA Directors Meeting August 10, results were:

1 . . . Of the 398 questionnaires sent, 127, or about 32 percent, were returned. No replies were received from the remaining 271 which represents 68 percent of those sent.

2 . . . Of those replying, 25, or about 20 percent, opposed the proposal.

3 . . . Of the 102 replies indicating approval of the proposal, 41, or about 40 percent indicated a belief that material for the "Confidential News Letter" should be edited before being issued. Replies from 51, or about 50 percent of those approving the proposal, indicated a belief that material submitted should be issued without editing.

4 . . . Answers to questions as to type of content, frequency of issue, and whether submission should be published with or without names of authors, were so varied that no detailed tabulation was made.

In search of an architect

The Manatee County Board of Public Instruction is searching for an architect or architectural draftsman for full time employment. According to PAUL R. KRONE, Manatee County School Architect, the work will consist of preparation of plans and specifications for small projects and the general supervision of a new school building program now being planned

THE FLORIDA ARCHITECT

News & Notes

(Continued from Page 24)
for future development.

Those interested in investigating this opportunity should contact Mr. J. HARTLEY BLACKBURN, Superintendent of Public Instruction, P. O. Box 1197, Bradenton.

Personal . . .

In Tampa, Mayor NICK NUCCIO has appointed ANTHONY L. PULLARA to a three-year term as a member of that city's Board of Examiners for Electrical Contractors. Also appointed by Mayor Nuccio was ERNEST T. H. BOWEN, II, partner, with Pullara in the Tampa firm of Pullara, Bowen and Watson. Bowen's appointment was for a two-year term as one of a five-man Board of Condemnation Review.

In Miami, JOSEPH G. RENTSCHER and EARL M. STARNES have associated and have opened an office for the practice of architecture at 1150 S. W. First Street.

FRANCIS H. EMERSON

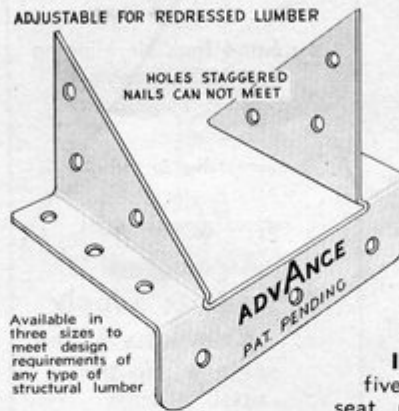
On August 12, death came to FRANCIS HORTON EMERSON, 52, of Winter Park. On July 4 Monk Emerson had been caught in an accident. The inboard motor of a boat he was in exploded at the Sanford dock. The boat burned and Monk was rushed to the Sanford hospital, gravely hurt. He never recovered consciousness. He leaves a wife, Ellen, and four sons, ranging from two to fourteen.

Born in Gainesville, he graduated from the University of Florida, later studying at the University of London. His first job was as draftsman in the office of SANFORD W. GOIN, Gainesville. Later he was associated with JAMES GAMBLE ROGERS, II, and with JOHN THOMAS WATSON; though he had maintained his own office in Winter Park since 1948. He was active in Winter Park civic social affairs, was a Rotarian, and a member of the Winter Park Planning and Zoning Board and the Building Code Board of Appeals. He had been a member of the AIA since 1946 and had served variously as a chapter officer, also serving as a director of the FAA.

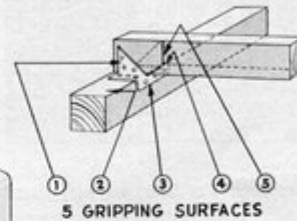
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OBJECTIVES

The objectives of the Florida Association of Architects shall be to unite the architectural profession within the State of Florida to promote and forward the objectives of the The American Institute of Architects; to stimulate and encourage continual improvement within the profession; to cooperate with the other professions; to promote and participate in the matters of general public welfare, and represent and act for the architectural profession in the State; and to promote educational and public relations programs for the advancement of the profession.

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Contractors Urge Careful Study of New Lien Law

(Continued from Page 16)

"cautionary-notice lien" has certain prior rights; as the new provisions stipulate that the claim of lien must be filed in accordance with Section 84.16.

- (4) This law affects Owners not dealing with a Prime (General) Contractor. For example: If the Owner awards separate contracts for parts of the work and if these separate contracts are for \$3,000.00 or more, each of the specialty contractors are bound by the same terms and conditions.

(Continued from Page 8)

A.G.C. condemns diversion of any funds received by any Contractor or subcontractor on any construction project. We believe that payments made as the work progresses should be strictly in accordance with procedures for "proper payments" required by the Law. And further, we believe that such payments received should be treated as "trust funds" for the proper payment of all labor (first) and for materials and or services furnished by others.

But the conditions of this new 1957 Law are such that the General Contractor is placed in a very awkward and confused legal position. Upon the Owner's failure to require or provide a bond (up to 1% of contract amount): the General Contractor could possibly incur a liability by using his own funds to pay any subcontractor, specialty subcontractor or materialman more than the percentage amount (80%) which he has received from the Owner. Many instances could be cited where Attorneys for General Contractors have advised their clients to follow this procedure.

A.G.C. believes that a solution to the problem exists — but not in the form of this re-enacted 1957 law. If, between now and the 1959 session of the Legislature, all segments of the Construction Industry in Florida will voluntarily agree to discuss and draft an equitable Mechanics Lien Law — we are ready and willing to assist. As this matter is of primary importance to the Billion Dollar construction industry in Florida, maybe the present State administration acting through the Governor will assume the leadership?

Opportunity . . .

(Continued on Page 8)

buildings which embody huge walls of glass facing toward both east and west.

Apparently, then, it will take time and education to establish any consistent pattern of tropical work which can be generally recognized as especially fitting our environment. It can be established only through a step-by-step, profession-wide, conscious effort. Effort to obtain the tropical character appropriate to our area should be applied to every project—all work, large or small, public or private, monumental or informal—and in spite of contrary-wise ideas by either client or architect!

The first step—and the longest one—would be our own recognition of the possibilities which lie in such a combined effort. Would we dare try it?

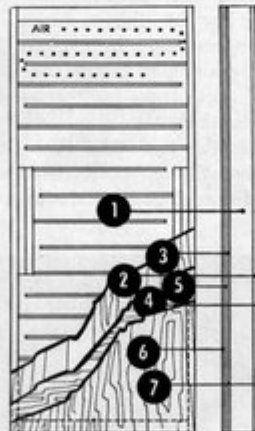
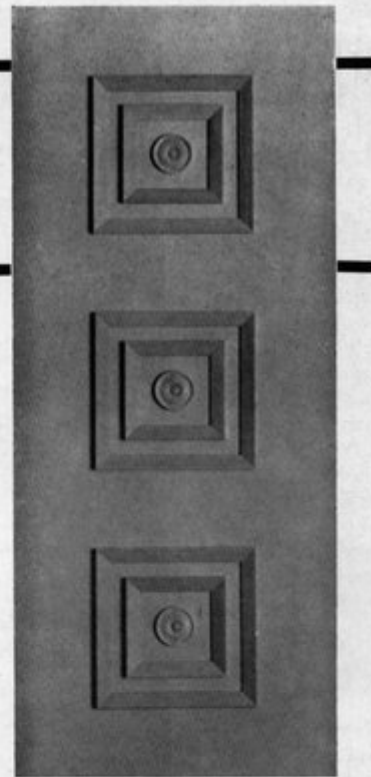
The result of such an effort would be sure: The character of local architecture would show an inevitable improvement. The improvement *might* be something wonderful.

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Producers' Council Program

Jacksonville Chapter to Stage

Day-Long Seminar on Curtain Walls

What has been called one of the "hottest ideas in construction" will be the subject of a day-long information program to be held at the Roosevelt Hotel, Jacksonville, on Tuesday, September 24. That subject is Curtain Walls; and the intensive seminar meeting will be conducted by the Jacksonville Chapter of the Producers' Council for the benefit of the local architects and engineers with whom Council members work. Since much of the discussion will be of practical application to problems of field construction, general contractors will also be invited to attend.

The seminar program, as announced by GEORGE C. GRIFFIN, Chapter secretary, will constitute an almost complete course in curtain wall design and specification. It has been divided into six discussion sessions, two in the morning and the remainder after lunch. These discussions involve some ten speakers who will be expert in their subjects and who will be furnished from membership ranks by the Producers' Council headquarters in Washington.

The meeting will open with a general talk on the background, technical

aspects, and application range of curtain walls. Then five experts will consider the matter of panel materials in terms of the six primary factors which control both design and application. Curtain walls of glass, steel, masonry and aluminum will be considered.

The afternoon program will be divided into four sessions to cover the following subjects: Joints and Flashings; erection; design and fabrication; and a report on specification studies. Each subject will be covered by a highly qualified speaker and each session will include a period for questions and comments from the floor.

The Council has emphasized the fact that this seminar has been designed to provide practical, authoritative information toward the end of stimulating better construction and design practices. None of the sessions will involve any attempt to "sell" anything except the technical information necessary to improve curtain wall design and extend the useful range of application for this method of construction.

This is the first time that either the Jacksonville or Miami chapters of the Producers' Council has attempted

an information meeting of a scope beyond the usual evening presentation sponsored and managed by one or two individual members representing specific firms. Should this Curtain Wall Seminar prove successful as its sponsors hope, it may be the forerunner of other Producers' Council seminars on other subjects of an equally important design and construction character.

This seminar will be the start of the Jacksonville Chapter's yearly program. The Chapter now numbers 31 members (excluding alternates) who collectively represent some 46 national manufacturers of quality building products. Officers for the coming year were recently elected to include the following: EMMETT H. JONES, president; F. H. BAUMER and TOM E. HIGSMITH, vice-presidents; GEORGE C. GRIFFIN, secretary-treasurer. The Chapter's liaison with the Jacksonville Chapter of the AIA is E. L. WOLF; and RICHARD P. ROBRICK was elected as publicity chairman for the group.

The Curtain Wall Seminar will also be presented by the Miami Chapter next year as part of the Chapter's 1957-58 information program, according to JOHN R. SOUTHWOOD, Chapter publicity chairman. The year's program will also include four informational evening meetings and a "table-top" presentation planned to be held in Fort Lauderdale.



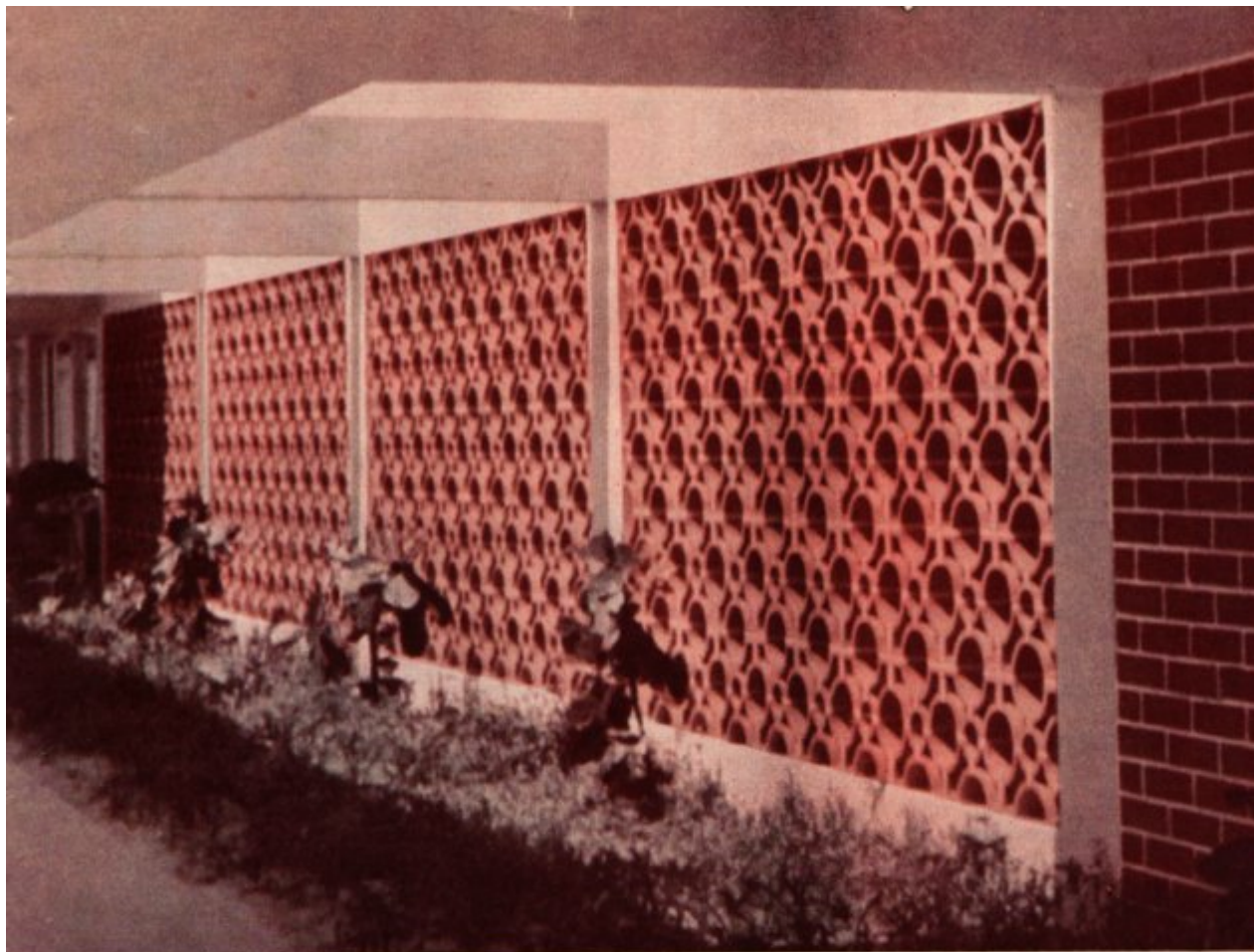
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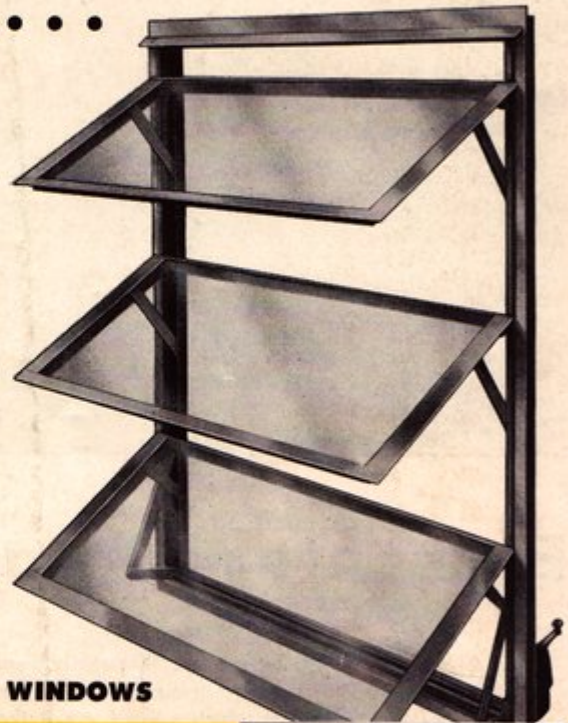


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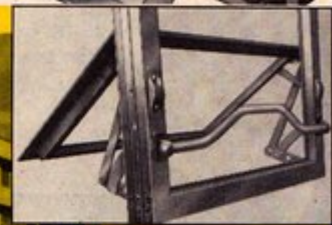
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