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2 An act relating to public accountancy; amending
3 s. 473.308, F.S.; extending an application
4 deadline for licensure based on certain
5 practice experience; amending s. 473.309, F.S.;
6 revising a practice requirement of
7 partnerships, corporations, and limited
8 liability companies relating to ownership;
9 amending s. 473.322, F.S.; providing
10 restrictions on the use of practice titles,
11 designations, and abbreviations; providing
12 penalties; providing an effective date.

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14 WHEREAS, it is the intent of the Legislature to protect
15 persons in this state who receive public accounting services
16 from certified public accountants, and

17 WHEREAS, it is the further intent of the Legislature to
18 prevent confusion in the provision of accounting services by
19 Florida and non-Florida certified public accountants by
20 regulating such services and service providers, and

21 WHEREAS, it is the further intent of the Legislature to
22 ensure that persons receiving public accounting services in
23 this state receive such services from persons who are licensed
24 and regulated by this state, NOW, THEREFORE,

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsection (4) of section 473.308, Florida
29 Statutes, is amended to read:

30 473.308 Licensure.--

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1 (4) If application for licensure is made prior to
2 October 1, 2005 ~~August 1, 2000~~, and the applicant has 5 years
3 of experience in the practice of public accountancy in the
4 United States or in the practice of public accountancy or its
5 equivalent in a foreign country that the International
6 Qualifications Appraisal Board of the National Association of
7 State Boards of Accountancy has determined has licensure
8 standards that are substantially equivalent to those in the
9 United States, the board shall waive the requirements of s.
10 473.306(2)(b)2. that are in excess of a baccalaureate degree.
11 All experience that is used as a basis for waiving said
12 requirements of s. 473.306(2)(b)2. must be experience outside
13 this state. Furthermore, said experience must be after
14 licensure as a certified public accountant by another state or
15 territory of the United States or after licensure in the
16 practice of public accountancy or its equivalent in a foreign
17 country that the International Qualifications Appraisal Board
18 of the National Association of State Boards of Accountancy has
19 determined has licensure standards that are substantially
20 equivalent to those in the United States. The board shall have
21 the authority to establish the standards for experience that
22 meet this requirement.

23 Section 2. Paragraph (b) of subsection (1), paragraph
24 (b) of subsection (2), and paragraph (b) of subsection (3) of
25 section 473.309, Florida Statutes, are amended to read:

26 473.309 Practice requirements for partnerships,
27 corporations, and limited liability companies; business
28 entities practicing public accounting.--

29 (1) A partnership may not engage in the practice of
30 public accounting, as defined in s. 473.302(7)(a), unless:

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1 (b) Partners owning at least 51 percent ~~two-thirds~~ of
2 the financial interest and voting rights of the partnership
3 are certified public accountants in some state. However, each
4 partner who is a certified public accountant in another state
5 and is domiciled in this state must be a certified public
6 accountant of this state and hold an active license.

7 (2) A corporation may not engage in the practice of
8 public accounting, as defined in s. 473.302(7)(a), unless:

9 (b) Shareholders of the corporation owning at least 51
10 percent ~~two-thirds~~ of the financial interest and voting rights
11 of the corporation are certified public accountants in some
12 state and are principally engaged in the business of the
13 corporation. However, each shareholder who is a certified
14 public accountant in another state and is domiciled in this
15 state must be a certified public accountant of this state and
16 hold an active license.

17 (3) A limited liability company may not engage in the
18 practice of public accounting, as defined in s. 473.302(7)(a),
19 unless:

20 (b) Members of the limited liability company owning at
21 least 51 percent ~~two-thirds~~ of the financial interest and
22 voting rights of the company are certified public accountants
23 in some state. However, each member who is a certified public
24 accountant in some state and is domiciled in this state must
25 be a certified public accountant of this state and hold an
26 active license.

27 Section 3. Section 473.322, Florida Statutes, is
28 amended to read:

29 473.322 Prohibitions; penalties.--

30 (1) A person may not knowingly:

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- 1 (a) Practice public accounting unless the person is a
2 certified public accountant or a public accountant;
- 3 (b) Assume or use the titles or designations
4 "certified public accountant" or "public accountant" or the
5 abbreviation "C.P.A." or any other title, designation, words,
6 letters, abbreviations, sign, card, or device tending to
7 indicate that the person holds a license to practice public
8 accounting ~~an active license~~ under this chapter or the laws of
9 any other state, territory, or foreign jurisdiction, unless
10 the person holds an active license under this chapter;
- 11 (c) Perform or offer to perform any services described
12 in s. 473.302(7)(a) unless such person holds an active license
13 under this chapter and is a licensed audit firm or provides
14 such services through a licensed audit firm. This paragraph
15 does not prohibit the performance by persons other than
16 certified public accountants of other services involving the
17 use of accounting skills, including the preparation of tax
18 returns and the preparation of financial statements without
19 expression of opinion thereon;
- 20 (d) Present as her or his own the license of another;
- 21 (e) Give false or forged evidence to the board or a
22 member thereof;
- 23 (f) Use or attempt to use a public accounting license
24 that has been suspended, revoked, or placed on inactive or
25 delinquent status;
- 26 (g) Employ unlicensed persons to practice public
27 accounting; or
- 28 (h) Conceal information relative to violations of this
29 chapter.
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(2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. This act shall take effect July 1, 2000.