

By the Committee on Regulated Industries and Senator Sullivan

315-875-00

1                                   A bill to be entitled  
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 an  
12          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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1           (2) Any person who violates any provision of this  
2 section commits a misdemeanor of the first degree, punishable  
3 as provided in s. 775.082 or s. 775.083.

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

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6                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7   COMMITTEE SUBSTITUTE FOR  
8   Senate Bill 688

9 The Committee Substitute for Senate Bill 688 contains the  
10 following substantial changes:

- 11 - Deletes the provision allowing a person who is licensed  
12 to practice public accountancy in another state, but who  
13 is not licensed practice in this state, to use the  
14 designation "certified public accountant" if done in  
15 conjunction with a prescribed disclaimer;  
16 - Replaces this with a prohibition against such a person  
17 using any designation that would tend to indicate that  
18 the person holds a license to practice public  
19 accountancy under Florida law or the laws of any other  
20 state or territory; and  
21 - Makes technical, clarifying amendments.  
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