

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2096

SPONSOR: Regulated Industries Committee & Senator Sullivan

SUBJECT: CPA/License Reinstatement

DATE: April 11, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill gives the Board of Accountancy the discretion to reinstate the license of a person who has made a good-faith effort to comply with the inactive status statute but has failed to comply because of sickness or unusual hardship. The board is to establish in rule the procedure for applying for reinstatement and an application fee.

The bill substantially amends section 473.313 of the Florida Statutes.

II. Present Situation:

Chapter 473, F.S., provides for regulation of the practice of public accountancy by Certified Public Accountants. Section 473.3101, F.S., requires licensees to renew their license every two years. Section 473.311, F.S., provides for renewal of a license by the Department of Business and Professional Regulation (department) upon receipt of the renewal application and fee and upon certification by the Board of Accountancy (board) that the licensee has satisfactorily completed the continuing education requirements of s. 473.312, F.S., and has passed an examination approved by the board on chapters 455 and 473, F.S., and the related administrative rules.

Section 473.312, F.S., provides the continuing education requirements for public accountancy licensees. As part of the license renewal procedure, licensees must submit to the board satisfactory proof that during the two years prior to application for renewal they have successfully completed not less than 48 or more than 80 classroom hours of continuing professional education programs in public accounting subjects approved by the board. The board may prescribe by rule additional continuing professional education hours, not to exceed 25

percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.

Section 473.313, F.S., provides for inactive status of licensees. A licensee may request that her or his license be placed in an inactive status by making application to the department. A license that has become inactive may be reactivated under the license renewal statute, s. 473.311, F.S., upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. Under rule 61H1-33.006, F.A.C., each licensee on inactive status who desires to become an active licensee must apply for reactivation and must demonstrate successful completion of the number of continuing professional education hours required for their last renewal period, plus successful completion of at least 32 hours total, of which at least 8 hours must be in accounting and auditing subjects for each year or portion thereof the license was inactive prior to July 1, 1989, and 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1989.

Section 455.271, F.S., provides that failure of a licensee to renew before the license expires causes the license to become delinquent in the license cycle following expiration. A delinquent status licensee must apply with a complete application for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure requires applying for and meeting all requirements imposed on an applicant for new licensure. The section also provides for a delinquency fee, for reasonable conditions, and for continuing education requirements.

III. Effect of Proposed Changes:

The bill amends s. 473.313, F.S., to give the board discretion to reinstate a person whose license has become null and void if the person has made a good-faith effort to comply with the provisions on inactive status but has failed to comply because of illness or unusual hardship. The board is to establish in rule the procedure for applying for reinstatement and an application fee.

The bill takes effect July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
