

By Representative Miller

1 A bill to be entitled
2 An act relating to professions regulated by the
3 Department of Business and Professional
4 Regulation; amending s. 455.2281, F.S.;
5 authorizing any profession regulated by the
6 department which offers services that are not
7 subject to regulation when provided by an
8 unlicensed person to use funds in its
9 unlicensed activity account to inform the
10 public of such situation; authorizing a board
11 or profession regulated by the department to
12 transfer funds in its operating fund account to
13 its unlicensed activity account under certain
14 circumstances; providing an effective date.

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

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18 Section 1. Section 455.2281, Florida Statutes, is
19 amended to read:

20 455.2281 Unlicensed activities; fees; disposition.--In
21 order to protect the public and to ensure a consumer-oriented
22 department, it is the intent of the Legislature that vigorous
23 enforcement of regulation for all professional activities is a
24 state priority. All enforcement costs should be covered by
25 professions regulated by the department. Therefore, the
26 department shall impose, upon initial licensure and each
27 renewal thereof, a special fee of \$5 per licensee. Such fee
28 shall be in addition to all other fees collected from each
29 licensee and shall fund efforts to combat unlicensed activity.
30 Any profession regulated by the department which offers
31 services that are not subject to regulation when provided by

1 an unlicensed person may use funds in its unlicensed activity
2 account to inform the public of such situation.The board with
3 concurrence of the department, or the department when there is
4 no board, may earmark \$5 of the current licensure fee for this
5 purpose, if such board, or profession regulated by the
6 department, is not in a deficit and has a reasonable cash
7 balance. A board or profession regulated by the department may
8 authorize the transfer of funds from the operating fund
9 account to the unlicensed activity account of that profession
10 if the operating fund account is not in a deficit and has a
11 reasonable cash balance.The department shall make direct
12 charges to this fund by profession and shall not allocate
13 indirect overhead. The department shall seek board advice
14 regarding enforcement methods and strategies prior to
15 expenditure of funds; however, the department may, without
16 board advice, allocate funds to cover the costs of continuing
17 education compliance monitoring under s. 455.2177. The
18 department shall directly credit, by profession, revenues
19 received from the department's efforts to enforce licensure
20 provisions, including revenues received from fines collected
21 under s. 455.2177. The department shall include all financial
22 and statistical data resulting from unlicensed activity
23 enforcement and from continuing education compliance
24 monitoring as separate categories in the quarterly management
25 report provided for in s. 455.219. The department shall not
26 charge the account of any profession for the costs incurred on
27 behalf of any other profession. For an unlicensed activity
28 account, a balance which remains at the end of a renewal cycle
29 may, with concurrence of the applicable board and the
30 department, be transferred to the operating fund account of
31 that profession.

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Section 2. This act shall take effect July 1, 2001.

HOUSE SUMMARY

Authorizes any profession regulated by the Department of Business and Professional Regulation which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation. Authorizes a board or profession regulated by the department to transfer funds from its operating fund account to its unlicensed activity account if the former account is not in a deficit and has a reasonable cash balance.