

By Senator Sullivan

22-704-01

See HB

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.

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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.