

# 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: SB 346  
 SPONSOR: Senator Lawson  
 SUBJECT: Professions/Reinstatement of License  
 DATE: November 2, 2001      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaccaro	Caldwell	RI	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill gives the licensing boards within the Department of Business and Professional Regulation, including the Construction Industry Licensing Board, and the department, if there is no board, the discretion to reinstate the license of a person who has made a good-faith effort to comply with licensure renewal statutes but has failed to comply because of sickness or unusual hardship. The board or department, if there is no board, is to establish by rule the procedure for applying for reinstatement and an application fee.

This bill substantially amends the following sections of the Florida Statutes: 455.271, 473.313, and 489.116.

**II. Present Situation:**

Chapter 455, F.S., sets forth the general regulatory provisions applicable to the Department of Business and Professional Regulation, its boards, and licensees. Section 455.01(1), F.S., defines the term "board" to mean any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the department. Section 455.271, F.S., addresses delinquent licensure. Section 455.271, F.S., provides that failure of an active or inactive 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.

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 upon receipt of the renewal application and fee and upon certification by the Board of Accountancy 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 473.313, 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.

During the 2001 Legislative Session, s. 473.313, F.S., was amended to give the Board of Accountancy, the discretion, notwithstanding the provisions of s. 455.271, F.S., to reinstate a person whose license has become null and void if the person has made a good-faith effort to comply with licensure renewal provisions but has failed to comply because of illness or unusual hardship. The board is to establish by rule the procedure for applying for reinstatement and an application fee. *See* ch. 2001-269, L.O.F.

Chapter 489, F.S., provides, in part, for regulation of construction contracting. Section 489.115, F.S., provides that no person may engage in the business of contracting without being certified or registered (licensed). Certificateholders or registrants are required to renew their licenses every two years. Section 489.115, F.S., provides for renewal of a license by the department upon receipt of the renewal application and fee. The certificateholder or registrant must also provide proof of having completed 14 hours of continuing education during the two-year licensure period.

Section 489.116, F.S., provides for inactive and delinquent status of licenses. A certificateholder or registrant may request that her or his license be placed in an inactive status at the time of renewal. An inactive certificateholder or registrant may apply for active status at any time he or she meets all requirements for active status, pays any additional licensure fees imposed upon active status certificateholders or registrants and pays any applicable late fees. Section 489.116, F.S., also provides that failure of an active or inactive status certificateholder or registrant to renew before the license expires causing the license to become delinquent in the license cycle following expiration. A delinquent status certificateholder or registrant must apply with a complete application for active or inactive status during the licensure cycle in which a certificateholder or registrant becomes delinquent. Failure by a delinquent status certificateholder or registrant to become active or inactive before the expiration of the current licensure cycle renders the license void without any further action by the board. Any subsequent licensure requires applying for and meeting all requirements imposed on an applicant for new licensure.

### III. Effect of Proposed Changes:

**Section 1** creates subparagraph (b) of subsection (6) of s. 455.271, F.S. The bill gives the licensing boards within the Department of Business and Professional Regulation and the

department, if there is no board, the discretion to reinstate the license of a person who has made a good-faith effort to comply with licensure renewal statutes but has failed to comply because of sickness or unusual hardship. The board or department, if there is no board, is to establish by rule the procedure for applying for reinstatement and an application fee. The applicant is required to meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal under ch. 455, F.S.

**Section 2** amends subsection (4) of s. 473.313, F.S., to make conforming changes.

**Section 3** creates subsection (6) of s. 489.116, F.S. The bill gives the Construction Industry Licensing Board the discretion to reinstate the license of a person who has made a good-faith effort to comply with licensure renewal statutes but has failed to comply because of sickness or unusual hardship. The board is to establish by rule the procedure for applying for reinstatement and an application fee. The applicant is required to meet all continuing education requirements as required in s. 489.115, F.S., pay appropriate licensing fees, and otherwise be eligible for renewal under ch. 455, F.S.

**Section 4** provides that the bill takes effect July 1, 2002.

#### **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.

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

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