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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on General Government Appropriations (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—This section shall be read in conjunction with the appropriate practice act associated with each regulated profession under this chapter.

(7) In addition to meeting any other requirements for licensure by examination or by endorsement, an applicant may be



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12 required by a board, or by the department, if there is no board,
13 to pass an examination pertaining to state laws and rules
14 applicable to the practice of the profession regulated by that
15 board or by the department. This subsection does not apply to
16 persons regulated under chapter 473.

17 Section 2. Subsection (10) of section 455.271, Florida
18 Statutes, is amended to read:

19 455.271 Inactive and delinquent status.—

20 (10) Before reactivation, an inactive or delinquent
21 licensee shall meet the same continuing education requirements,
22 if any, imposed on an active status licensee for all biennial
23 licensure periods in which the licensee was inactive or
24 delinquent. This subsection does not apply to persons regulated
25 under chapter 473.

26 Section 3. Section 473.302, Florida Statutes, is amended to
27 read:

28 473.302 Definitions.—As used in this chapter, the term:

29 (1) "Board" means the Board of Accountancy.

30 (2) "Department" means the Department of Business and
31 Professional Regulation.

32 (3) "Division" means the Division of Certified Public
33 Accounting.

34 (4) "Certified public accountant" means an individual a
35 person who holds a license to practice public accounting in this
36 state or an individual who is practicing public accounting in
37 this state pursuant to the practice privilege granted in s.
38 473.3141. The term "Florida certified public accountant" means
39 an individual holding a license under the authority of this
40 chapter.



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41 (5) "Firm" means any legal entity that is engaged in the
42 practice of public accounting.

43 (6) "Home office" means the principal headquarters of an
44 entity. An entity may have only one principal headquarters.

45 (7)~~(6)~~ "Licensed audit firm" or "public accounting firm"
46 means a firm licensed under s. 473.3101.

47 (8)~~(7)~~ "Practice of," "practicing public accountancy," or
48 "public accounting" means:

49 (a) Offering to perform or performing for the public one or
50 more types of services involving the expression of an opinion on
51 financial statements, the attestation as an expert in
52 accountancy to the reliability or fairness of presentation of
53 financial information, the utilization of any form of opinion or
54 financial statements that provide a level of assurance, the
55 utilization of any form of disclaimer of opinion which conveys
56 an assurance of reliability as to matters not specifically
57 disclaimed, or the expression of an opinion on the reliability
58 of an assertion by one party for the use by a third party;

59 (b) Offering to perform or performing for the public one or
60 more types of services involving the use of accounting skills,
61 or one or more types of tax, management advisory, or consulting
62 services, by any person who is a certified public accountant who
63 holds an active license, issued pursuant to this chapter, or who
64 is authorized to practice public accounting pursuant to the
65 practice privileges granted in s. 473.3141, including the
66 performance of such services by a certified public accountant in
67 the employ of a person or firm; or

68 (c) Offering to perform or performing for the public one or
69 more types of service involving the preparation of financial



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70 statements not included within paragraph (a), by a certified
71 public accountant who holds an active license, issued pursuant
72 to this chapter, or who is authorized to practice public
73 accounting pursuant to the practice privileges granted in s.
74 473.3141; by a firm of certified public accountants; or by a
75 firm in which a certified public accountant has an ownership
76 interest, including the performance of such services in the
77 employ of another person. The board shall adopt rules
78 establishing standards of practice for such reports and
79 financial statements; provided, however, that nothing in this
80 paragraph shall be construed to permit the board to adopt rules
81 that have the result of prohibiting Florida certified public
82 accountants licenses employed by unlicensed firms from
83 preparing financial statements as authorized by this paragraph.

84 (9) "Uniform Accountancy Act" means the Uniform Accountancy
85 Act, Fourth Edition, dated December 2007 and published by the
86 American Institute of Certified Public Accountants and the
87 National Association of State Boards of Accountancy.

88
89 However, these terms shall not include services provided by the
90 American Institute of Certified Public Accountants or the
91 Florida Institute of Certified Public Accountants, or any full
92 service association of certified public accounting firms whose
93 plans of administration have been approved by the board, to
94 their members or services performed by these entities in
95 reviewing the services provided to the public by members of
96 these entities.

97 Section 4. Section 473.303, Florida Statutes, is amended to
98 read:



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99 473.303 Board of Accountancy.—

100 (1) There is created in the department the Board of
101 Accountancy. The board shall consist of nine members, seven of
102 whom must be certified public accountants licensed in this state
103 and two of whom must be laypersons who are not and have never
104 been certified public accountants or members of any closely
105 related profession or occupation. The members who are certified
106 public accountants must have practiced public accounting on a
107 substantially full-time basis in this state for at least 5
108 years. At least one member of the board must be 60 years of age
109 or older. Each member shall be appointed by the Governor,
110 subject to confirmation by the Senate.

111 (2) The probable cause panel of the board may be composed
112 of at least one current board member who shall serve as chair
113 and additional current board members or past board members ~~of~~
114 ~~the board~~ who are certified public accountants licensed in this
115 state and licensees in good standing. The past board members
116 shall be appointed to the panel for a term maximum of 2 years by
117 the chair of the board with the approval of the secretary of the
118 department, and may be reappointed for additional terms.

119 Section 5. Section 473.304, Florida Statutes, is amended to
120 read:

121 473.304 Rules of board; powers and duties; legal services.—

122 (1) The board shall adopt rules pursuant to ss. 120.536(1)
123 and 120.54 to implement the provisions of this act. Every
124 certified public accountant and firm licensee shall be governed
125 and controlled by this act and the rules adopted by the board.

126 (2) Subject to the prior approval of the Attorney General,
127 the board may retain independent legal counsel to provide legal



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128 advice to the board on a specific matter.

129 (3) An attorney employed or used by the board may not both
130 prosecute a matter and provide legal services to the board with
131 respect to the same matter.

132 Section 6. Section 473.305, Florida Statutes, is amended to
133 read:

134 473.305 Fees.—The board, by rule, may establish fees to be
135 paid for applications, examination, reexamination, licensing and
136 renewal, reinstatement, and recordmaking and recordkeeping. The
137 fee for the examination shall be established at an amount that
138 covers the costs for the procurement or development,
139 administration, grading, and review of the examination. The fee
140 for the examination is refundable if the applicant is found to
141 be ineligible to sit for the examination. The fee for initial
142 application is nonrefundable, and the combined fees for
143 application and examination may not exceed \$250 plus the actual
144 per applicant cost to the department for purchase of the
145 examination from the American Institute of Certified Public
146 Accountants or a similar national organization. The biennial
147 renewal fee may not exceed \$250. The board may also establish,
148 by rule, a reactivation fee, ~~a late filing fee for the law and~~
149 ~~rules examination,~~ and a delinquency fee not to exceed \$50 for
150 continuing professional education reporting forms. The board
151 shall establish fees which are adequate to ensure the continued
152 operation of the board and to fund the proportionate expenses
153 incurred by the department which are allocated to the regulation
154 of public accountants. Fees shall be based on department
155 estimates of the revenue required to implement this chapter and
156 the provisions of law with respect to the regulation of



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157 certified public accountants.

158 Section 7. Subsections (3) and (4) of section 473.308,
159 Florida Statutes, are amended to read:

160 473.308 Licensure.—

161 (3) An applicant for licensure must have at least 150
162 semester hours of college education, including a baccalaureate
163 or higher degree conferred by an accredited college or
164 university ~~received a baccalaureate degree with a major in~~
165 ~~accounting or its equivalent plus at least 30 semester hours or~~
166 ~~45 quarter hours in excess of those required for a 4-year~~
167 ~~baccalaureate degree~~, with a concentration in accounting and
168 business in the total educational program to the extent
169 specified by the board.

170 (4) (a) An applicant for licensure after December 31, 2008,
171 must show that he or she has had 1 year of work experience. This
172 experience shall include providing any type of service or advice
173 involving the use of accounting, attest, compilation, management
174 advisory, financial advisory, tax, or consulting skills, all of
175 which must be verified by a certified public accountant who is
176 licensed by a state or territory of the United States and who
177 has supervised the applicant. This experience is acceptable if
178 it was gained through employment in government, industry,
179 academia, or public practice; constituted a substantial part of
180 the applicant's duties; and was under the supervision of a
181 certified public accountant licensed by a state or territory of
182 the United States. The board shall adopt rules specifying
183 standards and providing for the review and approval of the work
184 experience required by this section.

185 (b) However, an applicant who completed the requirements of



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186 subsection (3) on or before December 31, 2008, and who passes
187 the licensure examination on or before June 30, 2010, is exempt
188 from the requirements of this subsection.

189 Section 8. Section 473.309, Florida Statutes, is amended to
190 read:

191 473.309 Practice requirements for partnerships,
192 corporations, and limited liability companies; business entities
193 practicing public accounting.—

194 (1) A partnership may not engage in the practice of public
195 accounting, as defined in s. 473.302(7) (a), unless:

196 (a) It is a form of partnership recognized by Florida law.

197 (b) Partners owning at least 51 percent of the financial
198 interest and voting rights of the partnership are certified
199 public accountants in some state. However, each partner who is a
200 certified public accountant in another state and is domiciled in
201 this state must be a certified public accountant of this state
202 and hold an active license.

203 (c) At least one general partner is a certified public
204 accountant of this state and holds an active license or, in the
205 case of a firm that must have a license pursuant to s.
206 473.3101(1)(a)2., at least one general partner is a certified
207 public accountant in some state and meets the requirements of s.
208 473.3141(1)(a) or (b).

209 (d) All partners who are not certified public accountants
210 in any state are engaged in the business of the partnership as
211 their principal occupation.

212 (e) It is in compliance with rules adopted by the board
213 pertaining to minimum capitalization, letters of credit, and
214 adequate public liability insurance.



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215 (f) It is currently licensed as required by s. 473.3101.
216 (2) A corporation may not engage in the practice of public
217 accounting, as defined in s. 473.302(7) (a), unless:
218 (a) It is a corporation duly organized in this or some
219 other state.
220 (b) Shareholders of the corporation owning at least 51
221 percent of the financial interest and voting rights of the
222 corporation are certified public accountants in some state and
223 are principally engaged in the business of the corporation.
224 However, each shareholder who is a certified public accountant
225 in another state and is domiciled in this state must be a
226 certified public accountant of this state and hold an active
227 license.
228 (c) The principal officer of the corporation is a certified
229 public accountant in some state.
230 (d) At least one shareholder of the corporation is a
231 certified public accountant and holds an active license in this
232 state or, in the case of a firm that must have a license
233 pursuant to s. 473.3101(1)(a)2., at least one shareholder is a
234 certified public accountant in some state and meets the
235 requirements of s. 473.3141(1)(a) or (b).
236 (e) All shareholders who are not certified public
237 accountants in any state are engaged in the business of the
238 corporation as their principal occupation.
239 (f) It is in compliance with rules adopted by the board
240 pertaining to minimum capitalization, letters of credit, and
241 adequate public liability insurance.
242 (g) It is currently licensed as required by s. 473.3101.
243 (3) A limited liability company may not engage in the



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244 practice of public accounting, as defined in s. 473.302(7)(a),
245 unless:

246 (a) It is a limited liability company duly organized in
247 this or some other state.

248 (b) Members of the limited liability company owning at
249 least 51 percent of the financial interest and voting rights of
250 the company are certified public accountants in some state.
251 However, each member who is a certified public accountant in
252 some state and is domiciled in this state must be a certified
253 public accountant of this state and hold an active license.

254 (c) At least one member of the limited liability company is
255 a certified public accountant and holds an active license in
256 this state or, in the case of a firm that must have a license
257 pursuant to s. 473.3101(1)(a)2., at least one member is a
258 certified public accountant in some state and meets the
259 requirements of s. 473.3141(1)(a) or (b).

260 (d) All members who are not certified public accountants in
261 any state are engaged in the business of the company as their
262 principal occupation.

263 (e) It is in compliance with rules adopted by the board
264 pertaining to minimum capitalization, letters of credit, and
265 adequate public liability insurance.

266 (f) It is currently licensed as required by s. 473.3101.

267 (4) A partnership, corporation, limited liability company,
268 or any other firm ~~business entity~~ is engaged in the practice of
269 public accounting if its employees are engaged in the practice
270 of public accounting. Notwithstanding any other provision of
271 law, a licensed audit firm may own all or part of another
272 licensed audit firm.



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273 Section 9. Section 473.3101, Florida Statutes, is amended
274 to read:

275 473.3101 Licensure of sole proprietors, partnerships,
276 corporations, limited liability companies, and other legal
277 entities.-

278 (1) Each sole proprietor, partnership, corporation, limited
279 liability company, or any other firm ~~legal entity~~ seeking to
280 engage in the practice of public accounting, as defined in s.
281 473.302(7)(a), in this state must file an application for
282 licensure with the department and supply the information the
283 board requires. An application must be made upon the affidavit
284 of a sole proprietor, general partner, shareholder, or member
285 who is a certified public accountant.

286 (a) The following must hold a license issued under this
287 section:

288 1. Any firm with an office in this state which uses the
289 title "CPA," "CPA firm," or any other title, designation, words,
290 letters, abbreviations, or device tending to indicate that the
291 firm practices public accounting.

292 2. Any firm that does not have an office in this state but
293 performs the services described in s. 473.3141(4) for a client
294 having its home office in this state. The board shall define by
295 rule what constitutes an office.

296 (b) A firm that is not subject to the requirements of
297 subparagraph (a)2. may perform other professional services while
298 using the title "CPA," "CPA firm," or any other title,
299 designation, words, letters, abbreviations, or device tending to
300 indicate that the firm practices public accounting in this state
301 without a license issued under this section only if:



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302 1. It performs such services through an individual with
303 practice privileges granted under s. 473.3141; and

304 2. It can lawfully do so in the state where the individual
305 with practice privileges has his or her principal place of
306 business.

307 (2) The board shall determine whether the sole proprietor,
308 partnership, corporation, limited liability company, or any
309 other firm ~~legal entity~~ meets the requirements for practice and,
310 pending that determination, may certify to the department the
311 partnership, corporation, or limited liability company for
312 provisional licensure.

313 (3) Each license must be renewed every 2 years. Each sole
314 proprietor, partnership, corporation, limited liability company,
315 or any other firm ~~legal entity~~ licensed under this section must
316 notify the department within 1 month after any change in the
317 information contained in the application on which its license is
318 based.

319 Section 10. Section 473.311, Florida Statutes, is amended
320 to read:

321 473.311 Renewal of license.—

322 (1) The department shall renew a license upon receipt of
323 the renewal application and fee and upon certification by the
324 board that the Florida certified public accountant licensee has
325 satisfactorily completed the continuing education requirements
326 of s. 473.312 ~~and has passed an examination approved by the~~
327 ~~board on chapter 455 and this chapter and the related~~
328 ~~administrative rules. However, each licensee must complete the~~
329 ~~requirements of s. 473.312(1)(c) prior to taking the~~
330 ~~examination.~~



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331 (2) The department shall adopt rules establishing a
332 procedure for the biennial renewal of licenses.

333 Section 11. Section 473.312, Florida Statutes, is amended
334 to read:

335 473.312 Continuing education.—

336 (1) (a) As part of the license renewal procedure, the board
337 shall by rule require Florida certified public accountants
338 ~~licensees~~ to submit proof satisfactory to the board that during
339 the 2 years prior to application for renewal, they have
340 successfully completed not less than 48 or more than 80 hours of
341 continuing professional education programs in public accounting
342 subjects approved by the board. The board may prescribe by rule
343 additional continuing professional education hours, not to
344 exceed 25 percent of the total hours required, for failure to
345 complete the hours required for renewal by the end of the
346 reestablishment period.

347 (b) Not less than 25 percent of the total hours required by
348 the board shall be in accounting-related and auditing-related
349 subjects, as distinguished from federal and local taxation
350 matters and management services.

351 (c) Not less than 5 percent of the total hours required by
352 the board shall be in ethics applicable to the practice of
353 public accounting. This requirement shall be administered by
354 providers approved by the board and shall include a review of
355 the provisions of chapter 455 and this chapter and the related
356 administrative rules.

357 (2) Programs of continuing professional education approved
358 by the board shall be formal programs of learning which
359 contribute directly to the professional competency of an



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360 individual following licensure to practice public accounting and
361 may be any of the following:

362 (a) Professional development programs of the American
363 Institute of Certified Public Accountants, state societies of
364 certified public accountants, or other organizations.

365 (b) Technical sessions at meetings of the American
366 Institute of Certified Public Accountants, state societies,
367 chapters, or other organizations.

368 (c) University and college courses.

369 (d) Formal organized in-firm education programs.

370 (3) The board shall adopt rules establishing the continuing
371 education requirements for Florida certified public accountants
372 ~~licensees~~ who are engaged in the audit of a governmental entity.
373 The board shall approve subjects directly related to the
374 governmental environment and to governmental auditing for
375 purposes of satisfying the requirement of this subsection.

376 (4) For the purposes of maintaining proper continuing
377 education requirements for renewal of licensure under this
378 chapter, the board may appoint a Continuing Professional
379 Education Advisory Committee, which shall be composed of one
380 member of the board, one academician on the faculty of a
381 university in this state, and six certified public accountants.

382 Section 12. Section 473.313, Florida Statutes, is amended
383 to read:

384 473.313 Inactive status.—

385 (1) A Florida certified public accountant ~~licensee~~ may
386 request that her or his license be placed in an inactive status
387 by making application to the department. The board may prescribe
388 by rule fees for placing a license on inactive status, renewal



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389 of inactive status, and reactivation of an inactive license.

390 (2) A license that has become inactive may be reactivated
391 under s. 473.311 upon application to the department. The board
392 may prescribe by rule continuing education requirements as a
393 condition of reactivating a license. The minimum continuing
394 education requirements for reactivating a license shall be those
395 prescribed by board rule and those of the most recent biennium
396 plus one-half of the requirements in s. 473.312 ~~for each year or~~
397 ~~part thereof during which the license was inactive.~~

398 Notwithstanding any other provision of this section, the
399 continuing education requirements are 120 hours, including at
400 least 30 hours in accounting-related and auditing-related
401 subjects, ~~and~~ not more than 30 hours in behavioral subjects, and
402 a minimum of 8 hours in ethics subjects approved by the board,
403 for the reactivation of a license that is inactive on June 30,
404 2009 ~~1998~~, if the Florida certified public accountant licensee
405 notifies the Board of Accountancy by December 31, 2009 ~~1998~~, of
406 an intention to reactivate such a license and completes such
407 reactivation by June 30, 2011 ~~2000~~.

408 (3) Any Florida certified public accountant licensee
409 holding an inactive license may be permitted to reactivate such
410 license in a conditional manner. The conditions of reactivation
411 shall require, in addition to the payment of fees, ~~the passing~~
412 ~~of the examination approved by the board concerning chapter 455~~
413 ~~and this chapter, and the related administrative rules, and the~~
414 completion of required continuing education.

415 (4) Notwithstanding the provisions of s. 455.271, the board
416 may, at its discretion, reinstate the license of an individual
417 whose license has become null and void if the individual has



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418 made a good faith effort to comply with this section but has
419 failed to comply because of illness or unusual hardship. The
420 individual shall apply to the board for reinstatement in a
421 manner prescribed by rules of the board and shall pay an
422 application fee in an amount determined by rule of the board.
423 The board shall require that the ~~such an~~ individual meet all
424 continuing education requirements as provided in subsection (2)
425 ~~s. 473.312~~, pay appropriate licensing fees, and otherwise be
426 eligible for renewal of licensure under this chapter.

427 Section 13. Section 473.314, Florida Statutes, is amended
428 to read:

429 473.314 Temporary license.—

430 (1) The board shall adopt rules providing for the issuance
431 of temporary licenses to certified public accountants or firms
432 of other states who do not meet the requirements of s. 473.3141,
433 for the purpose of enabling them or their employees to perform
434 specific engagements involving the practice of public
435 accountancy in this state. No temporary license shall be valid
436 for more than 90 days after its issuance, and no license shall
437 cover more than one engagement. After the expiration of 90 days,
438 a new license shall be required.

439 (2) Each application for a temporary license shall state
440 the names of all persons who are to enter this state and shall
441 be accompanied by a fee in an amount established by the board
442 not to exceed \$400.

443 (3) A temporary license shall not be required of certified
444 public accountants or firms ~~a person~~ entering this state solely
445 for the purpose of preparing federal tax returns or advising as
446 to federal tax matters if they do not use the title "CPA," "CPA



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447 firm," or any other title, designation, words, letters,
448 abbreviations, or device tending to indicate that the certified
449 public accountants or firms are authorized to practice public
450 accounting. To use such terms in this state, certified public
451 accountants or firms from other states must comply with the
452 provisions of this section or section 473.3141.

453 (4) Upon certification of the applicant by the board, the
454 department shall issue a temporary license to the applicant.

455 (5) The application for a temporary license shall
456 constitute the appointment of the Department of State as an
457 agent of the applicant for service of process in any action or
458 proceeding against the applicant arising out of any transaction
459 or operation connected with, or incidental to, the practice of
460 public accounting for which the temporary license was issued.

461 Section 14. Section 473.3141, Florida Statutes, is created
462 to read:

463 473.3141 Certified public accountants licensed in other
464 states.-

465 (1) Except as otherwise provided in this chapter, an
466 individual who does not have an office in this state has the
467 privileges of Florida certified public accountants and may
468 provide public accounting services in this state without
469 obtaining a license under this chapter or notifying or
470 registering with the board or paying a fee if the individual:

471 (a) Holds a valid license as a certified public accountant
472 from a state that the board or its designee has determined by
473 rule to have adopted standards that are substantially equivalent
474 to the certificate requirements in s. 5 of the Uniform
475 Accountancy Act in the issuance of licenses; or



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476 (b) Holds a valid license as a certified public accountant
477 from a state that has not been approved by the board as having
478 adopted standards in substantial equivalence with s. 5 of the
479 Uniform Accountancy Act, but obtains verification from the
480 board, or its designee, as determined by rule, that the
481 individual's certified public accountant qualifications are
482 substantially equivalent to the certificate requirements in s. 5
483 of the Uniform Accountancy Act.

484
485 The board shall define by rule what constitutes an office.

486 (2) Except as otherwise provided in this chapter, an
487 individual who qualifies to practice under this section may
488 offer or provide services in this state in person, by mail, by
489 telephone, or by electronic means, and a notice, fee, or other
490 submission is not required.

491 (3) An individual certified public accountant from another
492 state who practices pursuant to this section, and the firm that
493 employs that individual, shall both consent, as a condition of
494 the privilege of practicing in this state:

495 (a) To the personal and subject matter jurisdiction and
496 disciplinary authority of the board;

497 (b) To comply with this chapter and the applicable board
498 rules;

499 (c) That if the license as a certified public accountant
500 from the state of the individual's principal place of business
501 is no longer valid, the individual will cease offering or
502 rendering public accounting services in this state, individually
503 and on behalf of a firm; and

504 (d) To the appointment of the state board that issued the



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505 individual's license as the agent upon whom process may be
506 served in any action or proceeding by the board or department
507 against the individual or firm.

508 (4) An individual who qualifies to practice under this
509 section may perform the services identified in s. 473.302(7)(a)
510 only through a firm that has obtained a license issued under s.
511 473.3101 or is authorized by s. 473.3101 to provide such
512 services.

513 (5) Disciplinary action against an individual or firm that
514 practices pursuant to this section is not valid unless, prior to
515 the entry of a final order, the agency has served, by personal
516 service pursuant to this chapter or chapter 48 or by certified
517 mail, an administrative complaint that provides reasonable
518 notice to the individual or firm of facts or conduct that
519 warrants the intended action and unless the individual or firm
520 has been given an adequate opportunity to request a proceeding
521 pursuant to ss. 120.569 and 120.57. When personal service cannot
522 be made and the certified mail notice is returned undelivered,
523 the agency shall have a short, plain notice to the individual or
524 firm with practice privileges published once a week for 4
525 consecutive weeks in a newspaper published in Leon County,
526 Florida. The newspaper shall meet the requirements prescribed by
527 law for such purposes.

528 Section 15. Subsection (1) of section 473.316, Florida
529 Statutes, is amended to read:

530 473.316 Communications between the accountant and client
531 privileged.—

532 (1) For purposes of this section:

533 (a) An "accountant" is a certified public accountant.



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534 (b) A "client" is any person, public officer, corporation,
535 association, or other organization or entity, either public or
536 private, who consults an accountant with the purpose of
537 obtaining accounting services.

538 (c) A communication between an accountant and her or his
539 client is "confidential" if it is not intended to be disclosed
540 to third persons other than:

541 1. Those to whom disclosure is in furtherance of the
542 rendition of accounting services to the client.

543 2. Those reasonably necessary for the transmission of the
544 communication.

545 (d) A "quality review" is a study, appraisal, or review of
546 one or more aspects of the professional work of an accountant a
547 licensee in the practice of public accountancy which is
548 conducted by a professional organization for the purpose of
549 evaluating quality assurance required by professional standards,
550 including a quality assurance or peer review.

551 (e) A "review committee" is any person or persons who are
552 not owners or employees of an accountant or firm a
553 licensee that is the subject of a quality review and who carry out,
554 administer, or oversee a quality review.

555 Section 16. Section 473.318, Florida Statutes, is amended
556 to read:

557 473.318 Ownership of working papers.—All statements,
558 records, schedules, working papers, and memoranda made by a
559 certified public accountant or firm licensee or her or his
560 employee incident to, or in the course of, professional services
561 to a client, except the reports submitted by the certified
562 public accountant or firm licensee to the client and except for



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563 records which are part of the client's records, shall be and
564 remain the property of the certified public accountant or firm
565 licensee in the absence of an express agreement between the
566 certified public accountant or firm licensee and the client to
567 the contrary.

568 Section 17. Section 473.319, Florida Statutes, is amended
569 to read:

570 473.319 Contingent fees.—Public accounting services as
571 defined in s. 473.302(7)(a) and (c), and those that include tax
572 filings with federal, state, or local government, shall not be
573 offered or rendered for a fee contingent upon the findings or
574 results of such service. This section does not apply to services
575 involving federal, state, or other taxes in which the findings
576 are those of the tax authorities and not those of the certified
577 public accountant or firm licensee. Fees to be fixed by courts
578 or other public authorities, which are of an indeterminate
579 amount at the time a public accounting service is undertaken,
580 shall not be regarded as contingent fees for purposes of this
581 section.

582 Section 18. Section 473.319, Florida Statutes, is amended
583 to read:

584 473.319 Contingent fees.—Public accounting services as
585 defined in s. 473.302(7)(a) and (c), and those that include tax
586 filings with federal, state, or local government, shall not be
587 offered or rendered for a fee contingent upon the findings or
588 results of such service. This section does not apply to services
589 involving federal, state, or other taxes in which the findings
590 are those of the tax authorities and not those of the certified
591 public accountant or firm licensee. Fees to be fixed by courts



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592 or other public authorities, which are of an indeterminate
593 amount at the time a public accounting service is undertaken,
594 shall not be regarded as contingent fees for purposes of this
595 section.

596 Section 19. Section 473.3205, Florida Statutes, is amended
597 to read:

598 473.3205 Commissions or referral fees.—A certified public
599 accountant or firm licensee may not accept or pay a commission
600 or referral fee in connection with the sale or referral of
601 public accounting services as defined in s. 473.302(7)(a) and
602 (c). Any certified public accountant or firm ~~business entity~~
603 that is engaged in the practice of public accounting and that
604 accepts a commission for the sale of a product or service to a
605 client must disclose that fact to the client in writing in
606 accordance with rules adopted by the board. However, this
607 section shall not prohibit:

- 608 (1) Payments for the purchase of an accounting practice;
609 (2) Retirement payments to individuals formerly engaged in
610 the practice of public accounting or payments to their heirs or
611 estates; or
612 (3) Payment of fees to a referring certified public
613 accountant or firm licensee for public accounting services to
614 ~~either~~ the successor certified public accountant or firm
615 licensee or the client in connection with an engagement.

616 Section 20. Section 473.321, Florida Statutes, is amended
617 to read:

618 473.321 Fictitious names.—

- 619 (1) A certified public accountant, partnership,
620 corporation, or limited liability company may not practice



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621 public accountancy in this state under any name that is
622 misleading or deceptive as to the legal form; as to persons who
623 are partners, officers, shareholders, or members of the firm; or
624 as to any other matter. However, a firm name may include the
625 names of retired or deceased persons who were active partners,
626 shareholders, or members of the firm.

627 (2) This section does not prohibit any certified public
628 accountant or firm licensee from practicing public accounting
629 under a fictitious name that is not misleading or deceptive as
630 to the persons who are partners, officers, shareholders, or
631 members.

632 (3) The board shall adopt rules for interpretation of this
633 section.

634 Section 21. Section 473.322, Florida Statutes, is amended
635 to read:

636 473.322 Prohibitions; penalties.—

637 (1) A person may not knowingly:

638 (a) Practice public accounting unless the person is a
639 certified public accountant or a public accountant;

640 (b) Assume or use the titles or designations "certified
641 public accountant" or "public accountant" or the abbreviation
642 "C.P.A." or any other title, designation, words, letters,
643 abbreviations, sign, card, or device tending to indicate that
644 the person holds a license to practice public accounting under
645 this chapter or the laws of any other state, territory, or
646 foreign jurisdiction, unless the person holds an active license
647 under this chapter or has the practice privileges pursuant to s.
648 473.3141;

649 (c) Perform or offer to perform any services described in



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650 s. 473.302(7) (a) unless such person holds an active license
651 under this chapter and is a licensed audit firm, ~~or~~ provides
652 such services through a licensed audit firm, or complies with
653 ss. 473.3141 and 473.3101. This paragraph does not prohibit the
654 performance by persons other than certified public accountants
655 of other services involving the use of accounting skills,
656 including the preparation of tax returns and the preparation of
657 financial statements without expression of opinion thereon;

658 (d) Present as her or his own the license of another;

659 (e) Give false or forged evidence to the board or a member
660 thereof;

661 (f) Use or attempt to use a public accounting license that
662 has been suspended, revoked, or placed on inactive or delinquent
663 status;

664 (g) Employ unlicensed persons to practice public
665 accounting; or

666 (h) Conceal information relative to violations of this
667 chapter.

668 (2) Any person who violates any provision of this section
669 commits a misdemeanor of the first degree, punishable as
670 provided in s. 775.082 or s. 775.083.

671 Section 22. Section 473.323, Florida Statutes, is amended
672 to read:

673 473.323 Disciplinary proceedings.—

674 (1) The following acts constitute grounds for which the
675 disciplinary actions in subsection (3) may be taken:

676 (a) Violation of any provision of s. 455.227(1) or any
677 other provision of this chapter.

678 (b) Attempting to procure a license to practice public



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679 accounting by bribery or fraudulent misrepresentations.

680 (c) Having a license to practice public accounting revoked,
681 suspended, or otherwise acted against, including the denial of
682 licensure, by the licensing authority of another state,
683 territory, or country.

684 (d) Being convicted or found guilty of, or entering a plea
685 of nolo contendere to, regardless of adjudication, a crime in
686 any jurisdiction which directly relates to the practice of
687 public accounting or the ability to practice public accounting.

688 (e) Making or filing a report or record that the certified
689 public accountant or firm licensee knows to be false, willfully
690 failing to file a report or record required by state or federal
691 law, willfully impeding or obstructing such filing, or inducing
692 another person to impede or obstruct such filing. Such reports
693 or records include only those that are signed in the capacity of
694 a certified public accountant.

695 (f) Advertising goods or services in a manner that is
696 fraudulent, false, deceptive, or misleading in form or content.

697 (g) Committing an act of fraud or deceit, or of negligence,
698 incompetency, or misconduct, in the practice of public
699 accounting.

700 (h) Violation of any rule adopted pursuant to this chapter
701 or chapter 455.

702 (i) Practicing on a revoked, suspended, inactive, or
703 delinquent license.

704 (j) Suspension or revocation of the right to practice
705 before any state or federal agency.

706 (k) Performance of any fraudulent act in any jurisdiction
707 while holding a license to practice public accounting in this



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708 state or using practice privileges in this state.

709 (1) Failing to maintain a good moral character as provided
710 in s. 473.308 while applying for licensure, or while licensed in
711 this state or using practice privileges pursuant to s. 473.3141.

712 (m) Failing to provide any written disclosure to a client
713 or the public which is required by this chapter or rule of the
714 board.

715 (n) Having the same or equivalent practice privileges of a
716 Florida certified public accountant or firm revoked, suspended,
717 or otherwise acted against by the licensing authority of another
718 state, territory, or country as a result of activity in that
719 jurisdiction which would have subjected the Florida certified
720 public accountant or firm to discipline in this state.

721 (2) The board shall specify, by rule, what acts or
722 omissions constitute a violation of subsection (1).

723 (3) When the board finds any certified public accountant or
724 firm licensee guilty of any of the grounds set forth in
725 subsection (1), it may enter an order imposing one or more of
726 the following penalties:

727 (a) Denial of an application for licensure.

728 (b) Revocation or suspension of the certified public
729 accountant or firm's a license or practice privileges in this
730 state.

731 (c) Imposition of an administrative fine not to exceed
732 \$5,000 for each count or separate offense.

733 (d) Issuance of a reprimand.

734 (e) Placement of the certified public accountant licensee
735 on probation for a period of time and subject to such conditions
736 as the board may specify, including requiring the certified



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737 public accountant licensee to attend continuing education
738 courses or to work under the supervision of another licensee.

739 (f) Restriction of the authorized scope of practice by the
740 certified public accountant.

741 (4) The department shall reissue the license of a
742 disciplined licensee upon certification by the board that the
743 disciplined licensee has complied with all of the terms and
744 conditions set forth in the final order.

745 Section 23. This act shall take effect July 1, 2009.

746

747 ===== T I T L E A M E N D M E N T =====

748 And the title is amended as follows:

749 Delete everything before the enacting clause
750 and insert:

751 A bill to be entitled
752 An act relating to public accountancy; amending s.
753 455.217, F.S.; providing that persons regulated as
754 public accountants by the Department of Business and
755 Professional Regulation under ch. 473, F.S., are
756 exempt from certain requirement; amending s. 455.271,
757 F.S.; providing that certain licensees are not subject
758 to specified continuing education requirements for
759 reactivation of a license; amending s. 473.302, F.S.;
760 revising definitions; amending s. 473.303, F.S.;
761 specifying that members of the Board of Accountancy
762 and probable cause panels who hold licenses must be
763 licensed in this state; providing that past board
764 members of probable cause panels may be reappointed
765 for additional terms; amending s. 473.304, F.S.;



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766 conforming provisions; amending s. 473.305, F.S.;
767 deleting provisions requiring a late filing fee;
768 amending s. 473.308, F.S.; revising educational
769 requirements for applicants for licensure; providing
770 an exception to a work experience requirement for
771 certain persons; amending s. 473.309, F.S.; conforming
772 provisions related to licensure requirements for firms
773 licensed in other states; amending s. 473.3101, F.S.;
774 requiring that certain firms hold a license; providing
775 licensure exemptions for certain firms licensed in
776 other states; amending s. 473.311, F.S.; deleting an
777 examination requirement for licensure renewal;
778 amending s. 473.312, F.S.; conforming provisions;
779 amending s. 473.313, F.S.; deleting a minimum
780 continuing education requirement for reactivating an
781 inactive license; requiring certain continuing
782 education hours in ethics in order to reactivate
783 certain licenses; conforming provisions; amending s.
784 473.314, F.S.; providing temporary licensure
785 exemptions for certain persons licensed in other
786 states; creating s. 473.3141, F.S.; providing
787 licensure exemptions for certain persons licensed in
788 other states; providing that disciplinary action
789 against certain individual or firm that practices
790 public accounting is valid only under specified
791 conditions; amending ss. 473.316, 473.318, 473.319,
792 473.3205, 473.321, and 473.322, F.S.; conforming
793 provisions; amending s. 473.323, F.S.; conforming
794 provisions relating to disciplinary actions; providing



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795 grounds for disciplinary actions against certain
796 persons licensed in other states; providing an
797 effective date.