

ENROLLED

HB 303

2016 Legislature

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2 An act relating to unlicensed activity fees; amending
3 s. 455.2281, F.S.; prohibiting the Department of
4 Business and Professional Regulation from imposing a
5 specified fee in certain circumstances; providing for
6 applicability of the waiver; providing an effective
7 date.

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

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11 Section 1. Section 455.2281, Florida Statutes, is amended
12 to read:

13 455.2281 Unlicensed activities; fees; disposition.— In
14 order to protect the public and to ensure a consumer-oriented
15 department, it is the intent of the Legislature that vigorous
16 enforcement of regulation for all professional activities is a
17 state priority. All enforcement costs should be covered by
18 professions regulated by the department. Therefore, the
19 department shall impose, upon initial licensure and each
20 subsequent renewal thereof, a special fee of \$5 per licensee, ~~—~~
21 ~~Such fee shall be~~ in addition to all other fees imposed,
22 ~~collected from each licensee to and shall~~ fund efforts to combat
23 unlicensed activity. However, the department may not impose this
24 special fee on a license renewal for any profession whose
25 unlicensed activity account balance, at the beginning of the
26 fiscal year before the renewal, totals more than twice the total

CODING: Words **stricken** are deletions; words **underlined** are additions.

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27 of the expenditures for unlicensed activity enforcement efforts
 28 in the preceding 2 fiscal years. This waiver applies to all
 29 licensees within the profession, and assessment of the special
 30 fee may not begin or resume until the renewal cycle subject to
 31 the waiver has ended for all of the licensees in that
 32 profession. This waiver does not apply to a profession that has
 33 a deficit in its operating account or that is projected to have
 34 such a deficit in the next 5 fiscal years. Any profession
 35 regulated by the department which offers services that are not
 36 subject to regulation when provided by an unlicensed person may
 37 use funds in its unlicensed activity account to inform the
 38 public of such situation. The board with concurrence of the
 39 department, or the department when there is no board, may
 40 earmark \$5 of the current licensure fee for this purpose, if
 41 such board, or profession regulated by the department, is not in
 42 a deficit and has a reasonable cash balance. A board or
 43 profession regulated by the department may authorize the
 44 transfer of funds from the operating fund account to the
 45 unlicensed activity account of that profession if the operating
 46 fund account is not in a deficit and has a reasonable cash
 47 balance. The department shall make direct charges to this fund
 48 by profession and may ~~shall~~ not allocate indirect overhead. The
 49 department shall seek board advice regarding enforcement methods
 50 and strategies prior to expenditure of funds; however, the
 51 department may, without board advice, allocate funds to cover
 52 the costs of continuing education compliance monitoring under s.

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53 455.2177. The department shall directly credit, by profession,
54 revenues received from the department's efforts to enforce
55 licensure provisions. The department shall include all financial
56 and statistical data resulting from unlicensed activity
57 enforcement and from continuing education compliance monitoring
58 as separate categories in the quarterly management report
59 provided for in s. 455.219. The department may ~~shall~~ not charge
60 the account of any profession for the costs incurred on behalf
61 of any other profession. With the concurrence of the applicable
62 board and the department, any balance that remains in ~~For an~~
63 ~~unlicensed activity account, a balance which remains~~ at the end
64 of a renewal cycle ~~may, with concurrence of the applicable board~~
65 ~~and the department,~~ be transferred to the operating fund account
66 of that profession.

67 Section 2. This act shall take effect July 1, 2016.