

By the Committee on Banking and Insurance; and Senator Gruters

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1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.302, F.S.; revising a definition; amending s.
4 473.312, F.S.; revising the percentage of total hours
5 of accounting-related and auditing-related continuing
6 education required by the Board of Accountancy for
7 license renewal; amending s. 473.313, F.S.; updating
8 provisions relating to license reactivation; amending
9 s. 473.322, F.S.; prohibiting a person from performing
10 or offering to perform certain services without a
11 license; revising criminal penalties; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (8) of section 473.302, Florida
17 Statutes, is amended to read:

18 473.302 Definitions.—As used in this chapter, the term:

19 (8) "Practice of," "practicing public accountancy," or
20 "public accounting" means:

21 (a) Offering to perform or performing for the public one or
22 more types of services involving the expression of an opinion on
23 financial statements, the attestation as an expert in
24 accountancy to the reliability or fairness of presentation of
25 financial information, the utilization of any form of opinion or
26 financial statements that provide a level of assurance, the
27 utilization of any form of disclaimer of opinion which conveys
28 an assurance of reliability as to matters not specifically
29 disclaimed, or the expression of an opinion on the reliability

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30 of an assertion by one party for the use by a third party;

31 (b) Offering to perform or performing for the public one or
32 more types of services involving the use of accounting skills,
33 or one or more types of tax, management advisory, or consulting
34 services, by any person who is a certified public accountant who
35 holds an active license, issued pursuant to this chapter, or who
36 is authorized to practice public accounting pursuant to the
37 practice privileges granted in s. 473.3141, including the
38 performance of such services by a certified public accountant in
39 the employ of a person or firm; ~~or~~

40 (c) Offering to perform or performing for the public one or
41 more types of service involving the preparation of financial
42 statements not included within paragraph (a), by a certified
43 public accountant who holds an active license, issued pursuant
44 to this chapter, or who is authorized to practice public
45 accounting pursuant to the practice privileges granted in s.
46 473.3141; by a firm of certified public accountants; or by a
47 firm in which a certified public accountant has an ownership
48 interest, including the performance of such services in the
49 employ of another person. The board shall adopt rules
50 establishing standards of practice for such reports and
51 financial statements; provided, however, that nothing in this
52 paragraph shall be construed to permit the board to adopt rules
53 that have the result of prohibiting Florida certified public
54 accountants employed by unlicensed firms from preparing
55 financial statements as authorized by this paragraph; or

56 (d) Offering to perform or performing for the public one or more
57 types of services involving any attestation engagements in
58 accordance with the Statements on Standards for Attestation

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59 Engagements promulgated by the American Institute of Certified
60 Public Accountants.

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62 However, these terms shall not include services provided by the
63 American Institute of Certified Public Accountants or the
64 Florida Institute of Certified Public Accountants, or any full
65 service association of certified public accounting firms whose
66 plans of administration have been approved by the board, to
67 their members or services performed by these entities in
68 reviewing the services provided to the public by members of
69 these entities.

70 Section 2. Paragraph (b) of subsection (1) of section
71 473.312, Florida Statutes, is amended to read:

72 473.312 Continuing education.—

73 (1)

74 (b) Not less than 10 ~~25~~ percent of the total hours required
75 by the board shall be in accounting-related and auditing-related
76 subjects, as distinguished from federal and local taxation
77 matters and management services.

78 Section 3. Subsection (2) of section 473.313, Florida
79 Statutes, is amended to read:

80 473.313 Inactive status.—

81 (2) A license that has become inactive under subsection (1)
82 or for failure to complete the requirements in s. 473.312 may be
83 reactivated under s. 473.311 upon application to the department.
84 The board may prescribe by rule continuing education
85 requirements as a condition of reactivating a license. The
86 maximum ~~minimum~~ continuing education requirements for
87 reactivating a license are ~~those prescribed by board rule and~~

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88 ~~those of the most recent biennium plus one-half of the~~
89 ~~requirements in s. 473.312. Notwithstanding any other provision~~
90 ~~of this section, the continuing education requirements are 120~~
91 ~~hours, including at least 30 hours in accounting-related and~~
92 ~~auditing-related subjects, not more than 30 hours in behavioral~~
93 ~~subjects, and a minimum of 8 hours in ethics subjects approved~~
94 ~~by the board, for the reactivation of a license that is inactive~~
95 ~~or delinquent on June 30, 2014, if the Florida certified public~~
96 ~~accountant notifies the Board of Accountancy by December 31,~~
97 ~~2014, of an intention to reactivate such a license and completes~~
98 ~~such reactivation by June 30, 2016.~~

99 Section 4. Paragraph (c) of subsection (1) of section
100 473.322, Florida Statutes, is amended, and subsection (2) of
101 that section is republished, to read:

102 473.322 Prohibitions; penalties.—

103 (1) A person may not knowingly:

104 (c) Perform or offer to perform any services described in
105 s. 473.302(8) (a) or (d) unless such person holds an active
106 license under this chapter and is a licensed firm, provides such
107 services through a licensed firm, or complies with ss. 473.3101
108 and 473.3141. This paragraph does not prohibit the performance
109 by persons other than certified public accountants of other
110 services involving the use of accounting skills, including the
111 preparation of tax returns and the preparation of financial
112 statements without expression of opinion thereon;

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

116 Section 5. This act shall take effect July 1, 2019.