

Committee Substitute for House Bill No. 405

An act relating to public accountancy; amending s. 473.308, F.S.; extending an application deadline for licensure based on certain practice experience; amending s. 473.309, F.S.; revising a practice requirement of partnerships, corporations, and limited liability companies relating to ownership; amending s. 473.322, F.S.; providing restrictions on the use of practice titles, designations, and abbreviations; providing penalties; providing an effective date.

WHEREAS, it is the intent of the Legislature to protect persons in this state who receive public accounting services from certified public accountants, and

WHEREAS, it is the further intent of the Legislature to prevent confusion in the provision of accounting services by Florida and non-Florida certified public accountants by regulating such services and service providers, and

WHEREAS, it is the further intent of the Legislature to ensure that persons receiving public accounting services in this state receive such services from persons who are licensed and regulated by this state, NOW, THEREFORE,

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

Section 1. Subsection (4) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(4) If application for licensure is made prior to October 1, 2005 ~~August 1, 2000~~, and the applicant has 5 years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States, the board shall waive the requirements of s. 473.306(2)(b)2. that are in excess of a baccalaureate degree. All experience that is used as a basis for waiving said requirements of s. 473.306(2)(b)2. must be experience outside this state. Furthermore, said experience must be after licensure as a certified public accountant by another state or territory of the United States or after licensure in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States. The board shall have the authority to establish the standards for experience that meet this requirement.

Section 2. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (3) of section 473.309, Florida Statutes, are amended to read:

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

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

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

(2) A corporation may not engage in the practice of public accounting, as defined in s. 473.302(7)(a), unless:

(b) Shareholders of the corporation owning at least 51 percent ~~two-thirds~~ of the financial interest and voting rights of the corporation are certified public accountants in some state and are principally engaged in the business of the corporation. However, each shareholder who is a certified public accountant in another state and is domiciled in this state must be a certified public accountant of this state and hold an active license.

(3) A limited liability company may not engage in the practice of public accounting, as defined in s. 473.302(7)(a), unless:

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

Section 3. Section 473.322, Florida Statutes, is amended to read:

473.322 Prohibitions; penalties.—

(1) A person may not knowingly:

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

(b) Assume or use the titles or designations “certified public accountant” or “public accountant” or the abbreviation “C.P.A.” or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that the person holds a license to practice public accounting ~~an active license~~ under this chapter or the laws of any other state, territory, or foreign jurisdiction, unless the person holds an active license under this chapter;

(c) Perform or offer to perform any services described in s. 473.302(7)(a) unless such person holds an active license under this chapter and is a licensed audit firm or provides such services through a licensed audit firm. This paragraph does not prohibit the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

- (d) Present as her or his own the license of another;
 - (e) Give false or forged evidence to the board or a member thereof;
 - (f) Use or attempt to use a public accounting license that has been suspended, revoked, or placed on inactive or delinquent status;
 - (g) Employ unlicensed persons to practice public accounting; or
 - (h) Conceal information relative to violations of this chapter.
- (2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. This act shall take effect July 1, 2000.

Approved by the Governor April 11, 2000.

Filed in Office Secretary of State April 11, 2000.