

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 958
 SPONSOR: Senator Sullivan
 SUBJECT: Professions regulated by DBPR
 DATE: April 5, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Hendon</u>	<u>Martin</u>	<u>AGG</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Under current law, professionals regulated by the Department of Business and Professional Regulation pay a special fee of \$5 per license. These funds are used to combat unlicensed activity. This bill expands the use of such moneys to inform the public that some services do not require a license and can be provided by both the licensed professional as well as unlicensed persons. A board or a profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account for that profession if the operating fund account is not in a deficit and has a reasonable cash balance.

The bill substantially amends section 455.2281 of the Florida Statutes.

II. Present Situation:

Section 455.2281, F.S., provides that the Department of Business and Professional Regulation (the department) is to impose on each professional license a special fee of \$5 per license to fund efforts to combat unlicensed activity. A regulatory board, with the concurrence of the department, or the department when there is no board, may designate \$5 of the licensure fee for this purpose if the account for that board, or that profession if regulated by the department, is not in a deficit and has a reasonable cash balance.

According to the department, the Board of Certified Public Accountancy currently allocates \$5 of the license fee to combat unlicensed activity. The funds are placed in an unlicensed activity account and the department must seek board advice prior to spending the funds.

For some professions, only some of the business activities engaged in by those professionals are regulated activities. For example, accounting and bookkeeping services can be provided outside the scope of regulated activities of public accountancy as defined in s. 473.302(7), F.S.

III. Effect of Proposed Changes:

The bill expands the use of the special fee for unlicensed activities to inform the public that some services do not require a license and can be provided by the licensed professional as well as unlicensed persons. A board or a profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account for that profession if the operating fund account is not in a deficit and has a reasonable cash balance.

The bill takes effect July 1, 2001.

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:

Indeterminate. The information provided to the public may shift some business from unlicensed professionals to those licensed by the department.

C. Government Sector Impact:

The bill expands the use of the special license fee for unlicensed activities. This may mean fewer resources are available for combating unlicensed activities. The current Senate budget contains a total of \$1,180,050 in the Professions Program for combating unlicensed activity.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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