



DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

Jeb Bush, *Governor*

Kim Binkley-Seyer, *Secretary*

February 9, 2001

Mr. Kenneth J. Mueller
Center IV South
6453 South Orange Avenue, Suite 4
Orlando FL 32809

Dear Mr. Mueller:

At a meeting on January 29, 2001, the Board of Accountancy considered your request for an opinion relating to 473.302(7) Practice or Practicing Public Accounting.

The Board concluded that your references to 61H1-21.009 – Other Business Activities is no longer relevant since that rule has been repealed. They also determined that a CPA can provide services to clients of the CPA practice and other clients through an other business entity. However, if any of these services involve the expression of opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion on financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party then the entity would have to be licensed as a CPA firm.

If the entity is not providing any of the services listed above, the CPA could provide them in another business entity. However, the CPA must keep in mind that he is still governed by Chapter 473, F.S., and 61H1, Florida Administrative Code including, but not limited to the Commissions and Contingent Fee Rules.

Please keep in mind that this opinion is based solely on the facts set forth in your letter and is not intended to be an opinion of general applicability. Furthermore, we have not conducted an independent factual investigation to determine whether other relevant facts do or may exist. We have not determined whether any aspects of these transactions run afoul of any law or rule other than those specifically mentioned herein.

Sincerely,

DIVISION OF CERTIFIED PUBLIC ACCOUNTING

BY: _____
Martha P. Willis
Division Director

MPW/jc



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