

By Senator Saunders

25-1125-02

1                                   A bill to be entitled  
2           An act relating to the Board of Dentistry;  
3           providing authority for the board to outsource  
4           functions currently provided by the Department  
5           of Health or the Attorney General; providing  
6           guidelines and specifications regarding  
7           contracts for outsourcing; requiring a report;  
8           providing for future repeal; providing an  
9           effective date.

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

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13           Section 1. Board of Dentistry outsourcing authority.--  
14           (1) The Board of Dentistry may hire employees or  
15 contract with private entities or individuals to provide  
16 support functions currently provided to it by the Department  
17 of Health or the Office of the Attorney General, whichever the  
18 board determines can be delivered more efficiently or  
19 cost-effectively. Such support services must be under the  
20 supervision of the board and may include all board management,  
21 administrative, and legal functions, products, tasks, or  
22 services that are reasonably necessary for the board to carry  
23 out its regulatory responsibilities. The services may include  
24 those needed to plan and conduct board meetings; investigate  
25 and examine licensure and permit applicants; collect  
26 examination, licensure, and permit fees; track and enforce  
27 continuing education credits, including compliance audits;  
28 design, administer and grade licensure examinations; issue,  
29 suspend, and revoke licenses and permits; investigate  
30 complaints and prosecute disciplinary actions against  
31 licensees and permittees; audit, budget, and account for

1 revenues and expenditures that relate to outsourcing,  
2 including meeting and support services; and owning, leasing,  
3 and managing facilities and required equipment. However, the  
4 board may not contract with any private entity or individual  
5 to administer or control any aspect of the board's  
6 responsibility that undermines the board's lawfully delegated  
7 police powers.

8 (2) To the extent the board hires employees or  
9 contracts with private vendors to perform support services,  
10 the corresponding authority of the department to provide  
11 corresponding services to the board shall discontinue. Within  
12 the scope of its outsourcing authority and to the extent such  
13 authority is exercised, the board shall fulfill the same  
14 obligations and duties and have the same authority as  
15 delegated to the department and the chair of the board shall  
16 have the same authority as the Secretary of Health with  
17 respect to the issuance of emergency orders. The secretary,  
18 however, may challenge any emergency suspension order issued  
19 by the chair.

20 (3) Employees of the board are public employees for  
21 purposes of chapters 110 and 112, Florida Statutes, and  
22 subject to the provisions of section 112.061, Florida  
23 Statutes.

24 (4) Contracts between the board and private entities  
25 must be in writing and include:

26 (a) The quality and quantity of goods or services to  
27 be provided;

28 (b) The timeframe for the completion of each specified  
29 and measurable item;

30 (c) Appropriate reporting requirements of the vendor;  
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1           (d) A provision granting the board the right to  
2 inspect and audit at all reasonable times the vendor's records  
3 and accounts which pertain to the contract;

4           (e) A provision that automatically terminates the  
5 contract without recourse against the board if a function  
6 delegated to the vendor is found by a court of competent  
7 jurisdiction, or the independent judgment of the board, to  
8 interfere with the board's lawfully delegated police powers,  
9 except as to the vendor's responsibility to indemnify the  
10 board for any liability that may arise from the vendor's  
11 unlawful use of such delegated power;

12           (f) A provision that requires the vendor's continuing  
13 compliance with laws and rules of the board;

14           (g) A provision that provides for the automatic  
15 termination of the contract if the board's outsourcing  
16 authority is repealed.

17           (h) Any other provision deemed reasonable and prudent  
18 by the board and otherwise required by law.

19           (5) To the extent the board exercises its outsourcing  
20 authority, the anticipated cost of board personnel, each  
21 vendor contract, and all related financial transactions  
22 arising as a result of a vendor's performance under the  
23 contract must be included in the department's legislative  
24 budget request on behalf of the board and be presented by the  
25 department without commingling, modification, or alteration.

26           (6) Funds held for the regulation of dentists and  
27 dental hygienists in the Medical Quality Assurance Trust Fund:

28           (a) Shall be used by the board to defray all costs of  
29 obtaining support services authorized in this section;

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1           (b) May be allocated only from dentistry accounts in  
2 the trust fund upon the prior written approval of the board;  
3 and

4           (c) May not be commingled with funds held on behalf of  
5 any other profession or regulatory board.

6           (7) The board must submit a report annually, pursuant  
7 to the requirements of section 456.026, Florida Statutes, on  
8 the status of all contracts authorized in this section. The  
9 report shall include the following information:

10           (a) The name and address of the vendor;

11           (b) A summary description of the nature of services  
12 performed by the vendor;

13           (c) The effective date of each vendor's agreement with  
14 the board, its anticipated termination date or, where  
15 applicable, a statement concerning whether the agreement has a  
16 provision for automatic renewal and the length of the initial  
17 and each renewal term;

18           (d) The estimated annualized cost of services provided  
19 by the vendor;

20           (e) A statement summarizing any specialized  
21 qualifications of the vendor which pertain to the delivery of  
22 services to the board; and

23           (f) A statement estimating the potential benefit or  
24 cost expected to occur from utilizing the services of the  
25 vendor in lieu of performing the same services in-house,  
26 whether by department or board personnel.

27           (8) Any support services that are currently provided  
28 to or on direct behalf of the board by a written agreement  
29 secured by another department or agency may not be terminated  
30 prior to the normal expiration date of the agreement unless  
31 such termination can be accomplished without additional cost

1 to the state. Any agency having an outstanding contract that  
2 inures to the direct benefit of the board shall notify the  
3 board of the existence of such a contract and its applicable  
4 terms by August 1, 2002.

5 (9) This section expires July 1, 2006.

6 Section 2. This act shall take effect July 1, 2002.

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9 SENATE SUMMARY

10 Provides for the Board of Dentistry to contract with  
11 private entities to provide for outsourced functions  
12 currently provided by the Department of Health or the  
13 Attorney General. (See bill for details.)

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