



HB 0931

2003

1 A bill to be entitled

2 An act relating to dentistry; creating s. 466.005, F.S.;  
3 requiring the Board of Dentistry to employ its executive  
4 director pursuant to state personnel rules; providing for  
5 employment of all board staff by the executive director;  
6 declaring employees of the board public employees;  
7 requiring the board to employ or retain a dental  
8 compliance officer to ensure proper and timely  
9 investigation of complaints; providing for assignment to  
10 the board of investigators employed or retained by the  
11 Department of Health; authorizing negotiation as a means  
12 of obtaining examination and legal services, including  
13 private legal services; providing for separate budget  
14 authority for the board and the department and for  
15 separate budget submission requirements; requiring the  
16 department and the board to submit independent annual  
17 reports for a specified period to the Governor and  
18 Legislature on the effectiveness and efficiency of these  
19 provisions; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 466.005, Florida Statutes, is created  
24 to read:

25 466.005 Board of Dentistry; executive director; staff;  
26 dental compliance officer; support services; budget submission  
27 and authority; annual reports.--

28 (1)(a) The Board of Dentistry shall employ its executive  
29 director pursuant to the rules of the state personnel system,  
30 including a background check by the Department of Law



HB 0931

2003

31 Enforcement. The committee of the board conducting the interview  
32 of applicants for executive director of the board shall include  
33 the Secretary of Health, or his or her designee, provided that  
34 such designee is not the executive director of the board or  
35 other board staff. The executive director shall be exclusively  
36 employed by the board and no other board. The executive director  
37 shall report directly to the board.

38 (b) The executive director shall be responsible for  
39 employing all other staff members pursuant to state personnel  
40 rules. Employees of the board are public employees for purposes  
41 of chapters 110 and 112 and subject to the provisions of s.  
42 112.061.

43 (2)(a) A dental compliance officer shall be employed or  
44 retained by the board to provide dental expertise and advice to  
45 the executive director, lead investigators, intake specialists,  
46 and the board regarding dental health regulation issues to  
47 ensure that probable cause complaints are properly investigated  
48 and brought before the probable cause panel in a timely and  
49 efficacious manner.

50 (b) The dental compliance officer shall be responsible for  
51 determining legal sufficiency of all dental complaints received  
52 by the department. Pursuant to s. 456.073(2), such determination  
53 shall be made by the dental compliance officer within 5 working  
54 days after receipt of the complaint.

55 (3) Within each department district, an investigator  
56 employed or retained by the department shall be assigned to the  
57 board.

58 (4) Notwithstanding any other provision of law, the board  
59 shall obtain services of legal counsel and prosecutors in  
60 disciplinary cases by contracting with the department or the



HB 0931

2003

61 Department of Legal Affairs or by retaining private counsel  
62 pursuant to s. 287.057(3), provided that the board's retention  
63 of private legal services, when applicable, shall be preceded by  
64 a finding of the board that the types of services required are  
65 of a highly specialized or unique nature not available through  
66 the department or the Department of Legal Affairs. Private  
67 counsel may be retained for prosecuting multiple disciplinary  
68 cases to conclusion. In instances in which the board retains  
69 private legal services, the chair of the board shall act as  
70 agency head. No attorney shall prosecute a disciplinary case and  
71 provide legal guidance to the board with respect to the same  
72 disciplinary case.

73 (5) Notwithstanding any other provision of law, the board  
74 shall, at its discretion, obtain examination services by  
75 contracting with the department or by retaining private services  
76 pursuant to s. 287.057(3).

77 (6)(a)1. In conjunction with each budgetary cycle, the  
78 board shall submit a proposed budget to the department, the  
79 Governor, the President of the Senate, and the Speaker of the  
80 House of Representatives covering:

81 a. All anticipated revenue of all types, including, but  
82 not limited to, examination, licensure, and permitting fees as  
83 well as disciplinary fines and reimbursements for court costs  
84 and prosecutorial services.

85 b. Direct operating expenses of the board, which shall  
86 include personnel, legal counsel and other consulting services,  
87 the processing and examination of licensure applicants, the  
88 issuance of licenses and permits, the review, investigation, and  
89 prosecution of disciplinary actions, and all other support  
90 services retained by the board, as well as office space,



HB 0931

2003

91 furnishings, equipment, supplies, postage, printing, and other  
92 costs necessary to enable the board to fulfill its  
93 responsibilities under this chapter.

94 2. In addition to reflecting direct anticipated expenses,  
95 the board's proposed budget shall include an operational  
96 contingency in an amount determined by the board after reviewing  
97 historical utilization, special assessments, and other cost  
98 variables.

99 (b) In conjunction with each budgetary cycle, the  
100 department shall include as a separate line item in its  
101 legislative budget request funding to cover all anticipated  
102 expenses of the department in providing various support services  
103 to the board, including, when applicable, expenses associated  
104 with the collection of licensure and permitting fees; the  
105 issuance of licenses and permits; accounting services; complaint  
106 review and investigation; the collection of disciplinary fines  
107 and expense reimbursement; and all other indirect expenses of  
108 the board that are not incurred directly by the board and are  
109 borne on behalf of the board by the department. All expense  
110 detail as provided in this paragraph shall reflect the  
111 methodology and calculations of the department in allocating  
112 common expenses among all regulatory boards, provided, however,  
113 that in no event shall the total costs allocated for the  
114 provision of such support services by the department exceed by  
115 more than 150 percent the ratio of dental licensees to total  
116 licensees of all professions whose boards receive the same type  
117 of support services from the department. In the event the board  
118 disputes the allocation of common expenses proposed by the  
119 department or any other proposed expense of the department that  
120 is associated with the department's provision of support



HB 0931

2003

121 services to the board, the board shall timely provide an  
122 exceptions report together with appropriate recommendations to  
123 the Secretary of Health, the Governor, the President of the  
124 Senate, and the Speaker of the House of Representatives.

125 (c) The budget adopted by the state for the regulation of  
126 dental professionals shall reflect the board's ability to obtain  
127 support services from sources other than the department and  
128 shall include separate line items to cover the revenue and  
129 expenses of the board as specified in paragraph (a) and separate  
130 line items to cover the revenue and expenses of the department  
131 in connection with its rendering of support services to the  
132 board as specified in paragraph (b).

133 (d) The board shall have budget authority over all revenue  
134 and expenses authorized to be incurred by it, and the department  
135 shall have budget authority over all revenue and expenses  
136 authorized to be incurred by it on behalf of the board. All  
137 revenues collected and all expenses incurred by the department  
138 on behalf of the board shall be reported and duly accounted to  
139 the board on a quarterly basis. Funds collected on behalf of the  
140 board by the department shall not be commingled with funds  
141 collected by the department from other regulatory sources not  
142 affiliated with the regulation of dental professionals, and the  
143 allocation of common expenses borne by the department on behalf  
144 of all boards shall be annually reported to the board in terms  
145 of cost and the total number of outstanding licenses for all  
146 professions whose boards receive support services from the  
147 department. The department shall maintain separate revenue and  
148 expense accounts for each regulatory board under its support  
149 jurisdiction. Except as provided by law, no funds may be  
150 expended from the account of a profession regulated by the



HB 0931

2003

151 department to pay for the expenses incurred on behalf of another  
 152 profession regulated by the department.

153 (7) The department and the board shall each independently  
 154 submit a report to the Governor, the President of the Senate,  
 155 and the Speaker of the House of Representatives prior to January  
 156 1 of each year through 2008 on the effectiveness and efficiency  
 157 of this section, including:

158 (a) The revenues, expenditures, and cash balances for the  
 159 prior fiscal year and a review of the adequacy of existing  
 160 revenues.

161 (b) The nature and extent of support services provided to  
 162 the board by the department and from vendors other than the  
 163 department.

164 (c) The number of licensure examinations taken and the  
 165 number of licenses issued, revoked, or suspended.

166 (d) The fees collected for licensure examination.

167 (e) The number and location of disciplinary complaints by  
 168 complaints received, verified, determined to be legally  
 169 sufficient, investigated, referred to the board's probable cause  
 170 panel, prosecuted, subject to final board action, and appealed;  
 171 the number and maximum and average durations of licenses  
 172 suspended; the number of licenses revoked; the number of cases  
 173 spanning more than 180 days, 270 days, or 365 days,  
 174 respectively, from receipt of a legally sufficient complaint to  
 175 submission to the board's probable cause panel; the proportion  
 176 of cases that were eligible for, and the number of cases  
 177 actually resolved by, citation; the proportion of cases in which  
 178 probable cause was found; the number of cases in which probable  
 179 cause was found that were not prosecuted or that did not result  
 180 in a stipulated agreement; the number of cases involving a



HB 0931

2003

181 stipulated agreement; the number of cases involving a stipulated  
182 agreement that was changed by the board and the number of cases  
183 involving a stipulated agreement that was rejected by the board;  
184 the number of cases taking in excess of 1 year, 2 years, or 3  
185 years, respectively, from the date of receipt of a legally  
186 sufficient complaint to final board action; the number of cases  
187 involving a formal hearing; the status of all cases appealed;  
188 the number of cases in which licensure suspension or revocation  
189 has been stayed pending appeal; the number of emergency  
190 suspension orders issued; the average and maximum ranges of  
191 costs of complaint investigations and prosecutions; and the  
192 amount of fines and expenses collected by types of cases  
193 prosecuted.

194 (f) The status of the development and implementation of  
195 rules providing for disciplinary guidelines pursuant to s.  
196 456.079.

197 (g) Such recommendations for administrative and statutory  
198 changes necessary to facilitate efficient and cost-effective  
199 operation of the board and the department.

200 Section 2. This act shall take effect October 1, 2003.