

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 686

INTRODUCER: Senator Brandes

SUBJECT: Fees/Dental Therapists

DATE: March 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 686 requires the Board of Dentistry to impose application and examination fees on individuals seeking to obtain licensure as dental therapists.

The Florida Constitution requires that legislation imposing or authorizing new state taxes or fees¹ and legislation that raises existing state taxes or fees² to be passed by a two-thirds vote of the membership of each house of the Legislature, and the tax or fee provisions must be passed in a separate bill.³ SB 686 imposes licensure fees on a new type of licensee created by SB 684. As such, the Florida Constitution may require that the fees be passed in a separate bill by a two-thirds vote of the membership of each house of the Legislature.

The provisions of the bill take effect on the same date that SB 684, or other similar legislation, takes effect if such legislation is passed in the same legislative session or extension thereof.

II. Present Situation:

Dental Therapists

Currently, dental therapy is not defined under statute as a licensed profession in Florida. Five states currently license dental therapists: Arizona, Michigan, Maine, Minnesota and Vermont, and an additional twelve states are actively exploring authorizing dental therapy.⁴ A dental

¹ FLA. CONST. art. VII, s. 19(a).

² FLA. CONST. art. VII, s. 19(b).

³ FLA. CONST. art. VII, s. 19(e).

⁴ Florida Department of Health, 2019 Agency Legislative Bill Analysis, HB 649. February 5, 2019. On file with the Senate Committee on Children, Families and Elder Affairs.

therapist is limited to practicing in settings that serve primarily low-income, uninsured or underserved patients or communities with a shortage of dental professionals.⁵

For more information on dental therapists and on the specifics of SB 684, see the analysis of SB 684.

Licensure Fees

Article VII, s. 19, of the Florida Constitution requires that a new state tax or fee, as well as an increased state tax or fee, must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the Florida Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

III. Effect of Proposed Changes:

Section 1 amends s. 466.0225, F.S., as created in SB 684, requiring that any individual applying for licensure as a dental therapist must pay a nonrefundable application fee set by the Board of Dentistry not to exceed \$100 and an examination fee set by the Board of Dentistry not to exceed \$225. The bill provides that the examination fee may be refunded if the applicant is found to be ineligible to take the examinations.

Section 2 provides that the provisions of the bill take effect on the same date that SB 684, or other similar legislation, takes effect if such legislation is passed in the same legislative session or extension thereof.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

SB 686 applies creates new statutory application and examination fees for a new type of licensee created by SB 684. As such, the Florida Constitution requires that the fees be passed in a separate bill by a two-thirds vote of the membership of each house of the Legislature.

⁵ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill is expected to generate approximately \$2.3 million during the first biennium of licensure, and approximately \$1.9 million during the second biennium of licensure, to support the regulation of dental therapists by the Department of Health.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 466.0225 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.