

By Senator Yarborough

4-00815-23

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1                                   A bill to be entitled  
2       An act relating to dentistry; amending s. 466.006,  
3       F.S.; deleting the role of the Board of Dentistry in  
4       the administration of the licensure examination for  
5       dentists; deleting the requirement for the board to  
6       establish an examination fee; revising requirements  
7       for licensure as a dentist; deleting a time-limitation  
8       on the validity of certain licensure examination  
9       results; conforming provisions to changes made by the  
10      act; deleting a requirement that certain applicants  
11      for licensure engage in the full-time practice of  
12      dentistry inside the geographic boundaries of this  
13      state for 1 year after licensure; deleting provisions  
14      related to compliance with and enforcement of such  
15      requirement; amending s. 466.009, F.S.; conforming a  
16      provision to changes made by the act; deleting a  
17      board-imposed reexamination fee; repealing s.  
18      466.0282, F.S., relating to specialties; providing an  
19      effective date.

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

22  
23       Section 1. Paragraph (b) of subsection (1), subsection (2),  
24      paragraph (b) of subsection (4), subsection (5), and subsection  
25      (6) of section 466.006, Florida Statutes, are amended to read:

26       466.006 Examination of dentists.—

27       (1)

28       (b) Any person desiring to be licensed as a dentist shall  
29      apply to the department ~~to take the licensure examinations and~~

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30 shall ~~verify the information required on the application by~~  
31 ~~oath. The application shall include two recent photographs.~~  
32 There ~~is shall be~~ an application fee set by the board which may  
33 ~~not to exceed \$100 and is~~ which shall be nonrefundable. There  
34 ~~shall also be an examination fee set by the board, which shall~~  
35 ~~not exceed \$425 plus the actual per applicant cost to the~~  
36 ~~department for purchase of some or all of the examination from~~  
37 ~~the American Board of Dental Examiners or its successor entity,~~  
38 ~~if any, provided the board finds the successor entity's clinical~~  
39 ~~examination complies with the provisions of this section. The~~  
40 ~~examination fee may be refundable if the applicant is found~~  
41 ~~ineligible to take the examinations.~~

42 (2) The department shall license an applicant whom the  
43 board certifies meets all of the following criteria shall be  
44 ~~entitled to take the examinations required in this section to~~  
45 ~~practice dentistry in this state if the applicant:~~

46 (a) Is 18 years of age or older.

47 (b)1. Is a graduate of a dental school accredited by the  
48 American Dental Association Commission on Dental Accreditation  
49 or its successor entity, if any, or any other dental accrediting  
50 entity recognized by the United States Department of Education;  
51 or

52 2. Is a dental student ~~in the final year of a program at~~  
53 ~~such~~ an accredited dental school who has completed all the  
54 coursework necessary to prepare the student to perform the  
55 clinical and diagnostic procedures required to pass the  
56 examinations. ~~With respect to a dental student in the final year~~  
57 ~~of a program at a dental school, a passing score on the~~  
58 ~~examinations is valid for 365 days after the date the~~

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59 ~~examinations were completed.~~ A dental school student who takes  
60 the licensure examinations during the student's final year of an  
61 approved dental school must graduate ~~have graduated~~ before being  
62 certified for licensure pursuant to s. 466.011.

63 (c) ~~1.~~ Has successfully completed the examination  
64 administered by the Joint Commission on National Dental  
65 Examinations or its successor organization ~~National Board of~~  
66 ~~Dental Examiners dental examination; or~~

67 2. ~~Has an active health access dental license in this~~  
68 ~~state; and~~

69 a. ~~The applicant has at least 5,000 hours within 4~~  
70 ~~consecutive years of clinical practice experience providing~~  
71 ~~direct patient care in a health access setting as defined in s.~~  
72 ~~466.003; the applicant is a retired veteran dentist of any~~  
73 ~~branch of the United States Armed Services who has practiced~~  
74 ~~dentistry while on active duty and has at least 3,000 hours~~  
75 ~~within 3 consecutive years of clinical practice experience~~  
76 ~~providing direct patient care in a health access setting as~~  
77 ~~defined in s. 466.003; or the applicant has provided a portion~~  
78 ~~of his or her salaried time teaching health profession students~~  
79 ~~in any public education setting, including, but not limited to,~~  
80 ~~a community college, college, or university, and has at least~~  
81 ~~3,000 hours within 3 consecutive years of clinical practice~~  
82 ~~experience providing direct patient care in a health access~~  
83 ~~setting as defined in s. 466.003;~~

84 b. ~~The applicant has not been disciplined by the board,~~  
85 ~~except for citation offenses or minor violations;~~

86 c. ~~The applicant has not filed a report pursuant to s.~~  
87 ~~456.049; and~~

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88 ~~d. The applicant has not been convicted of or pled nolo~~  
89 ~~contendere to, regardless of adjudication, any felony or~~  
90 ~~misdemeanor related to the practice of a health care profession.~~

91 (4) Notwithstanding any other provision of law in chapter  
92 456 pertaining to the clinical dental licensure examination or  
93 national examinations, to be licensed as a dentist in this  
94 state, an applicant must successfully complete both of the  
95 following:

96 (b) A practical or clinical examination, which must be the  
97 American Dental Licensing Examination produced by the American  
98 Board of Dental Examiners, Inc., or its successor entity, if  
99 any, that is administered in this state, provided that the board  
100 has attained, and continues to maintain thereafter,  
101 representation on the board of directors of the American Board  
102 of Dental Examiners, the examination development committee of  
103 the American Board of Dental Examiners, and such other  
104 committees of the American Board of Dental Examiners as the  
105 board deems appropriate by rule to assure that the standards  
106 established herein are maintained organizationally. ~~A passing~~  
107 ~~score on the American Dental Licensing Examination administered~~  
108 ~~in this state is valid for 365 days after the date the official~~  
109 ~~examination results are published.~~

110 1. As an alternative to such practical or clinical  
111 examination, an applicant may submit scores from an American  
112 Dental Licensing Examination previously administered in a  
113 jurisdiction other than this state after October 1, 2011, and  
114 such examination results are ~~shall be~~ recognized as valid for  
115 the purpose of licensure in this state. A passing score on the  
116 American Dental Licensing Examination administered out of state

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117 is ~~shall be~~ the same as the passing score for the American  
118 Dental Licensing Examination administered in this state. ~~The~~  
119 ~~examination results are valid for 365 days after the date the~~  
120 ~~official examination results are published.~~ The applicant must  
121 have completed the examination after October 1, 2011. This  
122 subparagraph may not be given retroactive application.

123 2. If the date of an applicant's passing American Dental  
124 Licensing Examination scores from an examination previously  
125 administered in a jurisdiction other than this state under  
126 subparagraph 1. is older than 365 days, such scores are  
127 nevertheless valid for the purpose of licensure in this state,  
128 but only if the applicant demonstrates that all of the following  
129 additional standards have been met:

130 a. The applicant completed the American Dental Licensing  
131 Examination after October 1, 2011. This sub-subparagraph may not  
132 be given retroactive application;

133 b. The applicant graduated from a dental school accredited  
134 by the American Dental Association Commission on Dental  
135 Accreditation or its successor entity, if any, or any other  
136 dental accrediting organization recognized by the United States  
137 Department of Education. Provided, however, if the applicant did  
138 not graduate from such a dental school, the applicant may submit  
139 proof of having successfully completed a full-time supplemental  
140 general dentistry program accredited by the American Dental  
141 Association Commission on Dental Accreditation of at least 2  
142 consecutive academic years at such accredited sponsoring  
143 institution. Such program must provide didactic and clinical  
144 education at the level of a D.D.S. or D.M.D. program accredited  
145 by the American Dental Association Commission on Dental

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146 Accreditation. For purposes of this sub-subparagraph, a  
147 supplemental general dentistry program does not include an  
148 advanced education program in a dental specialty;

149 c. The applicant currently possesses a valid and active  
150 dental license in good standing, with no restriction, which has  
151 never been revoked, suspended, restricted, or otherwise  
152 disciplined, from another state or territory of the United  
153 States, the District of Columbia, or the Commonwealth of Puerto  
154 Rico;

155 d. The applicant submits proof that he or she has never  
156 been reported to ~~the National Practitioner Data Bank, the~~  
157 ~~Healthcare Integrity and Protection Data Bank, or~~ the American  
158 Association of Dental Boards Clearinghouse. This sub-  
159 subparagraph does not apply if the applicant successfully  
160 appealed to have his or her name removed from the clearinghouse  
161 ~~data banks of these agencies;~~

162 e. (I) (A) The applicant submits proof of having been  
163 consecutively engaged in the full-time practice of dentistry in  
164 another state or territory of the United States, the District of  
165 Columbia, or the Commonwealth of Puerto Rico in the 5 years  
166 immediately preceding the date of application for licensure in  
167 this state; or

168 (B) If the applicant has been licensed in another state or  
169 territory of the United States, the District of Columbia, or the  
170 Commonwealth of Puerto Rico for less than 5 years, the applicant  
171 submits proof of having been engaged in the full-time practice  
172 of dentistry since the date of his or her initial licensure.

173 (II) As used in this section, "full-time practice" is  
174 defined as a minimum of 1,200 hours per year for each ~~and every~~

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175 year in the consecutive 5-year period or, when applicable, the  
176 period since initial licensure, and must include any combination  
177 of the following:

178 (A) Active clinical practice of dentistry providing direct  
179 patient care.

180 (B) Full-time practice as a faculty member employed by a  
181 dental or dental hygiene school approved by the board or  
182 accredited by the American Dental Association Commission on  
183 Dental Accreditation.

184 (C) Full-time practice as a student at a postgraduate  
185 dental education program approved by the board or accredited by  
186 the American Dental Association Commission on Dental  
187 Accreditation.

188 (III) The board shall develop rules to determine what type  
189 of proof of full-time practice is required and to recoup the  
190 cost to the board of verifying full-time practice under this  
191 section. Such proof must, at a minimum, be:

192 (A) Admissible as evidence in an administrative proceeding;

193 (B) Submitted in writing;

194 (C) ~~Submitted by the applicant under oath with penalties of~~  
195 ~~perjury attached;~~

196 ~~(D)~~ Further documented by an applicant's annual income tax  
197 return filed with the Internal Revenue Service for each year in  
198 the preceding 5-year period or, if the applicant has been  
199 practicing for less than 5 years, the period since initial  
200 licensure affidavit of someone unrelated to the applicant who is  
201 familiar with the applicant's practice and testifies with  
202 particularity that the applicant has been engaged in full-time  
203 practice; and

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204        (D)~~(E)~~ Specifically found by the board to be both credible  
205 and admissible.

206        (IV) The board may excuse applicants from the 1,200-hour  
207 requirement of this sub-subparagraph in the event of an unusual  
208 circumstance, emergency, or special hardship ~~An affidavit of~~  
209 ~~only the applicant is not acceptable proof of full-time practice~~  
210 ~~unless it is further attested to by someone unrelated to the~~  
211 ~~applicant who has personal knowledge of the applicant's~~  
212 ~~practice. If the board deems it necessary to assess credibility~~  
213 ~~or accuracy, the board may require the applicant or the~~  
214 ~~applicant's witnesses to appear before the board and give oral~~  
215 ~~testimony under oath;~~

216        f. The applicant submits documentation that he or she has  
217 completed, or will complete before he or she is licensed in this  
218 state, continuing education equivalent to this state's  
219 requirements for the last full reporting biennium;

220        g. The applicant proves that he or she has never been  
221 convicted of, or pled nolo contendere to, regardless of  
222 adjudication, any felony or misdemeanor related to the practice  
223 of a health care profession in any jurisdiction;

224        h. The applicant has successfully passed a written  
225 examination on the laws and rules of this state regulating the  
226 practice of dentistry and the computer-based diagnostic skills  
227 examination; and

228        i. The applicant submits documentation that he or she has  
229 successfully completed the applicable examination administered  
230 by the Joint Commission on National Dental Examinations or its  
231 successor organization.

232        (5) (a) The practical examination required under subsection



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233 (4) is the American Dental Licensing Examination developed by  
234 the American Board of Dental Examiners, Inc., or its successor  
235 entity, if any, provided the board finds that the successor  
236 entity's clinical examination complies with the provisions of  
237 this section, and must include, at a minimum, all of the  
238 following:

239 1. A comprehensive diagnostic skills examination covering  
240 the full scope of dentistry and an examination on applied  
241 clinical diagnosis and treatment planning in dentistry for  
242 dental candidates.†

243 2. Two restorations on a manikin that has typodont teeth  
244 with simulated caries as approved by the Commission on Dental  
245 Competency Assessments. The board by rule shall determine the  
246 class of such restorations.†

247 3. A demonstration of periodontal skills on a manikin that  
248 has typodont teeth with simulated calculus as approved by the  
249 Commission on Dental Competency Assessments.†

250 4. A demonstration of prosthetics and restorative skills in  
251 complete and partial dentures and crowns and bridges and the  
252 utilization of practical methods of evaluation, specifically  
253 including the evaluation by the candidate of completed  
254 laboratory products such as, but not limited to, crowns and  
255 inlays filled to prepared model teeth.†

256 5. A demonstration of restorative skills on a manikin which  
257 requires the candidate to complete procedures performed in  
258 preparation for a cast restoration.†

259 6. A demonstration of endodontic skills.† ~~and~~

260 7. A diagnostic skills examination demonstrating ability to  
261 diagnose conditions within the human oral cavity and its

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262 adjacent tissues and structures from photographs, slides,  
263 radiographs, or models pursuant to rules of the board. If an  
264 applicant fails to pass the diagnostic skills examination in  
265 three attempts, the applicant is not eligible for reexamination  
266 unless she or he completes additional educational requirements  
267 established by the board.

268 ~~(b) The department shall consult with the board in planning~~  
269 ~~the times, places, physical facilities, training of personnel,~~  
270 ~~and other arrangements concerning the administration of the~~  
271 ~~examination. The board or a duly designated committee thereof~~  
272 ~~shall approve the final plans for the administration of the~~  
273 ~~examination;~~

274 ~~(c)~~ If the applicant fails to pass the clinical examination  
275 in three attempts, the applicant is shall not be eligible for  
276 reexamination unless she or he completes additional educational  
277 requirements established by the board. ~~;~~ and

278 ~~(c)~~ ~~(d)~~ The board may by rule provide for additional  
279 procedures that ~~which~~ are to be tested, provided such procedures  
280 are ~~shall be~~ common to the practice of general dentistry. The  
281 board by rule shall determine the passing grade for each  
282 procedure and the acceptable variation for examiners. ~~No~~ Such  
283 rules may not ~~rule shall~~ apply retroactively.

284  
285 ~~The department shall require a mandatory standardization~~  
286 ~~exercise for all examiners prior to each practical or clinical~~  
287 ~~examination and shall retain for employment only those dentists~~  
288 ~~who have substantially adhered to the standard of grading~~  
289 ~~established at such exercise.~~

290 ~~(6) (a) It is the finding of the Legislature that absent a~~

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291 ~~threat to the health, safety, and welfare of the public, the~~  
292 ~~relocation of applicants to practice dentistry within the~~  
293 ~~geographic boundaries of this state, who are lawfully and~~  
294 ~~currently practicing dentistry in another state or territory of~~  
295 ~~the United States, the District of Columbia, or the Commonwealth~~  
296 ~~of Puerto Rico, based on their scores from the American Dental~~  
297 ~~Licensing Examination administered in a state other than this~~  
298 ~~state, is substantially related to achieving the important state~~  
299 ~~interest of improving access to dental care for underserved~~  
300 ~~citizens of this state and furthering the economic development~~  
301 ~~goals of the state. Therefore, in order to maintain valid active~~  
302 ~~licensure in this state, all applicants for licensure who are~~  
303 ~~relocating to this state based on scores from the American~~  
304 ~~Dental Licensing Examination administered in a state other than~~  
305 ~~this state must actually engage in the full-time practice of~~  
306 ~~dentistry inside the geographic boundaries of this state within~~  
307 ~~1 year of receiving such licensure in this state. The~~  
308 ~~Legislature finds that, if such applicants do not actually~~  
309 ~~engage in the full-time practice of dentistry within the~~  
310 ~~geographic boundaries of this state within 1 year of receiving~~  
311 ~~such a license in this state, access to dental care for the~~  
312 ~~public will not significantly increase, patients' continuity of~~  
313 ~~care will not be attained, and the economic development goals of~~  
314 ~~the state will not be significantly met.~~

315 ~~(b)1. As used in this section, "full-time practice of~~  
316 ~~dentistry within the geographic boundaries of this state within~~  
317 ~~1 year" is defined as a minimum of 1,200 hours in the initial~~  
318 ~~year of licensure, which must include any combination of the~~  
319 ~~following:~~

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- 320 ~~a. Active clinical practice of dentistry providing direct~~  
321 ~~patient care within the geographic boundaries of this state.~~
- 322 ~~b. Full-time practice as a faculty member employed by a~~  
323 ~~dental or dental hygiene school approved by the board or~~  
324 ~~accredited by the American Dental Association Commission on~~  
325 ~~Dental Accreditation and located within the geographic~~  
326 ~~boundaries of this state.~~
- 327 ~~c. Full-time practice as a student at a postgraduate dental~~  
328 ~~education program approved by the board or accredited by the~~  
329 ~~American Dental Association Commission on Dental Accreditation~~  
330 ~~and located within the geographic boundaries of this state.~~
- 331 ~~2. The board shall develop rules to determine what type of~~  
332 ~~proof of full-time practice of dentistry within the geographic~~  
333 ~~boundaries of this state for 1 year is required in order to~~  
334 ~~maintain active licensure and shall develop rules to recoup the~~  
335 ~~cost to the board of verifying maintenance of such full-time~~  
336 ~~practice under this section. Such proof must, at a minimum:~~
- 337 ~~a. Be admissible as evidence in an administrative~~  
338 ~~proceeding;~~
- 339 ~~b. Be submitted in writing;~~
- 340 ~~c. Be submitted by the applicant under oath with penalties~~  
341 ~~of perjury attached;~~
- 342 ~~d. Be further documented by an affidavit of someone~~  
343 ~~unrelated to the applicant who is familiar with the applicant's~~  
344 ~~practice and testifies with particularity that the applicant has~~  
345 ~~been engaged in full-time practice of dentistry within the~~  
346 ~~geographic boundaries of this state within the last 365 days;~~  
347 ~~and~~
- 348 ~~e. Include such additional proof as specifically found by~~

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349 ~~the board to be both credible and admissible.~~

350 ~~3. An affidavit of only the applicant is not acceptable~~  
351 ~~proof of full-time practice of dentistry within the geographic~~  
352 ~~boundaries of this state within 1 year, unless it is further~~  
353 ~~attested to by someone unrelated to the applicant who has~~  
354 ~~personal knowledge of the applicant's practice within the last~~  
355 ~~365 days. If the board deems it necessary to assess credibility~~  
356 ~~or accuracy, the board may require the applicant or the~~  
357 ~~applicant's witnesses to appear before the board and give oral~~  
358 ~~testimony under oath.~~

359 ~~(c) It is the further intent of the Legislature that a~~  
360 ~~license issued pursuant to paragraph (a) shall expire in the~~  
361 ~~event the board finds that it did not receive acceptable proof~~  
362 ~~of full-time practice within the geographic boundaries of this~~  
363 ~~state within 1 year after the initial issuance of the license.~~  
364 ~~The board shall make reasonable attempts within 30 days prior to~~  
365 ~~the expiration of such a license to notify the licensee in~~  
366 ~~writing at his or her last known address of the need for proof~~  
367 ~~of full-time practice in order to continue licensure. If the~~  
368 ~~board has not received a satisfactory response from the licensee~~  
369 ~~within the 30-day period, the licensee must be served with~~  
370 ~~actual or constructive notice of the pending expiration of~~  
371 ~~licensure and be given 20 days in which to submit proof required~~  
372 ~~in order to continue licensure. If the 20-day period expires and~~  
373 ~~the board finds it has not received acceptable proof of full-~~  
374 ~~time practice within the geographic boundaries of this state~~  
375 ~~within 1 year after the initial issuance of the license, then~~  
376 ~~the board must issue an administrative order finding that the~~  
377 ~~license has expired. Such an order may be appealed by the former~~

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378 ~~licensee in accordance with the provisions of chapter 120. In~~  
379 ~~the event of expiration, the licensee shall immediately cease~~  
380 ~~and desist from practicing dentistry and shall immediately~~  
381 ~~surrender to the board the wallet-size identification card and~~  
382 ~~wall card. A person who uses or attempts to use a license issued~~  
383 ~~pursuant to this section which has expired commits unlicensed~~  
384 ~~practice of dentistry, a felony of the third degree pursuant to~~  
385 ~~s. 466.026(1)(b), punishable as provided in s. 775.082, s.~~  
386 ~~775.083, or s. 775.084.~~

387 Section 2. Subsection (1) of section 466.009, Florida  
388 Statutes, is amended to read:

389 466.009 Reexamination.—

390 (1) ~~The department shall permit~~ Any person who fails an  
391 examination which is required under s. 466.006 or s. 466.007 may  
392 ~~to~~ retake the examination. ~~If the examination to be retaken is a~~  
393 ~~practical or clinical examination, the applicant shall pay a~~  
394 ~~reexamination fee set by rule of the board in an amount not to~~  
395 ~~exceed the original examination fee.~~

396 Section 3. Section 466.0282, Florida Statutes, is repealed.

397 Section 4. This act shall take effect July 1, 2023.