

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 845 Fees/Naturopathic Medicine
SPONSOR(S): Smith
TIED BILLS: HB 843 **IDEN./SIM. BILLS:** SB 900

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee		Guzzo	McElroy
2) Appropriations Committee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

HB 843 creates new standards for the licensure and regulation of naturopathic physicians. The bill provides licensure authority over naturopathic physicians to the Department of Health (DOH).

HB 845, which is linked to HB 843, authorizes DOH to collect the following licensure fees:

- Initial licensure fee not to exceed \$2,000;
- Initial licensure by endorsement fee not to exceed \$2,000;
- Biennial licensure renewal fee not to exceed \$1,000;
- Inactive status licensure fee not to exceed \$1,000;
- Biennial renewal fee for inactive status not to exceed \$1,000;
- Delinquency fee not to exceed \$1,000; and a
- Reactivation fee not to exceed \$1,000.

The bill has no fiscal impact on state or local government.

The bill will be effective on the same date that HB 843 or similar legislation takes effect.

This bill authorizes a new state fee, requiring a two-thirds vote of the membership of the House. See Section III.A.2. of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Legislation Imposing or Raising State Fees or Taxes

The Florida Constitution provides that no state tax or fee may be imposed, authorized, or raised by the Legislature except through legislation approved by two-thirds of the membership of each house of the Legislature.¹ For purposes of this requirement, a “fee” is any charge or payment required by law, including any fee or charge for services and fees or costs for licenses and to “raise” a fee or tax means to:²

- Increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
- Increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
- Decrease or eliminate a state tax or fee exemption or credit.

A bill that imposes, authorizes, or raises any state fee or tax may only contain the fee or tax provision(s) and may not contain any other subject.³

The constitutional provision does not authorize any state tax or fee to be imposed if it is otherwise prohibited by the constitution and does not apply to any tax or fee authorized or imposed by a county, municipality, school board, or special district.⁴

Health Practitioner Licensure Fees

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners.⁵ The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 40 health care professions.⁶ Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

Under current law, the costs of regulation of health care practitioners must be borne by the licensees and licensure applicants.⁷ Regulatory boards, in consultation with DOH, must set renewal fees by rule that must be:⁸

- Based on revenue projections prepared using generally accepted accounting practices;
- Adequate to cover all expenses relating to that board;
- Reasonable, fair, and not serve as a barrier to licensure;
- Be based on potential earnings from working under the scope of the license;
- Similar to fees imposed on similar licensure types; and

¹ Fla. Const. art. VII, s. 19(a)-(b). The amendment appeared on the 2018 ballot as Amendment 5.

² Fla. Const. art. VII, s. 19(d).

³ Fla. Const. art. VII, s. 19(e).

⁴ Fla. Const. art. VII s. 19(c).

⁵ Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dietitians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

⁶ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2022-23*, available at <https://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html> (last visited January 22, 2024).

⁷ Section 456.025(1), F.S.

⁸ *Id.*

- No more than 10 percent greater than the actual cost to regulate that profession for the previous biennium.

Effect of the Bill

HB 845, which is linked to HB 843, authorizes DOH to collect the following licensure fees:

- Initial licensure fee not to exceed \$2,000;
- Initial licensure by endorsement fee not to exceed \$2,000;
- Biennial licensure renewal fee not to exceed \$1,000;
- Inactive status licensure fee not to exceed \$1,000;
- Biennial renewal fee for inactive status not to exceed \$1,000;
- Delinquency fee not to exceed \$1,000; and a
- Reactivation fee not to exceed \$1,000.

The bill become effective on the same date that HB 843 or similar legislation takes effect.

B. SECTION DIRECTORY:

Section 1: Amends s. 462.005, F.S., relating to rulemaking authority; powers and duties of the board.

Section 2: Amends s. 462.007, F.S., relating to licensure by examination.

Section 3: Amends s. 462.008, F.S., relating to licensure by endorsement.

Section 4: Amends s. 462.009, F.S., relating to renewal of license to practice naturopathic medicine.

Section 5: Amends s. 462.011, F.S., relating to continuing education requirements.

Section 6: Amends s. 462.012, F.S., relating to inactive status; reactivation of license.

Section 7: Provides an effective date of December 31, 2024, which is contingent upon the passage of HB 843 or similar legislation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Applicants will be subject to the following licensure fees:

- Initial licensure fee not to exceed \$2,000;
- Initial licensure by endorsement fee not to exceed \$2,000;
- Biennial licensure renewal fee not to exceed \$1,000;
- Inactive status licensure fee not to exceed \$1,000;
- Biennial renewal fee for inactive status not to exceed \$1,000;
- Delinquency fee not to exceed \$1,000; and a
- Reactivation fee not to exceed \$1,000.

The total revenue DOH will receive from such fees is indeterminate because the number of individuals who will choose to become licensed as a naturopathic physician is unknown.

2. Expenditures:

DOH will incur costs to implement the bill's provisions. Current resources and new revenue from licensure fees are adequate to absorb these costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, the bill appears to implicate Art. VII, s. 19 of the Florida Constitution because the bill authorizes a state fee.

B. RULE-MAKING AUTHORITY:

The Board of Nursing has sufficient rule-making authority to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES