

1                                   A bill to be entitled  
 2           An act relating to public records; providing an exemption  
 3           from public records requirements for information contained  
 4           in dental workforce surveys submitted by dentists and  
 5           dental hygienists to the Department of Health as a  
 6           condition for license renewal; providing exceptions to the  
 7           exemption; providing for future legislative review and  
 8           repeal of the exemption under the Open Government Sunset  
 9           Review Act; providing a statement of public necessity;  
 10          providing a contingent effective date.

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

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 14           Section 1. Confidentiality of certain information  
 15 contained in dental workforce surveys.-

16           (1) All personal identifying information contained in  
 17 records provided by dentists and dental hygienists licensed  
 18 under chapter 466, Florida Statutes, in response to dental  
 19 workforce surveys required as a condition of license renewal and  
 20 held by the Department of Health is confidential and exempt from  
 21 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
 22 State Constitution, except such information shall be disclosed:

23           (a) With the express written consent of the individual to  
 24 whom the information pertains or the individual's legally  
 25 authorized representative.

26           (b) By court order upon a showing of good cause.

27           (c) To a research entity, if the entity seeks the records  
 28 or data pursuant to a research protocol approved by the

29 Department of Health, maintains the records or data in  
30 accordance with the approved protocol, and enters into a  
31 purchase and data-use agreement with the department, the fee  
32 provisions of which are consistent with s. 119.07(4), Florida  
33 Statutes. The department may deny a request for records or data  
34 if the protocol provides for intrusive follow-back contacts,  
35 does not plan for the destruction of confidential records after  
36 the research is concluded, is administratively burdensome, or  
37 does not have scientific merit. The agreement must restrict the  
38 release of information that would identify individuals, limit  
39 the use of records or data to the approved research protocol,  
40 and prohibit any other use of the records or data. Copies of  
41 records or data issued pursuant to this paragraph remain the  
42 property of the department.

43 (2) This section is subject to the Open Government Sunset  
44 Review Act in accordance with s. 119.15, Florida Statutes, and  
45 shall stand repealed on October 2, 2015, unless reviewed and  
46 saved from repeal through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public  
48 necessity that personal identifying information concerning a  
49 dentist or dental hygienist licensed under chapter 466, Florida  
50 Statutes, who responds to a dental workforce survey as a  
51 condition of licensure renewal be made confidential and exempt  
52 from disclosure. Candid and honest responses by licensed  
53 dentists and dental hygienists to the survey will ensure that  
54 timely and accurate information is available to the Department  
55 of Health. The Legislature finds that the failure to maintain  
56 the confidentiality of such personal identifying information

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57 would prevent the resolution of important state interests to  
58 ensure the availability of dentists and dental hygienists in  
59 this state.

60 Section 3. This act shall take effect on the same date  
61 that House Bill 537 or similar legislation takes effect, if such  
62 legislation is adopted in the same legislative session, or an  
63 extension thereof, and becomes law.