

By Senator Richter

37-00510-10

2010972__

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

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

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

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

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

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

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

37-00510-10

2010972

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

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

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

37-00510-10

2010972__

59 interests to ensure the availability of dentists or dental
60 hygienists in this state.

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