

By the Committee on Health Regulation; and Senator Richter

588-00945-11

2011314c1

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 that is contained  
18 in records provided by dentists or dental hygienists licensed  
19 under chapter 466, Florida Statutes, in response to dental  
20 workforce surveys required as a condition of license renewal and  
21 held by the Department of Health is confidential and exempt from  
22 s. 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

588-00945-11

2011314c1

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, 2016, 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 hygienists to the workforce survey will  
55 ensure 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

588-00945-11

2011314c1

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 312 or similar legislation takes effect, if such  
63 legislation is adopted in the same legislative session, or an  
64 extension thereof, and becomes law.