

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 or
 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 that is contained
 17 in records provided by dentists or 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, 2016, 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 or dental hygienists to the workforce survey will
54 ensure that timely and accurate information is available to the
55 Department of Health. The Legislature finds that the failure to
56 maintain the confidentiality of such personal identifying

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

60 Section 3. This act shall take effect on the same date
61 that House Bill 483 or similar legislation takes effect, if such
62 legislation is adopted in the same legislative session, or an
63 extension thereof, and becomes law.