

By Senator Richter

37-00559-12

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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; providing exceptions to the  
7           exemption; providing for future legislative review and  
8           repeal of the exemption under the Open Government  
9           Sunset Review Act; providing a statement of public  
10          necessity; providing an 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 contained  
15 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 and held by the Department of Health is  
20 confidential and exempt from s. 119.07(1), Florida Statutes, and  
21 s. 24(a), Article I of the State Constitution, except such  
22 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

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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, 2017, 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 be made  
51 confidential and exempt from disclosure. Candid and honest  
52 responses by licensed dentists or dental hygienists to the  
53 workforce survey will ensure that timely and accurate  
54 information is available to the Department of Health. The  
55 Legislature finds that the failure to maintain the  
56 confidentiality of such personal identifying information would  
57 prevent the resolution of important state interests to ensure  
58 the availability of dentists or dental hygienists in this state.

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Section 3. This act shall take effect upon becoming a law.