

By Senator Richter

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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

23-00946-13

20131066

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, 2018, 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.

23-00946-13

20131066__

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