

A bill to be entitled

An act relating to public records; creating s. 466.051, F.S.; providing an exemption from public records requirements for information contained in dental workforce surveys submitted by dentists or dental hygienists to the Department of Health; providing exceptions to the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 466.051, Florida Statutes, is created to read:

466.051 Confidentiality of certain information contained in dental workforce surveys.-

(1) Personal identifying information that is contained in a record provided by a dentist or dental hygienist licensed under this chapter in response to a dental workforce survey and held by the Department of Health is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Personal identifying information in such a record:

(a) Shall be disclosed with the express written consent of the individual to whom the information pertains or the

27 individual's legally authorized representative.

28 (b) Shall be disclosed by court order upon a showing of
 29 good cause.

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

46 (2) This section is subject to the Open Government Sunset
 47 Review Act in accordance with s. 119.15 and shall stand repealed
 48 on October 2, 2019, unless reviewed and saved from repeal
 49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
 51 necessity that personal identifying information that is
 52 contained in a record provided by a dentist or dental hygienist

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53 licensed under chapter 466, Florida Statutes, who responds to a
54 dental workforce survey be made confidential and exempt from
55 disclosure. Candid and honest responses by licensed dentists or
56 dental hygienists to the workforce survey will ensure that
57 timely and accurate information is available to the Department
58 of Health. The Legislature finds that the failure to maintain
59 the confidentiality of such personal identifying information
60 would prevent the resolution of important state interests to
61 ensure the availability of dentists or dental hygienists in this
62 state.

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