

FOR CONSIDERATION By the Committee on Health Policy

588-00356-19

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1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 466.051, F.S., relating  
4           to an exemption from the public records requirements  
5           for personal identifying information contained in  
6           dental workforce surveys held by the Department of  
7           Health; removing the scheduled repeal of the  
8           exemption; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 466.051, Florida Statutes, is amended to  
13   read:

14           466.051 Confidentiality of certain information contained in  
15   dental workforce surveys.—

16           ~~(1)~~ Personal identifying information that is contained in a  
17   record provided by a dentist or dental hygienist licensed under  
18   this chapter in response to a dental workforce survey and held  
19   by the Department of Health is confidential and exempt from s.  
20   119.07(1) and s. 24(a), Art. I of the State Constitution.

21   Personal identifying information in such a record:

22           (1) ~~(a)~~ Shall be disclosed with the express written consent  
23   of the individual to whom the information pertains or the  
24   individual's legally authorized representative.

25           (2) ~~(b)~~ Shall be disclosed by court order upon a showing of  
26   good cause.

27           (3) ~~(c)~~ May be disclosed to a research entity, if the entity  
28   seeks the records or data pursuant to a research protocol  
29   approved by the Department of Health, maintains the records or

588-00356-19

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30 data in 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). The  
33 department may deny a request for records or data if the  
34 protocol provides for intrusive follow-back contacts, does not  
35 plan for the destruction of the confidential records after the  
36 research is concluded, is administratively burdensome, or does  
37 not have scientific merit. The agreement must prohibit the  
38 release of information by the research entity which would  
39 identify individuals, limit the use of records or data to the  
40 approved research protocol, and prohibit any other use of the  
41 records or data. Copies of records or data issued pursuant to  
42 this subsection ~~paragraph~~ remain the property of the department.

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

47 Section 2. This act shall take effect October 1, 2019.