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2 An act relating to public records; creating s.  
3 466.051, F.S.; providing an exemption from public  
4 records requirements for information contained in  
5 dental workforce surveys submitted by dentists or  
6 dental hygienists to the Department of Health;  
7 providing exceptions to the exemption; providing for  
8 future legislative review and repeal of the exemption  
9 under the Open Government Sunset Review Act; providing  
10 a statement of public necessity; providing an  
11 effective date.

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

14  
15 Section 1. Section 466.051, Florida Statutes, is created to  
16 read:

17 466.051 Confidentiality of certain information contained in  
18 dental workforce surveys.—

19 (1) Personal identifying information that is contained in a  
20 record provided by a dentist or dental hygienist licensed under  
21 this chapter in response to a dental workforce survey and held  
22 by the Department of Health is confidential and exempt from s.  
23 119.07(1) and s. 24(a), Art. I of the State Constitution.

24 Personal identifying information in such a record:

25 (a) Shall be disclosed with the express written consent of  
26 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.

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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  
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

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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.