

By the Committee on Health Regulation; and Senator Atwater

588-2053-07

1 A bill to be entitled
 2 An act relating to public records; exempting
 3 from public-records requirements personal
 4 identifying information contained in workforce
 5 surveys completed by physicians as a condition
 6 of license renewal and provided to the
 7 Department of Health; authorizing certain
 8 entities access to such personal identifying
 9 information; providing guidelines for the use
 10 of such information; providing for future
 11 legislative review and repeal of the exemption
 12 under the Open Government Sunset Review Act;
 13 providing a finding of public necessity;
 14 providing a contingent effective date.

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

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 18 Section 1. Confidentiality of certain information
 19 contained in physician workforce surveys.--

20 (1) All personal identifying information contained in
 21 records provided by physicians licensed under chapter 458 or
 22 chapter 459, Florida Statutes, in response to physician
 23 workforce surveys required as a condition of license renewal
 24 and held by the Department of Health is confidential and
 25 exempt from s. 119.07(1), Florida Statutes, and Section 24(a),
 26 Article I of the State Constitution, except as otherwise
 27 provided in this subsection. Information made confidential and
 28 exempt by this subsection shall be disclosed:

29 (a) With the express written consent of the individual
 30 to whom the information pertains or the individual's legally
 31 authorized representative.

1 (b) By court order upon a showing of good cause.

2 (c) To a research entity, if the entity seeks the
3 records or data pursuant to a research protocol approved by
4 the Department of Health, maintains the records or data in
5 accordance with the approved protocol, and enters into a
6 purchase and data-use agreement with the department, the fee
7 provisions of which are consistent with s. 119.07(4), Florida
8 Statutes. The department may deny a request for records or
9 data if the protocol provides for intrusive follow-back
10 contacts, does not plan for the destruction of confidential
11 records after the research is concluded, is administratively
12 burdensome, or does not have scientific merit. The agreement
13 must restrict the release of information that would identify
14 individuals, must limit the use of records or data to the
15 approved research protocol, and must prohibit any other use of
16 the records or data. Copies of records or data issued pursuant
17 to this paragraph remain the property of the department.

18 (2) This section is subject to the Open Government
19 Sunset Review Act in accordance with s. 119.15, Florida
20 Statutes, and shall stand repealed on October 2, 2012, unless
21 reviewed and saved from repeal through reenactment by the
22 Legislature.

23 Section 2. The Legislature finds that it is a public
24 necessity that personal identifying information concerning a
25 physician licensed under chapter 458 or chapter 459, Florida
26 Statutes, who responds to a physician workforce survey as a
27 condition of licensure renewal be made confidential and exempt
28 from disclosure. Candid and honest responses by licensed
29 physicians to the workforce survey will ensure that timely and
30 accurate information is available for the Department of Health
31 to review and use in making important policy decisions

1 regarding the use of resources to facilitate the needs of
2 current or projected medically underserved areas in the state.
3 Long-term planning is essential for improving health care
4 access for Florida residents and enabling the use of
5 strategies for a well-trained supply of physicians based on
6 the information provided by physicians in the surveys.
7 Accurate and honest information from the physician surveys
8 will assist state policymakers in their decisions to ensure
9 the availability of quality medical schools and graduate
10 medical education and the development of strategies that might
11 provide for physicians to practice in needed specialties and
12 in underserved areas in a manner that addresses projected
13 needs for physician manpower. Thus, the Legislature finds that
14 the failure to maintain the confidentiality of such personal
15 identifying information would frustrate and prevent the
16 resolution of important state interests to implement and
17 maintain effective strategies to ensure the availability of
18 physicians in the State of Florida.

19 Section 3. This act shall take effect on the same date
20 that Senate Bill 770, or similar legislation requiring a
21 physician workforce survey as a condition of licensure, takes
22 effect if such legislation is adopted in the same legislative
23 session or an extension thereof and becomes law.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill 1034

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28 The committee substitute no longer provides legislative intent
29 to create an exemption to the public records requirements. The
30 committee substitute creates an exemption from the Public
31 Records Law to make personal identifying information contained
in records which physicians must complete as a condition of
license renewal and reported to the Department of Health.

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