

ENROLLED
HB 7035

2012 Legislature

1
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending ss. 458.3193 and 459.0083,
4 F.S., relating to exemptions from public records
5 requirements for personal identifying information
6 contained in physician workforce surveys submitted to
7 the Department of Health by physicians and osteopathic
8 physicians; removing superfluous language; removing
9 the scheduled repeal of the exemptions; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 458.3193, Florida Statutes, is amended
15 to read:

16 458.3193 Confidentiality of certain information contained
17 in physician workforce surveys.—

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

26 (1) ~~(a)~~ With the express written consent of the individual
27 to whom the information pertains or the individual's legally
28 authorized representative.

ENROLLED
HB 7035

2012 Legislature

29 (2) ~~(b)~~ By court order upon a showing of good cause.

30 (3) ~~(c)~~ To a research entity, if the entity seeks the
 31 records or data pursuant to a research protocol approved by the
 32 Department of Health, maintains the records or data in
 33 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 confidential records after the
 39 research is concluded, is administratively burdensome, or does
 40 not have scientific merit. The agreement must restrict the
 41 release of information that would identify individuals, must
 42 limit the use of records or data to the approved research
 43 protocol, and must prohibit any other use of the records or
 44 data. Copies of records or data issued pursuant to this
 45 subsection ~~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, 2012, unless reviewed and saved from repeal~~
 49 ~~through reenactment by the Legislature.~~

50 Section 2. Section 459.0083, Florida Statutes, is amended
 51 to read:

52 459.0083 Confidentiality of certain information contained
 53 in physician workforce surveys.—

54 ~~(1)~~ All personal identifying information contained in
 55 records provided by physicians licensed under chapter 458 or
 56 this chapter in response to physician workforce surveys required

ENROLLED
HB 7035

2012 Legislature

57 as a condition of license renewal and held by the Department of
58 Health is confidential and exempt from s. 119.07(1) and s.
59 24(a), Art. I of the State Constitution, ~~except as otherwise~~
60 ~~provided in this subsection~~. Information made confidential and
61 exempt by this section ~~subsection~~ shall be disclosed:

62 (1) ~~(a)~~ With the express written consent of the individual
63 to whom the information pertains or the individual's legally
64 authorized representative.

65 (2) ~~(b)~~ By court order upon a showing of good cause.

66 (3) ~~(c)~~ To a research entity, if the entity seeks the
67 records or data pursuant to a research protocol approved by the
68 Department of Health, maintains the records or data in
69 accordance with the approved protocol, and enters into a
70 purchase and data-use agreement with the department, the fee
71 provisions of which are consistent with s. 119.07(4). The
72 department may deny a request for records or data if the
73 protocol provides for intrusive follow-back contacts, does not
74 plan for the destruction of confidential records after the
75 research is concluded, is administratively burdensome, or does
76 not have scientific merit. The agreement must restrict the
77 release of information that would identify individuals, must
78 limit the use of records or data to the approved research
79 protocol, and must prohibit any other use of the records or
80 data. Copies of records or data issued pursuant to this
81 subsection ~~paragraph~~ remain the property of the department.

82 ~~(2) This section is subject to the Open Government Sunset~~
83 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~

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84 | ~~on October 2, 2012, unless reviewed and saved from repeal~~
85 | ~~through reenactment by the Legislature.~~

86 | Section 3. This act shall take effect October 1, 2012.