

By the Committees on Governmental Oversight and Accountability;
and Health Regulation

585-03098-12

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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 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; saving the exemptions from repeal under
9 the Open Government Sunset Review Act; removing the
10 scheduled repeal of each exemption; making conforming
11 changes; providing an effective date.

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

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

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

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

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

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

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

47 ~~(2) This section is subject to the Open Government Sunset~~
48 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
49 ~~on October 2, 2012, unless reviewed and saved from repeal~~
50 ~~through reenactment by the Legislature.~~

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

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

55 ~~(1)~~ All personal identifying information contained in
56 records provided by physicians licensed under chapter 458 or
57 this chapter in response to physician workforce surveys required
58 as a condition of license renewal and held by the Department of

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

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

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

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

83 ~~(2) This section is subject to the Open Government Sunset~~
84 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
85 ~~on October 2, 2012, unless reviewed and saved from repeal~~
86 ~~through reenactment by the Legislature.~~

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