



623372

585-02042-12

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; amending ss. 458.3193 and 459.0083,  
F.S., relating to exemptions from public records  
requirements for personal identifying information  
contained in physician workforce surveys submitted to  
the Department of Health by physicians and osteopathic  
physicians; saving the exemptions from repeal under  
the Open Government Sunset Review Act; removing the  
scheduled repeal of each exemption; making conforming  
changes; providing an effective date.

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

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

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

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

(1) ~~(a)~~ With the express written consent of the individual



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28 to whom the information pertains or the individual's legally  
29 authorized representative.

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



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57 this chapter in response to physician workforce surveys required  
58 as a condition of license renewal and held by the Department of  
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~~



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86 ~~through reenactment by the Legislature.~~

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