

By the Committee on Health Regulation

588-00844-12

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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 provided for personal identifying
6 information contained in physician workforce surveys
7 submitted to the Department of Health by physicians
8 and osteopathic physicians; saving the exemptions from
9 repeal under the Open Government Sunset Review Act;
10 removing the scheduled repeal of each exemption;
11 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 section ~~subsection~~. Information made
26 confidential and exempt by this section ~~subsection~~ shall be
27 disclosed:

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

588-00844-12

2012830__

30 authorized representative.

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

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

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49 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~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

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

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

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

588-00844-12

2012830__

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

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

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

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

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

588-00844-12

2012830__

88 ~~through reenactment by the Legislature.~~

89 Section 3. This act shall take effect July 1, 2012.