CS for SB 1034

## ENROLLED 2007 Legislature

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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	<u>chapter 459, Florida Statutes, in response to physician</u>
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.

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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	<u>Statutes, who responds to a physician workforce survey as a</u>
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

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