

Committee Substitute for Senate Bill No. 1034

An act relating to public records; exempting from public-records requirements personal identifying information contained in workforce surveys completed by physicians as a condition of license renewal and provided to the Department of Health; authorizing certain entities access to such personal identifying information; providing guidelines for the use of such information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Confidentiality of certain information contained in physician workforce surveys.—

(1) All personal identifying information contained in records provided by physicians licensed under chapter 458 or chapter 459, Florida Statutes, 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), Florida Statutes, and Section 24(a), Article I of the State Constitution, except as otherwise provided in this subsection. Information made confidential and exempt by this subsection shall be disclosed:

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

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

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

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is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information concerning a physician licensed under chapter 458

or chapter 459, Florida Statutes, who responds to a physician workforce survey as a condition of licensure renewal be made confidential and exempt from disclosure. Candid and honest responses by licensed physicians to the workforce survey will ensure that timely and accurate information is available for the Department of Health to review and use in making important policy decisions regarding the use of resources to facilitate the needs of current or projected medically underserved areas in the state. Long-term planning is essential for improving health care access for Florida residents and enabling the use of strategies for a well-trained supply of physicians based on the information provided by physicians in the surveys. Accurate and honest information from the physician surveys will assist state policy-makers in their decisions to ensure the availability of quality medical schools and graduate medical education and the development of strategies that might provide for physicians to practice in needed specialties and in underserved areas in a manner that addresses projected needs for physician manpower. Thus, the Legislature finds that the failure to maintain the confidentiality of such personal identifying information would frustrate and prevent the resolution of important state interests to implement and maintain effective strategies to ensure the availability of physicians in the State of Florida.

Section 3. This act shall take effect on the same date that Senate Bill 770, or similar legislation requiring a physician workforce survey as a condition of licensure, takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.