

CHAPTER 2012-220

House Bill No. 7035

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; removing superfluous language; removing the scheduled repeal of the exemptions; 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 to whom the information pertains or the individual's legally authorized representative.

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

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(2)—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

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

459.0083 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 this chapter 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 to whom the information pertains or the individual's legally authorized representative.

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

(3)(e) 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). 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 subsection ~~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 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

Approved by the Governor May 4, 2012.

Filed in Office Secretary of State May 4, 2012.