

1 A bill to be entitled
 2 An act relating to public records; providing an exemption
 3 from public records requirements for statements of
 4 reference submitted by certain persons for practitioners
 5 seeking controlled substance dispensing registration by
 6 the Board of Pharmacy within the Department of Health;
 7 providing an exception to the exemption; providing for
 8 future legislative review and repeal of the exemption
 9 under the Open Government Sunset Review Act; providing a
 10 statement of public necessity; providing a contingent
 11 effective date.

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

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 15 Section 1. Statements of reference held by the Board of
 16 Pharmacy within the Department of Health pursuant to s.
 17 465.0276(3) are confidential and exempt from s. 119.07(1) and s.
 18 24(a), Art. I of the State Constitution, unless utilized in an
 19 investigation which results in a finding of probable cause. This
 20 section is subject to the Open Government Sunset Review Act in
 21 accordance with s. 119.15, Florida Statutes, and shall stand
 22 repealed on October 2, 2015, unless reviewed and saved from
 23 repeal through reenactment by the Legislature.

24 Section 2. The Legislature finds that it is a public
 25 necessity that statements of reference held by the Board of
 26 Pharmacy within the Department of Health concerning a
 27 practitioner requesting controlled substance dispensing
 28 registration be made confidential and exempt from public records

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29 requirements. Candid and honest responses by referring persons
30 will help ensure that controlled substance dispensing
31 registrants safely dispense prescription drugs which are highly
32 susceptible to abuse. The Legislature finds that the failure to
33 maintain the confidentiality of such statements of reference
34 would prevent the exercise of important state interests to
35 ensure high-quality, safe dispensing of controlled substances by
36 health care practitioners in this state and would hinder the
37 effective and efficient administration of a government program.

38 Section 3. This act shall take effect on the same date
39 that House Bill 225 or similar legislation takes effect, if such
40 legislation is adopted in the same legislative session, or an
41 extension thereof, and becomes law.