

HB 7239

2010

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 held by the Board of Pharmacy within the  
5           Department of Health concerning a practitioner seeking  
6           controlled substance dispensing registration; providing an  
7           exception to the exemption; providing for future  
8           legislative review and repeal of the exemption under the  
9           Open Government Sunset Review Act; providing a statement  
10          of public necessity; providing a contingent effective  
11          date.

12  
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 concerning a  
17 practitioner seeking controlled substance dispensing  
18 registration pursuant to s. 465.0276, Florida Statutes, are  
19 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
20 of the State Constitution, unless used in an investigation that  
21 results in a finding of probable cause. This section is subject  
22 to the Open Government Sunset Review Act in accordance with s.  
23 119.15, Florida Statutes, and shall stand repealed on October 2,  
24 2015, unless reviewed and saved from repeal through reenactment  
25 by the Legislature.

26       Section 2. The Legislature finds that it is a public  
27 necessity that statements of reference held by the Board of  
28 Pharmacy within the Department of Health concerning a

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29 practitioner requesting controlled substance dispensing  
30 registration be made confidential and exempt from public records  
31 requirements unless such statements of reference are used in an  
32 investigation that results in a finding of probable cause.  
33 Candid and honest responses by persons submitting statements of  
34 reference help ensure that controlled substance dispensing  
35 registrants safely dispense prescription drugs that are highly  
36 susceptible to abuse. The Legislature finds that failure to  
37 maintain the confidentiality of such statements of reference  
38 would prevent the exercise of the important state interest of  
39 ensuring high-quality, safe dispensing of controlled substances  
40 by health care practitioners in this state and would hinder the  
41 effective and efficient administration of a government program.

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