

By Representative Stansel

1 A bill to be entitled
 2 An act relating to exemption from public
 3 records requirements; amending s. 500.148,
 4 F.S.; providing an exemption from public
 5 records requirements for records, documents, or
 6 information relating to food-borne illness
 7 investigations and hazard-analysis and
 8 critical-control-point programs, and for trade
 9 secrets and commercial or financial information
 10 submitted to the United States Food and Drug
 11 Administration, interagency or intraagency
 12 memoranda or letters of the United States Food
 13 and Drug Administration, and specified
 14 communications between the United States Food
 15 and Drug Administration and state and local
 16 government officials deemed exempt from public
 17 information requirements under federal law;
 18 providing for future review and repeal of the
 19 exemption; providing a statement of public
 20 necessity; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (3) is added to section 500.148,
 25 Florida Statutes, to read:

26 500.148 Reports and dissemination of information.--

27 (3) The following records, documents, or information
 28 is confidential and exempt from the provisions of s. 119.07(1)
 29 and s. 24(a), Art. I of the State Constitution:

30 (a) Records, documents, or information related to
 31 food-borne illness investigations.

1 (b) Records, documents, or information related to
2 hazard-analysis critical-control-point programs as defined in
3 s. 580.03(12).

4 (c) Trade secrets and commercial or financial
5 information submitted to the United States Food and Drug
6 Administration and deemed exempt from public disclosure under
7 21 C.F.R. 20.61.

8 (d) Interagency or intraagency memoranda or letters of
9 the United States Food and Drug Administration deemed exempt
10 from public disclosure under 21 C.F.R. 20.62.

11 (e) Specified communications between the United States
12 Food and Drug Administration and state and local government
13 officials deemed exempt from public disclosure under 21 C.F.R.
14 20.88.

15 (f) Any records, documents, information, trade
16 secrets, commercial or financial information, memoranda,
17 letters, or communications of the types described in
18 paragraphs (a)-(e) deemed exempt from public disclosure under
19 5 U.S.C. 552(b).

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21 This subsection is subject to the Open Government Sunset
22 Review Act of 1995 in accordance with s. 119.15, and shall
23 stand repealed October 2, 2007, unless reviewed and saved from
24 repeal through reenactment by the Legislature.

25 Section 2. The Legislature finds that it is a public
26 necessity that the exemption from the public records law
27 provided in section 1 of this act is a public necessity and
28 that records, documents, or information related to food-borne
29 illness investigations; records, documents, or information
30 related to hazard-analysis critical-control-point programs as
31 defined in s. 580.03(12), Florida Statutes; and trade secrets

1 and commercial or financial information submitted to the
2 United States Food and Drug Administration, interagency or
3 intraagency memoranda or letters of the United States Food and
4 Drug Administration, and specified communications between the
5 United States Food and Drug Administration and state and local
6 government officials deemed exempt from public disclosure
7 under federal law must be exempt from requirements for public
8 disclosure under the laws of this state. The Legislature finds
9 that these records, plans, and information are vital to
10 protecting the health and safety of the public and that if
11 this information were made publicly available for inspection
12 or copying, the information could be used for purposes that
13 could endanger the public's health. Accordingly, the
14 Legislature finds that the harm to the public which would
15 result from the release of such records, plans, and
16 information substantially outweighs any minimal public benefit
17 derived from public disclosure.

18 Section 3. This act shall take effect upon becoming a
19 law.

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21 HOUSE SUMMARY

22
23 Provides an exemption from public records requirements
24 for records, documents, or information related to
25 food-borne illness investigations and hazard-analysis
26 critical-control-point programs, and for trade secrets
27 and commercial or financial information submitted to the
28 United States Food and Drug Administration, interagency
29 or intraagency memoranda or letters of the United States
30 Food and Drug Administration, and specified
31 communications between the United States Food and Drug
Administration and state and local government officials
deemed exempt from public information requirements under
federal law. Provides for future review and repeal of the
exemption. Provides a statement of public necessity.