29-808-02

1   A bill to be entitled

2   An act relating to public records; amending s.

3   500.148, F.S.; providing an exemption from

4   public-records requirements for information,

5   records, and plans of the Department of

6   Agriculture and Consumer Services concerning

7   food-borne illnesses and hazard analysis and

8   for information that is confidential under

9   federal law; providing for future legislative

10   review and repeal; providing a finding of

11   public necessity; providing an 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. Section 500.148, Florida Statutes, is

16   amended to read:

17   500.148 Reports and dissemination of information.--

18   (1) The department may publish from time to time

19   reports summarizing all judgments and court orders that have

20   been rendered under this chapter, including the nature of the

21   charges and the disposition thereof.

22   (2) The department may also disseminate any

23   information regarding food that it considers necessary in the

24   interest of public health and the protection of the consumer

25   against fraud. ~~Nothing in~~ This section does not ~~shall be~~

26   ~~construed to~~ prohibit the department from collecting,

27   reporting, and illustrating the results of these

28   investigations.

29   (3) Records, documents, and information concerning an

30   investigation of food-borne illness; plans developed under the

31   Hazard Analysis Critical Control Point (HACCP) system; and

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 information and records that are confidential or exempt from

2 public disclosure under 21 C.F.R. part 20.61, part 20.62, or

3 part 20.88, or 5 U.S.C. s. 552 are confidential and exempt

4 from s. 119.07(1) and s. 24(a), Art. I of the State

5 Constitution. This section is subject to the Open Government

6 Sunset Review Act of 1995 in accordance with s. 119.15, and

7 shall stand repealed on October 2, 2007, unless reviewed and

8 saved from repeal through reenactment by the Legislature.

9   Section 2. The Legislature finds that the exemption

10 from the public-records law provided in section 1 of this act

11 is a public necessity and that information relating to

12 food-borne illnesses, plans concerning hazard analysis, and

13 information relating to public health which information and

14 plans are confidential under federal law must be exempt from

15 requirements for public disclosure. The Legislature finds that

16 these records, plans, and information are vital to protecting

17 the health and safety of the public and that if this

18 information were made publicly available for inspection or

19 copying, the information could be used for purposes that would

20 endanger the public's health. Accordingly, the Legislature

21 finds that the harm to the public which would result from the

22 release of such records, plans, and information substantially

23 outweighs any minimal public benefit derived from public

24 disclosure.

25   Section 3. This act shall take effect upon becoming a

26 law.

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2   SENATE SUMMARY

3   Exempts from the public-records law information, records,
     and plans of the Department of Agriculture and Consumer
4   Services concerning food-borne illnesses and hazard
     analysis and information that is confidential and exempt
5   from disclosure under federal law. Provides for future
     legislative review and repeal under the Open Government
6   Sunset Review Act of 1995.

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